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11/2013 Newsclippings

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Political Notes: November 2013

GEORGIA TREND STAFF

New Economic Development Head: Chris Carr, former chief of staff to U.S. Sen. Johnny Isakson, takes over this month as the new commissioner of the Georgia Department of Economic Development. He succeeds Chris Cummiskey, who left in October to take a position with Southern Company.

Carr, who has undergraduate and law degrees from the University of Georgia, has worked for Georgia-Pacific, the Georgia Public Policy Foundation and the Atlanta law firm Alston & Bird.

"Chris Carr is respected throughout the state," Gov. Nathan Deal said in a press release announcing Carr’s appointment. "I trust he will pick up where Chris Cummiskey has left off and bring more economic expansion to Georgia."

In Isakson’s office, well-regarded Capitol Hill veteran Joan Kirchner, who has worked for the senator since 2005, becomes Chief of Staff; she previously held that position with former U.S. Sen. Zell Miller.

Balfour Indicted: State Sen. Don Balfour (R-Snellville) has been indicted by a Fulton County Grand Jury on 18 charges related to his Georgia General Assembly expense vouchers.

The indictment includes 16 counts of Making A False Certificate, one count of Theft By Taking and one count of False Statement and Writing.

A news release from Georgia Attorney General Sam Olens says the charges arise from "expense vouchers indicating that he was entitled to reimbursement for mileage and per diem expenses to which, it is alleged, he was not entitled."

The charges could result in a maximum of 95 years in prison and/or fines up to $17,000.

Assistant Attorney General Laura Pfister and Senior Assistant Attorney General David McLaughlin are prosecuting the case on behalf of the State of Georgia.

Balfour has previously said he made inadvertent errors on his expense reports; he was fined earlier by the Senate Ethics Committee.

Balfour, a former head of the Senate Rules Committee, was first elected to the General Assembly in 1992. Gov. Nathan Deal will appoint a three-judge panel to determine whether or not Balfour can continue to serve in the legislature while his case is resolved.

Getting Fit: The new Capitol Hill Fitness Center, for state employees, opens for business Nov. 4 at 2 Peachtree. The center is operated by the Georgia Department of Public Health, which says the facility is funded entirely by membership fees.

Filling Seats: One state senate seat and three house seats will be filled by voters in a special election Nov. 5.

According to Secretary of State Brian Kemp’s office, Democrat Dewey McClain of Lawrenceville is the sole candidate for the State House District 100 seat, to succeed Brian Thomas, who resigned to take a job out of state.

Four candidates, all Republicans, qualified for House District 104: Teresa Cantrell, Dacula; Chuck Efstration, Auburn; Tim Puckett, Buford; and Todd Tyson, Dacula. They will vie for the seat vacated by Donna Sheldon, who resigned to run for the U.S. House.
In House District 127, three Democrats are running to succeed the late Rep. Quincy Murphy, who died in August; they are Diane Evans, Avera; Dianne Murphy, Augusta; and Brian Prince, Augusta.

The race for Senate District 14 has drawn five candidates: Democrat Christopher Nesmith, Adairsville, and Republicans Matt Laughridge, Cartersville; Nicole Ebbeskotte, Woodstock; Bruce Thompson, White; and Dwight Pullen, Canton.

The winner replaces Barry Loudermilk, who resigned to run for Congress.

**Under Fire:** Georgia's State Insurance Commissioner Ralph Hudgens, a Republican, has been sharply criticized by Democrats and others for statements indicating he is trying to obstruct the Affordable Care Act. His comments, made at a Floyd County Republican meeting, were widely disseminated via YouTube: "The problem is Obamacare. We got to now determine what we can do to solve the problem. Let me tell you what we are doing — everything in our power to be an obstructionist."

Hudgens told the audience his office is using a test for insurance agents to license healthcare navigators, even though the federal government says navigators cannot be required to be insurance agents.
Atlanta Legal Nurse Consultant At The Third Annual Georgia Symposium of Law & Politics At UGA

WEBWIRE – Friday, November 01, 2013

Atlanta, Georgia -- Atlanta legal nurse consultant Liz Buddenhagen attended The Georgia Association of Law & Politics symposium at the University of Georgia (UGA) School of Law, Dean Rusk Center, on October 25, 2013. The symposium featured three panels of discussion and Former Governor Roy E. Barnes as the keynote lunch speaker.


Panelists included Hon. Lauren Logan Benedict of the Macon City Council and Chair of Georgia's WIN list, Hon. Jan Jones, speaker Pro-Tempore of the Georgia House of Representatives, Hon. Alisha Thomas Morgan of the Georgia House of Representatives and moderated by Stacey Chavis, political strategist.

Discussions revolved around:
- the importance of bringing young people to the table as well as people of other age groups and cultural backgrounds.
- the importance of money to run "if you can't ask for money, don't waste people's time."
- all three panelists worked in their communities before running for office.
- when women run, women win.
- the differences between campaigning and serving.
- learning how to deal with cameras and keeping your social media clean.

Alisha Thomas Morgan wrote a book regarding the transition from campaigning to governing: "No Apologies: Powerful Lessons in Life, Love & Politics."

Former Governor Roy E. Barnes, who attended UGA for both undergraduate and law school, talked about the intersection of law and politics and specifically compared Birmingham, Alabama and Atlanta, Georgia in 1962. He said that these cities had roughly equal populations in 1962 but due to George Wallace becoming the governor of Alabama and Carl Sander the governor of Georgia, politics and law changed the course of these cities to the present day. Barnes received a standing ovation following his talk.


Panelists were Sharon N. Hill, Founding Executive Director, Georgia Appleseed Center for Law & Justice, Hon. Todd Markle, Judge, Superior Court of Fulton County, Julia D. Neighbors, Board Member, Georgia Department of Juvenile Justice, Carl Brown, Deputy Commissioner of Georgia Dep't of Justice and moderated by Andrea L. Dennis, Associate Professor of UGA School of Law.

This panel discussion centered on the process involved over a several year period of bringing this new code to life. Carl Brown noted the importance of the Detention Assessment Instrument that everyone is now required to use and will enable rural kids to be processed the same as Atlanta kids.

Panelists were Hon. George W. “Buddy” Darden, senior counsel, McKenna, Long & Aldridge, W. Heath Garrett, partner, Garrett, McNatt, Hennessey & Carpenter 360, Hon. Clay D. Land, judge, U.S. District Court for the Middle District of Georgia and moderated by Richard Vining, associate professor of UGA School of Public & International Affairs.

Land commented that he has great respect for the confirmation process, adding “we are appointed for life” by the people, a remarkable thing.

Atlanta Legal Nurse Consultant:

Liz Buddenhagen, registered nurse, provides assistance to Atlanta attorneys on any case where healthcare is at issue. For more information, view website www.Legal-Nurse-Consultant-LNC.com, email Liz@BuddenhagenLNC.com or call 770-725-2997 today.

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Federal suit challenges Georgia ‘stand your ground law’

A civil rights group filed a federal lawsuit Friday aimed at getting Georgia’s “stand your ground law” thrown out, arguing the statute is arbitrary and hurts young black men more than anyone else.

Rainbow Push Coalition chose Georgia to begin what they envision as a series of nationwide challenges to make the controversial law more precise. Two Georgia families are also plaintiffs in the suit.

Georgia is among 22 states with a “stand your ground law,” which maintains the right to self-defense does not include a duty to retreat and allows deadly force to be used when people “reasonably” fear they, their property or the people around them will be harmed.

“Our sense of justice is being surrendered to madness such as stand your ground laws,” said the Rev. Jesse Jackson of Rainbow Push.

The concept of the right to self-defense is centuries old; the Georgia Supreme Court endorsed it in 1898. But in recent years, nearly two dozen states, including Georgia, have written in their laws that the “defense of castle” doctrine goes beyond homes and cars.

“This new right allows individuals to respond to what they believe to be a threat with deadly force even where no deadly threat existed without the need to first attempt to escape,” the lawsuit said. “The act does not define what actions, circumstances or conditions would constitute a ‘reasonable’ fear needed to trigger the use of deadly force.”

John Monroe, of the gun rights group GeorgiaCarry.com, said even if the law is declared unconstitutional, it will be replaced by “common law,” which says the same same thing.

“They're complaining about the statute passed in 2006,” Monroe said. “It didn’t change anything. It codified the existing (common) law. The reason it was passed (in 2006) was out of concern that, at some point, a judge would change the common law and impose some kind of duty to retreat, which never existed in Georgia.

“It's not a matter of why we need it,” he continued. “We've always had it. That's what this country was founded on.”

A national debate and massive rallies contesting “stand your ground” laws followed the shooting of Florida teenager Trayvon Martin by neighborhood watch volunteer George Zimmerman last year, and then increased again earlier this year with Zimmerman’s acquitted based on his argument that he shot the 17-year-old in self defense.

Critics say such laws are enforced unevenly, and people of color, especially young African Americans, are hurt by these laws more than whites.
Federal suit challenges Georgia 'stand your ground' law

"In Georgia, stand your ground applies only to certain people at certain times," said attorney Robert Patillo, who filed a similar suit last year that was thrown out because the plaintiff had not yet been harmed by the law.

The suit filed Friday asks the federal courts to find Georgia's law unconstitutional because it is too broad and vague.

A spokeswoman for Attorney General Sam Olens, who is named a defendant, said he had not seen the suit and could not comment.

"In the 20-plus states with stand your ground statutes, there will be bills and legislation advanced to try to modify these laws," said University of Georgia law professor Ron Carlson. "This is not going to be the only state where this occurs. ... I do expect there will be additional challenges."

Earlier this week, Martin's mother testified about the detrimental effects of the law before a U.S. Senate Judiciary Committee.

And, in Ohio and Arkansas, forces are organizing for and against plans that would make those states' laws much like Florida's and Georgia's.

In the Georgia lawsuit, the stories of two families are detailed to make the point that the law is arbitrarily applied.

Herman Smith, 21, was sentenced to life in prison for killing Cardarius Stegall at a Carroll County birthday party last November. According to testimony, Stegall had threatened to shoot several people, and he eventually focused on a party-goer standing with Smith. With gun in hand, Stegall strode toward the two men, according to testimony. That was when Smith shot him, witnesses said Still Smith was convicted of murder in August, despite his self-defense argument.

James Christopher Johnson III, an African American, was shot and killed by a white man at a Newnan bar in March 2012. There was a confrontation after Adam Lee Edmondson "made a rude gesture" to Johnson's white girlfriend, but tempers cooled.

The two men had another run-in at the same bar the next night. According to witnesses, Edmondson said something that led Johnson to shove him. Edmondson left the bar but came back with a gun and shot Johnson in the chest.

A Coweta County jury acquitted Edmondson, who used a "stand your ground" defense.

Patillo said the law "works in the abstract. It works in the theoretical." But, he said, it doesn't work in real life.

MyAJC.com:

Read a PolitiFact check on an earlier claim made by the Rev. Jesse Jackson regarding Florida's "Stand Your Ground" law.

According to Georgia law, people are allowed to defend themselves, or stand their ground, when they "reasonably believes" deadly force is necessary to defend themselves or another person.

A person cannot claim self-defense if he or she created the circumstances that led to the use of force, or if he or she has committed a crime and are trying to escape.

There are two opportunities to use this defense. A judge can hold a hearing and dismiss the charges if the self-defense argument is successful. Or the jury can decide to acquit based on a stand your ground claim.

More News

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The "Blurred Lines" Babe Speaks! (MadeMan)

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FROM AROUND THE WEB

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Comments

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3 Comment(s)

Comment(s) 1-3 of 3

- Posted by DonTread at 10:50 p.m. Nov. 1, 2013
- Report Abuse

Hey Jesse...maybe if you concentrated more on getting your peeps to respect others' rights, you wouldn't have to worry so much about the intended victims "standing their ground".
CONFERENCE CALL WITH SENATOR ROBERT MENENDEZ (D-NJ) ...FINAL

Nov 01 2013 19:37:55

Conference Call with Senator Robert Menendez (D-NJ) Subject: Efforts for U.S. Ratification of the Convention on the Rights of Persons with Disabilities Time: 3:01 p.m. EDT Date: Friday, November 1, 2013

SENATOR ROBERT MENENDEZ (D-NJ): OK. Well, thank you all for joining this call on the Convention -- (inaudible) -- a framework and a preview.

So let me start off by saying we'll be holding a hearing next week in the Senate Foreign Relations Committee on Tuesday, November the 5th at 2:30 p.m. on the treaty and its ratification. And I wanted to give you a preview of the treaty and why I believe it's so important that we ratify it.

This treaty would give roughly 1 billion people around the world the opportunity to live with their loved ones instead of an institution. It would give them an opportunity to pursue an education, to move freely around their country without undue barriers. And for the 58 million Americans who have one or more disabilities, including 5.5 million American veterans with disabilities, it's simply unacceptable for us to ask our young men and women to risk our lives, to fight for us but then not fight for them to have the access and opportunity, both here and abroad.

No American who is traveling for business, for example, abroad should have to wonder if their hotel will have an elevator or the subway will have audio announcements or if the office hosting their sales pitch has a wheelchair around. The fact is that over 130 countries have already ratified the treaty, but it will take U.S. ratification to ensure U.S. leadership, to ensure that the treaty's ideals become a reality everywhere.

Now, the treaty's principles are firmly based on American values. From the U.S. Constitution, the treaty borrows principles of equality and the protection of minorities. From the Declaration of Independence, it borrows the unalienable right to pursue happiness. From the Americans with Disabilities Act and other landmark accessibility laws, the treaty borrows the concept of reasonable accommodation. So frankly, if we don't ratify, we cannot effectively influence other nations as they implement the treaty. And the CRPD has created the venue for discussions on disabled access policy internationally.

So without ratification, the U.S. is effectively barred from those discussions. If we do not ultimately ratify the treaty, the U.S. point of view could be marginalized, and the possibility exists that the world would adopt standards incompatible with America's proven standards.

Last year when we tried to ratify the treaty, we didn't lose because the treaty is somehow harmful to our national interests. We lost because opponents were willing to play with facts, and they did it in a way that made a very small vocal minority sound like a large -- a large and passionate movement.

Let me give you a short summary of what we expect at the hearing next week. The first panel will be to hear from two of my Republican colleagues who support the treaty. Senator Kelly Ayotte will be there to read a statement from former Senator Bob Dole, one of the great champions of the treaty, an icon in the Senate. And then my colleague Senator Mark of Illinois will make a statement as well.

On the second panel we'll have Tom Ridge, the former secretary of homeland security and the current chairman of the National Organization on Disability to discuss his support for the treaty and its importance to people around the world.

Next we'd have Representative Tammy Duckworth, a congresswoman from Illinois and lieutenant colonel in the Illinois Army National Guard, who will testify about her personal experiences as a wounded warrior, and her tremendous work at the Department of Veterans Affairs and the importance this treaty has for the veterans community as a whole.

And then former Attorney General Richard Thornburgh who will testify about the practical importance of U.S. ratification of the treaty and also discuss why the arguments against ratification are without merit.

The committee's ranking member, Senator Corker, has called Dr. Susan Yoshihara from the Catholic Family and Human Rights Institute, Mr. Timothy Meyer, who is an assistant professor of law at the University of Georgia School of Law, and lastly Mr. Michael Farris who is the chairman of the Home School Legal Defense Association will testify.

And I think one of the things you'll notice right away in this hearing and the second hearing we are trying to schedule for the following week is that proponents of
Now, we'll be doing everything we can to refocus everyone on the actual treaty and on the benefits this treaty brings to the United States, like expanded markets for American businesses, selling accessible products, breaking down undue barriers for Americans with disabilities who study or travel abroad or, for that fact, need, as part of their job to be able to work abroad, and bolstering American leadership around the world as a bastion of human rights and freedom.

Now, as evidenced by last year's vote, it won't be easy, but if we can get the Senate to listen to the facts instead of the fearmongering, I'm confident we can get there, and we're making an all-out effort to try to achieve success this time.

With that, I'm happy to answer any questions.

MR. : Great. Thank you, Senator. (Gives queueing instructions.)

OK, we have our first question.

SEN. MENENDEZ: Hello?

MR. : Yes, go ahead. You're on. And if you could just --

your name and your news organization. Go ahead.

SEN. MENENDEZ: Adam (sp), that was me saying hello. So I don't know if the person is on or not.

MR. : Let's see. Yeah, we're unmuting people. And if you

(Off-mic exchange.)

Q: I can jump --

MR. : Go ahead. Please do.

(Off-mic exchange.)

MR. : OK, the lines are open, everyone, and we have a

question. Go ahead.

(Off-mic exchange.)

Q: OK. Hi -- I think somebody is off-mute. (Laughs.) Can I --

can I jump in here?

MR. : Please do.

Q: OK. This is Noel Wagner (ph) with the Associated Press.

I'm curious -- before -- you mentioned Senator Mark Kirk as lending his support. Obviously, the last time he was unable to vote on the measure. What have you heard from the other new Republican members of the Senate, Senator Flake and Senator Roberts, about their support or, I guess, lack of support for the treaty?

SEN. MENENDEZ: Well, we have a column of Republican colleagues. I'll start off with that every Democratic colleague I have is in support of the treaty. We have about six or so Republican colleagues that have also come out in support of the treaty, which puts us at around 61. And we need to get to 67. And there is a universe of members who have not defined their positions on the treaty, which we believe are the universe that we can proceed to try to proselytize to supporting the treaty.

And so I haven't had a personal opportunity to speak to Senator Flake, but you know, as a member of the committee, he has been a thoughtful member, and I am hoping that Senator McCain, his colleague, who is supporting the treaty, vocally and is one of those who are helping us on the Republican side, will be able to influence his view when the time comes to cast a vote.

Q: Thank you. Sorry, the robot's telling me I'm not muted anymore. (Chuckles.) You mentioned a sort of constellation of people that hadn't identified their support yet. I'm just sort of going based on the 2012 votes on the measure. Is there -- are there people you believe that you can sway based on even a no vote on the 2012 vote on the treaty?

SEN. MENENDEZ: You know, the last time people voted, there was a universe of members who said that they did not believe that a treaty should be brought up in a lame-duck session, and many voted against the treaty. At least that was their stated objection at the time. So I believe that universe is a universe that can be pursued because we obviously are not bringing this up in a
lame-duck session.

And I also believe that, you know, the effort that we have brought to bear so far by reaching out to an expanded business community, who is advocates for Americans with disabilities; by a broadening of the disability advocacy community, including the Civil Rights Forum, who views this as a civil rights issue and is now engaged in support; the tremendous support we're getting from veterans' organizations that weren't quite there the last time; I think all of those voices that will be speaking to members back in their state is going to be a very powerful opportunity for people in a non-lame duck session to reconsider what their vote should be.

MR. : Great. Thank you. And thanks for the question.

Again, if anyone has a question, please press 6 now. Press 6 now and you will be unmuted. (Pause.) OK. Final call. (Laughter.) OK. So nobody is pressing 6.

So with that, we want to thank everyone for the call. We'll see you on Tuesday at 2:30.

And thank you, Senator Menendez.

SEN. MENENDEZ: Thank you all. Appreciate it.

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END

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-D- Nov/01/2013 23:37 GMT
BETSY VON TRAPP
New job title: Associate veterinarian
Company: Case Veterinary Hospital
Related work experience: Von Trapp is a University of Georgia graduate who has worked in the emergency environment as well as in general practice. She has one year in general practice and one year in an emergency practice.
Education: She is a graduate of the University of Georgia College of Veterinary Medicine.

LUCAS D. BRADLEY
New job title: Associate attorney
Company: Bouhan Falligant LLP
Duties: Bradley focuses primarily on civil litigation.
Education: Bradley earned two degrees in history and political science from Duke University. He graduated from the University of Georgia School of Law.

NATHANIEL L. PHILLIPS
New job title: Associate attorney
Company: Bouhan Falligant LLP
Duties: Phillips focuses primarily in the areas of medical malpractice, corporate law and commercial and residential real estate.
Related work experience: Phillips served as a special research assistant to Judge Keith R. Blackwell of the Georgia Court of Appeals. He interned with the Northern Judicial Circuit Superior Court, the Bibb County Juvenile Court and the State Board of Workers' Compensation and worked for former Gov. Sonny Perdue in Washington, D.C.
Education: Phillips graduated from the University of Georgia with a degree in political science and a minor in geography. He earned his law degree from the Mercer University School of Law.

H. BRUCE MONTGOMERY
New job title: Mentor
Company: SCORE Savannah
Duties: Montgomery will specialize in business management and valuation techniques.
Related work experience: Montgomery spent over 17 years in real estate management, owning two successful companies during that time. For the last 15 years he served in several financial capacities with USB Financial, culminating as a registered financial advisor.

Hospice volunteer honored
Eve Thomas, a home care volunteer for Hospice Savannah, Inc., has been awarded the Rosalynn Carter Institute for Caregiving’s Volunteer Caregiver of the Year award. Carter presented Thomas with a $1,000 check, gilded rose and certificate at a dinner on Oct. 25.

Master Sergeant honored
Col. Todd Freeseman is proud to announce M/Sgt. Rose Wade as the non-commissioned officer of the year for Savannah's Combat Readiness Training Center. Wade is a veteran of 29 years of service to the U.S. Air Force and the Georgia Air National Guard.

**Savannah man named to Jekyll Island Foundation board**

Hurley S. “Trey” Cook III has joined the board of directors of the Jekyll Island Foundation. Cook is the owner and chief operating officer of Savannah Tire, Brake and Alignment Centers.
Lauren Warbington now a member of the Bar

Peggy King

November 2, 2013

Lauren Warbington now a member of the Bar

Peggy King Cordele Dispatch

Vienna — A southern lady with the perfect combination of brains and common sense - that's how Cordele Judicial Circuit Superior Court Judge Chris Hughes described Lauren Warbington as he swore her in as a member of the Georgia Bar Association.

