Seattle University School of Law is committed to social justice.

Our Legal Writing Program is ranked No. 1, and our externship and clinical programs give you real world experience.

Join our diverse student body and we'll help you become a leader for a more just and humane world.

Learn more about us at www.law.seattleu.edu.

The City University of New York

CUNY SCHOOL OF LAW

Law in the Service of Human Needs

A Leader in Public Interest Law

- Minutes from Manhattan
- Professors with Real World Experience
- Engaged, Experiential Learning

Join the next generation of public interest lawyers.

Call 718-340-4210 or visit us at WWW.LAW.CUNY.EDU

WHAT SKILLS DO PUBLIC INTEREST LAWYERS NEED?

The daily activities vary with the sector of practice with much of their time spent counseling clients.

“Strong communication skills and the ability to empathize with clients are two skills that are tremendously important to public interest lawyers,” Crowder said. “A public interest lawyer’s clients come from diverse backgrounds and, among other challenges, may have varying levels of education, familiarity with legal systems or comprehension of the English language. Whether it is the fear of losing a home through foreclosure or anxiety about starting a new business, lawyers have to be able to understand their clients’ goals and the motivations behind their actions so that those goals and motivations can be effectively communicated to someone else.”

A public interest attorney also needs patience and the ability to cope with a crisis.

“Generally, students with a passion for helping the disenfranchised or powerless will enter a career in public interest law,” said Russell Jones, professor and vice chancellor for academic affairs at Southern University Law Center.
HOW TO GET STARTED IN PUBLIC INTEREST LAW

"There are several public interest law firms, non-profit organizations and governmental entities that can give students a start in the field," Jones said.

Crowder agrees there are a variety of unique entrance points into the profession.

"Three effective methods of entry are volunteering, networking and research," she said. "A student who wants to represent individuals in litigation matters might volunteer with the local legal aid office. Volunteering does not have to be limited to providing pro bono legal services. Finally, public interest law positions are incredibly competitive, and it is important to study hard and earn good grades."

Jones said several law schools provide summer stipends to students who are interested in public interest law.

"The summer arrangements give students a better insight of public interest job opportunities and what are the requirements for a public interest lawyer," he said.

HOW TO CHOOSE A LAW SCHOOL

Crowder said there are several things a student can look for in a law school: certificate programs in public interest, clinical programs, the school's reputation, commitment and job placement success.

Yan Li chose Santa Clara University School of Law because of its focus on international law, but became interested in public interest law after attending lectures and events on the subject.

"Earning money was very important for me, but I decided to become a lawyer because I wanted to help people," said Li, a third-year student pursuing a certificate in public interest law. "It wasn't until I attended our school that I realized that they can be achieved at the same time."

What's really important, she said, is to know exactly what you want to do as an attorney.

"There are so many different areas of law that can be 'public interest,'" she said. "The earlier you can narrow down your interest, the more classes you can take that match it."

Li toured Santa Clara's certificate program and its public interest-related courses, events and seminars as prominent factors in stoking her interest. She strongly recommended working with real clients while in school in order to foster growth.
Unlike any other branch of law, criminal law is the practice of representing persons accused of crimes. More specifically, criminal law involves handling cases involving federal and state statutes as well as city ordinances that define the criminal code. Criminal defense attorneys may work for the federal, state or local government or for private law firms. Defense attorneys serve their client's best interest and have no requirement to present evidence or call witnesses in defense of their case since the burden of proof is on the prosecution.

There are numerous types of crimes handled by prosecutors, criminal defense attorneys and public defenders. The crimes include crimes against people, drug crimes, organized crime, economic crimes and public corruption.

**What Skills Do Criminal Lawyers Need?**

"As with any other litigators, criminal defense attorneys must have good writing and trial advocacy skills," Chinn said. "But...}

---

### School Name

<table>
<thead>
<tr>
<th>School Name</th>
<th>Certificate</th>
<th>Clinic</th>
<th>Externship</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albany Law School</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Atlanta's John Marshall Law School</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Baylor University School of Law</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brooklyn Law School</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>California Western School of Law</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capital University</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cardozo School of Law</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cleveland-Marshall College of Law</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Creighton University</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DePaul University</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drake University</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Duke University</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emory University</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Florida Coastal</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Florida State</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>George Washington University</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Georgia State University</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Golden Gate University</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hamline University</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotchkiss University</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indiana University — Bloomington</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lewis &amp; Clark Law School</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Louisiana State University</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Loyola Law School, Los Angeles</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Loyola University Chicago</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marquette University</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>McGovern School of Law</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Michigan State University</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New England Law I Boston</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New York Law School</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New York University</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>North Carolina Central University</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northeastern University</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northern Illinois University</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Notre Dame</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ohio Northern University</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pace Law School</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Penn State University</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pepperdine University</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regent University</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Roger Williams University</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Saint Louis University</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Santa Clara University</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Seattle University</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**KEY:** Each of the law schools offer course offerings and academic counseling that are significant enough to provide students with a solid education in the specialty.

**A Certificate** is an official designation on the diploma that the student can earn.

**A Center** is a grant-supported program with exclusive resources for the study of the subject matter.

**A Clinic** is a professor-directed program where students can gain hands-on legal experience.

**An Externship** is a school-organized opportunity to work in the field.

**WHAT SKILLS DO CRIMINAL LAWYERS NEED?**

"As with any other litigators, criminal defense attorneys must have good writing and trial advocacy skills," Chinn said. "But..."
more importantly, passion and people skills are seen in the best criminal lawyers. You have to have passion to practice criminal law because everything you do impacts the criminal justice system and public policy."

Criminal law attorneys need excellent communication skills, the ability to read and analyze vast quantities of information and sophisticated negotiation skills.

"People skills are important because you will meet face-to-face with your client (or in the district attorney's case, the victim)," Chinn said. "You will get close to that person and know every personal thing about their lives. There is often a personal investment in each case."

Trials are only a small part of the picture in the field of criminal law. With most matters resolved with plea bargains, prosecutors and public defenders are constantly involved in negotiations.

HOW TO GET STARTED IN CRIMINAL LAW
Logan Perkins, a 2012 graduate from Lewis & Clark Law School, said students should seize the opportunity to take time with cases while working in clinics and internships before the pressures of work set in post graduation.

"When you're in the thick of it, you start processing cases," Perkins said. "You get a heavy case load and move through the docket. Law school is a great opportunity to spend a lot of time on the cases, when you don't have that time constraint."

Perkins, who received a certificate in criminal law from Lewis & Clark, worked for a small firm while in school, and that experience transitioned into a full-time job. Inspired by her background in civil disobedience, Perkins also worked for a legal aid clinic for indigent clients and received a fellowship from the National Lawyers Guild to do protestor defense work.

"Take the opportunity in law school to dig deep and look at cases with a fine-tooth comb," she said. "That will prepare you."

HOW TO CHOOSE A LAW SCHOOL
Most students recommend choosing a school with a strong clinical program.

"I highly recommend being in a clinical program," Chinn said. "It is the best way to learn how to handle cases and deal with clients through a supervised, educational setting. Or instead of a clinic, intern for the public defender, district attorney, defense firm or criminal court judge."

Our network was built to help you launch your career.
Our alumni are in leadership positions at the best law firms, businesses, and agencies in the country. On campus, our faculty and student body are dedicated to helping you succeed. At New England Law | Boston, you'll be connected from the day you arrive.
Take the first step at www.nelb.edu/prospective.
Activists in the growing movement to abolish capital punishment in Georgia have varying degrees of understanding of the legal issues that drive death penalty appeals. But it does not take a keen awareness of the tortured logic to question the stark disjunction between the ends of justice, public safety and victims' rights and the means of state-sanctioned killing. In the case of Warren Lee Hill, Jr., the absurdities of the system — always on display for those who care to look — seem particularly salient.

In 1998, Georgia was the first death penalty state to pass a law protecting the "mentally retarded" from executions. This recognition of the diminished personal responsibility and culpability of offenders with intellectual disabilities was married to a legal standard that boggles the mind. While the "beyond reasonable doubt" standard of proof was introduced into American law to protect criminal defendants, the same standard is applied in Georgia to make it difficult for the mentally disabled to avoid being killed by the state. In Hill's case, his measurable intelligence level meets generally recognized standards of mental disability, yet he has failed to prove his low intelligence beyond a reasonable doubt in regard to adaptive behaviors. Paradoxically, Warren Hill's service to his country, because it demonstrates "positive adaptive behavior," weighs in Georgia as a factor in favor of his execution. Do we really want to embrace this type of thinking?

When the US Supreme Court narrowed application of the death penalty by excluding persons with mental retardation in Atkins v. Virginia, death penalty abolitionists celebrated the chipping away at an abhorrent practice. But limiting the impact of capital punishment is different from limiting other criminal sentences — line-drawing according to intelligence level may be necessary to categorize offenders according to the harshness of the sentence they deserve. Since Atkins, however, IQ tests are wielded in court as means to determine much more: ultimately, who in a certain class of offenders should live and who should die. In pursuing the aim of fairness, the law must draw lines, but allowing a judge to determine whether a man is intelligent enough to be put to death is the abhorrent consequence of permitting this ultimate punishment.

While a legal argument has been made for Hill's execution, what necessity compels it? Since 1993, jurors in Georgia have been offered the choice in capital trials of voting for life without parole in place of a death sentence. Notably, despite overwhelming evidence of guilt, Georgia jurors chose this option in 2008 in the case of the courtroom murderer Brian Nichols. Despite a subsequent outcry from death penalty supporters, Nichols has posed no further threat to society and his name has disappeared from the headlines. Death penalty trials are notoriously costly and Nichols was reputedly Georgia's most expensive defendant. Had he not faced a possible death sentence, one imagines that
the funds could have been better spent on law enforcement and victims' services. Hill's trial preceded the new sentencing law. Despite evidence that the jury would not have voted unanimously for death had life without parole been an option, his life will not be spared. While it is legally apparent that the jury cannot recast its votes, an ordinary person might wonder if it is not possible to stop the machinery of death when the jury's consensus has fractured.

The Georgia State Board of Pardons and Paroles should be a corrective to the malfunctioning of good intentions in Georgia's justice system. Its five members are appointed by the governor and are authorized to grant clemency and commute the sentences of the condemned. The Board is not confined in its deliberations to consideration of the legal record and may take into account a broad range of mitigating evidence. One piece of evidence that must have considered is an affidavit signed by relatives of Hill's victim opposing his execution. Unfortunately, the Board deliberates in secrecy and so, oddly in a case of such significance, we will never know what factors weighed in its decision not to spare Hill's life. What we do know is that the board members could have prevented involving the victim's family in taking a life against their wishes.

Hill's case is about the ability of the intellectually disabled to meet the legal standard for determining mental disability and about the constitutionality of such a uniquely high standard. If the ordinary observer steps back a few paces from the discussion, however, it is also clearly about the State of Georgia's adherence to legal technicalities in order to allow the execution of a mentally disabled man, despite the existence of both a state law and a US Supreme Court decision intended to prevent that very outcome. Hill's case is about the inexorable perversion of justice when legal lines are drawn to determine who is fit to be killed.

On July 23, 2012, as activists prepared to hold vigils throughout the state protesting Hill's impending execution, the Georgia Supreme Court issued a stay against Hill's execution to review the legality of the lethal injection protocol used by the Georgia Department of Corrections. This temporary reprieve offers a chance for the US Supreme Court to take up the issue of whether Georgia's impossibly high standard for proving intellectual disability is unconstitutional. The holding in Atkins was intended to prevent the execution of the mentally disabled. Therefore, the Court should use this opportunity to make that prohibition meaningful.

Laura Kagel is the assistant director of the Dean Rusk Center for International Law and Policy. Before joining the Rusk Center staff, Kagel served as a state death penalty abolition coordinator for Amnesty International and currently serves as Vice-Chair of the nonprofit statewide coalition Georgians for Alternatives to the Death Penalty.

Joe DeGaetano Is Best Qualified For Sessions Court Judge - And Response

Wednesday, August 01, 2012

This is to encourage the citizens of Hamilton County to support and to vote for Joe DeGaetano, who is undoubtedly the best qualified candidate running for Sessions Court Judge.

A brief review of Joe's background, education and experience discloses that he is extremely smart, and obviously a hard working person who applied himself both in college, Vanderbilt University where he graduated magna cum laude, and in law school at the University of Georgia where he graduated summa cum laude.

Following graduation from Georgia School of Law, he was appointed as a judicial law clerk to the U.S. Court of Appeals, a federal court just below the United States Supreme Court.

After completing his judicial law clerk term, he returned to Chattanooga and has been actively practicing law in both state and federal trial courts, specifically including both civil law cases and criminal law cases.

Joe is a native of Chattanooga, was raised in Hixson and presently resides in North Chattanooga with his wife and daughter.

I urge support for Joe DeGaetano for Sessions Court Judge.

Richard W. Buhrman

***

There are a lot of candidates for Sessions Court Judge. One of them, Joe DeGaetano, has been standing on the side of Amnicola Highway and other busy roads around town the past two weeks, holding a sign and waving to everyone who passes. He's been out there before work, after work, and during lunch. He's been out there in 95-degree heat and in rain, and he's always smiling.