Warbington learned last Friday that she had passed the Bar exam, and a large crowd of her family and friends joined her Tuesday morning at the Dooly County Courthouse for the special ceremony. She had spent one summer clerking in Hughes' office, and he was instrumental in getting her an internship in the district attorney's office for which she earned class credit while she was in law school.

Following her swearing in to the Bar Association, Cordele Judicial Circuit District Attorney Denise Fachini administered a second oath of office making Warbington an assistant district attorney.

She has been working with Fachini and her staff since September. Most of her work, she says, will be in juvenile court in Wilcox and Ben Hill counties and with children under age 16 in all four counties of the circuit (Crisp, Dooly, Wilcox & Ben Hill) who are crime victims.

When Hughes invited Warbington to speak after she was sworn in Tuesday, she began by thanking everyone for sharing the occasion with her. Addressing all the family and friends attending, she said, "you have made me who I am today. I love my job, and I'm grateful to have all of you as "family.""

Fellow attorney, John Neal Davis praised Warbington for "choosing to come back home and give to your community. You could have gone anywhere."

A graduate of Fullington Academy, Warbington did her undergraduate work at the University of Georgia, then attended the UGA law school, graduating this past May. "While I was in high school, I decided I wanted to go to law school," she says.

During the summer before she began law school, she got her first taste of legal work in the office of Craig Cotton in Cordele. The following summer, she interned with Georgia Farm Bureau in Macon under the tutelage of Jeanna Gregory Fennell, another Dooly County native who is an attorney.

Warbington is the daughter of Teel and Jeanie Warbington of Vienna.
The following events are going on November 4, 2013:

**EVENTS**

**Infant story time:** 10:30 a.m. today and 2:30 p.m. Nov. 18, Athens-Clarke County Library, 2025 Baxter St., Athens; designed to nurture language skills through literature-based materials and activities; (706) 613-3650 or www.athenslibrary.org.

**Jewelry and accessories fundraiser:** 7 a.m. to 6 p.m. today and Tuesday, main lobby, Elbert Memorial Hospital, 4 Medical Drive, Elberton; items for men and women; all items are $5; cash, credit and debit cards will be accepted; no checks; all proceeds from the fundraiser will go to support hospital projects and/or buy hospital equipment; (706) 213-6769.

**Caregiver series: “Seasons of Caring”:** Noon to 1 p.m., Athens Community Council on Aging, 135 Hoyt St.; caregivers are invited to come and learn about various topics related to caregiving and to network with other caregivers over lunch; held Mondays through Nov. 11; free; RSVP by calling (706) 354-1707.

**Lecture: “Students first amendment rights”:** 12:30 p.m., room A 120, Hirsch Hall at the University of Georgia School of Law; featuring free speech advocate Mary Beth Tinker and student speech attorney Mike Hiestand; Tinker was a lead plaintiff in the landmark 1969 U.S. Supreme Court case Tinker v. Des Moines Independent Community School District, where the court upheld students’ First Amendment right to express themselves in a non-disruptive way within their public schools; during the talk, Tinker will discuss the case and the current state of free speech and civics awareness among America's young people; www.law.uga.edu/news/9391.

**Alcoholics Anonymous:** 5:30 p.m. today through Sunday, call for location; (706) 389-4164 or www.athensaa.org.

**Cake decorating class for beginners:** 6 p.m.,
Elbert County Library, 345 Heard St., Elberton; learn how to use decorating tips and equipment; each attendee will get a chance to practice making their own decorations; all equipment and sample cakes or cupcakes will be provided free of charge; pre-register; (706) 283-5375.

**Madison County domestic violence support group:** 6:30-8 p.m., call for location; snacks provided; meetings held the first and third Monday of each month; child care provided; (706) 543-3331.

**Open mic night with Kyshona Armstrong:** 8 p.m., Hendershot's Coffee Bar, 237 Prince Ave.; free; www.hendershotscoffee.com.

**Cloak and Dagger Dating Service, Panic Manor, Jet Wolf Squad:** 9:30 p.m., Caledonia Lounge, 256 W. Clayton St.; $5; $7 for ages 18-20; www.caeldonialounge.com.

**Alanon 12 Step Recovery meeting:** Meetings are held daily in the Athens area for friends and families of alcoholics; free; www.ga-al-anon.org or (478) 955-3422.
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The suit filed Friday asks the federal courts to find Georgia's law unconstitutional because it is too broad and vague.

A spokeswoman for Attorney General Sam Olens, who is named a defendant, said he had not seen the suit and could not comment.

"In the 20-plus states with stand your ground statutes, there will be bills and legislation advanced to try to modify these laws," said University of Georgia law professor Ron Carlson. "This is not going to be the only state where this occurs ... I do expect there will be additional challenges."

Earlier this week, Martin's mother testified about the detrimental effects of the law before a U.S. Senate Judiciary Committee.

And, in Ohio and Arkansas, forces are organizing for and against plans that would make those states' laws much like Florida's and Georgia's.

In the Georgia lawsuit, the stories of two families are detailed to make the point that the law is arbitrarily applied.

Herman Smith, 21, was sentenced to life in prison for killing Cardarius Stegall at a Carroll County birthday party last November. According to testimony, Stegall had threatened to shoot several people, and he eventually focused on a party-goer standing with Smith. With gun in hand, Stegall strode toward the two men, according to testimony. That was when Smith shot him, witnesses said. Still Smith was convicted of murder in August, despite his self-defense argument.

James Christopher Johnson III, an African American, was shot and killed by a white man at a Newnan bar in March 2012. There was a confrontation after Adam Lee Edmondson "made a rude gesture" to Johnson's white girlfriend, but tempers cooled.

The two men had another run-in at the same bar on the next night. According to witnesses, Edmondson said something that led Johnson to shove him. Edmondson left the bar but came back with a gun and shot Johnson in the chest.

A Coweta County jury acquitted Edmondson, who used a "stand your ground" defense.

Patillo said the law "works in the abstract. It works in the theoretical." But, he said, it doesn't work in real life.

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MyAJC.com:

Read a PolitiFact check on an earlier claim made by the Rev. Jesse Jackson regarding Florida's "Stand Your Ground" law.

According to Georgia law, people are allowed to defend themselves, or stand their ground, when they "reasonably believes" deadly force is necessary to defend themselves or another person.

A person cannot claim self-defense if he or she created the circumstances that led to the use of force, or if he or she has committed a crime and are trying to escape.

There are two opportunities to use this defense. A judge can hold a hearing and dismiss the charges if the self-defense argument is successful. Or the jury can decide to acquit based on a stand your ground claim.

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Recent Posts
NYT v. Sullivan Anniversary Symposium at U. of Georgia
Fall back
Suns and appellate benchslaps
Academic disclosures
Inspections and stays
Gladwell on Pop versus Academic Scholarship (or, who is the Davi and who the Goliah?)
Co-Op Book Club on “Talent Wants to Be Free”
Call for Papers: 6th Annual Delphional Legal Theory Conference
Burger & Nixon chatting about pornography, busking, and aging
Congress
Baseball rules, again
Wheat, Chaff, and Law Reviews
JUSTICEd: Epstein on Enns and Wolflethal on swing justices
Law Review Publication Agreements
Courts and Law Reviews
Conference Announcement of the American Society of Comparative Law Younger Comparativists Committee

Recent Comments
area on Law School Hiring, 2013-2014, Thread Two
area on Law School Hiring, 2013-2014, Thread Two
Paul Horwitz on Academic disclosures

Fall back | Main

SUNDAY, NOVEMBER 03, 2013

NYT v. Sullivan Anniversary Symposium at U. of Georgia

The University of Georgia Law Review is hosting an impressive and impressively well organized symposium honoring the fiftieth anniversary of the Supreme Court’s decision in New York Times v. Sullivan. Justice John Paul Stevens is the keynote speaker, and David Savage of the LA Times will be giving a luncheon talk. The panels of speakers discussing press issues old and new include Justice Steven’s former clerk Sonja West, RonNell Andersen Jones, William Lee, Amy Gajda, Amy Kristin Sanders, Lili Levi, Paul Horwitz, and Rodney Smolla, and Hillel Levin will be moderating at least one of the panels.

I will be participating on the “new media” panel, discussing my paper-in-progress, “The Press and Constitutional Self-Help, Then and Now,” a synopsis of which is below.

Once upon a time, the U.S. Supreme Court routinely decided press cases, but that period of time came to an end about twenty years ago. The Court’s disinclination to decide press cases kicked in just as the Internet began eroding the press’ traditional role as gatekeeper and translator of news and information and threatening the financial viability of traditional media. As we near the fiftieth anniversary of New York Times v. Sullivan, it is striking how few landmark press cases have been decided since the Internet, and now social media, have entered the scene.

The Supreme Court decided the vast majority of its landmark press cases between 1964 and 1984, in what we media lawyers might now look back on as the “Golden Age” of press cases. These cases contain some of the Court’s loftiest rhetoric about the special role the press plays in our democracy. Yet these same cases recognize only negative press freedoms; they protect only freedom from interference with newsgathering.

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I contend, however, that the Supreme Court that decided the press cases of the Golden Age was committed to a special constitutional role for the press but envisioned the press (or, more aptly, the media) as a true Fourth Estate—an unofficial branch of government capable of checking the other three by using its own powerful resources to safeguard its ability to play its special role. The Court assumed that, in most instances, the media could use its own political and economic power to gain access to government information, protect confidential source relationships, and fight off threats to their ability to play its special role.

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In light of recent developments, however, it is fair to question the ability of new media to use constitutional self-help to access government information or protect confidential sources, for reasons I will explore further in my talk (and my paper). Fundamental shifts in the balance of power between today’s Fourth Estate and the three official branches may signal a need to reexamine the assumptions underlying the press cases of the Golden Age.
By Eric Macdonald
emacdon@uga.edu

UGA's semi-resident goat herd, the Tanyard Creek Chew Crew, has returned to the area near the Hull Street parking deck, to dine on kudzu, English ivy, privet and other non-native plants until the beginning of Thanksgiving break. The goats also will be used in a number of university courses to help students learn about environmental responsibility, including invasive plant species, water quality and plant and animal health.

The herd of goats is helping remove invasive plants from the banks of a stream that flows through campus. The crew is part of an experiment in prescribed grazing, a process that uses livestock to improve the ecological quality of forests and streams. At UGA, students and faculty also are using prescribed grazing to further the university's teaching and research mission and to engage the surrounding community in environmental stewardship.

Lizzie King, a professor who holds a joint appointment with the Odum School of Ecology and the Warnell School of Forestry and Natural Resources, is helping the Chew Crew monitor the impact of grazing on the site's vegetation. With assistance from the Office of Sustainability and the College of Environment and Design's Material Reuse Program, dozens of students in landscape architecture, business, biology, ecology and other fields have volunteered to help establish the vegetation monitoring plots. Undergraduate students in assistant professor Jon Calabria's applied landscape ecology course are assisting with this effort by collecting vegetation data before and after prescribed grazing treatments.

In addition to the vegetation research, students and faculty in the College of Public Health and the forestry and natural resources school are studying possible environmental impacts of prescribed grazing on water quality. Graduate

See GOATS on page 8

By Cindy H. Rice
cindyr1@uga.edu

The School of Law will welcome retired U.S. Supreme Court Justice John Paul Stevens Nov. 6 as the keynote speaker for a daylong conference titled "The Press and the Constitution 50 Years after New York Times v. Sullivan." The event is free and open to the public; however, preregistration by Nov. 4 is requested.

Sponsored by the student-edited law journal the Georgia Law Review, the main portion of the conference will begin at 8 a.m. in the Larry Walker Room of Dean Rusk Hall.

Through three panel sessions, a group of scholars will explore different perspectives on the U.S. Supreme Court's 1964 Sullivan decision, the complicated relationship between the court and the First Amendment's freedom of the press clause and the future of the press clause in light of changes in media and technology. Additionally, a luncheon presentation will be given by David G. Savage, U.S. Supreme Court correspondent for the Los Angeles Times.

Stevens, who sat on the bench of the nation's highest court from 1975 to 2010, will deliver the investiture address. The investiture, a ceremony in which the leader of an institution is vested with the garments, insignia or ornaments signifying the authority of the office, will be greeted by representatives from faculty, staff, students and alumni before providing the investiture address.

See INVESTITURE on page 8

By Jean Cleveland
jcleveland@uga.edu

UGA LIBRARIES

Georgia Writers Hall of Fame events to be held Nov. 10-11


**WORKSHOP from page 2**

Students in Todd Rasmussen’s quantitative hydrology course are researching how the Chew Crew goats affect water quality within the creek. Students in Erin Lipp’s graduate-level course, “Advanced Topics in Aquatic, Microbiology, Health and Environment,” are also contributing to this research. Although both classes have just begun their studies, the students’ initial data suggest that Tanyard Creek is heavily impacted by other sources of contamination.

“We doubt that goats will cause any noticeable change in the stream quality,” Rasmussen said.

The students will investigate the issue and contribute to a better understanding of how prescribed grazing may affect urban streams.

“Students are really excited to study water quality and the Chew Crew,” said Keri Lydon, a graduate teaching assistant.

The Chew Crew will host volunteer workdays at the Tanyard Creek site Nov. 6 and Nov. 14 from 3-6 p.m. On Nov. 9 from 10 a.m. to 12:30 p.m., the Chew Crew will help UGA celebrate Homecoming with tours, games and other educational and fun activities at the Tanyard Creek paddock.

**KEYNOTE from page 1**

Broadcast live on Channel 15 of the UGA and Charter cable systems and streamed live at http://www.clt.uga.edu/. Additional viewing areas include the Ramsey Concert Hall in Hodgson Hall, the M. Smith Griffith Auditorium in the Georgia Museum of Art and the Tate Student Center Theatre.

After a national search that culminated in February, the board of regents chose Morehead as the university’s president, a position he started on July 1.

Morehead served as UGA’s senior vice president for academic affairs and provost from 2010 until June 30 of this year. His previous positions at UGA include vice president for instruction, vice provost for academic affairs, associate provost and director of the Honors Program and acting executive director of legal affairs.

A reception will be held following the investiture on the Performing Arts Quad.

**ON THE WEB**

www.law.uga.edu/georgia-law-review-symposia
WASHINGTON – During a Senate Foreign Relations Committee hearing to consider the U.N. Disabilities Treaty, U.S. Senator Bob Corker, R-Tenn., ranking member of the committee, noted a current Supreme Court case as evidence of a treaty’s potential to expand federal power beyond current limits and sought answers as to whether Congress can impose appropriate limitations (known as “reservations, understandings and declarations” or “RUDs” that accompany passage of a treaty and represent U.S. understanding of its commitments and any other implications of ratification).

“Just today there is a Supreme Court hearing that’s taking place, arguments are being argued over a lady in Pennsylvania named Bond who unbelievably...was convicted [for violating] the chemical weapons treaty that we put in place back in 1997,” said Corker. “Sometimes when people raise concerns, they are actually legitimate. I would just ask committee members to try to work with those of us who understand that we want to advance the rights of people who are disabled throughout the world. I want to. I think that’s a good thing. At the same time, within a treaty, unless the RUDs on the front end are put in place in an appropriate way, there can be some consequences here domestically that effect people in various groups.”
The high court heard oral arguments Tuesday in Bond v. U.S., a case in which a Pennsylvania woman is challenging her conviction in federal court for an alleged violation of a federal law implementing the chemical-weapons convention after she admitted to lacing a friend’s mailbox and car with toxic chemicals. The federal government’s decision to prosecute Bond under a law that relies on expanded authority derived from ratification of a treaty might violate the 10th amendment to the Constitution, which articulates the principle of federalism, whereby all powers not explicitly granted to the federal government are reserved for the states and the people.

In addition, University of Georgia law professor Timothy Meyer acknowledged additional clarifying language, absent in last year’s resolution of ratification to the CRPD, would be necessary to prevent any evolution of U.S. obligations under the treaty.

“American interests at home can be protected through a declaration that the CRPD is not self-executing, as well as a package of reservations, understandings, and declarations (RUDs) that clarify that the United States is not undertaking any commitments that exceed the extensive rights available under existing federal and state laws,” said Meyer in his written testimony. “The United States could use ratification of the CRPD to clarify once again that the parties to the Convention are under no obligation to accord any weight to expert committee’s interpretations.”


###
SAVANNAH'S LEGAL community lost a bit of its shine Monday with the death of Charles B. Mikell Jr., a lawyer and judge who was a credit to his profession.

Judge Mikell, who was 71, retired as chief judge of the Court of Appeals of Georgia last year. He was appointed to the appellate court in 2000 by then-Gov. Roy Barnes and was re-elected without opposition twice.

But while he spent a dozen years on this statewide court, his heart was still close to Savannah, where he practiced law and served for 15 on the bench — first in State Court, then in Superior Court, winning an election to a rare open seat in 1992.

The appellate court proved to be an excellent fit for this studious, Princeton-educated jurist, who revelled in interpreting the nuances of the law and applying it to cases that came up to him from the trial courts. His colleagues on the bench valued his intellect and his work ethic, especially since he refused to relocate to Atlanta to make his burdens easier. He was a Savannahian to the end.

Judge Mikell was born here on Christmas Day in 1941, just 18 days after the Japanese attacked Pearl Harbor and the entry of the United States into World War II. He would earn a degree in history from Princeton in 1963, then serve for five years in the U.S. Army, including duty in Vietnam with the Central Intelligence Agency and as an adviser to South Vietnamese forces. He was awarded the Bronze Star and the Republic of Vietnam's Gallantry Cross.

After his Army service, he pursued a graduate degree in Central European History at the University of North Carolina, then won a Fulbright Fellowship for research in Prague and London. He returned to his home state and earned his law degree at the University of Georgia Law School, where he was a senior editor of the Law Review.

His bookish background contributed to his courtly demeanor on the bench, here and in Atlanta. But his years as a lawyer and trial judge gave him a well-rounded background about life, as well as a keen wit.

In 2006, he was diagnosed with a cancer known as multiple myeloma, which he battled with courage and grace over seven long years. At the same time, he maintained his work schedule in one of the busiest appellate courts in the country, which was remarkable. It was a testament to his commitment to the law and to public service.

His family, which includes his wife, Dr. Julia Mikell, and sons Chuck, John and Sam will miss him. So will many others in the community he called home.
CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES
U.S. Senate Committee on Foreign Relations

Presiding:
Senator Menendez

Date:
Tuesday, November 05, 2013

Time:
02:30 PM

Location:
Senate Dirksen 419

Webcast:
This hearing is scheduled to be live webcast. Please return to this page to view the hearing live at the specified date and time.

Agenda

Please Note: Senate Dirksen 430 will be used as an overflow room should Senate Dirksen 419 reach capacity.

Panel One:
The Honorable Kelly Ayotte
United States Senate
The Honorable Mark Kirk
United States Senate

Panel Two:
The Honorable Thomas J. Ridge
Former Secretary of Homeland Security and current Chairman, The National Organization on Disability
Chevy Chase, MD
The Honorable Tammy Duckworth
Congresswoman from Illinois and Lieutenant Colonel Illinois Army National Guard
Washington, DC
The Honorable Richard Thornburgh
Former Attorney General of the United States
Of Counsel, K&L Gates, LLP
Washington, Washington
Dr. Susan Yoshihara
Senior Vice President for Research and Director, International Organizations Research Group
The Catholic Family & Human Rights Institute
Washington, DC
Mr. Timothy L. Meyer
Assistant Professor of Law
The University of Georgia School of Law
Athens, GA
Mr. Michael Farris
Chairman, Home Legal Defense Association
Patent lawyer Wendy Choi has left Kilpatrick Townsend & Stockton to join Ballard Spahr as a partner.

Choi focuses on chemical, pharmaceutical, biotech and medical device patents. Ballard’s deep chemical bench, with 11 patent lawyers, was a draw, she said, as was its interest in her China practice, which she wants to expand.

In China, pharmaceutical and industrial chemical companies are transitioning from being copiers of Western patents to innovators, she said. “They want help to do that.”

Some of Choi’s Chinese clients—university startups and pharma companies—make “biosimilar” drugs, which she said are molecularly similar to drugs patented in the U.S. or elsewhere, but with a slightly different chemical structure. The IP issues for biosimilars are “somewhat uncharted terrain,” she said.

Business in China is very much about personal relationships, Choi said, so she wants to increase her travel there to develop those relationships. She’s cultivating new ones from her 2011 appointment to the Bar Liaison Council for the U.S. and the State Intellectual Property Office of China (SIPO), representing the Atlanta Bar Association’s IP section.

Ballard entered the Atlanta market in 2008 when it acquired local IP boutique Needle & Rosenberg, which makes up the core of its IP practice.

Choi said she has clients in common with Ballard. She handles IP work for biofuel-maker Renmatix, which began in Kennesaw then moved its headquarters to Philadelphia. Ballard represents the firm on corporate matters.

Renmatix converts woody plant wastes, such as wood or corn cobs and husks, into sugars for ethanol production, Choi said. The fuel extract can be exported in pellet form to other countries for use. She also represents several chemical companies in biofuel IP issues, which has become a significant part of her practice.

Atlanta has become Ballard’s third-largest office, after its Philadelphia headquarters and Washington, said Mitch Katz, the IP practice head. The local office has expanded by about 50 percent in the last year, Katz said, to 46 lawyers. Firmwide, Ballard’s lawyer head count grew by 17 percent last year, to more than 500 lawyers.

Most of the Atlanta hires since Ballard acquired Needle & Rosenberg have been in non-IP areas to make the office more full-service, Katz said. Meanwhile the firm added IP lawyers in Washington, Philadelphia and Phoenix.

Ballard sees Atlanta as a “growth point,” said Cathynn Bixby, the firm’s director of lateral hiring and integration, who was in town to help Choi settle in. Atlanta continues to be attractive as a corporate headquarters, she said, and there is international interest in investing here.

Another Dow Lohnes lawyer has found a home. Matthew Parrish has joined litigation boutique Robbins Ross Alloy Belinfante...
Littlefield as a senior litigation associate from the Atlanta office of Dow Lohnes. Lawyers from the Washington-based firm’s Atlanta office have been moving to other firms since June, after a major client, Cox Enterprises, announced it would continue using them only if they changed firms because it wanted to diversify its outside counsel. Cooley announced Oct. 15 that it is acquiring 54 lawyers from Dow Lohnes’ Washington office.

Lila Newberry Bradley has joined Claiborne & Fox, an adoption and reproductive law boutique. Bradley was the director of children’s law programs for the Atlanta Volunteer Lawyers’ Foundation until January 2012. That was followed by stints at the Fulton County Office of the Child Attorney and then Gateway Center as compliance director and vice president of administration.

Brian Gardner has joined Asbury Law Firm as an associate, after earning a law degree in May from Villanova University. The tax boutique handles IRS tax controversies and federal tax litigation. Gardner, who just passed the Georgia Bar examination, will focus on tax controversy, business tax planning and estate planning. He won the Federal Tax Clinic Award at Villanova for his work in the law school’s federal tax clinic.

Anthony Duncan Jr. has joined IP firm Merchant & Gould as an associate and Laurie Sanii as a technical adviser. Duncan received his law degree from Howard University in 2012, then worked in the electrical and software practice at Morris & Kamlay in Washington. Sanii, who has a Ph.D. in chemistry from Georgia Tech, joined Merchant & Gould’s chemical and life sciences practice.

Savannah firm HunterMaclean has added two first-year associates, Daniel Monahan and Courtney Valentine, both litigators. Monahan received his law degree in May from the University of Georgia, and Valentine received hers from the University of North Carolina. Both clerked for the firm last summer.

Alston & Bird has won the Pro Bono Institute’s top pro bono award, the John H. Pickering Award. “Alston & Bird is a shining example of commitment to pro bono work and volunteerism among attorneys and non-attorneys,” said Esther Lardent, the president and CEO of the Washington-based Pro Bono Institute, in a statement. One of the firm’s major initiatives has been the Truancy Intervention Project, which aids children at risk for school failure. The TIP model has been replicated in other cities, and Alston partnered with District of Columbia Public Schools in 2009 to start a D.C. TIP.

Alston’s other pro bono causes include representing victims in dangerous domestic violence situations, handling immigration and asylum requests for trafficking victims and others, criminal record expungement and estate planning.

Jere Morehead’s investiture as the president of the University of Georgia will be Tuesday, Nov. 19 at 10 a.m. in the Hugh Hodgson Concert Hall in Athens. The public is welcome. Morehead became UGA’s president July 1, after serving as senior vice president for academic affairs and provost. An alumnus of UGA’s School of Law, he is the Meigs Professor of Legal Studies in the Terry College of Business.
Mikell Recalled for Mind, Integrity

Alyson M. Palmer

Daily Report

2013-11-06 00:00:11.0

Charles Mikell Jr., who died on Monday at the age of 71, is being remembered for his intellect, integrity, love of his native Savannah—and dogged insistence on continuing his work and living his life even as he battled cancer.

Mikell had retired from the Georgia Court of Appeals last year. He had fought cancer after being diagnosed with multiple myeloma in 2006.

The judge’s wife, Julia Mikell, said he passed away at home in Savannah, "me holding his hand." He had been under hospice care, she said.

Judge John Ellington, Mikell’s close friend and colleague on the appeals court, said on Tuesday that he was preparing to eulogize the late judge at services on Friday.

"Charlie had great judgment," Ellington said. "We were very fortunate at the Court of Appeals to take advantage of his wisdom and leadership. He was a great judge and a better person. The Court of Appeals of Georgia, the citizens of Georgia and the law, the body of law in Georgia, is better because of Charlie Mikell."

"He was a scholar," Ellington added, "but he also knew that there was life outside the courthouse."

And what a life he had.

After graduating from Princeton University with a degree in history in 1963, Mikell served in the United States Army, including duty in Vietnam with the Central Intelligence Agency and as an adviser to South Vietnamese forces. He was awarded the Bronze Star and the Republic of Vietnam’s Gallantry Cross. He also served as a counterintelligence officer on the Czech-German border from 1967 to 1968.

After his Army service, Judge Mikell pursued a graduate degree in central European history at the University of North Carolina at Chapel Hill and was awarded a Fulbright Fellowship for research in Prague and London. He earned his law degree in 1976 from the University of Georgia, where he was a senior editor on the Law Review.

He went on to practice in Savannah with the firm then known as Brannen, Wessels & Searcy.

Savannah lawyer William Daniel Jr., Mikell’s former associate and longtime campaign manager, recalled at Mikell’s official portrait unveiling last year a time when he had to explain to Mikell that their firm’s representation of a court employee was
going to require suing a local judge. Mikell didn’t look up from his desk but said, Daniel recalled, “That’s OK. Just don’t lose.”

Linda King, who worked with Mikell when he was in private practice, then served as his assistant through his judicial career, said on Tuesday that Mikell encouraged her decision to go to paralegal school. “He taught me so much about how to be a good person and taught me so much about the law,” said King.

She added that Mikell was a “true family man,” recalling him reading to his sons even when they were babies.

In 1985, Gov. Joe Frank Harris appointed Mikell to the Chatham County State Court. He was re-elected in 1986 and 1990. He became chief judge of that court in 1989.

Mikell was elected to the Chatham County Superior Court in 1992 and re-elected in 1996. In 2000, Gov. Roy Barnes tapped him for a Court of Appeals opening created by the retirement of Judge William McMurray Jr.

In 2005, Mikell was one of five finalists selected by Gov. Sonny Perdue’s Judicial Nominating Commission for an opening on the Georgia Supreme Court. Perdue instead picked his executive counsel, Harold Melton.

“I think the most important thing that I can say about him is that he was first a very, very good man who was also a very good judge,” said Court of Appeals Chief Judge Herbert Phipps, who has known Mikell since Mikell was a superior court judge. “He was a man who had a wide range of interests, and he was a great intellect, and whenever we had a question about something that was difficult to understand, we’d always turn to Judge Mikell, because he’d have some ideas on it.”

After his 2006 cancer diagnosis, Mikell underwent multiple bone marrow transplants and traveled to M.D. Anderson Cancer Center in Houston for treatment. He was open about his health problems and continued to tackle his work—and life.

In February 2007, during a period of remission, Mikell and Ellington undertook a three-day odyssey in freezing temperatures that Ellington called “the ultimate buddy trip.” The two traveled down the Oconee from a point near Ellington's farm in Soperton, into the Altamaha, and on to Mikell’s dock in Savannah.

As the two told the story, their boat became stuck on sandbars several times, and Mikell’s wife, monitoring the trip by phone, became increasingly worried. “At one point,” Ellington recounted to the Daily Report in 2008, “I heard him tell his wife, Julia, ‘We slayed the bear, and we will drag it out of the woods.’”

“He just pushed, pushed, pushed himself,” Mikell’s wife, a neurologist, said on Tuesday, explaining that he worked even when he was getting treatments at M.D. Anderson.

In November 2011, Ellington temporarily stepped away from his post as chief judge so that Mikell could hold the position for a couple of months. Mikell acknowledged cancer was the reason for the move. “No one knows what the future’s going to bring,” Mikell said then, “and Judge Ellington wanted me to have the opportunity when we’re confident that I can do it.”

Mikell left the Court of Appeals at the end of August 2012. “He did not want to be there holding a place and not be able to meet the challenges of it,” said Clyde Feil, who became friends with Mikell in law school, then went on to be one of his staff attorneys at the Court of Appeals.

"I always thought that Charles Mikell was one of the smartest people I had ever met," added Feil, saying the only exception was her husband, lawyer Otto Feil. She said Mikell was a good father and good storyteller, too, with a wonderful sense of humor. "He and my husband would just roar with laughter over things," said Feil. "They'd be talking about history, and I'd be cooking dinner."

Mikell's wife said Tuesday that the judge was able to take advantage of his retirement, working on his memoirs. They went on a cruise together, she said, and made it to his 50th reunion at Princeton in May. Mikell saw each of three sons reach milestones this year: The judge traveled to New York to see his eldest son, physician Chuck Mikell, get married; another physician son, John, welcomed a second child; and Mikell's youngest son, Sam, started law school at UGA.

"I'm so proud of so many things," she said. "My children are so wonderful thanks to him."

"He was just so smart," she added. "He had such a wonderful memory."

At his portrait unveiling last year, Mikell said he had heard the Court of Appeals "referred to as the dreary salt mine of Georgia jurisprudence” but he had “enjoyed every second” of his time there. Mikell said then that he tried never to forget that each piece of paper he encountered as a judge represented a person. “Those people are waiting by the mailbox to see when your opinion is going to come,” he said.

Visitation will be held on Thursday from 5 to 7 p.m. at Fox & Weeks funeral home, 7200 Hodgson Memorial Drive in
Savannah. The funeral service will be at 11 a.m. Friday at Christ Church Episcopal, 28 Bull St. in Savannah. Burial will be private.
The governor's Judicial Nominating Commission has recommended two African-American prosecutors among a short list of five nominees for two openings on the Superior Court bench in Columbus.

Race became a prominent issue in the JNC's selection process after Chattahoochee Circuit Superior Court Chief Judge John Allen wrote a memo in September to Gov. Nathan Deal and the JNC, urging them to consider diversity in filling his seat.

Allen was the sole African-American on the circuit's bench and his retirement last week created one of the two vacancies. The other was created by legislation approved by the state General Assembly at the request of the Judicial Council of Georgia.

"I am certain you are aware of the 'face of justice' created by your appointments to the bench," Allen wrote. "Upon my retirement, the composition of the Superior Court Bench of the Chattahoochee Circuit will be five white males. If the pattern of the two most recent appointments is continued in the two impending vacancies, the superior court bench of this circuit will be composed of seven white males."

Allen was referring to the 2010 appointment of William Rumer by Gov. Sonny Perdue and the 2011 appointment of Art Smith by Deal. Both are white.

In response to Allen, the JNC extended its nomination deadline by two weeks in hopes of attracting more minority nominees. The JNC last week interviewed 22 applicants on Monday, of which at least eight were African-American.

The short list of nominees submitted to the governor include:

- Muscogee County State Court Judge Maureen Gottfried, who has been on the bench since 1996. She earned her law degree from the University of Georgia and was admitted to the State Bar of Georgia in 1986.

- J. Ronald Mullins Jr., a partner at Page, Scrantom, Sprouse, Tucker & Ford whose practice includes insurance defense, government law and adoptions. He earned his law degree from the University of Georgia and was admitted to the bar in 1976.
Ben Richardson, solicitor-general for Columbus and Muscogee County, who was named solicitor-general of the year in 2008 by the Prosecuting Attorneys' Council of Georgia. He earned his law degree from the University of Georgia and was admitted to the bar in 1992.

Chattahoochee Circuit District Attorney Julia Slater. She earned her law degree from Washington & Lee University and was admitted to the bar in 1993.

Alonza Whitaker, chief assistant district attorney for the Chattahoochee Circuit. He earned his law degree from Creighton University and was admitted to the bar in 1993.

Richardson and Whitaker are African-American. The other nominees are white.

The JNC also recommended to Deal a short list of three lawyers for one judicial vacancy on the Oconee Circuit Superior Court. They are:

Steven Harrison, a circuit public defender in Eastman. He earned his law degree from Mercer University and was admitted to the bar in 1982.

C. Michael Johnson, a solo general practitioner in Eastman and special assistant attorney general. He earned his law degree from Mercer University and was admitted to the bar in 1986.

Howard Kaufold Jr., a partner at Kaufold & Everett in Vidalia. He earned his law degree from Mercer University and was admitted to the bar in 1978.

JNC co-chairman J. Randolph Evans, a partner at McKenna, Long & Aldridge, said the Chattahoochee Circuit drew a strong applicant pool with racial and gender diversity.

However, no minorities and only one woman applied for the Oconee judgeship.

"Oconee sort of proved a point that I've made before: We can only appoint from those who apply," Evans said.
History an uncertain guide, says retired Supreme Court justice

By LEE SHEARER
updated Wednesday, November 6, 2013 - 9:58pm

Historical truth can be elusive; hard for historians, much less judges, retired U.S. Supreme Court Justice John Paul Stevens told a University of Georgia audience Wednesday.

"History is at best an inexact field of study," Stevens told a near-capacity crowd in the UGA Chapel.

Stevens was the keynote speaker for a forum sponsored by the Georgia Law Review and was expected to discuss the 50th anniversary of a landmark U.S. Supreme Court case that established the actual malice standard, which must be met before public officials or public figures can be considered to be defamed or libeled by press reports.

But Stevens spoke instead about the fallacies of originalism, the legal theory popular among political conservatives that the U.S. Constitution should be interpreted on the basis of the original meaning and intent of the authors.

But it can be hard to know what actually happened in history, much less what someone’s intentions were two centuries ago, argued Stevens, the third-longest serving justice ever. Appointed by President Gerald Ford to the court in 1975 and approved 98-0 by the Senate, Stevens retired in 2010 at the age of 90.

Stevens picked some Southern examples to make his point, one from his own youth.

In December 1939, Stevens traveled with his parents and a brother to visit another of his brothers in Florida. The family stopped in Atlanta, just when the movie version of "Gone With the Wind" premiered. His family went to a showing of the movie, and ever after Stevens remembered the audience’s reaction during one particular scene.

Years later, Stevens learned the scene was inexact. In fact, it never happened.
“Even eyewitness recollections of historic events may be inexact,” he said.

But that audience reaction to Northern characters led Stevens to be quiet lest someone detect his Northern accent, he said.

Stevens also noted two historians' divergent accounts of what happened in the presidential election of 1876, when Democrat Samuel Tilden won the popular vote but lost the electoral college vote to Republican Rutherford B. Hayes.

Republicans had taken control of state governments in southern states after Reconstruction, driving out the Democrats favored by many white voters.

In some Southern states, Democrats kept Republican voters away from the polls with intimidation and even violence, Stevens said.

A Southern historian, C. Vann Woodward, did not take note of that violence in writing about those times.

But Supreme Court Justice William Rehnquist, who also wrote a book about that 1876 crisis, did note the violence that kept voters from casting ballots for Hayes, Stevens said.

In a question and answer period after his talk, Stevens said today's Supreme Court is not dysfunctional.

"I think it's made a number of decisions that are incorrect, but it's certainly not dysfunctional," he said.

• Follow education reporter Lee Shearer at www.facebook.com/LeeShearerABH or https://twitter.com/LeeShearer.
Weinberg Lawyer Opens Plaintiffs Firm

Chuck Clay starts his own plaintiff shop after 14 years on the defense side at Weinberg Wheeler

By Meredith Hobbs  Contact  All Articles
Daily Report  November 7, 2013

Chuck Clay has opened his own plaintiffs' firm, after 14 years as a defense litigator at Weinberg Wheeler Hudgins Gunn & Dial.

He launched Chuck Clay & Associates on Oct. 1 with two associates from Weinberg Wheeler: Wendell Franklin and Jennifer Harbaugh. The firm is located in Buckhead's Terminus building at 3280 Peachtree Road N.E.

Clay joined Weinberg in 1999, fresh out of the University of Georgia School of Law. The firm had just split off from Long, Weinberg, Ansley & Wheeler to focus more on defending complex, high-stakes liability cases and less on insurance defense.

One of Weinberg's first hires, Clay made partner in 2007.

Clay said he's successfully litigated a few plaintiffs contingency cases at Weinberg, which sparked his desire to switch to the plaintiffs side.

"It's something I've been wanting to do for a number of years," Clay said. "People had approached me about a number of [plaintiffs] cases that we inevitably had conflicts with."

Weinberg has grown quite a bit since Clay joined, from 21 lawyers to 90 lawyers in three offices—Atlanta, Las Vegas and Miami.

"I loved the experience I had at Weinberg. I got to try a lot of high-end cases across the country. I wanted to try something different," Clay said.

So at 39, he decided to take the plunge.

Clay said his departure from Weinberg was amicable. David Dial, the firm's managing partner, concurred.

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1 2 Next
Who beat Jason Carter for top law grad honors?

5:22 pm, November 7th, 2013

In an Atlanta Journal-Constitution article announcing his candidacy for governor today, Jason Carter said: "I wouldn't be getting in this race if I didn’t think I was going to win .... I'm still mad that I finished second in my law school class. I'm not in this to finish second."

Carter, an associate at Bondurant, Mixson & Elmore, graduated from the University of Georgia School of Law in 2004. The school’s annual magazine notes that Noah P. Peeters received the “Jessie and Dan MacDougald Memorial Award for First Honor Graduate Class of 2004 and the Isaac Meinhard Award for Highest Academic Average Class of 2004.”

Peeters is now senior vice president at Jamestown, the real estate investment and management company. His bio on the company’s website says: "Noah Peeters began his law practice at King & Spalding in Atlanta, working in its real estate and capital markets department. He joined Jamestown in 2012 as assistant general counsel, working to support all of the company’s business lines. In 2013, Peeters was named a senior vice president in the acquisitions department. Peeters graduated with honors from Williams College in 1998 with a degree in Art. He attended law school at the University of Georgia, graduating as the First Honor Graduate in 2004.”

We emailed Peeters to find out if he remembers the grade battle as vividly as Carter apparently does, and we’ll let you know if he responds.

Contributor: Jonathan Ringel in Law schools, State government | subscribe to rss | share

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Welcome to ATLaw, the Daily Report's new blog devoted to the Georgia law community. Get the latest news and updates from the Daily Report's newsroom as we report from courthouses and law firms around the state.

Email us with news tips or ideas.
Retired U.S. Supreme Court Justice John Paul Stevens on Wednesday critiqued some of his more conservative former colleagues' use of originalism, warning that lawyers and judges aren't well suited to interpret history accurately.

"History is at best an inexact field of study, particularly when employed by judges," said Stevens, who retired from the court in 2010.

Stevens' remarks keynoted a law review symposium at the University of Georgia. Wednesday's conference centered on the freedom of the press nearly 50 years after the Supreme Court's decision in *New York Times v. Sullivan*, which made it more difficult for public officials to win libel actions against the media. But Stevens' midday talk at a UGA chapel packed with students, faculty and assorted others didn't touch on free press issues.

Instead, Stevens used his 30-minute address to criticize the jurisprudence of originalism, which attempts to discern what the framers of a statute or constitutional provision had in mind when they adopted the text.

The 93-year-old Illinois native said historical accounts are not always accurate. He recalled a childhood family trip through Atlanta in the 1930s, during which he attended a screening of "Gone With the Wind" amidst an emotional Southern audience. He realized later there were flaws in his recollection of the event, particularly the nature of the scene that produced such an emotional response. Even the most qualified historians sometimes interpret historical events differently, Stevens said.

Stevens pointed to his own dissent from the Supreme Court's 2008 decision in *District of Columbia v. Heller*, in which the court said a total ban on handguns violated the Second Amendment. Stevens noted that his own interpretation of the context surrounding the framing of the Second Amendment—that the amendment was intended to respond to states' concerns about a federally mandated disarmament of their militias—differed from that of Justice Antonin Scalia for the majority.

He also suggested that the specific ill that a given law was intended to address should not necessarily be the only problem to which a court should allow the law to extend. He said the best illustration was the court's 1954 decision in *Brown v. Board of Education*. In that case, he said, a study of the original intent of the framers of the Fourteenth Amendment would not have revealed school desegregation as one of their goals.

"Jurisprudence of original intent cannot provide the correct answers to novel questions of constitutional law," said...
Stephens, pointing to same-sex marriage as an example.

During a question-and-answer period, one audience member asked Stevens about what the questioner called "bad history" in the dissents to the court's decision earlier this year in United States v. Windsor. The questioner wondered how the majority opinion, in which the court struck down a federal law blocking federal benefits to legally married same-sex couples, might have been improved.

"I never objected to using history," Stevens replied. But, he said, "I think it is not a correct standard to make final decisions in case after case."

Another member of the audience wondered whether the court would continue to adhere to an originalist approach, noting that the 2008 gun rights decision was supposed to be a "showpiece" of originalism but had many conservative critics.

Stevens reiterated that he did not think the majority applied an original intent approach correctly in that case. But, he said, "I don't think it's going to put an end to original intent scholarship."

Looking back on his 34 years on the high court, Stevens said that, among his colleagues, Potter Stewart was the best opinion writer. (The two served on the court together for six years before Stewart retired in 1981.) Stevens referred to Stewart's famous remark in a 1964 case that although hard-core pornography was hard to define, "I know it when I see it."

Asked about a proposal to have Supreme Court justices serve 18-year terms, with presidents having an opportunity to appoint a new justice every two years, Stevens said that was "not a frivolous suggestion by any means." But he indicated he thought such a change was unnecessary. "The problems will solve themselves," he said.

Stevens was introduced by UGA law professor Sonja West, one of the justice's former law clerks. UGA law professor Dianne Amann, Emory University law school Dean Robert Schapiro and Home Depot General Counsel Teresa Roseborough—all former Stevens clerks—also attended the event.
Democratic state Sen. Jason Carter will challenge Gov. Nathan Deal next year in a move that catapults the gubernatorial
contest into the national spotlight and tests whether Georgia’s changing demographics can loosen the Republican Party’s
12-year grip on the state’s highest office.

Carter’s decision, which he announced Wednesday in an exclusive interview with The Atlanta Journal-Constitution, is another
step along the trail forged by his famous grandfather Jimmy Carter, who was elected to the state Senate and then the
Governor’s Mansion before winning the presidency.