I get the impression that when Joe DeGaetano says he's got a lot of energy and is ready to roll up his sleeves and get to work, he really means it. There's a lot to be said for bringing some youthful enthusiasm to the court.

It's refreshing to see someone willing to break a sweat. Joe DeGaetano has earned my vote for Sessions Court Judge.

Angela Carter
MAILBOX, August 1: Chick-Fil-A satire column is in fact lazy - The R...

http://www.redandblack.com/opinion/mailbox-august-chick-fil-a-satir...

MAILBOX, August 1: Chick-Fil-A satire column is in fact lazy

But thankfully, this fearless gem stepped right up, and took charge in the name of free speech. A satire piece right after a big satire controversy!? About gay marriage? How topical.

I knew the article was good because of how riled-up everyone got. This country needs more conflict. and we need more of these courageous writers to provoke us. Meaningful change will only take place if we continue to get angry and yell at each other - it's called dialogue.

Some might look at the piece and call it shallow and antagonistic - attention-seeking rather than thought-provoking. But I say nonsense. Deepening the political divide is simply the natural result of sharp and cutting truth. America needs a good dose of biting commentary, and this article supplies it. And can I just say - Ouch!

When the author wrote "who knew you could change the world with just one lunch," I knew right away he was just being satirical. Sure, there are those Greensboro sit-ins, but o mon, that was years ago. All we have here are bunch of arrogant boors who are convinced their tiny contribution will make the difference - they probably vote and recycle, too.

The problem is that movies and after-school specials suck folks into believing in "the power of the individual" and "standing apart from the crowd." I mean honestly, what kind of jerk fights for a belief that a clear majority doesn't already hold? Uphill battles are for the foolish and self-righteous - mockery is much more practical. Call it cynical, but cynicism is just a sign you've grown up.

Some people have suggested that this response is, itself, a "satire," because, actually, I mean the exact opposite of all these things. Now I'm no pedant, but if that's "satire" it sounds sort of lazy - like a long, redundant series of "Not!" jokes. In fact, the only thing that sounds lazier is ending with something as predictable and melodramatic as "oh wait."
MAILBOX, August 1: Chick-Fil-A satire column is in fact lazy - The R...

Matthew O'Brien
J.D. Candidate 2014
University of Georgia School of Law

More about Chick-fil-a
- ARTICLE: LGBT persons have to live in the world we debate
- ARTICLE: Christians who actively support Chick-fil-A will have troubles spreading the gospel
- ARTICLE: Locals show support of Dan Cathy with Chick-fil-A Appreciation Day
- ARTICLE: Letter to the Editor: Not supporting a business that supports discrimination

Tweet 0

Posted in Opinion. Letters to editor on Wednesday, August 1, 2012 4:45 am. Updated 8:04 pm | Tags: Matthew O'Brien, Jeremy Dailey, Chick-fil-a

Similar Stories
- Washington, D.C. parties on the taxpayer's dime
- Mailbox: Proposed Sigma Chi move a lose-lose for students, community
- Southern culture defies stereotypes
- Fat does not determine beauty, success
- America's No. 1 import overseas is charisma

Most Read
- 19 UGA students arrested Saturday night before start of fall semester
- Georgia offensive lineman goes down with foot fracture in Friday practice
- Fifty Shades of WTF
- How to find that perfect husband in college
- Football Practice Report, Aug. 13: Grantham gets into the fray

Rules of Conduct

1. Keep it Clean.
   Please avoid obscene, vulgar, lewd, racist or sexually-oriented language.

2. Don't Threaten or Abuse.
   Threats of harming another person will not be tolerated.

3. Be Truthful.
   Don't knowingly lie about anyone or anything.

4. Be Nice.
   No racism, sexism or any sort of -ism that is degrading to another person.

5. Be Proactive.
   Use the 'Report' link on each comment to let us know of abusive posts.

6. Share with Us.
   We'd love to hear eyewitness accounts, the history behind an article.

Welcome to the discussion.
Augusta attorney required to speak to law school ethics classes as part of punishment

Thursday, Aug. 2, 2012

AUGUSTA, Ga. -- A Richmond County judge has tacked on some extra penalties for Augusta attorney Joe Neal Jr.

News 12 has learned Neal will have to go to four Georgia law schools and speak in ethics classes as part of his sentence.

He will be traveling to law schools at the University of Georgia, Emory, Mercer and Georgia State. Neal will be required to speak for one hour a year for three years at each school, in addition to community service.

All of this stems from his trial earlier this year on allegations he gave drugs to an 18-year-old and attempted to rape her. Neal agreed to a plea deal for drug possession.

Have information or an opinion about this story? Click here to contact the newsroom.

Copyright WRDW-TV News 12. All rights reserved. This material may not be republished without express written permission.
Jennifer Lynn Gathercoal and Nathaniel Dorsey Kimbro were married May 26. The Rev. Timothy Hilton officiated the ceremony.

The bride is the daughter of Terry and Marcia Gathercoal of Lilburn. She is a graduate of Piedmont College and the University of Georgia School of Law.

The groom is the son of Mark and Chris Kimbro and is employed with Titan Team Sports.

Laurel Matthews of Martin served as the matron of honor. Bridesmaids were Melissa Moore of Toccoa, Erin Gathercoal of Lilburn, Laura Kirk of Alpharetta, Christy House and Catherine Kimbro, both of Lawrenceville.

Matthew Carroll of Louisville, Ky., and Nickolas Plaisted of Winston-Salem, N.C., served as the best men. Groomsmen were Billy Austin of Suwanee, Bryn Trussell of Marietta, Alan Cherry of Norcross and Jeffrey Mckendree of Athens.

The couple will reside in Lilburn.
NeSmith: Those were the days, my friend ... at UGA

published Friday, August 3, 2012

Here they come — Hondas, Jeeps, BMWs, pickups and SUVs — packed with stuff, tons of stuff. But this year, 4,970 UGA freshmen will lug more than stuff to their dorm rooms. They also bring an average SAT score of 1273 — the highest ever.

Considering today's admission standards — compared to 1966 — I'm lucky to be an alumnus, let alone a past president of The University of Georgia Alumni Association. Now, the admissions office would laugh at my application. And these freshmen will probably snicker, reading this.

Forty-six years ago, freshmen couldn't have cars. My parents hauled me and my stuff to Athens in their 1964 Buick. The 215 miles was "too far" to travel in one day. We stopped short in Greensboro.

To get back to Jesup, I hitched rides on Peede and Bramblett Cabinet Company's truck. The firm was doing the exquisite millwork in the law school's expansion. The father of Randall Bramblett, my boyhood buddy and now Athens musician, owned the company. In return, I helped Lester Dixon unload materials on Sunday nights.

To stay in school, you followed rules that had nothing to do with academics. Women couldn't wear shorts, except in PE classes. London Fog did a big raincoat business, covering legs of young ladies — rain or shine. Sounds ludicrous, huh?

Laugh, if you will, but William Tate, dean of men, prohibited coeds in the downtown Varsity. Your girlfriend waited outside, on the corner of College and Broad, while you bought the ice cream cones.

Dean Tate was The Law, a one-man enforcer. If he confiscated your student ID card, you might as well call your parents and warn, "I'm coming home early." Thousands wrapped around the coliseum, trying to register for classes. If Dean Tate saw you break in line, uh-ho. You didn't want to see the old guy in the red cap scowling and storming your way.

When he was in law school, my friend Larry Walker wanted to marry Janice Knighton. He heard that Dean Tate had to approve student love.
marriages. Larry went to see the dean. On Aug. 26, the Walkers celebrate their 48th anniversary.

And don't forget curfews. On weeknights, women had to be in by 11. You could party until midnight on Friday and Saturday. One of my classmates was kicked out for taking an unauthorized, overnight trip to see her boyfriend at an out-of-town campus.

For the freshmen and sophomore guys, ROTC was required. You might be a hippie, but on drill day, you spit-shined your military boots.

In the 1960s, Clarke County was dry — there were no liquor stores — but bootleggers kept whiskey within reach for the Jack Daniels-thirsty. Sanford Stadium wouldn't have held the drained Pabst Blue Ribbon cans after each season.

And speaking of Sanford Stadium, there were no reserved student seats — just a section. As fraternity pledges, we went to the games early to sweat and stake out spots for the brothers. We wore a starched shirt, tie, burlap-like, itchy wool slacks and a blazer. Don't look for those outfits when the Bulldogs kick off to Buffalo on Sept. 1.

Other things these record-breaking freshmen won't see are the Snack Shack, Tony's Restaurant, Charlie Williams' Pinecrest Lodge, Harry's, Davis Brothers Cafeteria, Chase Street Café, the Swamp Guinea or Poss'. I ate my way through UGA at those places. If I had $10, I'd take my date to Tony's for lasagna. If I was borderline broke — which I usually was — we dined on buck twenty-five UGA hamburger steaks at Poss'.

Laugh, if you will, freshman of 2012.

But as Mary Hopkins sings, "Those were the days, my friends ... we thought they'd never end."

And they haven't — at least in our minds.

- Dink NeSmith is president of Community Newspapers Inc., and serves on the University System of Georgia Board of Regents.
Blaze Destroys Florida Firefighter's House

By Deon Poling
THE VALDOSTA DAILY TIMES, GA.
CREATED: AUGUST 3, 2012

Three to four generations of Valdosta Firefighter Chuck Jones' family had lived in the home.

LAKELAND, Fla. -- As a firefighter, Valdosta Fire Department Sgt. Chuck Jones keeps careful watch of his home. For example, he installed a dozen smoke detectors in the Lanier County house which once belonged to his grandparents.

"But if you're not home to hear them, they do you no good," Jones says.

Last weekend, fire destroyed the house where Jones has lived for 45 years and where he and wife Stacy have raised their two daughters, Chelsea, 16, and Linsee, 7. Given the hottest part of the fire seems to have burned in the living area, along the wall by the girls' bedrooms, Stacy Jones says they were blessed to have been out of town when the fire started. The smoke detectors may not have sounded quick enough.

With seven years at the Valdosta Fire Department and previous years as a volunteer firefighter, Chuck Jones has seen what a house fire can do to property and people. He currently works as a truck driver with the VFD's Fire Station No. 7 at the Valdosta Regional Airport.

For more than two-and-a-half years, Stacy Jones has delivered newspapers for The Valdosta Daily Times; she also takes online college courses. This past weekend, she and Chuck Jones traveled to Jacksonville, Fla., to find a new car so she could continue delivering papers. Their daughters stayed with family. Their son, Jake, attends Valdosta State University and plans to study law at the University of Georgia.

At approximately 4 a.m., Sunday, July 29, the fire began destroying the 153 E. Main St., house where three to four generations of Chuck Jones' family has lived. Jones said the house was constructed primarily of "fat lighter," resin-steeped wood from the heart of a pine, which is considered highly flammable once a fire starts.

The fire's cause remained undetermined Wednesday.

Fire claimed most of the house and what wasn't consumed was ruined by smoke, flame and water damage. The family lost furniture, clothes, appliances, back-to-school items, everything inside of the house.

Since the fire, the family has lived inside of a barn on the property. A loaned industrial fan cooled them until they could install an air-conditioner inside of the barn. They have managed to install a few appliances. The barn already had running water, but the Joneses were planning to create a makeshift shower Wednesday.

The destroyed house was 2,200 square feet. The barn is 2,000 square feet.

"It's a crude form of living," Jones says of the barn, "but it's comfortable."

The family has done all within its power to deal with the devastating loss while still living their lives. With help from family, Stacy Jones has not missed a morning delivering her newspaper route during the past few days.

Though they lost their back-to-school clothes and items, the girls plan on attending the first day of Lanier County Schools Friday morning. Chelsea is a rising Lanier County High School junior. Linsee is a rising second-grader.

Help from family, friends, and strangers has supported the family during the past few days.

"It is unreal how many people have helped and offered help," Stacy Jones says. "You don't know that you know so many people or that they know you."

Chuck Jones says, "People I don't even know have been stepping up."

"It's overwhelming," Stacy Jones says.

Copyright 2012 - The Valdosta Daily Times, Ga.
McClatchy-Tribune News Service

Do you recommend this news?

Recommend

Post a new comment

8/6/2012 9:08 AM
John Templeton, a native of Cleveland, Tenn., recently joined the law firm of Patrick, Beard, Schulman & Jacoway, P.C.

He graduated from McCallie School; Centre College in Danville, Ky.; and the University of Georgia School of Law, where he graduated cum laude in 2011.

Wilson completes skills course

Collegeedale Municipal Court Judge Kevin Wilson has completed the enhancing judicial bench skills course, according to the National Judicial College.

The course is for judges who want to develop the skills they need to oversee their courtrooms effectively, and for judges who want to take a fresh look at the judge's role on the bench, from civility to contempt.

"I learned not only from the presenters but also from participating judges from around the country and from other countries," Wilson said.

Rogers appointed general manager

Nathan Rogers has been appointed as general manager of Tailored Living, which is part of a national franchise specializing in the design and installation of closet, garage, home office and utility spaces.