“We can’t wait as a state,” said Jason Carter, who plans to formally announce his candidacy Thursday. “The bottom line is we
can’t afford four more years of an economy that’s not working for the middle class and an education system that’s
underfunded. It’s not about politics. It’s about making sure we can get the state that we need.”

Carter, 38, becomes the second high-profile Democratic scion to compete for a spot on Georgia’s 2014 ticket. Senate
candidate Michelle Nunn, the daughter of former U.S. Sen. Sam Nunn, is her party’s front-runner in the crowded contest to
replace retiring Republican U.S. Sen. Saxby Chambliss.

Carter, who is not stepping down from office, pitches himself as a fiscal conservative who will revamp an education funding
system he derides as a “shell game” and restore trust in the government. The latter is a subtle nod to allegations by current
and former ethics commission staffers that Deal’s office improperly interfered with the agency probing complaints against him.

“We want a Georgia that’s at its best,” Carter said. “And Georgia at its best invests in education, it doesn’t cut billions out of the
classrooms, it has an economy that works for the middle class and it always has an honest government.”

Carter faces the task of convincing voters who have elected Republicans to every statewide office that Democrats are worthy
of a return to power. He’ll be forced to confront questions about whether it’s too soon for a gubernatorial bid in a state that
gave Mitt Romney a resounding victory just last year. And he must try to keep pace with Deal, who has hit the fundraising
circuit to boost the $1.1 million he had in his campaign coffers in July.
Deal, a former nine-term congressman from Gainesville, handily defeated former Gov. Roy Barnes in 2010 and was expected by many to coast to a second term after largely pacifying his party's tea party elements while holding the GOP line on most of the contentious issues.

Yet even before Carter's entrance, the gubernatorial contest was certain to be lively.

Dalton Mayor David Pennington was the first to challenge Deal, hoping to ride a wave of anti-incumbent discontent to oust the governor in the GOP primary. Next in was state Schools Superintendent John Barge, one of the governor's top GOP rivals, who made the funding of education the centerpiece of his campaign.

And waiting for the eventual GOP nominee in November likely will be Carter. (Former state Sen. Connie Stokes, the first Democrat to announce against Deal, is expected to instead challenge Lt. Gov. Casey Cagle.)

Deal, for his part, has campaigned across the state with an air of inevitability and has yet to outline many second-term initiatives beyond a push in 2015 to overhaul the school funding formula. The 71-year-old has cast the turmoil wracking the ethics commission as an internal dispute involving "personal agendas" from employees not under his oversight.

At events, Deal credits tax breaks and incentives he's promoted with helping to create about 175,000 jobs since he took office. And this week he celebrated a magazine's ranking of Georgia as the nation's leading place to do business, saying he fulfilled a campaign vow.

"We're just at the beginning," Deal said at the event. "We're going to continue to grow, and we're going to continue to get better."

Carter's political career began in 2009 when he announced a bid to succeed state Sen. David Adelman, who was tapped to be the U.S. ambassador to Singapore. He secured the endorsement of prominent Jewish leaders, allaying the suspicions of some voters in the DeKalb County district angry at his grandfather's criticism of Israeli policy, and helped broker a formal apology from the ex-president to the Jewish community.

He won in a four-way race in 2010 to claim a spot in the Senate, and he quickly became one of his party's most outspoken leaders on its top legislative priorities. He advocated for an income cap for the HOPE scholarship that would grant full tuition to needier students, and he challenged GOP efforts to undo legislation aimed at protecting minority voters.

Whether his grandfather will be an asset or liability in the eyes of Georgians remains unknown. The elder Carter canvassed door to door with his grandson days before the 2010 election, and he's popular among many Georgia Democrats. But, like Michelle Nunn's family connection, the biggest benefit will likely be Carter's ability to tap his grandfather's donor network.

"He's my grandfather and he cares about me and we talk," the younger Carter said. "But at the end of the day, this campaign will be about getting Georgia back to where it needs to be. It's about the future and not my family."

With his announcement, Carter joins Nunn to become the first of a crop of young Democrats testing a statewide run. Atlanta Mayor Kasim Reed and House Minority Leader Stacey Abrams are often seen as candidates for higher office, though both seem likely to wait another cycle or two before running statewide.

There's a reason many Democrats are considering a run down the road.

The white proportion of voters shrank 9 points to 66 percent from 2002 to 2010, and the dive was even more pronounced during presidential election years. About 44 percent of Georgia residents are now minorities — up 7 points in the past decade — and nonwhites could outnumber whites here by 2020.

But Carter said he believes frustrated voters are more than ready for a change now.

"I wouldn't be getting in this race if I didn't think I was going to win," Carter said. "I'm still mad that I finished second in my law school class. I'm not in this to finish second. I think we have every opportunity to win."

Jason Carter, 38

Carter is a ninth-generation Georgian who received his undergraduate degree from Duke University and his law degree from the University of Georgia. A grandson of former President Jimmy Carter, he served in the Peace Corps in South Africa and later wrote a book about the country. He works for the litigation firm Bondurant, Mixson & Ellmore and was first elected to the state Senate in May 2010. He and his wife, Kate, have two young sons.

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Carter Grandson Enters Georgia Governor Race

By Cameron McWhirter

ATLANTA — Jason Carter, a grandson of former President Jimmy Carter, has announced he is seeking the Democratic nomination for Georgia governor in an effort to unseat incumbent Republican Nathan Deal next year.

Mr. Carter, a Democratic state senator from the Atlanta area, announced his candidacy in the Atlanta Journal-Constitution.
"We can't afford four more years of an economy that's not working for the middle class and an education system that's underfunded," he told the newspaper.

Mr. Deal, 71 years old and a former longtime congressman, was elected governor in 2010.

Brian Robinson, the governor's spokesman, had no comment on Mr. Carter's announcement.

Democrats dominated Georgia politics for generations, and the party produced powerful Washington leaders like Sen. Sam Nunn and Jimmy Carter, the state's only president and a former Georgia governor. But beginning in the 1990s, the GOP won race after race in the state, and many Democratic politicians, including Mr. Deal, switched their affiliation. Today Republicans dominate the legislature and hold every statewide office, as well as both U.S. Senate seats. But the state's demographics have been changing, with more black and Hispanic voters, who generally favor Democrats, moving here in recent years.

Georgia voters likely could have a sense of déjà vu when they see next year's ballot. Michelle Nunn, daughter of former Sen. Nunn, is the frontrunner for the Democratic nomination for U.S. Senate seat held now by Rep. Saxby Chambliss, who is retiring. Several candidates are vying for the GOP nomination.

Mr. Carter, 38-years-old, was born in Atlanta, grew up in the Chicago area and attended Duke University. After serving in the Peace Corps in South Africa, he attended law school at the University of Georgia Law School and became a lawyer in Atlanta. He did not hold elected office until he ran for state senate in 2010. Mr. Carter will need to raise a great deal of money to unseat Mr. Deal, whose campaign had more than $1.1 million by this summer, according to a report filed with the Georgia Government Transparency and Campaign Finance Commission. Mr. Carter's state senate filing for the same period reported $27,800.

In a quote on his new campaign website, Mr. Carter said: "If I've learned anything in my years of service, including my time working with Democrats and Republicans in the State Senate, it's that we can come together to solve problems and succeed."

Mr. Carter is a cousin of James Carter, the Carter grandson who gained time in the spotlight for leaking GOP presidential candidate Mitt Romney's remark that 47% of Americans would vote for Barack Obama because they were "dependent" on the government.
Brasseler USA Chairman, President and CEO Don L. Waters Inducted Into Savannah Business Hall of Fame

Written by Dentistry Today
Friday, 08 November 2013 14:54

SAVANNAH, Ga. — Brasseler USA Chairman, President and CEO Don L. Waters was officially inducted into the Savannah Business Hall of Fame at the 14th Annual Business Hall of Fame Gala, held on November 5, 2013 at the Savannah International Trade and Convention Center in Savannah, Ga.

Waters has shared his success in business with the community, serving in a range of key leadership positions across the state. He is an accomplished business leader, trained as an attorney and CPA who mentors aspiring entrepreneurs.

"Don Waters is an outstanding example of leadership to young people across the region," said Johnathon Barrett, vice president of Junior Achievement of Georgia. "He played a key role in helping us impact more than 14,000 students this year and consistently goes above and beyond to help students in the Savannah area."

At the Savannah Business Hall of Fame Gala, Waters was honored along with philanthropist and financial executive Curtis G. Anderson. The event also recognized the 2013 Educator of the Year, Denise Fisher of the Youth Challenge Academy; the 2013 John F. Hodges Volunteer of the Year, Cecilia Russo; and the Business Partnership of the Year, Georgia Power.

A graduate of Leadership Savannah, Waters has an extensive legacy of community involvement and was appointed by Governor Nathan Deal in March 2013 to represent the First Congressional District of Georgia as a member of the Board of Regents for the University System of Georgia. He also serves as chair of the finance committee and a member of the board of directors for the Georgia Regents University Health System and as a Trustee Emeritus for the University of Georgia Foundation.

Locally, he serves as the chairman of the board of trustees for Union Mission, Inc. and the Chatham County Hospital Authority. Over the years, he has served on boards for the United Way of the Coastal Empire, Savannah Economic Development Authority, Telfair Museums, Savannah Country Day School and Armstrong Atlantic State University Foundation.

Waters earned a J.D., cum laude, from the University of Georgia School of Law and a B.B.A. in Accounting, cum laude, from Armstrong Atlantic State University in Savannah.
Endurance for Charity, Support for Friends

Laura Raines | Special to the Daily Report

Daily Report

2013-11-08 00:00:08.0

Vivian Hoard doesn't consider herself an athlete. A tax controversy litigator at Taylor English Duma and mother of two, she's more comfortable sitting in the stands watching her daughter play soccer than sweating. Yet she has biked, hiked and run long distances to support friends who have battled cancer.

Last June, the Leukemia and Lymphoma Society honored her with a Triple Crown title for having participated in three different sports to raise money for the organization.

"I took my son and daughter to San Diego for the half-marathon I ran for my friend Lori Ann Haydu," said Hoard. "At the banquet afterward, we listened to physicians talk about how they used our donations. We heard about their latest research and advances. Then they put the names of the many runners on the two big screens. Only about 20 or 25 people had the designation Triple Crown, and my name was there. I think my kids were impressed that out of all those people, I had done three different events."

If you're not an athlete, how did you get into charity endurance events?

My mom was a lung cancer survivor twice, so I did a Live Strong bike ride of 40 miles for her. In 2007, the son of a business colleague developed lymphoma at age 11. My own son was not much older and I couldn't even imagine having to cope with something like that. I didn't know what to do to support him, so I decided to do a century [100 miles] bike ride sponsored by the Leukemia and Lymphoma Society and raise money in his honor.

Was that as difficult as it sounds?

Are you kidding? That race about killed me. But I received excellent training. When you sign up, they put you with a mentor who helps you. My mentor had ridden 30 centuries and she spent a lot of time with me and became a great friend.

Biking with a group is so much easier because the riders in front of you break the wind and you ride in their draft. I'll never be someone who pulls the peloton, but I do pretty well in the center of a group.

How do you train?

I trained on Saturday morning when my kids were sleeping and one night a week. Sometimes I did a short ride on Sunday afternoons. You start off riding 10-15 miles, and work up to 40 miles pretty quickly. You aim for doing 50- to 60-mile rides regularly, and you do 75 miles occasionally. If you can do 75, then you can do 100. You start training in the spring for a November race.
I enjoy it because you're outside, with a nice group of people, and now you're raising money for a good cause. I feel like I'm also being a role model for my kids, both physically and by giving back to my community.

What special equipment did you have to buy?

I bought a mountain bike, not the fanciest. It cost about $1,000, and then you need a helmet, padded seat, extra tires, shoes that can be clipped onto the pedals and a pump. There are all kinds of gadgets, but I just bought the basic gear. The important thing is that your bike be fitted to you. Go to a shop you trust to take the time. I'm short, so they had to take off the shock absorbers to make it fit, but they kept the tires the same circumference so that I could keep up with the group. If the fit is wrong, then your knees will start hurting.

What made you keep going after that first century?

A year after my first ride, a girl in my daughter's Brownie troop was diagnosed with lymphoma, so I did a second ride for her. Thankfully, both kids are now in remission. Then three years ago, my friend and fellow Atlanta attorney, Lori Ann Haydu, was diagnosed with acute myeloid leukemia (AML), a rare type of cancer with a low survival rate. We had been close friends for years and raised our children doing things together.

At about the same time, I was diagnosed with a form of asthma that manifests itself in coughing. I was nervous about managing a cough while clipped into a bike, so I signed up for an 18-mile hike in Yosemite. I could have done the entire 18 miles, but I had an asthma attack in front of the leader, so they restricted me to 13 miles. They tend to be more cautious when an event is in the wilderness.

Did you enjoy the hike?

Yes, it was up and down a lot of hills carrying a pack, but the scenery was beautiful. It's easier to train for hiking because it doesn't take as much time as biking. I can go over to Kennesaw Mountain and hike over both mountains (about 11 miles) in an afternoon.

What made you decide to run a half-marathon?

Lori Ann's first bone marrow transplant was successful, but then the cancer came back. By then my daughter was playing competition soccer and we were traveling to games most weekends. I couldn't fit a bike ride or hike into my schedule—the only event that worked was the half-marathon in San Diego last June. I hate to run and Lori knew that. By then she was at MD Anderson Cancer Center in Texas and I was able to amuse her with my training stories about ice baths. Running hurts!

How did you feel at the end of the race?

I felt exhilarated. I always feel like that after an event. I'm satisfied that I made it through and accomplished something. So many people knew and loved Lori and our Atlanta team raised more than $160,000 with that race. Overall the runners raised more than $4.5 million. That makes an impact.

Did your friend know?

Yes, but she died soon after that. She was only 50. We have got to figure out a cure for this disease!

Will you continue to do charity athletic events?

Yes, raising money for cancer research is my charity of choice. I can't bike right now because of my daughter's soccer, but I can run and hike. Someday I'll get back to biking. My goal is to do the century around Lake Tahoe. They say it's the world's most beautiful bike ride, but it's all mountains and it would take a lot to train for that.

Besides getting to be outside, I meet so many nice people training for these events. What's important, though, is that you're helping people. I like to help people. That was the reason I went into law.

What advice would you offer other nonathletes who want to start moving for a cause?

If I can do it, anybody can do it. It's more mental than physical; you have to be committed. Then it's a matter of stamina and stick-to-itiveness. You just put one foot in front of the other and you'll find you can do it.

Tell us your story. What's your passion? Tell us how you spend your nonbillable hours. Contact Mary Smith Judd at (404)419-2841 or mjudd@alm.com.
Your daily jolt: A Chamber-sponsored alternative to ALEC

By Greg Bluestein and Jim Galloway

One of the main generators of model legislation in Georgia and other red states has been the American Legislative...
Exchange Council, an organization sometimes criticized for its conservative social agenda.

An alternative has sprung up recently, and come January it will be chaired by Chris Clark, the president and CEO of the Georgia Chamber. The State Chambers Policy Center, an alliance of 23 state chambers, is bankrolled by the U.S. Chamber.

So there is a temptation to see it as part of the U.S. Chamber's current effort to separate itself from the excesses that can be found in tea party-driven politics.

The effort began about 14 months ago, the result of a series of meetings of chamber executives from various states, quietly conducted at hotels around Hartsfield-Jackson International Airport.

The new policy center grows out of the realization that, with Washington paralyzed, innovation is more likely to come from state legislatures.

"We're essentially all working on the same issues. There's just a shade of difference between what Alabama's working on when it comes to immigration, and what Georgia's working on," said Clark, who will remain head of the Georgia Chamber.

He continued:

"During the sequestration, it would have been virtually impossible for our team or anybody else to really take a deep look at the impact of that sequestration might be on Georgia - not just on the military, but in health care and other areas. This policy center was able to work with the Pew Center...

"We've asked them to track tax policy and regulatory reform. They're tracking different efforts on tort reform. They're tracking the states that have expanded Medicaid. They're providing us with information on states like Arkansas, which has a different model - so that we can have a better policy model and deeper understanding.

"It's really about taking some control and being proactive, but really just focusing on those issues that impact businesses, and not trying to get off track. There are other groups out there - like the ALEC model, or some of national associations. They tend to get into the social issues. We really stick to the issues that affect competitiveness and our businesses."

Clark said the group intends to be nonpartisan. Of ALEC, he said, "They've been a good partner, but they have a different direction and different funders."

We queried the Georgia Chamber head a bit more about his policy center's study of Medicaid expansion. Said Clark:

"We share [Governor Nathan] Deal's concerns about the long-term fiscal impact. We obviously don't want the financial burden of expansion to be on the backs of businesses. But we do feel, because of that, that it's incumbent on us to look at other models that are out there. And Arkansas just happens to have the newest model in the Southeast that folks are actually looking at seriously...."

***

State Rep. Alisha Thomas Morgan, D-Austell, sent out the following Twitter message this morning:

Attention guys!!!! I have a HUGE ANNOUNCEMENT coming!!! Date and time coming soon....

Given that one is not likely to use eight exclamation points to announce that one is staying put, we're betting that the charter school advocate intends to make a Democratic run for state school superintendent.

Democrats may actually fill out their ticket in 2014.

Todd Rehm of GaPundit reports that Nancy Jester, the former DeKalb County school board member, will announce her GOP candidacy for the same job on Monday, during a radio interview with Martha Zoller.

***

In the aftermath of state Sen. Jason Carter's announcement that he's running for governor, Republican incumbent Nathan Deal's campaign initially stuck to the line that the governor would focus on the economy and job creation. But spokesman Brian Robinson eventually gave a hint at one of the Deal camp's lines of attack.

He pointed to the governor's race in Virginia, where on Tuesday Republican Ken Cuccinelli turned what looked like a resounding defeat into a razor-thin loss by, in the closing days, pointing to President Barack Obama's healthcare overhaul.

Said Robinson:
"That's going to be a really tough burden for a Democrat to carry in 2014. We are standing up to the Obama Administration and we are saying if you're going to put Obamacare in place we need significant reforms that save taxpayers. We can't afford it."

Carter wouldn't disclose much of his health care policy in an interview. But he said he would focus on ensuring Georgia retains the taxpayer funds it puts into healthcare programs.

"Anybody who looks at it right now has to say that Obamacare is a mess," he said. "But I'm disappointed, from Georgia's perspective, that we have allowed Washington politics to blind us to what we can do as a state to make sure we get our tax dollars back."

***

In his interview prior to announcing his entry into the race for governor, state Sen. Jason Carter, D-Decatur, insisted that he was no sacrificial lamb.

"I wouldn't be getting in this race if I didn't think I was going to win," Carter said. "I'm still mad that I finished second in my law school class. I'm not in this to finish second."

Which led Jonathan Ringel at AT Law, the legal blog for the Fulton County Daily Report, to figure out who Carter lost to:

*Carter, an associate at Bondurant, Mixson & Elmore, graduated from the University of Georgia School of Law in 2004. The school's annual magazine notes that Noah P. Peeters received the "Jessie and Dan MacDougald Memorial Award for First Honor Graduate Class of 2004 and the Isaac Meinhard Award for Highest Academic Average Class of 2004."

Peeters is now senior vice president at Jamestown, the real estate investment and management company.

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Earlier today the Georgia GOP sent out a broadside against Better Georgia, the left-leaning guerilla operation, calling for an IRS investigation into the group's "budding romance" with Carter.

"Better Georgia, be it a well-funded attack arm of the Democratic Party or a wild pack of liberal activists, should come clean about their partisan behavior, funding sources, and expenditures," said Ryan Mahoney, spokesman for the Georgia Republican Party. "While entitled to their own misinformed, incoherent, and radical opinions, they must be held accountable and play by the same set of rules as everyone else.

We just received a response from Long, who says he's "flattered by the attention" and that his group operates in compliance with the law.

"We are non-partisan but have made no secret that we support progressive candidates who champion progressive values such as fully funding Georgia's schools," says Long.

***

The Republican side of the U.S. Senate race may be about to get a little louder. U.S. Rep. Paul Broun, R-Athens, has challenged his GOP rivals to accept an invitation to the Athens Jaycee's debate on Dec. 9 on the University of Georgia campus.

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It wasn't Thursday's Senate passage of a bill to prohibit job discrimination on the basis of sexual orientation that stung many social conservatives. According to Buzzfeed, it was the fact that only one Senate Republican - Dan Coats from Indiana -- spoke against the measure:

"The silence from the Senate Republican caucus stunned social conservatives, who have been arguing that the legislation, which provides workplace protections for gay, lesbian, bisexual, and transgender employees, will undermine religious liberty."

"I'm mystified and deeply disappointed, because there are profound constitutional issues at stake here," said the American Family Association's Bryan Fischer. "The entire First Amendment is being put up for auction by this bill and it's inexcusable that no Republican senators are willing to stand up and defend the Constitution."
Georgia attorney offers free wills for veterans, military personnel & heros

Georgia Family Law is an experienced law firm in Marietta offering veterans, military personnel, local heroes such as: police, firefighters and first responders a FREE Last Will & Testament, appointments are being scheduled as early as November 8, 2013.

A free professional service with no strings attached to all that have sacrificed and continue to sacrifice so much is now available. The Marietta firm will donate their services in an effort to give back to the community as well as to those who have sacrificed so much.

Stephen Worroll attorney and owner of Georgia Family Law is offering a FREE Will valued at $500 to above mentioned community members in an effort to give thanks for their service as well as to honor his father who was a WWII veteran and hero.

The goal is to legally document last wishes and avoid dealing with expensive probate issues that could arise in the future.

Georgia Family Law asks the all too often avoided question,

"Who will oversee final affairs after death?"
grateful we are!" Wollarr said when addressing the specified group.