Prior to his new appointment, Rogers was a design assistant and senior installer for Tailored Living.

"Nathan brings a depth of expertise that will help our business continue to grow in the greater Chattanooga area," said Dan Morgan, CEO of Tailored Living of East Tennessee.

Bluewater Grille gets certification

Bluewater Grille has become the first restaurant in Chattanooga to receive green certification from the Tennessee Hospitality Association, according to the eatery.

The restaurant made drastic changes in its operations process in order to promote sustainability and shrink its environmental footprint.

"We are so proud to have received this certification from the Tennessee Hospitality Association," said general manager Colin Woodcock. "The Chattanooga community as a whole is developing a stellar reputation when it comes to being sustainable and environmentally conscious."

TransCard names Anderson as CFO

TransCard has chosen Richard Anderson as chief financial officer.

As CFO, Anderson is responsible for helping to shape the strategic direction of the company. He is also responsible for all financial analysis, forecasting, reporting, investor communications and risk management.

Prior to joining TransCard, Anderson was president and CEO of Shoreline Business Solutions Inc., a leading provider of payment card personalization and fulfillment services to community banks and credit unions. Anderson has more than 25 years' experience working with middle-market, entrepreneurial companies as an accounting, financial, and operational adviser.

VW manager 'Woman of Year'

Machelle Williams, general manager of organizational development and diversity for human resources at Volkswagen Group of America, has been named Woman of the Year by the National Association of Minority Automobile Dealers.

Williams, a 17-year veteran of the Volkswagen Group, was selected for her industry leadership and outstanding contributions to advancing diversity and inclusion in the workplace.

"Machelle's longstanding service to the Volkswagen family and her commitment to promoting diversity within the organization have earned her well-deserved recognition," said Jonathan Browning, VW Group of America's chief executive.

Hamilton, Cruise relocate offices

Hubert E. Hamilton and Patrick A. Cruise have relocated their law offices from 4608 Rossville Blvd. to 2401 Broad St.

The newly renovated and remodeled building was formerly known as Feather & Fly.

Hamilton and Cruise are licensed to practice in Tennessee and Georgia. Hamilton is a board-certified civil trial specialist. Cruise has developed an extensive disability practice in addition to handling numerous accident and workplace injury cases.

Vision starts new hotels in region

Vision Hospitality Group Inc. has broken ground on two new properties, the Residence Inn by Marriott Atlanta/Sugarloaf in Duluth, Ga., and the Fairfield Inn & Suites by Marriott Knoxville West/Turkey Creek in Knoxville.
"Our continued partnership with Marriott reinforces our ongoing strategy to invest in premium brands in growing markets. We look forward to adding these two hotels to our expanding portfolio," said Vision Chief Executive Officer Mitch Patel.

**Morrison named sales manager**

John Morrison has been named manager of the American Republic Insurance Services office in Chattanooga. Morrison will direct the efforts of a staff of American Republic Insurance Services representatives serving the life and health insurance needs of the retirement market in the Mid-Atlantic Region.

"Each of our representatives wants their clients to be informed," said Morrison.

**Barbee wins awards in Anaheim**

ServiceMaster Clean has presented the achiever and expert awards to Bill Barbee, owner of ServiceMaster Cleaning & Restoration in Chattanooga, at its international convention recently held in Anaheim, Calif.

Recipients of the Achiever Award must meet a variety of criteria to be nominated, including a minimum revenue amount and a minimum growth of 10 percent. The recipients represent the top-performing franchise owners among a network of businesses around the globe.

Barbee has been in the restoration and cleaning business for over 30 years.

**Dunham cited by Edward Jones**

David Dunham of the financial services firm Edward Jones in Fort Oglethorpe recently won the firm’s Ted Jones Entrepreneurial Award for his achievements in building client relationships.

Dunham was one of 852 of the firm’s 12,000 financial advisers to receive the award.

"David’s success hinges on his ability to know and understand the financial needs and goals of his clients, long-term individual investors," said Jim Weddle, the firm’s managing partner.

**True North media announces hires**

True North Custom Media has recently made several hires to support its growth and expansion.

Valerie Lauer and Laura Ward were hired as senior copywriters who bring more than 20 years of combined experience in developing health care marketing content across multiple platforms.

Nancy Burke and Kristi Kenning were chosen as business development executives based in Denver.

Jeff Sabbe and Nicole Vickowanich are group publishers for MD News.

"These hires reflect our renewed focus on delivering quality content and strategic marketing services for hospitals and health systems," says Charles Dall’Acqua, the company’s chief executive.

**Growth Coach gets certification**

The Growth Coach of Chattanooga has received approval through the National Association of State Boards of Accountancy as a registered sponsor on the National Registry of Continuing Professional Education Sponsors to offer upwards of 96 credit hours to certified public accountants.

"This truly is a win-win arrangement for The Growth Coach as well as for CPAs," said Rick Brines, owner of The Growth Coach of Chattanooga.

The Business Digest appears each Sunday with announcements of promotions, management hires and business awards.

Submit information to Deputy Business Editor Mike Pare at mpare@timesfreepress.com or at 757-6318.
UGA seeks Regents OK this week to demolish Legion Pool, renovate O-House

The University’s request to build a new pool aside Lake Herrick, tear down Legion Pool, renovate Oglethorpe House and up the budget for improvements to the Health Sciences Campus are all up for consideration by the state Board of Regents during its monthly meeting this week in Atlanta.

Despite opposition from state Historic Preservation Division, UGA has requested permission to demolish Legion Pool and replace it with a new outdoor recreational pool. The BOR agenda states the $2.6 million project for the Lake Herrick Outdoor Pool will be funded by $1 million from UGA student affairs auxiliary reserves, $1 million from the athletic association and $600,000 from UGA internal plant funds.

UGA has proposed a $5 million upgrade to O-House, improving the residence hall’s mechanical, electrical and plumbing systems which would be done during the summers of 2013 and 2014. Housing funds would be used to pay for the renovations.

More housing funds — $1.9 million to be exact — would be used to provide 200 student beds at Brown Hall on the Health Sciences Campus. The increase would hike the cost of renovations for the campus from $8.51 million to $9.41 million.

In other BOR news, the athletic association wants to establish $250,000 professorships in the School of Law, Terry College of Business and School of Public and International Affairs. The athletic association would also fund $125,000, with another $125,000 coming from the Dean’s Discretionary Fund, for a professorship in the College of Veterinary Medicine.

The two-day meeting begins on Tuesday.
Dennard returns to Chatham Co. DA's Office

Posted: Aug 08, 2012 11:17 AM EDT
Updated: Aug 08, 2012 11:18 AM EDT

CHATHAM CO., GA (WTOC) - The Chatham County District Attorney Office is pleased to announce the hiring of Mike Dennard, who accepted the position of Deputy Chief Assistant for the State Court Division of the DA's Office.

Dennard graduated from Morris Brown College with a BA and received his Law Degree from the University of Georgia School of Law. Dennard began his legal career in Chatham County in 1985 serving under Judge Charles B. Mikell, Jr. He then served three years as the Assistant County Attorney for Chatham County, and then went on to become the Staff Attorney for DeKalb County and also served in private practice in Toombs County.

Dennard returned to the Chatham County DA's Office in 1994 where he served as ADA for 10 years. In 2004, Mike accepted the esteemed position of Assistant United States Attorney for the Middle District of Georgia where he served as Gun Crimes Attorney and Drug Crimes Attorney.

Copyright 2012 WTOC. All rights reserved.
Legendary former UGA coach talks football, history, gardening

by Savannah Weeks
sweeks@neighbornewspapers.com
08.09.12 - 11:44 am

Former University of Georgia football coach and athletic director Vince Dooley told tales of coaching days, new ventures at Kennesaw State University and talked about the Olympics at the Paulding County Chamber of Commerce’s Georgia Power luncheon Aug. 2.

The Georgia sports legend has five books he is currently promoting. One is a children’s book, two are about the university, one is an autobiography and the last is about his latest venture in gardening.

Most recently, Dooley said he has been working with Kennesaw State University as a consultant to its new football program. School officials have said they expect to begin play in 2014.

“It’s exciting to see the development of a program and to see people as they look to the future of something that will bring excitement to students and campus,” Dooley said. “I’m proud to be an Owl.”

While on the subject of mascots, Dooley led into a story of mascot rivalry between Louisiana State University and the Bulldogs.

After Uga IV or V (Dooley was unsure which bulldog it was) passed out and suffered hearing loss from being out in the heat for five minutes one time, he accidentally made the LSU mascot “Mike,” a tiger, back down.

“Uga and Mike were both at about the 50-yard line,” Dooley said. “Mike comes up to the front of his cage and roars, and the LSU fans go crazy. Well, Uga didn’t even turn around. So Mike roars again and Uga turns around and barks at him, and Mike backs down and cowers at the back of his cage.”

Dooley reminisced of the time when Billy Payne, a former UGA athlete and law school graduate, told him about his idea to bring the Olympics to Atlanta.

The coach said he thought Payne was crazy, but Payne helped organize the effort and Dooley cried when it was announced Atlanta won the bid.

Dooley ended his speech with a quote by Bernard Edmonds that he used to inspire his players. He said it perfectly described what Payne did with the Olympics.

“To dream anything you want to dream — that’s the beauty of the human mind. To do anything you want to do — that is the strength of the human will. To trust yourself to test your limits — that is the courage to succeed.”

© neighbornewspapers.com 2012
Update: Former Columbus Mayor Frank Martin dies at 73

In 1990, as Columbus was struggling with aging infrastructure and a community-wide inferiority complex, business and civic leaders were looking for a new direction — and a different kind of mayor.

To replace James Jernigan, they turned to Frank K. Martin, a former Columbus High football center and successful criminal defense attorney whom people called Butch.

Using his bulldog-like approach, Butch Martin spearheaded the passage of a 1-percent sales tax that led to a new civic center, riverwalk and public safety building — as well as a new attitude that enabled Columbus to successfully compete to host the 1996 Olympic softball competition.

“He probably did more for Columbus than any other mayor this city ever had,” former police chief and mayor
Jim Wetherington said.

Martin, 73, died Sunday morning at St. Francis Hospital from complications due to pancreatic cancer, which he'd been fighting for more than a year.

"He was a lot of different things to a lot of different people," said his law partner and son, John Martin. "To his family, he was Dad. To the community, he was Lawyer Martin, a successful attorney. To another segment of the community, he was Mayor Martin, a man who accomplished a great deal with the help of many others. He was multi-talented and this community knew him on a lot of levels."

Martin and prominent Augusta attorney Wyck Knox went back 50 years to their days at the University of Georgia, where they were law school roommates. A combination of skills is what made Martin unique, Knox said.

"He was a great lawyer, but he had an insight into human nature that was almost uncanny," Knox said. "And he had the courage to stand up for what he believed in and say what he thought to be the truth."

The mayor

Retired CB&T President Sam Wellborn, a few years younger than Martin, was a Sigma Alpha Epsilon fraternity brother at Georgia, where Martin completed his undergraduate and law degrees.

Wellborn was one of the friends who talked Martin out of the courtroom and into a run for mayor.

"He really loved Columbus," Wellborn said. "I believe at the time he felt he could make a difference in this community — and he did."

It took more than two years into his four-year term before Martin made that difference. In 1993, he proposed a 1 percent sales tax that literally altered the Columbus landscape.

In March of 1993, Columbus citizens overwhelmingly passed that 1 percent sales tax to fund more than $65 million in sewer work that produced the Chattahoochee Riverwalk, more than $26 million for a new civic center, more than $15 million for a new public safety center and $35 million for parks and recreation and new sidewalks.

Martin, who had fought unsuccessfully earlier in his term to lift the city's controversial residential property tax freeze which still stands today, was the architect and primary salesman for the sales tax vote.

"As far as my political career, I've never been a politician and don't intend to be one," he said at the time. "I wanted to join city council and community leaders and find an opportunity to present to the people a way to make a dramatic step forward in the future."

After the taxes passed, Ledger-Enquirer editorial page editor Billy Winn declared Martin had put his stamp on the city.

"Not since the mayoralty of L.H. Chappell at the turn of the century has such an ambitious program of civic construction been undertaken here," Winn wrote.

The editorial concluded: "The people who elected Frank Martin mayor said they wanted change. Well, they're getting it." And the change was just starting.

Five months after winning the sales tax vote, Martin hit a home run, helping to lure the Olympic softball venue to Columbus. The city used a portion of the sales tax revenue to promise a new eight-field softball complex and major makeover of Golden Park to win the confidence of the Atlanta Olympic organizers. Even in the glow of that win, Martin didn't take credit for the success.

"The mayor either gets the blame or credit for everything," Martin said at the time. "Today's announcement was the combination of efforts of so many people."
Columbus criminal defense attorney Richard Hagler said he admired the way Martin stepped up to run for mayor, walking away from a successful law practice.

"Butch had the communication skills and courage that transferred well into the mayor's office," Hagler said.

The attorney

Before and after he was a successful mayor, Martin was a prosecutor-turned-formidable criminal defense attorney.