This offers is valid for as many people as can be served during the hours of 10 am through 2 pm on Veteran's Day, so call to make your appoints early.

Contact the firm with questions via email Steve Worrall, the website, Facebook or call the office (770)425-6060, if get the voicemail please leave a message with your name, phone number and time you would like to come in on Veteran's Day.
Republican Doug Woodruff Launches Campaign For Georgia State House, District 2

Friday, November 08, 2013

Republican Doug Woodruff’s campaign for election as State Representative in Georgia’s House District 2 officially launched this week. House District 2 includes key portions of Catoosa, Walker and Whitfield Counties.

Rep. Jay Neal, R-LaFayette, is stepping down as the District 2 representative after receiving an appointment from Georgia Gov. Nathan Deal as executive director of the state’s Office of Transition, Support and Re-entry.

A special election will be held to fill the post.

Mr. Woodruff enters the race "with a longstanding commitment to serving his community and its citizens."

Doug Woodruff

"I have a unique insight into the challenges which face each of us on a daily basis. This is so because as a local attorney I represent the little guy and not big business," said Mr. Woodruff. "I look forward to this wonderful opportunity to make new friends and renew old friendships in District 2 while continuing my service to the local community in a new role as a representative for the people."

Mr. Woodruff, a long time conservative Republican, grew up in Center Grove near Rock Spring. He and his wife of 21 years, Terri (Waters) Woodruff, live in the Peavine/Burning Bush area. Ms. Woodruff is a masters-prepared pediatric nurse practitioner and leads the team of medical professionals in the Neonatal Intensive Care Unit at Hamilton Medical Center in Dalton.

The Woodruffs are members of the Rock Spring United Methodist Church where he has been the church pianist for most of the last 28 years. Mr. Woodruff, who has long been active in the leadership of his church, has chaired the board of trustees on multiple occasions and will assume the role of chairman of the finance committee this coming January.

Mr. Woodruff said his experience makes him the ideal candidate for those he represents. He said, "I am a patient and caring listener, a thoughtful decision maker and a zealous advocate. I look forward to the opportunity to employ these skills on behalf of the citizens of District 2."

Mr. Woodruff’s career as a public servant extends back to the 1980s when he served as a volunteer firefighter while he was in school. He continued his long standing commitment to public safety work by joining the Walker County Sheriff’s Department in 1990, first as a dispatcher and later as a deputy sheriff. In 1993 Mr. Woodruff moved to Athens, Ga., to attend the University of Georgia Law School, graduating in 1996. After admission to the state bar of Georgia he began his practice of law in LaFayette, later joining the district attorney’s office as an assistant district attorney.

Mr. Woodruff’s service in law enforcement and as an attorney has deepened his commitment to protect the interests and rights of the individual citizens of the community, it was stated.

Mr. Woodruff received a bachelor’s degree from Southern Adventist University, a master’s degree from the Academy of Music in Vienna, Austria, and his juris doctor degree from the
University of Georgia School of Law. In 2011, his peers elected him to the Board of Governors of the State Bar of Georgia, re-elected him in 2013, and he continues to serve on that governing body.

Terri and Doug Woodruff
Hall of Famers: Two of a kind

One was a child of the Depression, a kid who was raised in the wilds of Alaska.

The other was born here in Savannah, where he grew up delivering the morning and afternoon newspapers to working class families on East Anderson Street.

But both men, who came from opposite sides of the country, had several things in common that make them two of a kind - a strong work ethic, a passion to achieve and an obligation to give something back to the community called home.

Fortunately, that community is Savannah.

Last Tuesday, Savannah businessmen Curtis G. Anderson and Don L. Waters were inducted into the Savannah Business Hall of Fame at the Savannah International Trade and Convention Center.

Junior Achievement of the Georgia-Coastal Region, along with Colonial Group, hosted the 14th annual event, which recognizes people who have achieved success in their chosen fields and who have contributed to the lifeblood of Savannah and coastal Georgia.

These hall of famers help inspire about 14,000 youths in the area who are reached through Junior Achievement, an organization that teaches lessons about the relationship between business and social responsibilities, and how the two are entwined.

Indeed, the more successful a person is in life, the more opportunities to help improve lives with that success.

By that standard, Mr. Anderson and Mr. Waters were stellar choices for this annual honor.

Mr. Anderson owns Anderson Capital Corp., a privately held venture capital company. He and his wife, Libba, lived all over the world before Bob Jepson, a transplant to Savannah himself, convinced the couple to put down roots in the sandy soil on the Georgia coast. Mr. Anderson, who learned discipline in the Navy during the Vietnam War and financing in bank jobs in Asia and Chicago, took over the Kuhlman Co. at Mr. Jepson's insistence. In just six years under Mr. Anderson's leadership, a company worth about $30 million became a billion-dollar enterprise.

Mr. Anderson and his wife also focused on philanthropy, funding the construction of the Curtis and Elizabeth Anderson Cancer Institute at Memorial University Medical Center. In 2003, patients began receiving treatment in a new 27,500-square-foot building. Their generosity set the standard when the William and Ifath Hoskins Center for Biomedical Research opened at the institute. Countless patients have benefited.

While Mr. Anderson was learning banking and finance, Don Waters, fresh out of Savannah High School, was learning how to sell lamps at Kmart.

But thanks to a phone call from his father, he wound up at then-Armstrong State College, where he learned accounting. Then it was on to the University of Georgia School of Law. He finished his formal education by hitting the daily double - he passed the bar and CPA exam. The lawyer-accountant parlayed his skills into a successful law practice with HunterMaclean firm here and later, as chairman, president and CEO of Braselte USA, a Savannah-based company and leading manufacturer of dental instruments.

Indeed, when he handled the sale of this family-owned company to directors, he engineered it so it could not be sold again, thus insuring stability and livelihoods for those who followed.

Mr. Waters and his wife, Cindy, have never forgotten their roots. In his old neighborhood, he has contributed to the success of the Savannah Classical Academy, a K-12 charter school that will be expanding to the former St. Pius X campus.

He has been active in supporting Armstrong, his alma mater, and in serving the public on the Chatham County Hospital Authority, which helped Memorial refinance its debt. More recently, he was appointed to the Georgia Board of Regents, which oversees the state's institutions of higher learning. He's the first representative from Savannah on the board in a long time.

Mr. Anderson and Mr. Waters have been active in other civic and cultural organizations as well. Their remarkable drive, selfless spirit and commitment to improve Savannah's quality of life make them hall of famers. They earned last week's
honor. And this community's gratitude.
Within a few minutes of Representative Jay Neal being appointed to a position within the Georgia Department of Corrections, the speculation started on who would jump in to replace him. Charlie floated names like outgoing LaFayette Mayor Neal Florence and former Chickamauga City Councilman Steve Tarvin (who ran in 2009/2010 for Nathan Deal's vacated congressional seat and in 2012 for HD2 against then-incumbent Jay Neal).

Doug Woodruff, Catoosa County Republican Party chairman, has also jumped into the fray when he announced on Facebook this past Monday. There is also rumor that Eddie Upshaw of Walker County will also jump into the race as a Democrat. Steve Tarvin hasn’t “officially” announced, but is certainly making noise on Facebook about his possible/eventual run for the vacant seat. My understanding is that he’ll wait until the date of the special election is announced.

So, this morning Mayor Florence has made it official (his full press release is below the fold):

::UPDATED:: I have included Doug Woodruff’s presser below the fold as well.

**Former Mayor of LaFayette, Neal Florence Announces for State House**

**Will Continue Rep. Jay Neal’s Legacy of Responsible Leadership**

LaFayette, GA., November 6, 2013 – Mayor Neal Florence has served as Mayor of LaFayette for 23 years and today announced that he will be seeking the open seat in the Georgia House of Representatives. House District 2 includes portions of Walker and Catoosa, along with a handful of precincts in Whitfield County. The seat is vacant due to the recent appointment of Representative Jay Neal by Governor Nathan Deal as Executive Director of the state’s Office of Transition, Support and Re-entry.
“I had no plans to seek office following my retirement from the Mayor’s office” said Neal. “I’ve served this community for over two decades as Mayor and for over three decades as their pharmacist. I firmly believe we need a State Representative focused on serving the people and the community – someone who puts the people above their own interests. I’m not a career politician looking for my next political title, and I’ll put my record as a public servant and a successful small business owner up against anyone looking to run for this seat.”

While the date for the special election has yet to be set by the Governor, Neal Florence is hitting the ground running and looks forward to rolling out his plans to work to create jobs, improve government efficiency and better the local community.

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H. Neal Florence was born in Cedartown, Georgia in 1951. He graduated from The McCallie School in Chattanooga, TN in 1969. In 1973 Neal earned a B.S. degree in Chemistry and in 1976 a B.S degree in Pharmacy from the University of Georgia. He worked for Rhyne Brothers Pharmacy from 1976 till 1979 when he purchased Regal Pharmacy and started Medi Thrift Pharmacy which he operates with his wife, Carolyn, who is also a Pharmacist. The Florence’s have two sons, Dr. Mason Florence and Dr. Kevin Florence. Mason and his wife, Rachel M, have two children, Samuel and Caroline and Kevin and wife, Rachel H, have one son, Luke. They all reside in Athens, GA.

Professional Affiliations

Member GPhA: AIP and past Chairman of Governmental Affairs Committee
Past President of 7th District 1997-99
Member of N.W. Georgia Pharmacy Association
Member of National Association of Community Pharmacy

Civic and Community

Mayor of LaFayette since 1990
Member of Walker County Board of Health 2002 until now
Member of Walker County Development Authority
Bank of LaFayette Board of Directors since 2003
Past President of LaFayette Housing Authority until ecame Mayor in 1990.
Past President LaFayette Kiwanis Club 1987-1988
Past member of Northwest Georgia Technical College Board of Directors
Member LaFayette First Baptist Church
Deacon since 1996
Past member of Trustees
Past member of Finance Committee

Awards

In June 2004 Neal received the Bowl of Hygeia Award. This award is given to one Pharmacist in each state each year recognizing them for outstanding community serves and nominated by their state Pharmacy association. This is the most distinguished award a Pharmacist can receive from their fellow Pharmacists.

Here is Doug Woodruff’s presser:
Republican Doug Woodruff Launches Campaign for State House, District 2

ROCK SPRING, GA – Republican Doug Woodruff’s campaign for election as State Representative in Georgia’s House District 2 officially launched this week. House District 2 includes key portions of Catoosa, Walker and Whitfield Counties. Woodruff enters the race with a long standing commitment to serving his community and its citizens.

“I have a unique insight into the challenges which face each of us on a daily basis. This is so because as a local attorney I represent the little guy and not big business,” said Woodruff, who continued: “I look forward to this wonderful opportunity to make new friends and renew old friendships in District 2 while continuing my service to the local community in a new role as a Representative for the people.”

Doug Woodruff, a long time conservative Republican, grew up in Center Grove near Rock Spring. He and his wife of 21 years, Terri (Waters) Woodruff, live in the Pea Vine/Burning Bush area. Terri is a masters prepared Pediatric Nurse Practitioner and leads the team of medical professionals in the Neonatal Intensive Care Unit at Hamilton Medical Center in Dalton. Doug and Terri are members of the Rock Spring United Methodist Church where he has been the church pianist for most of the last 28 years. Doug, who has long been active in the leadership of his church, has chaired the Board of Trustees on multiple occasions and will assume the role of Chairman of the Finance Committee this coming January.

Woodruff’s vast array of experience makes him the ideal candidate for those he represents. “I am a patient and caring listener, a thoughtful decision maker and a zealous advocate. I look forward to the opportunity to employ these skills on behalf of the citizens of District 2,” said Woodruff.

Woodruff’s career as a public servant extends back to the 1980s when he served as a volunteer fire fighter while he was in school. He continued his long standing commitment to public safety work by joining the Walker County Sheriff’s Department in 1990, first as a dispatcher and later as a deputy sheriff. In 1993 Woodruff moved to Athens, Georgia to attend the University of Georgia Law School, graduating in 1996. After admission to the State Bar of Georgia Woodruff began his practice of law in Lafayette, later joining the District Attorney’s Office as an Assistant District Attorney. Woodruff’s service in law enforcement and as an attorney has deepened his commitment to protect the interests and rights of the individual citizens of our community.

Doug received a Bachelors Degree from Southern Adventist University, a Master’s Degree from the Academy of Music in Vienna, Austria, and his Juris Doctor degree from the University of Georgia School of Law. In 2011 Doug’s peers elected him to the Board of Governors of the State Bar of Georgia, reelected him in 2013 and he continues to serve on that governing body.

I speculate that a writ of election will be issued by Governor Nathan Deal after Representative Neal’s resignation goes into effect... which I would speculate would be November 15th since that is when the appointment is effective. It’s a tricky time since we have Thanksgiving the last week of November and Christmas less than a month after that. We might even see an election that goes into 2014, and the newly-minted Representative from the 2nd District may even miss that first month and possibly most of the 2nd month of the 2014 session depending on how things play out.
GLOBAL GEORGIA INITIATIVE

Human rights expert to speak on Muslim fundamentalism

By Stephanie E. Ackerstein
stephack@uga.edu

Karima Bennoune, an international human rights expert and University of California, Davis, School of Law professor, will discuss Muslim fundamentalism Nov. 14 at 4 p.m. at the Chapel. Open free to the public, the event is part of UGA’s Spotlight on the Arts festival.

Bennoune’s talk will be based on her recently published book Your Patwa Does Not Apply Here: Untold Stories From the Fight Against Muslim Fundamentalism. The book addresses resistance to fundamentalism through accounts of interviews of more than 280 people of Muslim heritage, many of whom have channeled their resistance through various forms of artistic expression. Bennoune conducted the interviews in Algeria, where she was born, and many other countries throughout the world.

This event is presented as part of the Jane and Harry Willson Center for Humanities and Arts’ Global Georgia Initiative. It is co-sponsored by the School of Law’s Dean Rusk Center, the Institute for African Studies and the law school’s Georgia Society for International and Comparative Law.
It's Not My Gun. It's "Free Speech."

The alarming rise of "open-carry" demonstrations.

By Dahlia Lithwick and Christian Turner

The latest skirmish in the fight between the First and Second Amendments arrived this past weekend with an incident in Dallas, Texas. A group of four women, members of a post-Sandy Hook group called Moms Demand Action for Gun Sense in America, found themselves trapped inside a restaurant when a group of demonstrators from Open Carry Texas decided to stage a little something-something in the parking lot. The 40-odd members of the Open Carry group knew the gun control group was meeting at the Blue Mesa Grill, so they moseyed over and unpacked their semi-automatic rifles. The protestors posed...
Open carry demonstrations: Is carrying a gun to a protest protected by... http://www.slate.com/articles/news_and_politics/jurisprudence/2013...

for photographs and waited for the four MDA members to finish their meeting, until, according to ThinkProgress, “the group moved to a nearby Hooters after approximately two hours.” Police made no arrests because, according to their spokeswoman, “there were no issues that we are aware of. Texas law does not prohibit the carrying of long guns.”

Whether the OCT members, including children, posed menacingly or lovingly with their military weapons remains in some dispute. Also in dispute is whether someone from MDA came out and interacted with the 40 gun-rights protestors (MDA says they did not and OCT is not certain). Undisputed is that the four women inside the restaurant were extremely frightened. Arguably, 40 people loitering in a suburban parking lot wielding shotguns, hunting rifles, AR-15s, and AK-47s can be intimidating.

MDA released a statement describing OCT as “gun bullies” who “disagree[d] with our goal of changing America’s gun laws and policies to protect our children and families.” Open Carry Texas sent MDA an email that read, “People are ‘getting used’ to seeing and being around guns and police have come to accept it and don’t even question us anymore. What we are doing is working and society is coming to view the sight of ‘military style rifles’ in public as just another normal thing. Isn’t that a good thing?”

Whether or not open-carry counterdemonstrations are a good thing, they are assuredly a thing. Opponents of gun control strap on weapons and parade around to prove that parading around with weapons is constitutional and that they have a First Amendment right to say so. They increasingly target other meetings for these demonstrations. Open-carry advocates demonstrated at an MDA event in Indianapolis last spring and at a Let’s Roll America event on the Texas capitol grounds last month. This goes beyond the open-carry demonstration at the site of John F. Kennedy’s assassination in Dallas or the open-carry protest at the Alamo in October. What we are seeing is new: These are demonstrations that target gun-control activists at their meetings and demonstrations that attempt to provoke the police into responding. By that definition they are expressive First Amendment activity. The question is whether that activity can and should be limited.

Writing at Forbes, Rick Ungar highlights one problem with the OCT argument: “While Texas permits licensed gun owners to carry concealed weapons, Texas does not permit the open carry of guns except for long guns that are not being used in a menacing way.” In other words, Texas permits the carrying of long guns in public. However the Texas penal code also provides, under its definition of disorderly conduct, that “a person commits an offense if he intentionally or knowingly ... displays a firearm or other deadly weapon in a public place in a manner calculated to alarm.”

But according to OCT, they are neither intentionally nor knowingly attempting to cause alarm.
Open carry demonstrations: Is carrying a gun to a protest protected by the First Amendment?

They argue that intimidation is not a problem because “we are very clear that our objective is to educate, not alarm. In other words, we are only KNOWINGLY and INTENTIONALLY engaging in conduct meant to raise awareness and educate.” In their view, what they are doing is pure speech. If bystanders opt to be alarmed by it, well, that’s their problem. As OCT says on its website, its main purpose is to communicate. They seek only to “educate Texans about their right to openly carry rifles and shotguns in a safe manner” and to “condition Texans to feel safe around law-abiding citizens that choose to carry them.” It’s like Schoolhouse Rock for the Charlton Heston contingent.

Of course, the argument itself is completely circular. OCT is clear about the fact that they may have to cause some alarm in the short term, in order to achieve their long-term objective of building an America in which suburban sidewalks teeming with semi-automatic weapons seem normal. But if we take them at face value, it’s clear the wearing of long guns here is not for protection or hunting, but is, in their view an expressive activity protected under the First Amendment.

The question is whether carrying a gun in a demonstration is the same kind of political speech as talking about gun rights is. We all know that even ordinary speech is usually open to interpretation. The messages carried by communicative acts are often even more difficult to pin down. Is the burning of an American flag an “inarticulate grunt or roar” communicating little more than hostility, as former Chief Justice William Rehnquist once put it, or is it “overtly political” speech expressing in the strongest terms opposition to Ronald Reagan’s renomination, as Justice William Brennan held? Burning a draft card could have stood for opposition to the Vietnam War generally, to involuntary service, or to the racial and economic unfairness of the Selective Service System. And what to make of a lead-footed dissident, getting the word out about oppressive speed-limit laws by hurtling down the nation’s highways at 100 miles per hour? Is that speech too?

If it communicates anything, carrying a gun in public tells bystanders that the carrier is prepared to kill someone. It may say more. It may not be intended to say that the carrier wants to kill someone or that the carrier will kill someone who is not a bad guy or that the carrier will use the gun even if confronted by a bad guy. (Although, as Duncan Black has pointed out, “[o]ne significant identifier of ‘the bad guy’ is that he’s the one with the gun.” That’s what seeing a gun openly in the hands of someone who is not a police officer has come to mean to many of us.)

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FOR IMMEDIATE RELEASE
Press Release: Law Student Closing Argument Competition
CONTACT: Lindsey LaForge, The Keenan Law Firm, 148 Nassau St. NW, Atlanta GA 30303; Phone: 404-523-2200, Email: llaforge@keenanlawfirm.com

Keenan's Kids Foundation Announces Winners of the 12th Annual Law Student Closing Argument Competition

Atlanta, GA – Nov. 12, 2013 – The Keenan’s Kids Foundation is proud to announce the 2013 winners of the 12th annual Law Student Closing Argument Competition. The competition, which was held Saturday, Nov. 9 in the Keenan Law Firm mock courtroom, was established in 1997 to show students the importance of children’s rights and to encourage them into this most needed area of the law. The event also stands as an opportunity for students to gain experience in a courtroom in front of a jury.

This year’s winners included:
- First place: Ella O’Kelley; Atlanta’s John Marshall Law School (2L)
- Second Place: Mary Hashemi; Savannah Law School (2L)
- Third Place: Ramika Gourdine; Georgia State University School of Law (3L)
- Fourth Place: Utophia Robinson; University of Georgia Law School (3L)

“Each and every one of the students who competed in this event did an outstanding job,” said Foundation founder Don C. Keenan. “Our final scores were very close and I am so impressed with the dedication and preparation the students took before giving their arguments. We saw some excellent feedback from the judges and I am confident this has made a lasting impression with all the participants.”

Students applied to compete from all six state law schools including the new Savannah Law School. This year, the Foundation received more than 50 applications, with only 22 students selected to give closing arguments. Monetary prizes were awarded to the top four competitors.

Since the competition’s inception in 1997, the foundation has sponsored twelve Closing Argument competitions for 2nd and 3rd year law students in Georgia. Each student is given 15 minutes to give their argument while being judged by a panel composed of members of the local media, experienced plaintiff and defense lawyers and parents of an injured child who has gone through the civil litigation process. This jury helps provide students with an excellent cross-section of life experiences and perspectives.

The Keenan Law Firm specializes in catastrophic child injury and death cases. The Keenan’s Kids Foundation, started by the firm in 1993 to raise awareness on child safety,
sponsors the competition to heighten the awareness of damage consideration to injured and maimed children.

***

Contact: Lindsey LaForge, llaforge@keenanlawfirm.com (404) 523-2200
Here's what's going on around Athens today, November 14:

EVENTS

**Nature Ramblers:** 8:30 a.m., State Botanical Garden of Georgia, 2450 S. Milledge Ave.; session will start with an inspirational reading by a nature writer followed by a walk with frequent stops to view plants, insects, butterflies, mushrooms and more; [www.botgarden.uga.edu](http://www.botgarden.uga.edu).

**Athens Area Newcomers Club:** 9:30 a.m., Central Presbyterian Church, 380 Alps Road; meets the second Thursday of each month; during programs guests will hear about the history, character, and future possibilities for the Athens area, learn about the achievements and interests of noteworthy community members, get information on events and civic, educational, and social groups and more; (706) 769-7401 or aanc284367.tripod.com.

**Karima Bennoune to speak on Muslim fundamentalism:**
4 p.m., Chapel, north campus, University of Georgia; a presentation by University of California, Davis, School of Law Professor Karima Bennoune, who is a former Amnesty International human rights lawyer and recently published the book "Your Fatwa Doesn't Apply Here: Untold Stories From the Fight Against Muslim Fundamentalism"; [www.law.uga.edu/news/19532](http://www.law.uga.edu/news/19532).

**Georgia Museum of Art,** 90 Carlton St.; (706) 542-4662 or [www.georgiamuseum.org](http://www.georgiamuseum.org):
What's going on today?

**Gallery Games:** 4:15 p.m.; an interactive gallery tour for children ages 7-11; free.

**Museum Mix:** 8 p.m.-midnight; a free, late-night art party with live music by DJ Quincy, free refreshments and access to all of the museum's galleries.

**Author visit with Bowen Craig:** 5:30 p.m., Winterville Library, 115 Marigold Lane, Winterville; Craig will read from his books, including his newest book scheduled to come out over the holidays titled, "Hitchhiking with Salmon"; a book signing and light refreshments will follow; (706) 742-7735 or www.athenslibrary.org/winterville.

**Nuci's Space Jam:** 7-10 p.m., Nuci's Space, 396 Oconee St.; featuring the bands Big Morgan with Randy Leake, Jonny & Shim, and Swamp; tickets are $5 each and can be pre-ordered by emailing nucispacejam@gmail.com.

**Disney's "Aladdin Jr." presented by Athens Creative Theatre:** 7:30 tonight through Saturday and at 2 p.m. Saturday and 3 p.m. Sunday, Morton Theatre, 195 W. Washington St.; $15 for adults, $12 for student, seniors, and children; discounted rates available for groups of 10 or more; www.athensclarkecounty.com/642/Athens-Creative-Theatre.

**PROGRAMS AND CLASSES**

**New moms support group:** 10:30 a.m. to 12:30 p.m., By Your Leave, 220 N. Milledge Ave.; www.facebook.com/ByYourLeave or (706) 352-2100.

**Athens-Clarke County Library**, 2025 Baxter St.; (706) 613-3650 or www.athenslibrary.org:
- **Baby Music Jam:** 10:30 a.m.; for children ages 1-3 and their caregivers; play instruments, sing and dance together.
- **National Novel Writing meet up for teens:** 4-6 p.m.; for teens ages 11 to 18; known to participants around the world as NaNoWriMo, a writing adventure where people of all ages crank out a 50,000 word novel in only 30 days; meets each Thursday in November; participants can bring laptops or use the library's computers to write.
- **Tween and Teen Lego Club:** 4:30-5:30 p.m.; create Lego art, enjoy Lego-based games and activities and continue work on long-term projects.
What's going on today?


that will be displayed in the teen area of the library upon completion; Legos provided; for ages 8-18.

Pre-K story time: 10:30-11:30 a.m., Winder Library, 189 Bellview St., Winder; fun stories, music and crafts; (770) 867-2762 or www.prlib.org/winder.

Mental Health, Developmental Disabilities and Addictive Diseases:
4-6 p.m., Veterans Park, 3500A Hog Mountain Road, Watkinsville; opportunity to talk about issues that affect you, your family and community regarding mental health, developmental disabilities and addictive diseases; Liz Dalton, the director of Development and Public Relations at Athens Technical College and the Host of LizTalk on FoxNews 1340 WGAU, will speak on “Mental Health and the Media”; the Georgia Department of Behavioral Health and Developmental Disabilities (DBHDD) will update people about support systems, community services and quality of life issues in the Athens area; (706) 202-3590 or www.oconeecounty.com.

SHOWS

The HoboHemians: 8 p.m., Hendershot’s Coffee Bar, 237 Prince Ave.; free; www.hendershotscoffee.com.

Tea Leaf Green, Thomas Wynn and the Believers: 8 p.m., Georgia Theatre, 215 N. Lumpkin St.; VIP tickets are $50; general admission $15; www.georgiatheatre.com.

“Carmen” presented by The UGA Opera Theatre: 8-10:30 p.m., Hugh Hodgson Concert Hall, UGA Performing Arts Center, 230 River Road; George Bizet’s tale of love and jealousy comes to life in a performance featuring the opera theatre, UGA Symphony Orchestra, University Chorus and Georgia Children’s Chorus; $18; $5 for students; www.music.uga.edu.

The Queers, Kingons, Burns Like Fire, Shehehe: Caledonia Lounge, 256 W. Clayton St.; $10; $12 for ages 18-20; www.caledonia lounge.com.
From: Lindsey LaForge [mailto:LLaForge@keenanlawfirm.com]
Sent: Thursday, November 14, 2013 10:42 AM
To: mharris@johnmarshall.edu; apalmer@alm.com; katherine.hinson@emory.edu; Tricia JONAS HACKLEMAN; 
frys_bb@law.mercer.edu; emegale@savannahlawschool.org; jmccune@savannahlawschool.org; 
guard_c@law.mercer.edu; karen.graham@foxtv.com; rsobelson@gsu.edu; bharris@gsu.edu
Subject: Law student Closing argument correction

I apologize for the e-mail but I wanted to correct a mis-statement I made in the last e-mail I sent you. The competition was sponsored by the Keenan’s Kids Foundation, not the law firm and it was a Closing argument competition not an oral argument competition. If you are sending out any press or related material please correct my mistake before publishing. Sorry again!\n
Sincerely,
Lindsey LaForge
Former prosecutor Maria Waters joins Johnson law firm

Submitted by Jan Skutch on Wed, 2013-11-13 12:15

Former prosecutor Maria Waters has joined Attorney Lester B. Johnson III and his law firm as an associate member.

She formerly was an assistant district attorney in Chatham and Athens-Clarke-Oconee counties and most recently with the U.S. Attorney’s office for the Southern District of Georgia.

She was graduated summa cum laude from Spelman College in 1996 and earned her law degree from the University of Georgia law school in 1999.

A native of Montezuma, Waters has strong connections to Savannah. She is the niece of educators Annette and Otis J. Brock II and cousin of Donna Brock and the late Otis J. Brock III.

She is also a past president of the Port City Bar Association, and has served on such boards as The Mediation Center, executive committee of the Savannah Bar Association, Junior League of Savannah and Chatham-Savannah Citizen Advocacy. She also has served on various State Bar of Georgia panels and task forces.

Average:

New Homes in Chandler, AZ
Savannah by Ashton Woods. Please Call For Pricing.

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Bank names three to board of directors

By Newsroom Staff

The Citizens Bank of Forsyth County announced the election of three new members — Jack Allen, Kevin Tallant and Scott Hansard — to its board of directors earlier this week.

"They have been very successful in their own businesses, they are well respected in the community and are men of integrity and high ethical standards," said Tim Perry, bank president and CEO.

Added chairman of the board Jimmy Myers: "We are confident that they will be an asset to our bank and will serve our shareholders well."

Allen has owned Ingram Funeral Home since 2004. He is a 1981 graduate of Appalachian State University in North Carolina and began his career after graduation in the family funeral business in Atlanta.

He and his wife, Julie, and their three children live in the north Forsyth area and attend Cumming First United Methodist Church.

Tallant is a founding partner of the local law firm Miles Patterson Hansford Tallant LLC. He is an undergraduate of the University of Georgia and received his law degree from the UGA School of Law.

He and his wife, Heather, and their two children live in Forsyth County and are members of Cumming First United Methodist Church.

Hansard is the owner of Hansard Insurance Agency Inc. in Cumming.

He started his insurance career in 1985, going to work for his family’s business after graduating from Forsyth County High School.

He and his wife, Jamie, reside in the Matt community of north Forsyth and attend Browns Bridge Community Church.
John Marshall 2L wins Keenan firm's oral argument contest

4:33 pm, November 13th, 2013

A second-year student at Atlanta's John Marshall Law School took top honors at an oral argument competition hosted by an Atlanta law firm on Saturday.

John Marshall’s Ella O’Kelley received the $2,000 first-place prize in the competition sponsored by the Keenan Kids Foundation, founded by Atlanta lawyer Don Keenan. Mary Hashemi, a 2L at Savannah Law School (a new branch of John Marshall), placed second; Georgia State University 3L Ramika Gourdine came in third; and University of Georgia 3L Utrophia Robinson received the fourth-place prize.

The 12th annual event took place at Keenan’s law office courtroom. Students were asked to make a 15-minute argument seeking damages for a catastrophically injured child. The competition was limited to second- and third-year law students from Georgia law schools, and only 22 of the more than 50 who applied were invited to make an argument. Plaintiffs' and defense lawyers, local media and parents who have litigated over their child’s injuries were invited to judge the competition. Prizes started at $250 for fourth place.

O’Kelley told the Daily Report in an email that she’s from Albany, N.Y., and came south to attend the University of South Carolina on a track scholarship. She said she aspired to advocate “for those who need a voice in our justice system,” particularly young people.

O’Kelley said her prize will go toward her tuition. “I was sweating thinking about how I was going to get this year paid for,” she said.

“Each and every one of the students who competed in this event did an outstanding job,” Keenan said in a press release. “Our final scores were very close and I am so impressed with the dedication and preparation the students took before giving their arguments. We saw some excellent feedback from the judges and I am confident this has made a lasting impression with all the participants.”
U.S. Rep. David Scott will be the keynote speaker for the 11th annual Martin Luther King Jr. Freedom Breakfast Jan. 17 at 7:30 a.m. in the Grand Hall of the Tate Student Center on the University of Georgia campus.

Sponsored by UGA, the Athens-Clarke County Unified Government and the Clarke County School District, the MLK Freedom Breakfast commemorates the life of the late civil rights leader. This year’s theme is “The Power of the Dream: Our Unmeasured Strength and our Unbounded Spirit.”

Along with Scott’s address, recipients of the President’s Fulfilling the Dream Award will be recognized at the event, which has averaged more than 600 attendees in recent years. The award highlights the work of local citizens who have made significant efforts to build bridges of unity and understanding as they strive to make King’s dream of equality and justice a reality.

Scott was elected to the U.S Congress in 2002. He is currently in his sixth term representing Georgia’s 13th Congressional District, which includes six counties around metro Atlanta: Cobb, Clayton, Douglas, Fayette, Fulton and Henry.

Scott serves on the Financial Services Committee, Agriculture Committee and the NATO Parliamentary Assembly. His work in Congress has led to the passage of several laws including student loan repayment assistance for law students who become public prosecutors and defenders. He helped add Father’s Day to the U.S. Flag Code as a day of special significance.
Scott sits on the board of the Dean Rusk Center for International Law and Policy at UGA. He is a member of Alpha Phi Alpha (Beta Nu), a Mason and a member of the 100 Black Men of Atlanta Inc. He received a “Trumpet Award” in 2008, the Urban League’s “Congressional Leadership Award” in 2010 and has been recognized by Georgia Trend magazine as one of the “100 Most Influential Georgians” in multiple years.

Scott received a bachelor’s degree from Florida A&M University in 1967. He received a Master of Business Administration degree from the Wharton School at the University of Pennsylvania in 1969.

Scott began his political career in 1972 by working on Andrew Young’s congressional campaign. In 1974, he was elected as a Georgia state representative, where he served from 1975 to 1982. As state representative, he authored laws on gun safety, including a law creating background checks for gun purchases. He also authored legislation to make it a felony to knowingly sell or provide a firearm to a child or minor and to hold parents and guardian responsible for keeping their firearms away from children. Scott worked to create PeachCare, the health insurance program for children.

In 1982, Scott was elected as a Georgia state senator, where he served from 1983 to 2002. In the Senate, he helped create laws on having a moment of silence for reflection or prayer in Georgia’s public schools, to limit and restrict landfills in residential neighborhoods and to provide sex education and AIDS prevention instruction in Georgia public schools.

Scott is married to Alfredia Aaron Scott. Their family includes two daughters, Dayna and Marcye; two grandchildren, Kimani and Kaylin; son-in-law Kwame; and brother-in-law Hank Aaron.

Tickets for the MLK Freedom Breakfast are $20 and $160 for tables of eight. Tickets will not be sold the day of the event. To order tickets, see http://diversity.uga.edu/.

http://onlineathens.com/uga/2013-11-13/us-rep-david-scott-speak-mlk...
Former prosecutor Maria Waters joins Johnson law firm

Former prosecutor J. Maria Waters has joined Attorney Lester B. Johnson III and his law firm as an associate member.

She formerly was an assistant district attorney in Chatham and Athens-Clarke-Oconee counties and most recently with the U.S. Attorney's office for the Southern District of Georgia.

She was graduated summa cum laude from Spelman College in 1996 and earned her law degree from the University of Georgia law school in 1999.

A native of Montezuma, Waters has strong connections to Savannah. She is the niece of educators Annette and Otis J. Brock II and cousin of Donna Brock and the late Otis J. Brock III.

She is also a past president of the Port City Bar Association, and has served on such boards of The Mediation Center, executive committee of the Savannah Bar Association, Junior League of Savannah and Chatham-Savannah Citizen Advocacy. She also has served on various State Bar of Georgia panels and task forces.

Average:
Jimmy Franklin is Bar President's New Choice for Disputed JQC Post

R. Robin McDonald
Daily Report
2013-11-13 00:00:11.0

State Bar President Charles "Buck" Ruffin said he will nominate Statesboro lawyer and former state bar president James "Jimmy" Franklin to the Judicial Qualifications Commission.

Franklin sits on the Judicial Nominating Commission, the panel that vets and recommends state judicial appointments to the governor. Ruffin told the Daily Report he expects Franklin to step down from the JNC in order to serve on the JQC, but Franklin said such a decision "would be premature."

"I don't know that there is any conflict or potential for conflict in serving in those two capacities," Franklin said. "They are totally distinct in their areas of responsibility." He added that he'll seek advice from the governor's office and the bar general counsel as to whether he can serve on both panels if he is named to the JQC.

Franklin also sits on a committee that advises U.S. Senators Johnny Isakson and Saxby Chambliss on federal judicial appointments. Franklin also said he sees no problem with continuing his advisory role to Chambliss and Isakson. The senators' committee, he said, "is not an official, statutory or constitutional position." JQC chairman Robert Ingram also is a member of the senators' committee.

Ruffin wasn't aware of Franklin's role in advising the senators but he deemed it a non-issue. "My attitude about that is, 'So what?'" Ruffin said. Franklin's senate advisory post "is irrelevant to whether a judge is disciplined at the state court level, and I have unquestioning confidence that he will be fair to everybody involved," he added. "Please don't make this as some effort to politicize the JQC."

Ruffin said he decided to nominate Franklin after a contentious quarterly meeting of the board of governors last week rejected his recommendation to appoint Graham Thorpe, an assistant U.S. attorney in Macon.

Ruffin noted that there is a history of the bar appointing its past presidents to the JQC. Franklin would replace Brunswick attorney James Durham, a former bar president whose term on the JQC expired Oct. 31. The bar's two other representatives, Ingram and vice chairman S. Lester Tate III, are also former bar presidents. The JQC's membership also includes two judges named by the state Supreme Court and two non-lawyers appointed by the governor.

"Typically, in the past, these appointments have been past presidents," Ruffin said. "Given the situation, I felt like the best thing to do was go back to the old model and to put a past president on the commission, and he [Franklin] has agreed to do it."
And, he added, "The southern part of the state just had to be represented."

Franklin was president of the State Bar for the 2001-2002 term and he is well-traveled in state bar circles. He is a trustee and former president of the Georgia Bar Foundation and a past member of the board of governors. Franklin is a plaintiffs lawyer at Franklin, Taulbee, Rushing, Snipes & Marsh, where he has been a partner since 1973. He is a 1964 graduate of the University of Georgia School of Law.

Ruffin's effort to appoint Thorpe was rebuffed when two members of the board of governors - Lawrenceville lawyer David Lipscomb and Rucker Smith, chief Superior Court judge of the Southwestern Circuit in Americus, questioned whether a prosecutor was an appropriate addition to the JQC.

Ruffin said he's still convinced that Thorpe "would have been perfect for this job." But the federal prosecutor "can't spend the next 60 days going around visiting every board of governors member in the state."

Lipscomb, who has represented judges in JQC investigations, told the Daily Report a prosecutor was "an inappropriate pick" for the JQC and he wanted the nomination debated. Ruffin had placed the nomination on the bar's consent calendar, which bypasses debate. The board tabled the nomination at Smith's request for consideration at its January meeting and a few days later Thorpe withdrew.

On Tuesday, Smith told the Daily Report that Franklin would be "an excellent choice" for the JQC. "When you have a body as powerful as the JQC, you want a known quantity," he said. Franklin is "one of the most respected members of our bar," he added. "He will certainly be a noncontroversial selection and should be easily confirmed."

Smith said he objected specifically to Thorpe because of the prosecutor's participation in a federal public corruption prosecution of Brooks Blitch III, the former chief Superior Court judge of the Alapaha Circuit. Smith said Blitch was not treated fairly and "The image exhibited by the prosecution in the Blitch case" was "not the image we want the JQC to have."

Blitch resigned his judicial post in June 2008 on the eve of a JQC ethics tribunal over allegations involving judicial misconduct, ex-parte contacts, unlawful sentence reductions for defendants and the illegal collection and distribution of court fees. A month later, Blitch was indicted by a federal grand jury on fraud and public corruption charges that mirrored the JQC allegations and that could have resulted in 20 years in prison. He pleaded guilty to one count of honest services fraud in 2009 in return for a probated sentence and fine.

His plea and conviction were set aside, without objection from prosecutors, in 2011 after the U.S. Supreme Court narrowed the scope of honest services fraud to cases where defendants had participated in a bribery or kickback scheme. Blitch and his lawyers said at the time that he never received any personal benefits as a result of the conduct that spawned the investigation, and he has since regained his law license.

Thorpe joined the U.S. attorney's office three months before Blitch was indicted and became part of the team that prosecuted him.

Smith has told the Daily Report it was the Blitch case and not his own disciplinary history with the JQC that prompted his objections to Thorpe.

Smith was privately reprimanded by the JQC in 2011 following his arrest on charges of driving under the influence of alcohol, speeding and driving with an open container of alcohol. A local prosecutor reduced those charges to reckless driving in return for the judge's guilty plea in a municipal court.

In 2006, the JQC investigated Smith after he was charged with three counts of misdemeanor battery following an argument with his girlfriend. The investigation was dropped after a jury acquitted Smith.
Augusta Is First Asian-American Judge Appointed To The Georgia Court of Appeals

Posted: Nov 13, 2013 6:17 PM EST
Updated: Nov 13, 2013 6:17 PM EST
By Nicole Snyder, WJBF Reporter - email

Augusta, GA - One Augustan is making waves of change in the courts in her home state of Georgia.

Carla McMillian had goals of becoming the first lawyer in her family, but she never thought she would become a judge. Now, she proudly stands as the first Asian-American judge on the Georgia Court of Appeals.

McMillian's grandparents immigrated to Augusta in the 1920's, shortly after the Chinese community originally came to the area in the late 1800's to build the Augusta Canal.

"The story is that they told their friends and family back in their villages in China about Augusta being a great place to grow up," said McMillian.

She is the eldest of three brothers and a sister...all were born and raised in Augusta. She is an alumna of Westminster School, Duke University, and the University of Georgia Law School.

She met her husband in law school, and began her practice in Atlanta. She never thought she would be a judge...until one day...

"What changed was I took a look at my 2 kids, they were pretty young at the time, I wanted to be able to tell them 20 years from now, what it was to serve the community and to take a risk," said McMillian.

She says her grandparents instilled acts of services as a high priority in her all her family.
"I'm really proud of the fact that I am the first Asian-American Court of Appeals Judge in the state, and I'm following the footsteps of my Aunt Margaret who was the first Asian-American or Chinese-American woman to graduate from the Medical College of Georgia," said McMillian.

She took her first place as Court Judge for Fayette County in 2010, and was honored when Governor Nathan Deal appointed her to State Court earlier this year.

"I do think that it's important for Georgians to see at all levels of the justice system that there is diversity on the bench and within our prosecutor ranks and public defenders, and our civil attorneys because it gives our public more confidence they are represented at all levels," said McMillian.

McMillan said as the first Asian-American Appellate Judge appointed in Georgia, she also wants to be the first Asian-American judge elected statewide.

She is already preparing for the statewide elections set for May 2014.
Emory public interest group honors three lawyers

12:45 pm, November 14th, 2013

The Emory Public Interest Committee (EPIC) has announced the names of three lawyers it will honor at a February event.

A student-founded organization aimed at promoting public interest law work, EPIC gives stipends to Emory University law students who take otherwise-unpaid summer public interest jobs. The annual awards ceremony, to take place at 7 p.m. on Feb. 4 at Emory School of Law’s Tull Auditorium, is the group’s largest fundraising event.

The upcoming event will honor:

- Anne Emanuel, a law professor emerita at Georgia State University College of Law and a 1975 graduate of Emory law school;
- Stan Jones, a health care and government relations partner at Nelson Mullins Riley & Scarborough and the founding president of a group to build housing in Atlanta for homeless people suffering from mental illness; and
- Rachel Epps Spears, who is the founding executive director of the Pro Bono Partnership of Atlanta and was featured in the Daily Report’s 2008 On the Rise issue.

Information on registering for the event can be found here. Questions may be directed to inspirationawards2014@gmail.com or Sue McAvoy, Emory Law’s public interest advisor, at (404) 727-5503 or smcavoy@law.emory.edu.