As Columbus trial lawyer Ben Philips was beginning his practice, Martin offered him two bits of advice.

"One, he said a scared man can't win," Philips remembered Sunday. "Two, he said a worried man couldn't work."

Few knew Martin better than Knox, his old law school roommate.

"That sounds just like him," Knox said of the advice to Philips.

Philips said Martin's personality came through in his legal practice.

"He was not scared of anything," Philips said. "And he feared no type of case."

He represented those who were accused of sex offenses and murder. And he did it well.

In 1985, Martin was the original attorney for Michael Curry, whom police suspected of killing his pregnant wife and two children with a bush ax.

Wetherington was the police chief and said that despite being on opposite sides, he and Martin never had a cross word.

"He had a job to do, and he did it well," Wetherington said of Martin's defense work.

It took more than 25 years for Curry to be charged and convicted of the murders, and by that time Martin was no longer Curry's attorney. Despite the tricky nature of his job, Philips said Martin was respected.

"I don't know anyone who disrespected him," Philips said. "He had many friends and they all loved him. Taking the kinds of cases he took, he had some enemies. And, they might not have liked him, but they respected him."

Which was quite a feat, Hagler said.

"For people who do not understand our role, that's not easy," Hagler said.

While others close to Martin had trouble answering the question about how a successful attorney could put his legal career on ice to run for mayor of his hometown, Knox understood.

"Butch had a vision for Columbus," Knox said. "He saw a need for leadership. It was that simple."

Since he left the mayor's office in 1994, Martin has been in private practice with his son, John, at The Martin Firm.

Compromise, not conflict

Martin, a lifelong Democrat, was remembered as one who included a wide variety of people and opinions in his decision-making process.

When Martin ran for mayor, he approached five businesswomen about key roles in his campaign. One of those was Melissa Thomas, who owned a car dealership at the time.
"He had nothing to gain," Thomas said of Martin's mayoral run. "He had a strong law practice, but he had a great vision. He brought all kinds of people together."

Martin's civic philosophy could best be summed up by a speech he gave in August 1993 at a mayor's prayer breakfast. The NAACP and the Muscogee County School Board were involved in a bitter controversy that threatened to divide the community. Though the matter was not in his hands, Martin called for a resolution.

"Social problems are resolved by compromise, not by conflict," Martin said at the time. "Compromise is the better way, the higher way and follows the higher order."

When Wetherington became mayor and needed someone to engineer a compromise to end another civic crisis, he turned to Martin. A civil lawsuit had been filed against the city by the family of Kenneth Walker, a black man shot to death by a white Muscogee County sheriff's deputy during what was believed to be a drug stop, though no drugs were found. Martin stepped forward.

"We needed some private money to go with the city funds to settle this, and he led the way," Wetherington said. "He went to the business community and helped raise the money that went to an education fund for Kenneth Walker's daughter."

Martin's influence continued to the current mayor, Teresa Tomlinson.

"When I was first running for office, I sought his counsel, and after taking office I asked his advice on several issues," she said. "We talked regularly."

Martin's friends knew the illness was taking a toll.

"You could tell he was struggling," Wetherington said.

Philips said he never heard Martin complain.

"It was tough watching Butch go down," Philips said. "You know, he just wouldn't quit working."

Despite the illness, Martin was in his Corporate Center office as recently as last Thursday working.

Martin was also an author, penning "Sowega," a fictional account of a 1968 civil rights murder trial in Southwest Georgia.

Though funeral arrangements are incomplete, the service will likely be Wednesday at St. Paul United Methodist Church, John Martin said. McMullen Funeral Home will be handling the arrangements.

Martin is survived by his wife, Helen; three children, Frank Martin Jr. of Madrid, Spain; John Martin of Columbus; and Catherine Lee Martin of Columbus. He has one grandson, John Tally Martin.

Knox, the Augusta attorney, said Martin's life brings to mind a scene from the movie "Cat on a Hot Tin Roof.

"Do you remember Big Daddy in that movie?" Knox asked.

In the famous scene, Big Daddy (Burl Ives) lectures his son, Brick (Paul Newman), on the grind of constantly facing untruthfulness and hypocrisy in others.

"Mendacity!" he growls, "Look at all the lies I got to put up with."

"Butch could smell mendacity immediately," Knox said. "And he had a way of exposing it."

Staff writer Michael Owen contributed to this report.
Southern culture defies stereotypes

When I began my postgraduate studies, one of the first things I noticed was the large number of Yankees infiltrating the University of Georgia law school. As a proud member of the Southern aristocracy (those whose relatives weren't featured in Deliverance), I vowed to remain allied with my fellow Georgia natives and lineheads against this unwelcome intrusion.

But despite my better judgment, several carpetbaggers who knew nothing of Georgia culture became my best friends in law school. One year later, and I'm living in a house full of guys who were all born above the Mason-Dixon line.

Jeremy Dailey

That makes me the natural candidate to receive their criticisms of Southern culture. One of their favorite degradations is to refer to my Southern dialect as a 'hick accent.' They regularly mimic me by yakking like a hillbilly and excessively using words like "y'all" and "Coke." Any1hing. I find it amusing. Yes, we say y'all. but if you ask me, that's linguistic efficiency.

Northerners prefer the phrase "youse guys," which takes a simple phrase and makes it complicated. It's like they are all born with a natural speech impediment. And I don't know why referring to soft drinks as Coke is abnormal. At least we don't call it "pop." The sound of someone asking for pop makes me queasy. It's like they're requesting their grandfather. I don't want to remove his top and quench myself with his icy cold contents.

While we're talking about borderline incestuous jokes, my Northern peers love nothing more than to suggest that Southern families prefer to keep marriages in house. Never mind all the beautiful girls on campus. In this line of thinking, they are all inbred from a long line of genetically pureblooded aristocrats, like our former UGA mascots. They may be good-looking on the outside, but it's likely that their organs are in all the wrong places. None of them
Southern culture defies stereotypes - The Red and Black: Opinion: dail...

http://www.redandblack.com/opinion/southern-culture-defies-stereotyp...

will live past thirty. 

And anyway, they just can’t compete with the girls up North. If our women were half as sophisticated as the female cast of “Jersey Shore,” how great the South would be.

Finally, I love nothing more than when they ask “Why do youse guys hate black people?”

Ah, right. All Southerners are racist. We’re born wearing white robes and holding burning crosses. But not really, because reading “To Kill a Mockingbird” in 5th grade doesn’t make you an expert on Southern race relations.

According to the 2010 Census, a majority of African Americans live in the South. Georgia itself has one of the most diverse populations in the country.

If anything, different ethnic groups learn to meld with each other in the South at an early age because of our common experiences.

Sure, there are still numerous exceptions, but the fact is that the South is no longer the oppressive land it once was.

From home cooking to music to college football, there’s no contest the South does it best. Many of us associate ourselves with the region because we have a lot to be proud of.

After all, there is a reason why many Yankees choose to come down here.

And if I had to guess, it’s more than just the warm weather.

---

Jeremy Dailey is a second year law student from Watkinsville with a degree in political science.

More about SOUTH

• ARTICLE: A solution to heritage

Tweet 5 Like 20

Discuss

Posted in Opinion, Columns on Monday, August 13, 2012 9:05 am Updated: 8:54 am | Tags: Dailey, South, Yankee, Culture

American Graduate

Wed, Aug 15, 3:00 pm EDT
Fine Arts Building, Athens

Nuci’s Space: Survivors of Suicide Support Group

Little Country Giants CD release with WB Givens & The Kid Carsons

Wed, Aug 15, 8:00 pm EDT
The Melting Point, Athens

Zoso

Wed, Aug 15, 9:00 pm EDT
Georgia Theatre, Athens

Calendar

August 2012

<table>
<thead>
<tr>
<th>Su</th>
<th>Mo</th>
<th>Tu</th>
<th>We</th>
<th>Th</th>
<th>Fr</th>
<th>Sa</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>6</td>
<td>7</td>
<td>8</td>
<td>9</td>
<td>10</td>
<td>11</td>
</tr>
<tr>
<td>12</td>
<td>13</td>
<td>14</td>
<td>15</td>
<td>16</td>
<td>17</td>
<td>18</td>
</tr>
<tr>
<td>19</td>
<td>20</td>
<td>21</td>
<td>22</td>
<td>23</td>
<td>24</td>
<td>25</td>
</tr>
<tr>
<td>26</td>
<td>27</td>
<td>28</td>
<td>29</td>
<td>30</td>
<td>31</td>
<td></td>
</tr>
</tbody>
</table>

today’s events browse submit

Popular | Commented | Facebook Activity

Stories

19 UGA students arrested Saturday night before start of fall semester

Georgia offensive lineman goes down with foot fracture in Friday practice

Fifty Shades of WTF

How to find that perfect husband in college

Football Practice Report, Aug. 13: Grantham gets into the fray

More

Photos

Videos

Cars Jobs

Twitter

---

2 of 4

8/15/2012 1:57 PM
An analysis of O.C.G.A. § 9-10-7

By Stephen J. Harper

Daily Report  August 14, 2012

An analysis of O.C.G.A. § 9-10-7

Some judges and trial lawyers have remarked informally that there is no difference between the legal analysis and application of O.C.G.A. § 17-8-57, dealing with judge’s expression of opinion on facts in criminal cases, and O.C.G.A. § 9-10-7, dealing with judge’s expression of opinion on facts in civil cases. Research leads to the conclusion that there are differences, which should affect the way counsel approach this issue.

This article offers these perceived differences for your consideration, followed by an analysis of some Georgia cases in this area and certain conclusions drawn from them.

The two statutes differ only that, in addition to O.C.G.A. § 9-10-7 prohibiting the trial judge from expressing or intimating his or her opinion on what has or has not been proved, O.C.G.A. § 17-8-57 also prohibits the trial judge from expressing or intimating his or her opinion on the guilt of the accused. The purpose of both statutes is to prevent the jury from being influenced by the trial judge’s opinion regarding matters of proof of facts and credibility of witnesses, Gallahan v. State, 305 Ga. App. 626, 700 S.E.2d 624 (2010).

On appeal from a conviction in a criminal case, when appellate counsel alleges that the trial judge made a comment in the presence of the jury that amounts to an error, Georgia appellate courts employ the doctrine of waiver. This doctrine holds that the issue is waived by counsel’s failure to make a specific and timely objection to the trial judge’s comment and to move for a mistrial when the objection is overruled.

But, in State v. Gardner, 286 Ga. 633, 690 S.E.2d 164 (2010), the Supreme Court of Georgia held that, even when the trial counsel has failed to make a timely objection to the trial judge’s statement of fact, at least the appellate court must review the trial judge’s conduct, and any conduct found to be in violation of O.C.G.A. § 17-8-57 amounts to “plain error.” Under the mandate of the statute, any violation requires reversal of the decision at trial.

The court in Gardner went on to conclude that the four-part "plain error" test, outlined by Justice Antonin Scalia in Puckett v. United States, 556 U.S. 129, 129 S.Ct. 1423 (2009), need not be applied, because plain error is presumed conclusively. A senior Georgia jurist has referred to this result as “super plain error.”

When counsel in a civil case has preserved the issue for appeal, the appellate court “must”
in a civil case, even if on appeal it is absolutely clear to the appellate court that the trial judge violated O.C.G.A. § 9-10-7. There is one exception to Georgia's harsh waiver doctrine in a civil case, which deals only with the trial judge's erroneous charges to the jury. It is found in O.C.G.A. § 5-5-24(c). The substance of this statute has a long history, to wit: Code 1863, § 3639; Code 1868, § 3664; Code 1873, § 3715; Code 1882, § 3715; Civil Code 1895, § 5479; Penal Code 1895, § 1060. Civil Code 1910, § 6084; Penal Code 1910, § 1087; Code 1933, § 70-207. O.C.G.A. § 5-5-24(c) states:

Notwithstanding any other provision of this Code, the appellate courts shall consider and review erroneous charges where there has been a substantial error in the charge which was harmful as a matter of law, regardless of whether an objection was made hereunder or not.

The appellant's failure to object to the charge or to reserve the right to make such objection on motion for new trial or on appeal constitutes a waiver, unless as stated in O.C.G.A. § 5-5-24(c) the error in the charge was "substantial" and "harmful as a matter of law." See, e.g., Ray v. Stinson, 254 Ga. 375, 329 S.E.2d 502 (1985); Henderson v. State, 182 Ga.App. 513, 518(3), 356 S.E.2d 241 (1987). Additionally, the objection must be specific enough to "enable the court to rule intelligently on that specific point," Wisenbaker v. Warren, 196 Ga. App. 551, 396 S.E.2d 528 (1990).

Under O.C.G.A. § 5-5-24(c), appellate review in a civil case of a claim alleging a violation of O.C.G.A. § 9-10-7 in the trial court's charge is detailed and rigorous. Georgia appellate opinions have said that, "A charge 'harmful as a matter of law' is one that is blatantly apparent and prejudicial to the extent that it raises the question of whether the losing party has, to some extent at least, been deprived of a fair trial because of it, or a gross injustice is about to result or has resulted directly attributable to the alleged errors." See, e.g., Broun v. Garrett, 251 Ga. App. 823, 584 S.E.2d 48 (2003); Shilliday v. Dunaway, 220 Ga.App. 406, 411(8), 489 S.E.2d 485 (1996).

In a civil case, in order to mandate reversal based on an erroneous charge any violation of O.C.G.A. § 9-10-7 must amount to a "substantial" error and fall into one of the four categories.

These categories are: (1) there was an erroneous presentation of the sole issue for decision or (2) it is of a kind which would have been likely to influence the jury either to find against the defendant or to return a larger verdict than it might have otherwise done or (3) it is blatantly apparent and prejudicial to the extent that it raises the question of whether the losing party has, to some extent at least, been deprived of a fair trial because of it or (4) a gross injustice is about to result or has resulted directly attributable to the alleged errors, Foskey v. Foskey, 257 Ga. 736, 737(2), 363 S.E.2d 547 (1988).

An analysis of O.C.G.A. § 9-10-7

August 14, 2012

The Supreme Court in Puckett v. United States, 556 U.S. 129, 129 S. Ct. 1423 (2009), explained that Fed. Rule Cr. Proc. 52(b) review—so-called “plain-error review”—involves four steps, or prongs. First, there must be an error or defect—some sort of “[d]eviation from a legal rule”—that has not been intentionally relinquished or abandoned, i.e., affirmatively waived, by the appellant.

Second, the legal error must be clear or obvious, rather than subject to reasonable dispute.

Third, the error must have affected the appellant’s substantial rights, which in the ordinary case means he must demonstrate that it “affected the outcome of the district court proceedings.”

Fourth and finally, if the above three prongs are satisfied, the court of appeals has the discretion to remedy the error—discretion which ought to be exercised only if the error “seriously affect[s] the fairness, integrity or public reputation of judicial proceedings.” See also United States v. Olano, 507 U.S. 725, 113 S.Ct. 1770, 123 L.Ed.2d 508 (1993). It is worth noting that these tests, for “substantial error as outlined in Foskey for civil cases in Georgia and the “plain error” test in Puckett for federal criminal cases and Kelly for Georgia criminal cases, are similar in that they refer to concepts like fair trial, gross injustice, integrity and public perception.

The analysis of civil cases that follows will illustrate situations wherein reasonable minds may differ. However, trends are evident, from which certain conclusions can be drawn and trial tactics derived.

First consider appellate opinions in cases dealing with allegations that comments made by the trial judge during the presentation of evidence violated O.C.G.A. § 9-10-7:

Addressing the effect of O.C.G.A. § 9-10-7 in Coggin v. Fitts, 268 Ga. 112, 485 S.E.2d 495 (1997), the Supreme Court of Georgia stated, “This rule against commenting on the evidence "hovers" over any judge’s examination of witnesses.

First, "it is difficult for the court to conduct extensive questioning of a witness without becoming an advocate."

Second, the trial court’s questioning usurps the duty of counsel to bring out the facts and thus confuses and disparages the attorneys who are trying the case.

Third, a long examination may divert the jurors’ attention from the witnesses’ testimony to the court’s questions in an effort to ascertain the judge’s opinion. Thus, we agree with the Court of Appeals conclusion: “It is always wiser, safer, better, and juster that trial judges should confine themselves exclusively to an enunciation of the law, leaving to counsel the duty of elucidating the facts, and to jurors the finding of the truth in the evidence."

In Sellers v. Burrowes et al., 302 Ga. App. 667, 691 S.E.2d 495 (2010), the trial judge commenting on plaintiff counsel’s cross-examination stated, “I’m not so certain you are [entitled to test his] memory in an article we’re not even sure was, A. out there—there’s some dispute—before his surgery; B. he had read before the surgery; and this is not a memory test on journals.” Sellers’ counsel objected to the court’s comments on the evidence. Because the article was written in...
The court responded, "There was just testimony, the jury will recall it. I heard what you said about when it was out there and when it was settled. There was a dispute regardless. This is not a memory test."
Sellers' counsel preserved the issue on appeal by making a motion for a mistrial on the ground that the trial court's statement constituted an impermissible comment on the evidence. The trial court denied the motion. In affirming the judgment the court held that the comment was a permissible discussion of the admissibility of the evidence and an explanation of the trial judge's ruling.

In 245 Ga. App. 334, 537 S.E.2d 397 (2000), Reconsideration Denied July 27, 2000, Certiorari Denied January 18, 2001, the court was quick to say that, when taken in context, the trial judge's comment to the jury that, "I'm going to ask the jury to take notice of the fact that this witness was evasive." was not an expression of what facts had or had not been proved or a comment on the witness's credibility.

Without further comment, the court said that the trial judge's comment was "inappropriate and erroneous." But having found no violation of O.C.G.A. § 9-10-7, the court was able to analyze the trial judge's comment for harm and concluded that under the circumstances the appellant failed to demonstrate that the comment was harmful and required reversal.

The trial judge in Reid et al. v. Harbin Lumber Co., 172 Ga. App. 615, 323 S.E.2d 845 (1994), interrupted defendant's testimony and asked the defendant's counsel whether the list of payments from which the defendant was reading was, "...that little manufactured (emphasis added) piece of evidence you gave her to read off of there."

Objection was made and overruled to the use of the word manufactured and motion for mistrial denied. The trial judge gave a short curative instruction, never addressing the word manufactured. The appellate court held that the comment did not violate O.C.G.A. § 9-10-7 was within the inherent power of the court to supervise the course of the trial.

The trial judge in Starks v. Robinson, et al., 189 Ga. App. 168, 275 S.E.2d 86 (1988) is curious. In that case the judge stated, "I don't see anything contrary in the deposition you have read contrary to what she testified to at the scene." Counsel, claiming the comment violated the statute, preserved the error for review.

The appellate opinion stated, "While generally the judge should not express within the jury's hearing his or her opinion as to what has or has not been proved, "such (emphasis added) an expression or intimation, when not flagrant (emphasis added), is not a [code] violation" when made during discussion with counsel concerning the admissibility of testimony or in explaining the ruling. The court has the right to explain its decision on objections to evidence and, if pertinent, such reasons do not constitute prohibited expressions of opinion. No violation occurred here."

There is no Foskey test for comments by the trial judge to the jury made during the presentation of evidence that amount to violations of O.C.G.A. § 9-10-7. The statute is clear that any violation mandates reversal, but in Starks the court seems to create and apply a flagrancy test to "such (emphasis added) an expression or intimation" by the trial judge.

In Hubbard v. Hubbard, 277 Ga. 729, 594 S.E.2d 653 (2004), following cross-examination by husband's counsel, the trial judge commented in the presence of the jury that both husband's and
An analysis of O.C.G.A. § 9-10-7

The issue was preserved for appeal by an unsuccessful motion for mistrial by husband's counsel. The court concluded that the comment bolstered her credibility and was a violation of O.C.G.A. § 9-10-7, which required reversal.

Next, consider appellate opinions in cases dealing with allegations that comments made by the trial judge during charges to the jury violated O.C.G.A. § 9-10-7, which are reviewed under the provisions of O.C.G.A. § 5-5-24(c) regardless of whether an objection was made.

It is clear that the trial judge does not violate O.C.G.A. § 9-10-7 merely by providing the jury in charges a synopsis of the evidence or contentions of the parties. This does not amount to an expression of opinion as to evidence, City of Columbus v. Barngrover, 250 Ga. App. 589, 552 S.E.2d 536 (2001); General Wholesale Co. v. Hertz Corp., 120 Ga. App. 319, 170 S.E.2d 310 (1969).

In Beasley v. Beasley, 248 Ga. App. 491, 546 S.E.2d 871 (2001), an objection was made to the judge's responsive comments to a question by the jury during deliberations claiming that the judge placed undue pressure on the jury to reach a unanimous verdict when he said, "But try, these folks need an answer." The appellate court held that this instruction was within the judge's discretion to direct the jury to continue deliberations.

---

Comment on this article

Display Name:
Enter your display name (displays publicly)

Your e-mail (not displayed with comment)

My Comment:

Type your comment here...

Comments are not moderated.

For more information, please see our terms and conditions.

To report offensive comments, Click Here.

Subscribe to Daily Report

From the Law.com Network
Illegal immigrants seeking relief from deportation can apply Wednesday

By Jeremy Redmon
The Atlanta Journal-Constitution

6:41 p.m. Tuesday, August 14, 2012

Alexandra Alor follows a simple system to elude immigration authorities.

An illegal immigrant from Peru, Alor doesn’t venture out of her home in DeKalb County when she sees police setting up traffic stops nearby or hears about them on Hispanic radio stations. That system has worked for the 17-year-old Lakeside High School student ever since her grandmother illegally brought her to the United States about 10 years ago.

Now she sees an opportunity to remain here without the nerve-racking fear of deportation. She plans to apply for special consideration this week under a controversial new policy the Obama administration announced in June. The policy applies to illegal immigrants who were brought here as young children, who have not committed serious crimes and who are now in school or have graduated.

Proponents say the policy is a humane way to boost the U.S. economy by keeping educated immigrants such as Alor here. Critics say the White House is pandering to Hispanics for votes with its election-year announcement, and that the move could take jobs away from American citizens. They also worry the changes could send the wrong signals, inviting more people to enter the country illegally. The government’s new approach comes as Georgia is battling in federal court for permission to enforce several tough measures aimed at cracking down on illegal immigration.

Wednesday is the first day immigrants such as Alor may start applying to the government for “deferred action,” or a promise that they won’t be deported for two years. Alor can apply again in two years. She also plans to seek permission to work legally here as part of the same process.

Nearly 1 million immigrants across the U.S. are now eligible for deferred action, according to an estimate by the Immigration Policy Center, an arm of the American Immigration Council, an immigrant rights and policy group in Washington. Of those, 24,360 live in Georgia, the eighth-largest total among states.

The Obama administration announced the policy in June, saying it would help authorities spend more resources on deporting illegal immigrants who threaten public safety or national security.

To apply, immigrants must pay $465 and submit to background checks. To become eligible for work permits, they must also demonstrate “economic necessity.” Those who are spared from deportation will not be given legal status under the policy. But they may reapply for deferred action and work authorization. Those who receive deferred action can apply for driver’s licenses in Georgia. And those who get work permits can
obtain Social Security cards, said Charles Kuck, Alor’s immigration attorney, who teaches immigration law at the University of Georgia.

The new policy bears some similarity to a provision in the DREAM Act, legislation that would give special consideration to illegal immigrants who came here as children, graduated from high school and attended college or served in the military. That legislation failed in Congress in 2010.

During a Rose Garden speech in June, President Barack Obama said the change will help make the nation’s immigration policy “more fair, more efficient and more just.”

“This is a temporary stopgap measure that lets us focus our resources wisely while giving a degree of relief and hope to talented, driven, patriotic young people,” said Obama, whose administration has continued to push for passage of the DREAM Act.

Supporters say the new approach is humane because it will stop the government from deporting young illegal immigrants to countries they know little about. Republican congressmen have blasted the changes, accusing the White House of making an end run around Congress.

“President Obama’s announcement earlier this year that he will no longer deport certain illegal immigrants is an election-year gimmick that amounts to amnesty and will be implemented at the expense of Georgia’s taxpayers,” said U.S. Rep. Phil Gingrey, R-Marietta. “This is yet another example of the president’s administration refusing to secure our borders and enforce existing laws.”

Alor talked about her journey to the U.S. during an interview at her attorney’s office just south of Roswell. She said her parents illegally entered the U.S. to find work when she was an infant, leaving her in the care of her grandmother. Her grandmother illegally brought Alor across the Mexican border to the U.S. when she was 7 so she could reunite with them in Georgia. Alor has a younger sister who was born in the U.S. The two share a room decorated with Winnie the Pooh dolls. On Monday, Alor, who speaks English with no detectable accent, started her senior year at Lakeside High.

She said she has felt “trapped” because of the fear of deportation and knows many other young immigrants in similar circumstances. She hopes Congress will pass the DREAM Act so she can become a U.S. citizen.

“Everyone feels stuck,” said Alor, who wears bracelets printed with the words “Love,” “Courage” and “Peace.” “As a group, we try to motivate each other.”

Meanwhile, Alor plans to apply for a work permit so she can legally wait on tables at a restaurant and save money for college. She wants to become an ultrasound technician.

Critics worry the new policy will allow illegal immigrants to take jobs from U.S. citizens in Georgia, particularly at a time of high joblessness.

“That is a direct kick in the teeth to American workers and legal immigrants that are suffering horribly in this historically bad economy and losing their homes in unprecedented numbers,” said William Gheen, president of Americans for Legal Immigration, a political action committee that advocates for immigration enforcement. “No one that was a friend to American workers would do what it is Obama has done.”

Kuck, Alor’s attorney, dismissed such criticism, saying many of the people who are immediately eligible for
Illegal immigrants seeking relief from deportation are probably already working in the U.S. Adding other immigrants to the workforce will increase spending in the economy, he said.

“There is going to be an economic boost that comes from this,” said Kuck, past president of the American Immigration Lawyers Association. “They are not taking jobs away from anybody.”