Contributor: Jonathan Ringel in Law schools, Pro Bono | subscribe to rss | share

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Welcome to ATLaw, the Daily Report’s new blog devoted to the Georgia law community. Get the latest news and updates from the Daily Report’s newsroom as we report from courthouses and law firms around the state.
Woodruff launches campaign for state House, District 2

Submitted by the candidate

Editor’s note: The special election to fill the vacancy in State House District 2 created by the resignation of Jay Neal of LaFayette, who is leaving for a position with the state Department of Corrections, is set for Jan. 7, 2014. Qualifying is Monday through Wednesday of next week. The election is nonpartisan with no party primaries. However, each candidate’s party affiliation, if any, will be listed on the ballot. A runoff election, if needed, will be on Feb. 4, 2014. According to www.peachpundit.com, LaFayette Mayor Neal Florence also plans to be a candidate.
ROCK SPRING — Republican Doug Woodruff’s campaign for election as state representative in Georgia’s House District 2 officially launched this week. House District 2 includes portions of Catoosa, Walker and Whitfield counties.

Woodruff enters the race with a longstanding commitment to serving his community and its citizens.

“I have a unique insight into the challenges which face each of us on a daily basis. This is so because as a local attorney I represent the little guy and not big business,” said Woodruff. “I look forward to this wonderful opportunity to make new friends and renew old friendships in District 2 while continuing my service to the local community in a new role as a representative for the people.”

Woodruff, a longtime conservative Republican, grew up in Center Grove near Rock Spring. He and his wife of 21 years, Terri (Waters) Woodruff, live in the Peavine/Burning Bush area. She is a master’s prepared pediatric nurse practitioner and leads the team of medical professionals in the Neonatal Intensive Care Unit at Hamilton Medical Center in Dalton.

The couple are members of Rock Spring United Methodist Church where he has been the church pianist for most of the last 28 years.

“I am a patient and caring listener, a thoughtful decision-maker and a zealous advocate. I look forward to the opportunity to employ these skills on behalf of the citizens of District 2,” said Woodruff.

Woodruff has served as a volunteer firefighter and with the Walker County Sheriff’s Office as a dispatcher and deputy sheriff. He is a graduate of the University of Georgia law school and has worked in private practice and as an assistant district attorney.

To learn more or to volunteer, visit www.facebook.com/woodruff4georgia, email Woodruff at campaign@dougwoodruff.com or call (706) 375-1566.

The last time before Wednesday that Army helicopter pilots James P. Hughes and Gary Moore saw each other was in the jungles as the Vietnam War raged around them.

November 14, 2013 2 Photos
Congratulations to Jordan on Ethics Panel Nod

Daily Report November 15, 2013


All Georgians will benefit from Mr. Jordan's service on the commission, also known as the State Ethics Commission, which administers and enforces the state laws related to ethics and transparency in government and campaign finance disclosure.

Mr. Jordan's acceptance of this new responsibility demonstrates his commitment to public service, which in turn helps fulfill the constitutional promise of justice for all. We wish him well in this position of statewide leadership.
Migration reasons often elude descendants

By Kenneth H. Thomas Jr.

The United States is known as a nation of immigrants, since everyone's ancestors — save the Native Americans — came from somewhere else.

Sunny Jane Morton has written a thought-provoking article, "Migration Melodies," in the October-November issue of Family Tree Magazine. She emphasizes that we often don't know what motivated our ancestors to migrate, yet we need to determine, if possible, a likely reason for their migration.

Many were motivated by wars or poverty, and in many cases someone went first and drew others to follow. Some were motivated by advertisements luring workers to factories and mines, or by government land giveaways. Local histories often provide ideas of what drew immigrants to that community.

It is important to account for every family member and their known associates, as they often can provide a clue in either direction. Always research the various waterways and trails and where they led, plus, of course, the railroads, which allowed access to new areas.

Morton's article is worth reading, and the many websites she suggests could help you figure out why your ancestors went where they did or where they came from. The magazine is at local bookstores, grocery stores and at www.familytreemagazine.com.

Speaker to discuss research journey

Michael Henderson will speak Dec. 7 at the Georgia Genealogical Society's holiday luncheon at the Georgia Archives. The gathering will begin at 10:30 a.m. and end at 2:30 p.m., and includes a business meeting, awards and lunch before he speaks.

Henderson, author of "Got Proof: My Genealogical Journey Through the Use of Documentation," will have copies for sale and signing. His talk on discovering North American ancestral connections deals with his ancestors in colonial Louisiana. He recently received the Afro-American Historical and Genealogical Society's Award for Excellence in African-American Historical Research.

Cost of the meeting and luncheon is $25 for members, $35 for nonmembers. Lunch is limited to 75 people. Reservations by mail must be postmarked by Nov. 26; the PayPal deadline is Dec. 1. Send to Georgia Genealogical Society, P.O. Box 550247, Atlanta, GA 30355-2747 or check www.gagensociety.org. Direct questions to Laura Carter at gagensocprograms@gmail.com or 706-369-9420.

Georgia codes and digests

Early Georgia legal codes and digests have been digitized and can be found on the University of Georgia Law Library's site, http://digitalcommons.law.uga.edu/ga_code. It's a great source for historians and genealogists.

Contact Kenneth H. Thomas Jr. at P.O. Box 901, Decatur, GA 30031 or www.gagensociety.org.

More News
In an effort to address housing needs for residents in Athens, Bethel Midtown Village, a University of Georgia environmental design class put pen to paper during a weekend workshop at Broad Street Studios Building 1 to explore various implementation avenues.

Professor Pratt Cassity’s Environmental Design Class has been analyzing multiple plans, layouts, function and future improvements for Bethel Midtown Village.

Preservation students, along with Professor Jared Bybee and his UGA law students, have been researching issues related to affordable housing and how improvements that are occurring in other developments can be applied to the area.

The class of mostly second-year graduate students assembled Friday, Saturday and Sunday to bring their ideas to the table and collaborate with one another and then present their findings to residents.

The goal of the class is to make Bethel more of a diverse, urban community.

“I think our guiding principal has been to avoid displacement of a population that has been so vital to downtown Athens,” Cassity said. “So we want to recognize the role that the community has played in keeping parts of Athens afloat, even when downtown Athens wasn’t so chic.”

Cassity said the class was broken into four separate groups - urban planning, landscape design, programming and structural design.

“Students are looking at its location, current assets, the fact that it’s on a bus line and close to downtown ... it has so many great assets, so we are trying to bring a bit of dignity to a development that in the past few years has suffered a bad reputation,” Cassity said. “The management firm has done a lot to address some of the social issues, so they are looking to us for suggestions about the physical issues.”

Cassity said it’s a partnership between the school and Bethel residents, but also is a collaborative effort with the management company, H.R. Russell.
The school held a community event in late October that allowed residents of Bethel to voice their opinions.

"It's a multi-stake holder ... project. Rather than coming up with a solution, we like to look at it as coming up with a menu of options," he said.

Center for Community Design and Preservation Coordinator Jennifer Lewis said the combination of teams along with residents input enables the plans to merge into one overall concept.

"Over the three days we have divided up into these teams and the leaders ... have been doing research over the entire semester, so they bring a lot more to the table and some initial ideas to get (the groups) going," Lewis said. "Then throughout the charrette ... residents and stakeholders come in and give us feedback. So it's a series of coming back together ... that helps to refine the ideas."

Cassity said some of the suggestions include better security, playground equipment and various general improvements to the property.

Adam Martin, a second-year student in the masters of historic preservation program, is heading-up the urban design team. He said his group has turned its focus to long-term development options.

"With that in mind, we do not want to kick the residents off the site; rather we are looking to redevelop to bring a more diverse population within the site," Martin said. "Our goal is to redesign the space so it's more livable, it's safer and it's more pleasing and connected to downtown."

Daniel Weldon is leading the landscape design efforts.

"We are working to incorporate some organic and natural solutions to make it a more hospitable environment for the residents," said Weldon. "We are looking to design a more inviting playscape for the children and ... the introduction of edible plants into the landscape, so it's a food source for the residents."

Another group led by Kit Candler is working to come-up with ideas to incorporate some short-term cosmetic changes to the village.

"To make the residents' quality of life better," said Candler. "Not structural changes necessarily, but rather physical changes to existing structures, which can be incorporated more quickly."

Those plans include a re-work of the existing balconies to make them more private and possibly incorporate flower boxes. Also, adding some color to them and possibly changing some of the signage to make it more visible.

The weekend effort is considered phase one in a three-tiered project.

"This group will produce a planning report that will then go before the stakeholders," said Cassity. "Then the stakeholder group will take the visions and decide what to do with them from there. After that, the plans move into the political and public arena."
Cassity said the report should be ready in about a month.

“We like to put our students in real-life situations and doing this, working with residents, talking about assets and liabilities ... this is the perfect way to prepare them,” he said.

Candler said that the residents of Bethel are looking ahead and seem to be on board, welcoming the idea of change.

“There is definitely a big sense of community there; a desire to build on it, change it.,” she said. “There is a desire to improve their quality of life.”

· Follow breaking news reporter Allie Jackson at www.facebook.com/AllieJacksonABH or www.twitter.com/Allie_ABH.
Former mayor shows his school spirit as UGA cheerleader

by Sally Litchfield
11.16.13 - 10:23 pm

Rah! Rah! Rah! In 1976, University of Georgia started the tradition of inviting alumni (not old) cheerleaders back to cheer on the field for the first half of the homecoming games.

On Nov. 9, former Mayor Bill Dunaway and Barbara Hagman Deriso represented Marietta in the group. Both Dunaway and Deriso graduated from Marietta High School in 1957 and cheered at UGA from 1958 to 1961. “Yep, I started cheering at UGA 55 years and 25 pounds ago,” Dunaway said.

With each UGA score, Dunaway did the required push-ups for each point. The bad news was that UGA did not have a good first half. The good news was that Dunaway only had to do 21 push-ups.

In 1973, alumni of the Redcoat Band started performing in a pre-game show. Dunaway also performed in 1973 and 1974 since he played in the then Dixie Redcoat Band from 1957-58 and the concert season in 1959.

On Nov. 7, Judge Greg Poole experienced an honor not many fathers enjoy. He administered the Attorney’s Oath to his son, Alan Gregory Poole Jr., in his courtroom in Cobb Superior Court. Poole Jr. is a 2013 graduate of the University of Georgia School of Law. He is an associate with Troutman Sanders in Atlanta. Several family members attended including Alan’s wife, Courtney, a third year law student at UGA; his mother, Julie Poole; and stepmother, Lucia Poole.

The “Back Side of Stone Mountain,” written and directed by Pete Borden of Cobb County, runs through Nov. 24 on Thursday, Friday, Saturday at 8 p.m. and Sundays at 3 p.m. at the Theatre at the Marietta Square. The spirit of Joe Bozeman, longtime resident of Perdition, leads the spirit of his grandson, Leroy Brown (a victim of the Vietnam War), on an odyssey to find Leroy’s roots and the heritage of his parents who lived in Perdition during the 1930’s and 1940’s. Come laugh, reminisce and maybe shed a tear for the passing of a simpler time and a relaxed way of life in rural America. The Theatre at the Marietta Square is at 11 Whitlock Ave., Marietta.

For tickets visit mariettaplayers.com/tickets.

Fashion spotlight of the week: Decked out in red and black showing their spirit — Bill Dunaway and Barbara Hagman Deriso — every dawg has its day!

Sally Litchfield is a longtime Marietta resident. She formerly practiced law in Marietta and now stays home to raise her two children. Send Sally news at
Jessica Lang and Matthew Simmons exchange vows


The bride graduated from The Maclay School in Tallahassee, Fla. She earned a bachelor's with distinction in 2003 from UNC-Chapel Hill, and then went to the University of Georgia School of Law.

She is an attorney and in-house counsel for The Alliance of Automobile Manufacturers.

The bride's parents are Alan and Laura Lang of Waynesville, her father and stepmother, and Deborah Frank of Tallahassee, Fla., her mother.

The bridegroom graduated from East Surry High School in 2000 and received a bachelor's from UNC-Chapel Hill.

He works at Pike Electric LLC as the region vice president.

His parents are Audie and Mary Faye Simmons of Mount Airy.

The bride was given in marriage by her father, Alan Lang.

The maid of honor Marisa Rosen of Orlando, Fla.

Rosemary Evans of Tallahassee was the matron of honor.

The bridesmaids were Sarah Alves of Washington, DC; Kimberly Sexton of Washington, DC; Margaret Wright of Washington, DC, and Megan Kiernan, stepsister of the bride, of Palm Beach Gardens, Fla., and Elizabeth Oscar of Tallahassee.

The best man was Audie Simmons, the father of the groom, of Mount Airy.

The groomsmen were Justin Simmons, brother of groom, of Mount Airy; Benjamin Barbee of Greensboro; John Paschal of Raleigh; Kelly Lang, brother of the bride, of San Diego, Calif., and Maximilian Lang, brother of the bride, of Nashville, Tenn.

The newlyweds will live in Winston-Salem.

The reception was held at the Goodwood Museum and Gardens in Tallahassee.

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WEEKLY READER
Book focuses on digital commerce, taxes

The term e-commerce—the use of computer networks to facilitate transactions involving the production, distribution, sale and delivery of goods and services in the marketplace—has grown from merely streamlining relations between consumer and business to a much more robust phenomenon embracing efficient business processes within a firm and between firms. Inevitably, the related taxation issues have grown, too.

"Taxing Global Digital Commerce"—written by Walter Hellerstein, UGA Distinguished Research Professor and Shackelford Distinguished Professor in Taxation Law in the School of Law, Arthur Cockfield, Rebecca Millar and Christophe Waerzeggers—includes a detailed and up-to-date analysis of VAT developments regarding e-commerce. The book also explores the implications of e-commerce for the federal, state and local sales and use tax regime.

The book discusses developments in Europe and the U.S. while enlarging its focus to include the tax treatment of e-commerce throughout the world.
Retired U.S. Supreme Court Justice John Paul Stevens delivered the keynote address at the Georgia Law Review conference Nov. 6.

Retired US Supreme Court justice discusses history, originalism

By Matt Chambers
mattdc@uga.edu

Retired U.S. Supreme Court Justice John Paul Stevens made an argument against relying too much on history to interpret laws as he spoke to an audience in the Chapel.

Stevens, the keynote speaker for the Nov. 6 “The Press and the Constitution 50 Years after New York Times v. Sullivan” conference, said originalism—the political theory that the original intent or meaning of the U.S. Constitution or laws should be used in judicial interpretations—relies heavily on history that may not be entirely accurate.

“History is, at best, an inexact bill of field of study,” he said. “Even the most qualified historians may interpret events differently.”

As an example, Stevens shared a memory of a 1939 childhood trip to Florida that included a stop in Atlanta. While in the state’s capital, Stevens and his family went to see the movie Gone With the Wind.

“As I remember, when ‘Dixie’ was played, the audience was deeply moved, and I was afraid to whisper lest my accent reveal I was from the North,” he quipped.

Stevens went on to explain he later found out his memory of the scene was not correct; it never actually happened in the movie.

If events can be recalled incorrectly or disputed, the intentions of legislators also cannot be relied upon, said Stevens, who was appointed to the high court in 1975 by President Gerald Ford.

Stevens argued that the original legislator’s “reason for a new rule” may not always work when justices have to make rulings in modern times. Stevens said that Brown v. Board of Education—a 1954 case in which the U.S. Supreme Court found racial segregation a violation of the Equal Protection Clause of the 14th Amendment—is one of the best cases against originalism.

“A study of the original intent of the 14th Amendment wouldn’t have shown an argument for desegregation,” Stevens said.

Stevens did say that he feels a study of what past leaders said can help inform justices, but it should not weigh on their judgment.

“I never object to the use of history,” he said. “I think it is not the correct standard to make a decision case after case. I certainly do not criticize anyone for studying the history of an issue to learn more about it.”

Stevens also said he didn’t feel the current U.S. Supreme Court is “dysfunctional” after one audience member asked his thoughts on the bench today.

“It has made a number of decisions I have thought were wrong, but the system is functioning,” he said.

Stevens also told an audience member he didn’t view a proposal to limit the terms of Supreme Court justices to 18 years as “a frivolous suggestion,” but that longer terms are more preferable.

“I do think that in the long run, allowing judges to serve as long as they are capable is in the country’s best interest,” said Stevens, who retired from the court in 2010 at age 90.

“Also, the other judges are able to let one another know when it’s time to leave,” he added jokingly.

Jan. 17 at 7:30 a.m. in the Grand Hall of the Tate Student Center

on the University of Georgia campus.

By Michelle Cook

U.S. Rep. David Scott will be the keynote speaker for the 11th annual Martin Luther King Jr. Freedom Breakfast.

Sponsored by UGA, the Athens-Clarke County Unified Government and the Clarke County School District, the MLK Freedom Breakfast commemorates the life of the late civil rights leader. This year’s theme is “The Power of the Dream: Our Unmeasured Strength and our Unbounded Spirit.”

Along with Scott’s address, recipients of the President’s Fulfilling the Dream Award will be recognized at the event, which has averaged more than 600 attendees in recent years. The event highlights the work of local citizen who have made
they strive to make King's dream of equality and justice a reality. Scott was elected to the U.S. Congress in 2002. He is currently in his sixth term representing Georgia's 13th Congressional District, which includes six counties around metro Atlanta: Cobb, Clayton, Douglas, Fayette, Fulton and Henry.

Scott serves on the Financial Services Committee, Agriculture Committee and the NATO Parliamentary Assembly. His work in Congress has led to the passage of several laws including student loan repayment assistance for law students who become public prosecutors and defenders. He helped add Father's Day to the U.S. Flag Code as a day of special significance.

Scott sits on the board of the Dean Rusk Center for International Law and Policy at UGA. He is a member of Alpha Phi Alpha (Beta Nu), a Mason and a member of the 100 Black Men of Atlanta Inc. He received a "Trumpet Award" in 2008, the Urban League's "Congressional Leadership Award" in 2010 and has been recognized by Georgia Trend magazine as one of the "100 Most Influential Georgians" in multiple years.

Scott received a bachelor's degree from Florida A&M University in 1967. He received a Master of Business Administration degree from the Wharton School at the University of Pennsylvania in 1969.

Scott began his political career in 1972 by working on Andrew Young's congressional campaign. In 1974, he was elected as a Georgia state representative, where he served from 1975 to 1982. As state representative, he authored laws on gun safety, including a law creating background checks for gun purchases. He also authored legislation to make it a felony to knowingly sell or provide a firearm to a child or minor and to hold parents and guardian responsible for keeping their firearms away from children. Scott worked to create PeachCare, the health insurance program for children.

In 1982, Scott was elected as a Georgia state senator, where he served from 1983 to 2002. In the Senate, he helped create laws on having a moment of silence for reflection or prayer in Georgia's public schools, to limit and restrict landfills in residential neighborhoods and to provide sex education and AIDS prevention instruction in Georgia public schools.

Scott is married to Alfredia Aaron Scott. Their family includes two daughters, Dayna and Marcy; two grandchildren, Kimani and Kaylin; son-in-law Kwame; and brother-in-law Hank Aaron.

Tickets for the MLK Freedom Breakfast are $20 and $160 for tables of eight. Tickets will not be sold the day of the event. To order tickets, click here.
Morehead's investiture as UGA president to be broadcast live this morning

By STAFF REPORTS NEWS@ONLINEATHENS.COM - updated Tuesday, November 19, 2013 - 11:10pm

The investiture of Jere W. Morehead as 22nd president of the University of Georgia, set for 10 a.m. today, will be broadcast live on Channel 15 of both the UGA and Charter cable systems. In addition, the investiture will be streamed live online at http://www.ctl.uga.edu/.

Morehead’s installation as president will include remarks from Gov. Nathan Deal, University System Chancellor Hank Huckaby and University System Board of Regents Chairman Dink NeSmith, as well as Athens-Clarke County Mayor Nancy Denson. U.S. District Court Chief Judge Julie E. Carnes will preside over the ceremony, and U.S. District Court Judge Steve C. Jones will bring the welcome.

Morehead served as UGA’s senior vice president for academic affairs and provost from 2010 until June 30 of this year. His previous positions at UGA include vice president for instruction, vice provost for academic affairs, associate provost and director of the Honors Program and acting executive director of legal affairs.

After receiving his juris doctor from the UGA School of Law, Morehead was an assistant U.S. attorney in the Department of Justice from 1980 to 1986. He is the first UGA alumnus to be named president since Fred Davison in 1967.
Former professor advised JFK before bringing wisdom to UGA

Jana French @janalynnfrench | Posted: Thursday, November 21, 2013 9:00 am

With the 50-year anniversary of former President John F. Kennedy’s assassination Friday, the University of Georgia will remember a man who helped Kennedy in times of distress in America before coming to UGA to teach international law.

Dean Rusk, the secretary of state during Kennedy’s and Johnson’s presidencies, left Capitol Hill after serving the second-longest term to become the Samuel H. Sibley Professor of International Law at UGA from 1970 to 1984, according to his biography from the U.S. Department of State Office of the Historian.

Before his arrival at UGA, he advised two presidents during a tumultuous time in United States history and wrote an article during his time with the Rockefeller Foundation that got him noticed by Kennedy, C. Donald Johnson, director for the Dean Rusk Center for International Law and Policy said.

He said Rusk wrote the article to advise the next president about foreign affairs. Kennedy read the article and was impressed. After he received a number of recommendations from “other people in Washington,” Kennedy decided to meet with Rusk.

“He was chosen to be secretary of state by Kennedy before they had even met,” Johnson said. “And then they met, and he offered him the job.”