**Change in policy**

On June 15, the Obama administration announced a new policy that gives special consideration to certain illegal immigrants. The policy spares them from deportation and gives them the right to work legally in the U.S. for two years. People may start applying Wednesday. To be eligible, applicants must:

- Be younger than 31 as of June 15;
- Have come to the U.S. when they were under 16;
- Have continuously resided in the U.S. since June 15, 2007;
- Were present in the U.S. on June 15 and at the time of filing their applications for deferred action;
- Entered the country without inspection before June 15 or their lawful immigration status expired as of June 15;
- Be in school, have graduated or obtained a certificate of completion from high school, obtained a GED certificate or possess an honorable discharge from the U.S. military;
- Have not been convicted of a felony, “significant misdemeanor,” or three or more other misdemeanors and “do not otherwise pose a threat to national security or public safety.”

Learn more here: www.uscis.gov/childhoodarrivals

**How many are eligible?**

A study by the Washington-based Immigration Policy Center shows nearly 1.4 million immigrants in the U.S. might be eligible for deferred action under this policy, either now or when they are older. Of those, 936,930 are between the ages of 15 and 30 and are immediately eligible. Here’s a breakdown of the top 10 states now home to immigrants who fit into that category:

- California 298,030
- Texas 152,550
- Florida 60,190
- New York 55,490
- Illinois 48,590
- Arizona 34,840
- New Jersey 28,460
Illegal immigrants seeking relief from deportation can apply Wednesday... [Link to article]

Georgia 24,360
North Carolina 18,150
Washington 18,130

Find this article at:
Subject: FW: Jaime's NPR spot
From: Cindy Rice <cindyh@uga.edu>
Date: 8/15/2012 3:26 PM
To: School of Law Communications and Public Relations Department <lawprstu@uga.edu>

-------- Original Message --------
Subject: Jaime's NPR spot
Date: Wed, 15 Aug 2012 12:42:38 -0400
From: Parker Wallace <pwallace@GPB.org>
To: 'hmurphy@uga.edu' <hmurphy@uga.edu>

Link to story on gpb.org: http://www.gpb.org/news/2012/08/14/state-must-pay-seasonal-unemployment

Script is below:

The U.S. Labor Department has ruled that Georgia’s decision to deny unemployment benefits to seasonal workers violated workplace laws.

As GPB’s Parker Wallace reports, that means thousands of Georgia bus drivers, cafeteria workers and private school teachers could now be eligible for those funds.

The US Bureau of Labor statistics classify more than 64 thousand Georgians as educational service workers—employees who lose work during the summer when school is out. In January, state labor officials cut their summer unemployment benefits to save money. It was on the grounds that Georgia already owed the federal government 740 million dollars in unemployment assistance.

But University of Georgia Law professor Jaime Dodge says only the legislature can legally end seasonal benefits:
“What they did was say we’re going to include these people and then suddenly changed that position, and said, wait we’ve decided we’re interpreting the statute wrong and you’re now excluded. And that’s where they went wrong. Had they done this through a legislative change, it would be completely valid under federal law.”

The back payments could be in the millions of dollars. The money will come from taxpayers and private businesses who contracted out the workers.

Parker Wallace
Reporter/Producer

260 14th Street N.W.
Atlanta, GA 30318
Ph: 404-685-2565
e-mail: pwallace@GPB.org
website: www.gpb.org

worth sharing

 Catch the Downton Abbey Marathon
Sunday, August 19 beginning at 6 PM
And check out these scene-stealing one-liners
from Dame Maggie Smith

-- This message was scanned by the GPB Brightmail Scanner and is believed to be clean.

 Attachments:

 Unemployment Wrap.mp3 585 KB
Lawyer reinvents self in bad economy

Katheryn Hayes Tucker

Daily Report

08-14-2012

When he graduated from the University of Georgia School of Law 21 years ago, Richard Alembik traded his love of motorcycle racing for another kind of adrenaline rush in the courtroom. He built a litigation practice around commercial real estate development and title work.

All that changed five years ago when the economy — starting with the real estate market — crashed and burned. Now, only one of his big developer clients from the old days is still in business. "They had too many assets to declare bankruptcy, so I'm still representing them," he said somberly.

To survive, Alembik had to reinvent himself, turning from big clients and big deals in real estate to small clients in danger of losing their homes.

He talked about it over lunch at Farm Burger near his downtown Decatur office on West Ponce de Leon Avenue last week.

"I retooled," he said. "Now I do foreclosure defense and consumer protection."

His business is smaller now. So is his firm, Richard S. Alembik, PC. (Alembik & Alembik was started by his uncle. His father, an estate and tax lawyer who passed away in 1992, had another firm with Alembik in the name.) Since the recession, he's scaled back from six employees to three. The firm once was himself, an associate and four support staffers. Now, it's only himself, a paralegal and an office administrator. Revenue is down, but so are expenses. "My profitability is not based on exploiting an associate, but on providing a service that no one else can provide," he said.

In the process, Alembik has developed a body of knowledge in an area in which few lawyers have expertise, and those that do usually work for the other side — the banks, mortgage companies and loan servicers who carry out foreclosures at the rate of thousands every month in metro Atlanta counties. Marietta plaintiffs lawyer Matthew Flourney said Alembik is one of the most knowledgeable lawyers in Atlanta in the area of foreclosure defense. "He's represented a lot of people against banks," Flourney said.

Asked why he took this direction with his practice, Alembik replied, "I always wanted to represent the good guy."

"I don't want to sound shrill," he hastened to add, offering that he sometimes represents lenders on a small scale. "Sometimes the good guy can be the lender."

He has filed more than 100 wrongful foreclosure lawsuits around metro Atlanta during the past five years. All but one settled before making it to a jury. And he did win that one.

"If the bank doesn't win on summary judgment, the bank is going to settle," he said. "Banks do not want to be in front of juries right now."

Still it's difficult to reach a good outcome for a borrower in this market. If homeowners are underwater on their mortgage, which
many are, they have no equity to claim in a wrongful foreclosure action — unless they win some type of loan forgiveness, which is rare, he said. Alembik said he can’t always help people hang onto their homes, although that is his goal.

Alembik does cringe at the standard company line that no bank wants to foreclose on a customer, and that the best outcome for both is for the borrower to keep their home, business or other property.

The deregulated market of recent years and the securitization process that has developed have turned conventional wisdom upside down, he said. Since the local banks now sell the loans to other mortgage companies, the banks get their money and the loans get sold repeatedly to financial companies or servicers. If a customer is late on a payment or misses one, the servicers still must make the payments to the investors — unless the loan goes into default and the foreclosure process begins. Then the financial companies can cash in on their insurance, or credit default swaps. So foreclosure is no longer so undesirable for the financial industry. Of course, that means trouble not only for the individual buyers but for the big companies that financed the mortgage-backed securities, such as AIG.

"In this era of mortgage-backed securities the majority of loan servicers are contractually obliged to pay their lenders the stream of revenue generated by the loans they service — whether or not they actually receive a mortgage payment. Servicers are thus foreclosing purely out of self-interest. This is because once a loan has been foreclosed, the servicer is no longer obligated to make payments back up the securitization ‘conduit’ to the owner of the debt (often a securitized trust holding a pool of mortgage loans)," Alembik said in a recent letter to the Daily Report. "This dynamic represents one of the biggest roadblocks to returning the real estate and financial markets to some equilibrium."

He paints a bleak picture and he doesn’t foresee it improving any time soon. "I think it’s going to get worse after the election, no matter who wins," Alembik said. "I think a lot of people are holding up actions until then."

Alembik has also noticed a change in the types of cases he’s taking during the years of the economic crisis. At first, he said, he was representing a lot of people with relatively small mortgages living close to the margins of what they could manage. They were the first to go under. Now, he said, he is representing more formerly high net worth individuals with million-dollar mortgages that they’re having trouble paying. "They’ve held on as long as they could," he said.

Despite his love for litigating, Alembik has had to learn to take satisfaction in helping people stay out of court. His website says his "most satisfying professional accomplishments, however, have been those that did not get into the courts or the headlines: Negotiated resolutions that avoided litigation and preserved constructive business relationships."

If a foreclosure has already taken place, there is little he can do, he said. If he can step in early, he can give a client a chance to renegotiate the terms of the loan, a process that is difficult in the current climate. Still, he fears, too many people are just delaying the inevitable when they renegotiate a loan to a longer term or even a lower interest rate.

"People can’t keep paying on a loan for 40 years when the property is worth less than half of what they owe," he said. "I don’t think things are going to change until we can start modifying the principal."

It’s a difficult proposition, he acknowledged, to even consider bringing the lenders back to the table to assume a part of the risk the buyer took on the price of a home or other property. Yet he believes it’s an idea that will have to be considered to solve the crisis.

Otherwise, he said, even bigger losses will follow as more people decide their only choice is to walk away from their mortgages.

As he rose from the table to get back to work, Alembik said the change in direction of his practice has made him cynical about the economy. "It’s like the Great Depression out there."
Bovis Kyle adds to family law practice

By Meredith Hobbs  Contact  All Articles
Daily Report  August 15, 2012

Bovis Kyle & Burch is expanding its family law practice, adding Erin Stone as a partner and Winfield Pollidore as an associate from Schulten Ward & Turner at the beginning of August. Erica Byrd is joining the family law practice today as a first-year associate, after receiving her law degree from the University of Georgia.

Bovis Kyle & Burch's managing partner, Jack Burch, said family law makes up almost 20 percent of revenue at his firm. "We think they are terrific lawyers — good people and good lawyers," said Burch. "That area of practice has really been growing."

Stone, who practiced at Schulten Ward & Turner for 16 years, said she wanted to be part of a larger family law practice. "A firm that's growing like this is really great for my practice," she said.

With the new family lawyers, 10 of Bovis Kyle & Burch's 35 lawyers practice family law. Schulten Ward & Turner, which has 18 lawyers, is focused on commercial law, said Kevin Ward, so moving to a firm with a larger family law practice is an opportunity for Stone. "Nobody was hurt and Erin was helped," he said. "Erin is an awesome lawyer and I think the world of her," said Ward. "I wish her great success at her new firm."

Stone started at Schulten Ward & Turner as Ward's associate, handling business and family law, and said she's been doing all family law for more than a decade.

Ward said he will continue to take family law cases selectively, but his current focus is representing lenders.

"I've not been taking on many family law cases unless they are high-profile, high-asset cases," Ward said, adding that his last divorce client was Usher's ex-wife, Tameka Foster.

Find similar content
Companies, agencies mentioned
Key categories
Most viewed stories
Lawyer's view: 'Waldo' beats 'Reptile' in med-mal case
New justice leaves paper trail
The case for diversity is not yet won
Lawyer reinvents self in bad economy
Georgia lawyer sentenced to 20 years
New justice leaves paper trail

Blackwell's record on Court of Appeals hints he may side with prosecutors and civil defendants in close cases

By Alyson M. Palmer
Contact All Articles
Daily Report August 15, 2012

Justice Keith Blackwell, the newest member of the Georgia Supreme Court, arrived with something most of his colleagues didn’t have: an appellate track record.

The last four appointees to the state’s highest court came from government service or the trial bench, so court-watchers could only guess at how they’d go about deciding appeals. But with Blackwell, who joined the court last month, observers can look at the 20 months he spent on the Georgia Court of Appeals. A Daily Report analysis of that record indicates that Blackwell was more likely to side with prosecutors than criminal defendants in cases that divided the court. There were only a handful of personal injury cases that divided the judges, but Blackwell’s votes may give civil defendants and their insurers some comfort.

Keith Blackwell sat on the state Court of Appeals for 20 months before being named by Governor Nathan Deal to the state Supreme Court earlier this summer.

Perhaps more interestingly, Blackwell’s opinions reveal a distinctive writing style, one in which the now-37-year-old is willing to question decades of precedent on his court. Reminiscent of Justice David Nahmias, who in his first days on the high court probed whether it had a hole in its jurisdiction over some murder cases, Blackwell has not been shy when he thought precedent was wrong.

Appointed in 2010 by Governor Sonny Perdue to the Court of Appeals, Blackwell had been president of the Atlanta lawyers’ chapter of the Federalist Society and active in Republican politics. He also had a scholarly résumé, having graduated first in his law school and undergraduate classes at the University of Georgia. He secured a clerkship with Judge J.L. Edmondson of the U.S. Court of Appeals for the Eleventh Circuit before starting a 10-year litigation career that included stints at Alston & Bird and Parker, Hudson, Rainer & Dobbs and as an assistant district attorney in Cobb County.

“He will probably be ideologically aligned with Justice Nahmias, and probably Justice Melton,” says Philip Savrin, a civil defense litigator at Freeman Mathis & Gary in Atlanta. The three most junior justices, Harold Melton, Nahmias and Blackwell are the only members of the court who were appointed by Republican governors. “I think that could be a common bloc of votes,” said Savrin.

Blackwell declined to be interviewed for this story, relaying through a law clerk that he thought he should let his record speak for itself. The Daily Report examined all of the published Court of...
three-judge panel cannot reach a unanimous decision, plus one split decision issued by a 12-judge
panel, which is convened when the court is considering overturning its precedent.

To be sure, those cases represent only a sliver of the court's decisions, as most are routine
matters decided by a three-judge panel. Prosecutors and plaintiffs win some, while defendants win
others, and the cases in which Blackwell participated were no exception. But the cases in which the
court divided provide a window into how Blackwell's voting record stacked up against those of his
colleagues.

CRIMINAL CASES
Among 13 such split decisions in criminal cases, Blackwell sided with the prosecution 12 times.

In December 2010, only about a month into his new gig, Blackwell wrote for a 5-2 majority in
when police searched an arrestee's cellphone for text messages. The state Supreme Court
unanimously affirmed that ruling, finding the search of the cellphone was allowed under the general
rule that allows police to search containers found in the passenger compartment of an arrestee's
vehicle.

Blackwell would go on to pen several dissents to pro-criminal defendant rulings by his colleagues.
Last summer, in Keaton v. State, 311 Ga. App. 14, Blackwell was the lone holdout against six
judges who tossed an aggravated stalking conviction. He called his colleagues' interpretation of
the stalking statute a "judicial rewrite," invoking Nahmias' writings about the dangers of trying to
discern legislative intent.

In Hodges v. State, 311 Ga. App. 46, Blackwell wrote a dissent to a 4-3 ruling in which the majority
sided with a defendant over his attempts to prove he was acting in self-defense when he shot the
victim. Blackwell said the majority's approach conflicted with case law from the state Supreme
Court. Notably, the high court validated Blackwell by reversing the appeals court ruling earlier this
summer.
ENP Newswire - 15 August 2012

Release date: 14082012 - Former U.S. District Judge Sidney O. Smith Jr., a long-time and influential member of the Brenau University Board of Trustees, died Saturday, July 14, after an illness.

He was 88 years old.

Brenau President Ed Schrader described Smith as the 'moral and intellectual compass' for the university and its leaders. Smith was so important to the evolution of Brenau as a doctoral degree-granting institution that trustees voted unanimously two years ago to name its graduate school for him.

Judge Smith was the fourth generation of his family to serve on the leadership board of the institution, and until his death, he remained an active member. Smith or one of his ancestors was involved in every major development at the institution since its inception in 1878. He was the leader in the movement in the early 1990s to acquire full university status for Brenau and was instrumental in the university's winning approval from the Southern Association of Colleges and Schools to become a doctoral degree-granting institution.

Brenau honored him two years ago by naming its graduate school the Sidney O. Smith Jr. Graduate School. He lived to see the graduate studies programs break the 1,000-student enrollment mark last fall.

Even through his recent illness, he was a constant figure on the Gainesville campus.

Sidney Osolin Smith Jr. was born and raised in Gainesville, Ga., where in 1878 his great-grandfather, Reconstruction-era Congressman William Pierce Price of Dahlonega, Ga., was a member of the founding board of what is now Brenau. Price's son-in-law and Smith's grandfather, William Arthur Charters, was on the board in 1911 when Brenau became a chartered institution of higher learning. In addition, Smith's father, Sidney O. Smith Sr., the first licensed insurance agent in Georgia, and mother, Isabelle Price Charters Smith, served simultaneously on the Brenau board.

Following service in World War II, Smith graduated cum laude from Harvard, where he played on the football team with future U.S. Attorney General and U.S. Sen. Robert Kennedy. In 2008, Smith was in the audience when Kennedy's daughter, Rory, presented a program of her award-winning documentary films in Brenau's historic Pearce Auditorium. Afterward, Kennedy and Smith engaged in one of the judge's favorite pastimes, swapping stories.

Smith graduated magna cum laude from the University of Georgia law school. After private law practice and service as a Georgia superior court judge, President Lyndon Johnson appointed him to the U.S. District Court for the Northern District of Georgia, where he served for nine years, including six years as chief judge.
His service to both public and private education began as chairman of the Gainesville Board of Education. In addition to Brenau board membership, which comprised a period as chairman of the board for the private, not-for-profit institution, Smith also served on the state Board of Regents, the governing body for Georgia's public colleges and universities. Although he offered to step down from the Brenau board to remove possible conflict of interest questions, members of both bodies collectively dissuaded him.

Although Brenau historically is a women's college, the trustees in the 1970s expanded its charter to offer coeducational programs in Gainesville and on other campuses. In the 1990s, Smith was instrumental in expanding graduate programs and winning approval for Brenau's university status. Fittingly, moments after the Brenau board voted to name the graduate school after Smith, he made the motion, which the board also approved without dissent, for Brenau to launch its first doctoral degree program. The Doctor of Nursing Practice program seated its first candidates in 2011. The university's strategic plan envisions enrollment increasing to about 5,000 students by 2025. Most of the growth will occur in graduate programs.

'Judge Smith was a classic southern gentleman and a scholar,' Schrader said. 'The judge was perhaps the most thoughtful person I have ever known. He carried on his family's legacy of leadership at Brenau with integrity, enthusiasm and energy. In many ways, he was our moral and intellectual compass. He will be missed and remembered, but he will never be replaced. It was indeed very rewarding that he was able to see the graduate school carry his name forward, passed on through many new generations of students.'

[Editorial queries for this story should be sent to newswire@enpublishing.co.uk]

LOAD-DATE: August 15, 2012

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

Time of Request: Thursday, August 16, 2012 06:38:08 EST

Print Number: 2825:365429137
Number of Lines: 59
Number of Pages: 1
RUNOFF ELECTIONS IN THE LEGAL COMMUNITY

GWINNETT COUNTY SUPERIOR COURT
NAME: Kathryn Schrader
PRIMARY ELECTION RESULTS: 44%
EXPERIENCE: Lawyer and litigator at Schrader Legal who primarily handles family law matters. Part-time municipal judge in Duluth and Sugar Hill. Former solicitor for the city of Duluth.
LAW SCHOOL: Mercer University
WEBSITE: http://kathrynschrader.org

NAME: Tracey Mason Blasi
PRIMARY ELECTION RESULTS: 20%
EXPERIENCE: Mediator, arbitrator, guardian ad litem, former municipal judge in Duluth, former civil engineer.
LAW SCHOOL: Georgia State University
WEBSITE: http://www.electtraceyjudge.com

NAME: John Skelton
PRIMARY ELECTION RESULTS: 16%
EXPERIENCE: General practitioner in real estate and nonprofit management before becoming a lawyer.
LAW SCHOOL: Georgia State University
WEBSITE: http://johnskeltongojudge.com

NAME: Pam Britt
PRIMARY ELECTION RESULTS: 27%
EXPERIENCE: General practice lawyer handling criminal defense, family law, wills, contracts and personal injury. Worked for companies in real estate and nonprofit management before becoming a lawyer.
LAW SCHOOL: Georgia State University
WEBSITE: http://pambrittforjudge.com

GILMER COUNTY STATE COURT
NAME: Jeff Snelling
PRIMARY ELECTION RESULTS: 43%
EXPERIENCE: Managing partner of Miller & Snelling, member of the Gilmer County Board of Commissioners, former paralegal.
LAW SCHOOL: Georgia State University
WEBSITE: None

NAME: Joe Hendricks Jr.
PRIMARY ELECTION RESULTS: 37%
EXPERIENCE: District attorney for the Appalachian Circuit. Formerly assistant district attorney and ran a solo practice before he was elected to the DA post in 2004.
LAW SCHOOL: Georgia State University
WEBSITE: http://www.hendricksforda.org

COBB COUNTY SUPERIOR COURT CLERK, REPUBLICAN
NAME: Rebecca Keaton
PRIMARY ELECTION RESULTS: 48%
EXPERIENCE: Lawyer in a variety of areas including criminal defense, civil litigation and family law. Former prosecutor in the Cobb County Solicitor's office.
LAW SCHOOL: University of Georgia
WEBSITE: http://rebeccakfornoclerk.com

NAME: John Skelton
PRIMARY ELECTION RESULTS: 36%
EXPERIENCE: Lawyer who primarily handles real estate, along with landlord-tenant and general practice work. Worked in the Cobb County solicitor's office during summers and holidays from 1990 to 1996. Former real estate appraiser.
LAW SCHOOL: University of Georgia
WEBSITE: http://johnskeltonforclerk.com

JEFFERSON COUNTY SUPERIOR COURT CLERK, DEMOCRAT
NAME: Anne Durden
PRIMARY ELECTION RESULTS: 47%
EXPERIENCE: Lawyer
LAW SCHOOL: Emory University
WEBSITE: None

NAME: Amy Wilcher Howard
PRIMARY ELECTION RESULTS: 32%
EXPERIENCE: Collections specialist at Jefferson Hospital. Formerly worked as a financial controller for two skilled nursing facilities, former paralegal.
EDUCATION: Brenau University
WEBSITE: None

LEGISLATURE, DISTRICT 62, DEMOCRAT
NAME: Marvin Arrington Jr.
PRIMARY ELECTION RESULTS: 48%
EXPERIENCE: Founder of Arrington Law Firm, former board member for the Sickie Cell Foundation of Georgia, former clerk for the Georgia Court of Appeals.
LAW SCHOOL: Emory University
WEBSITE: http://marvinarringtonjr.com

NAME: LaDawn Jones
PRIMARY ELECTION RESULTS: 29%
EXPERIENCE: Lawyer and former Fulton County chief junior assistant district attorney. Director of Women of Westside and Sisters of Sandtown, teaching life skills and providing community service to students.
LAW SCHOOL: Tulane University
WEBSITE: http://www.lhj2012.com

LEGISLATURE, DISTRICT 63, DEMOCRAT
NAME: Ronnie Mabra Jr.
PRIMARY ELECTION RESULTS: 49%
EXPERIENCE: Founder of the Mabra Firm, specializing in personal injury.
LAW SCHOOL: University of Georgia
WEBSITE: http://electmabra.com

NAME: T.J. Copeland
PRIMARY ELECTION RESULTS: 27%
EXPERIENCE: Special education teacher at Banneker High School, wrestling coach.
EDUCATION: Jacksonville State University
WEBSITE: http://tjcopeland.com

LEGISLATURE, DISTRICT 66, REPUBLICAN
NAME: Bob Snelling
PRIMARY ELECTION RESULTS: 50%
EDUCATION: United States Naval Academy
WEBSITE: http://www.bobsnelling.com

NAME: Michael Miller
PRIMARY ELECTION RESULTS: 27%
EXPERIENCE: Managing partner of Miller & Hightower, member of the Douglas County Board of Education.
LAW SCHOOL: Samford University
WEBSITE: None

NAME: Bob Snelling earned 49.63% of the vote, leading him just short of the majority needed to avoid a runoff in the three-person race.

Funeral service will be conducted Friday, Aug. 17, 2012, at 11 a.m. at St. Paul's Episcopal Church. The Rev. James R. Bullion will officiate. Interment will follow in Crown Hill Cemetery.

A native of Lakeland, Ga., Mr. Banks graduated from Lanier County High School in 1942. He joined the U.S. Navy and served during World War II. After his military service, he enrolled in the University of Georgia, was a member of the Kappa Alpha fraternity and graduated from the University of Georgia School of Law.

Mr. Banks moved to Albany, Ga., in 1970, from Valdosta and served as President of The Citizen and Southern Bank of Albany until his retirement in 1987. He was a member of St. Paul's Episcopal Church and The Benevolent and Protective Order of The Elks, Lodge No. 713.

Survivors include his wife, Helena R. Banks of Albany, Ga.; two daughters, Laura Banks Booth of Albany, Ga., Betty Banks Suggs and her husband, Dwayne of Leesburg, Ga.; a brother, George Banks and his wife, Shirley of Lakeland, Ga.; two grandchildren, Matthew Dwayne Suggs and Andrew Banks Suggs, both of Leesburg, Ga.

He was preceded in death by a brother, Charles Banks; a sister, Betty Anne Banks Harvey; and a son-in-law, Donald Booth.

The family will receive friends from 5-7 p.m. today at Mathews Funeral Home. Those desiring may make memorials to Willson Hospice House, 320 Foundation Road, Albany, GA 31707.

The family will be at the residence of Dwayne and Betty Suggs, 647 Winifred Road, Leesburg, GA 31763.

To sign the online registry or to send condolences to the family, you may visit Mathews' website at www.mathewsfuneralhome.com. -- Mathews Funeral Home, Albany, Ga.
SECTION: OBITUARIES

LENGTH: 293 words

HEADLINE: William C. Banks, Jr.

BYLINE: Staff Reports

BODY:

ALBANY -- William C. (Bill) Banks, Jr., 87, of Albany, GA died August 13, 2012 at Willson Hospice House. Funeral services will be conducted Friday at 11:00 AM at St. Paul's Episcopal Church. Rev. James R. Bullion will officiate. Interment will follow in Crown Hill Cemetery.

A native of Lakeland, GA, Mr. Banks graduated from Lanier County High School in 1942. He joined the United States Navy and served during World War II. After his military service, he enrolled in The University of Georgia, was a member of the Kappa Alfa Fraternity and graduated from the University of Georgia School of Law.