While in office, his biggest contributions were advising Kennedy against armed action during the Cuban Missile Crisis, and helping with the Nuclear Test Ban Treaty between the United States and USSR, according to the New Georgia Encyclopedia.

“I think it was a significant event for the University of Georgia that Secretary Rusk returned to Georgia,” said Ron Ellington, a Gus Cleveland Distinguished Chair of Legal Ethics and Professionalism and Josiah Meigs Distinguished Teaching Professor Emeritus at UGA.

His former colleagues and students said Rusk’s advice and resources continued at his new job.

“I think that one thing that made him very different was, as a secretary of state at the time he was a secretary of state, there was a great deal of controversy about many of the decisions that were made,” said Dorinda Dallmeyer, director of the Environmental Ethics Certificate Program who worked at the Rusk Center as a law student, then continued to work there after graduating.

“He was very open in discussing his view on those, and when you look at most of the secretaries of state that have served after he was, I don’t know a single one of them who was as accessible as he was,” she said.

Johnson, who had class with Rusk and knew him through working as an article editor at the Georgia Journal of International and Comparative Law, said Rusk’s professorship attracted him to UGA.

“I was very interested in international law and one of the reasons I came to Georgia is because he was coming there,” Johnson said.

And while he was here, Rusk’s influence on Johnson was substantial.
“I consider Dean Rusk to be the most important mentor to me of any man other than my father,” he said.

Rusk’s experience in public office meant that his network followed him to UGA, which he used to bring in prominent keynote speakers and convince a former Harvard professor, Louis Sohn to become the first Woodruff Professor of International Law.

Johnson said Rusk and Sohn worked together in forming the United Nations.

“He was a great admirer of Mr. Rusk, and Mr. Rusk was really the key in bringing Dr. Sohn to Georgia,” Ellington said.

Though neither Ellington, Dallmeyer nor Johnson knew how much Rusk donated to UGA, Ellington and Johnson said he lived a modest lifestyle and donated any money he received for speaking at events to scholarships for students.

“He was really a public servant and avoided ever profiting personally from his service in government,” Ellington said. “It struck me then as a real telling point of his character that he didn’t believe he should profit personally from his serving in government.”

But one accolade he did enjoy, Dallmeyer said, was when a middle school in Canton was named after him.

“I think that was the most pleased I have ever seen him,” she said. “He was just thrilled to death. He was someone who just knew the value of education and I think that really pleased him that he was honored that way.”

Overall, Ellington and Johnson said Rusk had a hand in increasing notoriety for the international law program at UGA.

“I certainly think he helped raise the profile of the University and the emphasis on international law and international programs,” Ellington said.

Johnson agreed and also noted that Rusk advised UGA Professor Emeritus Gary Bertsch to form the Center for International Trade and Security at the School of Public and International Affairs.

“He had a very strong impact in the development of the international law program at the law school,” Johnson said.

Dallmeyer said, more than any amount of monetary contribution, the most important thing Rusk gave was his time.

“I remember at one point I thanked him for doing something for me and he said ‘Such as I have, I give unto thee,’” she said. “I think the most important thing he gave was his time and the fact that he was here.”
SCOTUS takes up prayer in public meetings

Emily Kopp @M8L8E8 | Posted: Friday, November 22, 2013 9:00 am

The separation of church and state is central to United States law, but where to draw the dividing line can be unclear.

American lawmakers have prayed before public meetings since the Constitutional Convention, said Randy Beck, the Justice Thomas O. Marshall Chair of Constitutional Law at the University of Georgia.

“The question is whether there is coercion, whether is a sort of forced endorsement,” when public officials always pray to a certain deity, and in the language of a certain religion.

The Supreme Court of the United States will rule soon on whether a city government in New York violated the Establishment Clause by opening their town board meetings with prayer almost exclusively Christian in nature.

The practice created an atmosphere in which the two plaintiffs, Jewish and atheist, “felt like second class citizens based on their views on the God question,” according to a Washington Post article written by an executive director of Americans United for Separation of Church and State.

“I think in part we’re seeing the effect of social changes,” Beck said. At the time of the Founding, colonists celebrated just a handful of religions, mostly Protestant. “Today there are dozens of important, powerful religious groups with a wide variety of theological premises.”

The Court heard oral arguments on Town of Greece v. Galloway on Nov. 6. The ruling will have a wide-reaching impact, but will not modify protocol in Athens.

The meeting of Athens-Clarke County commissioners has not convened a meeting with religious prayer since the city and country unified in 1990, said Clerk of Commission Jean Spratlin, who has worked with the commission for 40 years.

“We used to have a moment of quiet reflection,” Spratlin said, but even that tradition has faded away.

The ruling won’t alter county government, but procedure at the capitol building in Atlanta could change. The Georgia General Assembly, one of the largest statewide legislatures, often prays before calling session to order.

The UGA Student Government Association hosted “Dawgs Under the Dome” last spring, which allowed University of Georgia students to observe the state representatives and senators in session. The session on Feb. 14 that students attended included a prayer.
Ali Crook attended Dawgs Under the Dome with the UGA Young Democrats.

“I believe everyone is entitled to practicing their faith, but not during a limited time that should be dedicated to discussing and voting on legislation,” Crook wrote in an email. She pointed out state session only lasts for 40 days each year, and 2 hours each day. “I believe that a minute of quiet self reflections falls more in line with the Constitution of the United States.”

Attorney General for the state of Georgia Sam Olens joined a coalition of 23 attorneys general and the Obama administration in filing a friend-of-the-court brief supporting the town, according to a Fox Atlanta article.

For his part, Olens successfully fought a lawsuit in the 11th Circuit Court of Appeals as chair of the Cobb County Commission that sought to bar the commission from non-sectarian prayer.

The Supreme Court resists being a theological arbiter, deeming one kind of prayer acceptable but another type of prayer unacceptable, wrote Nathan S. Chapman, Assistant Professor with the UGA School of Law, in an email interview.

“What if the prayer is to the God of Abraham, Isaac, and Jacob? That covers three world religions, but not all of them,” he wrote. “What if it is ‘to whom it may concern’ or the conceptual equivalent — wouldn’t that offend religious people who believe in a particular god?”

That swelling of the highest Court’s authority concerns Justice Alito, Beck said. “Can you truly have non-sectarian prayer?

Chapman cautioned the Supreme Court rules unpredictably on cases involving religion, Chapman said the Court will probably decide in favor of the town, and of legislative prayer.
She's the Wheel Deal

Paul Shea | Special to the Daily Report

Daily Report
2013-11-22 00:00:07.0

She skates with the likes of Belle of the Brawl, Quadratic Abrasion and Harper Lethal. They call her Axtual Malice. Together they are Apocalypstix, one of seven cleverly named Atlanta Rollergirls teams, all part of the national Women's Flat Track Derby Association.

By day, Axtual Malice is Morgan Leigh Felts, a lawyer for the Georgia Department of Education. The Atlanta Rollergirls have bouts one night a month from February to September at the Yaarab Shrine Center on Ponce de Leon Avenue.

Yes, there are still jammers and blockers and plenty of hard-hitting action, but this is not the roller derby that was a popular TV phenomenon in the 1950s, '60s and '70s. For one thing, this is not—what's a nice way to put it?—scripted.

Felts, 28, attended Wesleyan College in Macon and graduated from the University of Georgia School of Law in 2010. On the Atlanta Rollergirls website she jokes that she got into roller derby because, "I was in law school and felt the need to hit people." She skated in a league in Athens and has been with the Atlanta Rollergirls since 2011.

When did you first hear about Atlanta Rollergirls?
Around 2008 or 2009; a friend took me to a bout and I was hooked.

What inspired you to try out?
I needed an outlet to channel my stress from law school. I actually started my skating career for the Classic City Rollergirls in Athens during my third year of law school. My best friend also had a part in talking me into it. I just completed my fourth season this month.

Can you explain how the league works?
Under the umbrella of Atlanta Rollergirls we have seven teams. There are four home teams—Denim Demons, Sake Tuyas, Toxic Shocks, and the Apocalypstix—that play one another throughout the season, culminating in a playoff bout and then a championship bout.

Then we have three interleague teams. They play other leagues. The Dirty South Derby Girls are like our A team. This is the team that competes through Women's Flat Track Derby Association—it's kind of like the NCAA for derby. The Rumble
Bs is our B team and the Jukes of Hazard is our C team. Most skaters play for both a home team and an interleague team.

What are your overall impressions of playing in the league?

I love it. It's great to be around this diverse group of women who share a love for the sport. We all come from different backgrounds, but that's also part of our success when it comes to running a business. We have lawyers, graphic designers, finance experts, etc. Between playing the sport itself and running the business successfully, it's a very empowering experience.

What do you mean by running a business?

Behind the scenes of what our spectators see on bout day is a lot of work. We have various committees to ensure that things get accomplished. Each committee is overseen by a Head of Skate and we also have a president and vice president that ensure all the cogs are working smoothly together.

The business committee makes sure that the bills get paid, collects dues, set a budget and makes sure we stick to it. The business committee also reviews all league contracts in coordination with our attorney. That's actually my job. I review the contracts and when necessary act as a liaison with our attorney.

The bout committee is in charge of all things bout related. They make sure the venue is set up, work with our volunteers, ensure that everything runs smoothly the day of, etc. There are actually several more committees, but you get the idea.

Are there other lawyers skating?

There used to be one other attorney skating but she recently moved away.

How did you come up with the name "Axtual Malice"?

When I started playing derby, I was in law school and taking Media Law. I wanted to combine my love of the law with my love for derby so I purposefully thought of legal sounding names. My name stems from "actual malice" in the Supreme Court case New York Times Co. v. Sullivan. My number is 1964 which is the year the Supreme Court decided the case.

What do your co-workers say about your Rollergirl activity?

My co-workers are super supportive.

Do they come to watch?

Yes! I have co-workers who are at almost every bout, which means a lot to me.

What has surprised you about being in the league?

How much of a family we are. I moved here not really knowing many people and this group of women became my family. Not only do we play derby together but we are a part of one another's lives: weddings, pregnancies, new jobs, and even the loss of loved ones.

It's not always sunshine and rainbows and we inevitably have disagreements, as most families do, but I think the way we handle those times speaks volumes. We put a lot of emphasis on respecting your fellow leaguemates.

Watching the videos on your website, this looks like a dangerous sport. Have you been hurt? Have you hurt anyone?

I have had some minor injuries—broken fingers and a knee injury. I've dislocated someone's shoulder and I felt awful about it. It's a full-contact sport and we are competitive on the track, but we do make safety a priority and we never want to see a fellow player injured. Sportsmanship is really emphasized.

Where do you buy your equipment?

Various places. My skates came from a skate shop in Seattle. I purchased my pads online and my wheels I usually get from East Coast Roller Sports in Winder.

How does the Atlanta league compare with the old TV roller derby action? Have you ever seen any of those old shows?

The game has changed quite a bit. The roller derby of the 1960s and 1970s that a lot of people remember was very different from today's sport. Forty or 50 years ago, nearly all derby players competed on banked tracks in a sport with very
different rules.

Although those women were truly extraordinary athletes, 1970s roller derby placed much more emphasis on entertainment, with skaters engaging in exaggerated hits and falls to excite their fans.

In today's roller derby there are new rules governing contact, and this has eliminated the elbowing, pushing and hits with the hands that you'd commonly see in the 1970s.

Today's roller derby is now most commonly played on a flat track and it is intensely competitive and thus not staged. Every block, fall and hit you see is real, delivered by a skater because she wants to win.

So while fans will still see take-out hits, today's bouts are won and lost through strategy, teamwork and finesse.

Tell us your story: What's your passion? Tell us how you spend your nonbillable hours. Contact Mary Smith Judd at (404)419-2841 or mjudd@alm.com.
First Niagara Financial Group named Alexander Gress senior vice president and treasurer. Gress, a Buffalo native, was previously with J.E.N. Advisory, a private investment and advisory company he formed in Toronto. He graduated from Fordham University. First Niagara's previous treasurer, Jeffrey Maddigan, remains the Buffalo-based bank's chief investment officer.

Audubon Women's Medical Associates appointed Allison Raffaele a practice manager. Raffaele was a practice manager at Kaleida Health. She holds a master's degree from Cambridge College.

Freed Maxick CPAs appointed Joseph Volpe chief financial officer. Volpe, a CPA, began his career with the firm in its earlier years as Freed Maxick Sachs & Murphy. He is a graduate of Canisius College.

Olean General Hospital named Dr. Jane A. Ogembo to the dental team at the Delevan Health Center in Delevan. Ogembo was dental director of Unity Community Health Center in Storm Lake, Iowa. She earned her doctor of dental surgery from New York University.

The Buffalo Niagara Partnership appointed Dan Leonard director of regional development and Liz Cahalan manager of workforce development. Leonard, a graduate from Canisius College and the University at Buffalo, was an urban planner at Peter J. Smith & Company. Cahalan serves as chair of one of BN360's strategic partners, B Team. She graduated from SUNY Purchase College.

UBMD Internal Medicine welcomed Dr. Umesh Sharma to its cardiology team. Sharma was with Massachusetts General Hospital and Harvard Medical School in Boston. He graduated from Tribhuvan University, Institute of Medicine, Kathmandu, Nepal and obtained his master's degree from the University of London, England and his doctorates from the University of Maastricht, The Netherlands.

CCS Oncology has hired Dr. Ronald Kossow as a board-certified radiation oncologist. Kossow was at West Penn Allegheny Health System in Pittsburgh and clinical assistant professor at Drexel University College of Medicine. He holds a medical degree from New York Medical College in Valhalla. Universa Healthcare’s parent company, Rochester-based Excellus Health Plan, appointed Timothy Quinlivan vice president, managing senior deputy general counsel. Quinlivan, of Hamburg, is a graduate of Boston College, Albany Law School and received an LL.M in health law from DePaul University College of Law.

HoganWillig Attorneys at Law named Brett D. Tokarczyk, Jason J. Wawro and Denetra D. Roberts associates. Tokarczyk earned a bachelor's degree from the University of Rochester and a J.D. from University of Georgia School of Law. Wawro is a graduate of Alfred University and received his J.D. from University at Buffalo School of Law. Roberts earned her bachelor's degree from University at Albany and a J.D. from the University at Buffalo School of Law.

Windsong Radiology Group named Gerald Nannen executive director of business operations. Nannen most recently was the executive director for Buffalo Spine and Sports, and was previously vice president of operations for Life Time Health in Buffalo. He graduated from John Carroll University, and received his MBA from Saint Bonaventure University.

The Buffalo Bisons promoted Victoria Rebrmann to merchandise coordinator. Most recently, Rebrmann was a ticket sales representative. She earned both a bachelor's and master's degree from Canisius College. Also, the organization promoted Ashley Beamish to creative services and website marketing coordinator. Beamish earned a bachelor's degree from Seton Hall University in 2012 and also worked with the New Jersey Devils and the WNY Flash. Mount St. Mary Academy appointed Ashley Allen to its board of directors. Allen, a CPA who graduated from Geneseo State College, has been with Lumsden McCormick since 2007.
Bulldogs hand over offense to Mason

With Aaron Murray’s college career over following a torn ACL, the Bulldogs will turn to Hutson Mason to run the offense.

Atlantic teams dumping sports venues quicker than elsewhere in U.S.

The Georgia Dome will be 25 years old. Turner Field will be 20 (21 if you count its origin as Centennial Olympic Stadium). Their joint demise will mark the acceleration of a trend that has turned sports stadiums, once ageless structures, into buildings that sometimes don’t last as long as a home mortgage.

Stadiums continued on A6

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JUDICIAL VACANCIES

White House judge deal draws objections

Ga. Dems, civil rights groups note limited diversity among nominees; staffing hits ‘emergency’ levels.

By Daniel Malloy

dmalloy@ajc.com

and Bill Rankin
brankin@ajc.com

WASHINGTON – Georgia Democrats and civil rights groups are trying to scuttle a deal among the state’s two Republican senators and the White House to fill five long-running federal judicial vacancies, because only one candidate is a minority.

U.S. Rep. John Lewis said the issue is important enough to take to President Barack Obama himself.

The Atlanta Democrat and civil rights icon said he will use “all means” of leverage. “If I get a chance to speak with (Obama), I will,” he said.

The nominee standoff has dragged on for years, and the federal court system has declared four of Georgia’s vacancies “judicial emergencies” because of the length of the vacancy and the court workload.

The dispute does not directly relate to Senate Democrats’ decision last week to change filibuster rules so they could confirm most Obama nominees more easily, but the political fallout from that “nuclear option” also could imperil the deal.

Judges continued on A5

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I absolutely love this neighborhood.

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I’m better from elsewhere than I am behind the bar.

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Two vacancies on the Atlanta-based 11th Circuit Court of Appeals, which hears cases from Georgia, Alabama and Florida, would be filled by Atlanta attorney Jill Pryor and U.S. District Court Chief Judge Julie Carnes.

Pryor, 53, is a partner at Bondurant, Mixson & Elmore and a past president of the Georgia Association for Women Lawyers. A former prosecutor, Carnes, 62, was nominated to her post by President George H.W. Bush in 1991.

Carnes' move would create a total of four vacancies on the Northern District of Georgia bench, to be filled by Atlanta personal injury attorney Leigh Martin May, Dekalb County State Court Judge Eleanor Ross, Georgia Court of Appeals Judge Michael Boggs and Atlanta lawyer Mark Cohen.

Pryor has been formally nominated by the White House, while the rest are still going through the vetting process and have not been announced. Only Ross, who is African-American, is a minority.

Months of negotiations produced the set of potential nominees, but when the names were published in September in the Daily Report, a Fulton County legal publication, Georgia's five Democratic Congressmen were up in arms. The White House had asked them to help come up with candidates for vacancies at the start of Obama's first term, but they were shut out of the deal with the senators.

The House members met with outgoing White House counsel Kathryn Ruemmler last month to air their grievances.

"I think they heard our concerns," said U.S. Rep. Hank Johnson, a DeKalb County Democrat. "There will be a new council expected next year and presumably there could be a fresh look at the nomination process."

Meanwhile, members of Atlanta's civil rights community became increasingly vocal in their insistence that of the federal courts should reflect the populations they oversee.

The African-American population in Georgia is 34 percent, more than double the national average of 13 percent. Blacks comprise 26.5 percent of Alabama's population and almost 17 percent of Florida's.

Nine seats on the 11th Circuit bench in Atlanta have only one African-American judge, Charles Wilson, and one Colburn-born judge, Abdulhadi Jordan, of Miami.

The U.S. District Court bench in Atlanta has only one African-American judge, Charles Wilson, one Colburn-born judge, Abdulhadi Jordan, of Miami, and one Colburn-born judge, Abdulhadi Jordan, of Miami.

The federal court headquartered in Macon has only one African-American judge in its history. The bench in Savannah has had none.

Stephen Bright, president of the Southern Center for Human Rights in Atlanta, bemoaned the Obama administration's failure to put more African-American judges on the federal bench in Georgia.

"The lack of racial diversity in the administration's appointments is absolutely inexcusable," Bright said. "The courts do not have adequate leadership in the military, and the number of African-American judges on the federal bench in Georgia is inexcusable."

The U.S. Circuit Court of Appeals in Atlanta has only one African-American judge, Charles Wilson, and one Colburn-born judge, Abdulhadi Jordan, of Miami. The 11th Circuit Court bench in Atlanta has only one African-American judge, Charles Wilson, and one Colburn-born judge, Abdulhadi Jordan, of Miami.

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The U.S. Circuit Court of Appeals in Atlanta has only one African-American judge, Charles Wilson, and one Colburn-born judge, Abdulhadi Jordan, of Miami. The 11th Circuit Court bench in Atlanta has only one African-American judge, Charles Wilson, and one Colburn-born judge, Abdulhadi Jordan, of Miami.

The federal court headquartered in Macon has only one African-American judge in its history. The bench in Savannah has had none.

Stephen Bright, president of the Southern Center for Human Rights in Atlanta, bemoaned the Obama administration's failure to put more African-American judges on the federal bench in Georgia.

"The lack of racial diversity in the administration's appointments is absolutely inexcusable," Bright said. "The courts do not have adequate leadership in the military, and the number of African-American judges on the federal bench in Georgia is inexcusable."

Both are white.

State Sen. Vincent Fort, D-Atlanta, said Boggs' and Cohen's records are particularly troubling. When he was in the state Senate, Boggs voted to keep the old Georgia state flag, which included a Confederate flag.

The White House had faced a premium on finding African-American women for the posts, and Obama now has three U.S. Magistrate judge Linda Walker and federal public defender Natasha Perdue Silas for a pair of district court openings at the beginning of 2011. Georgia Republican Sens. Johnny Isakson and Saxby Chambliss, both managed to have the right kind of impact said they would have on minorities.

"This would just make the already bad court of public opinion, in the civil rights perspective even worse," Fort said.

Josh Belinfante, former executive counsel to Republican Gov. Sonny Perdue, defended the slate as "a very good compromise."

The flag vote did not cause a stir when Boggs was elevated to the state Court of Appeals.

Boggs was instrumental in last year's passage of a criminal-justice reform legislation, which allowed Georgia to push more nonviolent offenders away from prison. It also gave judges more discretion to depart from some of the state's strict mandatory minimum-sentencing laws.

Cohen, who once served as Gov. Zell Miller's chief of staff, defended Georgia's voter ID law at the request of Democratic Attorney General Thurburt Baker.

"It's a shame that they have the right kind of impact said they would have on minorities," Belinfante said.

Isakson, Chambliss and the White House declined to comment until nominations are official. Foes are vowing to keep the pressure on to thwart the expected picks.

"This is a situation where Congressmen have in particular is in favor of up and speak to the president and make his voice known on this," Fort said. "You can't rely on hope. Hope is not a plan."

"I think we can do better," said Georgia's longest-serving member of Congress. "The makeup of the judiciary should reflect all of the people."