Mr. Banks moved to Albany, GA in 1970 from Valdosta, GA and served as President of The Citizen and Southern Bank of Albany until his retirement in 1987. He was a member of St. Paul's Episcopal Church and The Benevolent and Protective Order of The Elks, Lodge # 713.

Survivors include his wife, Helena R. Banks of Albany, GA, two daughters, Laura Banks Booth of Albany, GA and Betty Banks Suggs and her husband, Dwayne of Leesburg, GA, a brother, George Banks and his wife, Shirley of Lakeland, GA, two grandchildren, Matthew Dwayne Suggs and Andrew Banks Suggs both of Leesburg, GA. He was preceded in death by a brother, Charles Banks a sister, Betty Anne Banks Harvey and a son-in-law, Donald Booth.

The family will receive friends Thursday from 5:00 PM until 7:00 PM at Mathews Funeral Home.

Those desiring may make memorials to Willson Hospice House, 320 Foundation Road, Albany, GA 31707.

The family will be at the residence of Dwayne and Betty Suggs, 647 Winifred Road, Leesburg, GA 31763.

To sign our online registry or to send condolences to the family, you may visit Mathews' website at www.mathewsfuneralhome.com.

Mathews Funeral Home

Albany 229/435-5657

LOAD-DATE: August 28, 2012
Jennifer Lynn Gathercoal and Nathaniel Dorsey Kimbro were married May 26. The Rev. Timothy Hilton officiated the ceremony.

The bride is the daughter of Terry and Marcia Gathercoal of Lilburn. She is a graduate of Piedmont College and the University of Georgia School of Law.

The groom is the son of Mark and Chris Kimbro and is employed with Titan Team Sports.

Laurel Matthews of Martin served as the matron of honor. Bridesmaids were Melissa Moore of Toccoa, Erin Gathercoal of Lilburn, Laura Kirk of Alpharetta, Christy House and Catherine Kimbro, both of Lawrenceville.

Matthew Carroll of Louisville, Ky., and Nickolas Plaisted of Winston-Salem, N.C., served as the best men. Groomsmen were Billy Austin of Suwanee, Bryn Trussell of Marietta, Alan Cherry of Norcross and Jeffrey Mckendree of Athens.

The couple will reside in Lilburn.

LOAD-DATE: August 28, 2012

Judge M. C. Pritchard, 84, of Waycross, died early Monday morning (July 30, 2012) surrounded by his family after a brief illness.

Born in Fitzgerald, he was the son of Everett E. and Eloise Mc-Cranie Pritchard Sr.

He was also preceded in death by two wives, Irene Wilson Pritchard and Marie Carter Pritchard, and a sister, Louise Faulk.

He was a retired juvenile judge of the Waycross Judicial Circuit and served in the United States Navy.

He was an outstanding football player having served as captain of Waycross Bulldogs, selected to the SGFA and All-State Team, attended Middle Georgia College on a football scholarship and earned letters in both football and tennis.

He was inducted into the Waycross-Ware County Sports Hall of Fame.
He graduated from the University of Georgia School of Law with an LLB degree and served as senior justice on the Law School Honor Court. On Sept. 23, 1950 he was admitted to the Georgia Bar.

He has been admitted to practice law in the Supreme Court of the United States, United States District Court of the Northern and Southern District of Georgia, Superior and State Courts of Georgia, including the Supreme Court of Georgia and the Court of Appeals of Georgia. He has served as chief assistant district attorney for the Waycross Judicial Circuit, past president of the Waycross Bar Association, the Waycross Jaycees, the Waycross Exchange Club, a member of Trinity United Methodist Church, the Georgia Bar Association, Juvenile Judges Council of Georgia, Ware County Boosters Club and the Okefenokee Golf Club.

He loved his children and grandchildren, loved watching UGA football, Ware County Gator football and golfing.

Survivors include his three children and their spouses, Selina P. and James Pinckney, of Waycross, Susan P. and James Aldridge, of Blackshear, and Marion Cleveland and Blanche Pritchard Jr., of Waycross; six grandchildren, Tony and Ivey Kott, Jennings Pinckney, Samantha Aldridge (fiance Kelly Young), Chris and Chantelle Aldridge, Ashley and Bryan Evans and Cassie Pritchard (fiance Sean Medders); five great-grandchildren, Cayden Kott, Jayla Martin, Preslee Aldridge, Alyssa Young and Aliza Bowen; a brother, Major Everett E. Pritchard Jr., of Beaufort; two step-children, Sharon Heath and Charles Lee, both of Waycross; two step-grandchildren, Dr. Lina Harper and Millie Heath; three step-great-grandchildren, Amber Williamson, Hannah Harper and Heath Harper; and several nieces, nephews and other relatives.

Visitation will be this evening from 5 to 8 at Grace Episcopal Church in Waycross.

A funeral will be held Thursday morning at 11 at Grace Episcopal Church with the Rev. Kit Brinson officiating.

Burial will follow in Oakland Cemetery.

Pallbearers will be Tony Kott, Jennings Pinkney, Samantha Aldridge, Chris Aldridge, Kelly Young and Cassie Pritchard.

In lieu of flowers, donations are requested to Hospice Satilla, 317 Plant Ave., Waycross, Ga. 31501.

Arrangements are with Frye Funeral Home, Nahutna.

Sympathy may be expressed by signing the online registry at www.fryefh.com.
Mayor Kelly Kautz Named One of UGA's 40 Under 40 - Snellville, ...

Snellville Mayor Kelly Kautz has been selected by the University of Georgia Alumni Association in its UGA 40 Under 40 program, which celebrates the university's most outstanding young alumni.

The recipients were selected from over 400 nominees from across the world. The 40 recipients of this year's honor were selected from more than 400 nominees from across the nation and the world. The honorees are alumni of UGA who are under 40 years of age, have had an impact in business, leadership, community, educational, and/or philanthropic endeavors, and who have aspired to uphold the principles manifested in the three Pillars of the Arch: Wisdom, Justice and Moderation.

Mayor Kautz is a double Dawg, having graduated from the University of Georgia with both her bachelor's degree in Political Science and her Juris Doctorate Degree from the School of Law.

When asked about the honor Mayor Kautz said that she was "truly humbled."

"I am an avid supporter of the University of Georgia. Over the decades the University of Georgia has graduated some of the brightest and most talented leaders in our state," she said. "For the Alumni Association to consider me in the same class as my fellow alumni such a privilege. To me personally this is the biggest honor that I have ever received."

The group will be honored at an awards luncheon at the Georgia Aquarium on Sept. 20 and at the UGA Football Game on September 22nd.

(Editor's note: Information for this article originated from a press release issued by the City of Snellville.)
Lawyer Reinvents Self in Bad Economy

Richard Alembik downsized real estate firm, now represents distressed borrowers

Atlanta lawyer Richard Alembik had built a litigation practice around commercial real estate development and title work before the economy crashed and burned five years ago. To survive, he has had to reinvent himself, turning from big clients and big deals in real estate to small clients in danger of losing their homes.

Katheryn Hayes Tucker

08-17-2012

When he graduated from the University of Georgia School of Law 21 years ago, Richard Alembik traded his love of motorcycle racing for another kind of adrenaline rush in the courtroom. He built a litigation practice around commercial real estate development and title work.

All that changed five years ago when the economy -- starting with the real estate market -- crashed and burned. Now, only one of his big developer clients from the old days is still in business. "They had too many assets to declare bankruptcy, so I'm still representing them," he said somberly.

To survive, Alembik had to reinvent himself, turning from big clients and big deals in real estate to small clients in danger of losing their homes.

He talked about it over lunch at Farm Burger near his downtown Decatur, Ga., office.

"I retooled," he said. "Now I do foreclosure defense and consumer protection."

His business is smaller now. So is his firm, Richard S. Alembik, PC. (Alembik & Alembik was started by his uncle. His father, an estate and tax lawyer who passed away in 1992, had another firm with Alembik in the name.) Since the recession, he's scaled back from six employees to three. The firm once was himself, an associate and four support staffers. Now, it's only himself, a paralegal and an office administrator. Revenue is down, but so are expenses. "My profitability is not based on exploiting an associate, but on providing a service that no one else can provide," he said.

In the process, Alembik has developed a body of knowledge in an area in which few lawyers have expertise, and those that do usually work for the other side -- the banks, mortgage companies and loan servicers who carry out foreclosures at the rate of thousands every month in metro Atlanta counties. Marietta, Ga., plaintiffs lawyer Matthew Flournoy said Alembik is one of the most knowledgeable lawyers in Atlanta in the area of foreclosure defense. "He's represented a lot of people against banks," Flournoy said.
Asked why he took this direction with his practice, Alembik replied, "I always wanted to represent the good guy."

"I don't want to sound shrill," he hastened to add, offering that he sometimes represents lenders on a small scale. "Sometimes the good guy can be the lender."

He has filed more than 100 wrongful foreclosure lawsuits around metro Atlanta during the past five years. All but one settled before making it to a jury. And he did win that one.

"If the bank doesn't win on summary judgment, the bank is going to settle," he said. "Banks do not want to be in front of juries right now."

Still it's difficult to reach a good outcome for a borrower in this market. If homeowners are underwater on their mortgage, which many are, they have no equity to claim in a wrongful foreclosure action -- unless they win some type of loan forgiveness, which is rare, he said. Alembik said he can't always help people hang on to their homes, although that is his goal.

Alembik does cringe at the standard company line that no bank wants to foreclose on a customer, and that the best outcome for both is for the borrower to keep their home, business or other property.

The deregulated market of recent years and the securitization process that has developed have turned conventional wisdom upside down, he said. Since the local banks now sell the loans to other mortgage companies, the banks get their money and the loans get sold repeatedly to financial companies or servicers. If a customer is late on a payment or misses one, the servicers still must make the payments to the investors -- unless the loan goes into default and the foreclosure process begins. Then the financial companies can cash in on their insurance, or credit default swaps. So foreclosure is no longer so undesirable for the financial industry. Of course, that means trouble not only for the individual buyers but for the big companies that financed the mortgage-backed securities, such as AIG.

"In this era of mortgage-backed securities the majority of loan servicers are contractually obliged to pay their lenders the stream of revenue generated by the loans they service -- whether or not they actually receive a mortgage payment. Servicers are thus foreclosing purely out of self-interest. This is because once a loan has been foreclosed, the servicer is no longer obligated to make payments back up the securitization 'conduit' to the owner of the debt (often a securitized trust holding a pool of mortgage loans)," Alembik said in a recent letter to the Daily Report. "This dynamic represents one of the biggest roadblocks to returning the real estate and financial markets to some equilibrium."

He paints a bleak picture and he doesn't foresee it improving any time soon. "I think it's going to get worse after the election, no matter who wins," Alembik said. "I think a lot of people are holding up actions until then."

Alembik has also noticed a change in the types of cases he's taking during the years of the economic crisis. At first, he said, he was representing a lot of people with relatively small mortgages living close to the margins of what they could manage. They were the first to go under. Now, he said, he is representing more formerly high net worth individuals with million-dollar mortgages that they're having trouble paying. "They've held on as long as they could," he said.

Despite his love for litigating, Alembik has had to learn to take satisfaction in helping people stay out of court. His website says his "most satisfying professional accomplishments, however, have been those that did not get into the courts or the headlines: Negotiated resolutions that avoided litigation and preserved constructive business relationships."

If a foreclosure has already taken place, there is little he can do, he said. If he can step in early, he can give a client a chance to renegotiate the terms of the loan, a process that is difficult in the current climate. Still, he fears, too many people are just delaying the inevitable when they renegotiate a loan to a longer term or even a lower interest rate.
"People can't keep paying on a loan for 40 years when the property is worth less than half of what they owe," he said. "I don't think things are going to change until we can start modifying the principal."

It's a difficult proposition, he acknowledged, to even consider bringing the lenders back to the table to assume a part of the risk the buyer took on the price of a home or other property. Yet he believes it's an idea that will have to be considered to solve the crisis.

Otherwise, he said, even bigger losses will follow as more people decide their only choice is to walk away from their mortgages.

As he rose from the table to get back to work, Alembik said the change in direction of his practice has made him cynical about the economy. "It's like the Great Depression out there."
MURFREESBORO - It took hours of interviews and 12 rounds of secret balloting Friday before three candidates emerged as frontrunners to be the next circuit court judge for the 16th Judicial District.

When all was said and done, Smyrna Municipal Judge Keta Barnes, Keith Siskin, a magistrate in the Rutherford County Juvenile Court, and longtime Murfreesboro attorney Howard W. Wilson each received the minimum nine votes from a review panel to advance in the selection process. Thirteen applicants in all were interviewed for the post at the County Courthouse.

One of them will succeed Circuit Court Judge Don Ash, who accepted a promotion from the Tennessee Supreme Court to become a senior judge.

"I'm tired," said Keta Barnes, 36, after a grueling standoff before becoming the final candidate to be sent to Gov. Bill Haslam. The governor will make the final pick to fill Ash's unexpired term.

She and local attorney Kirk Catron, 33, were tied after seven votes each after round six, and it took six more rounds to settle the issue. Each candidate was able to speak for two minutes followed by commission deliberations in between the votes.

"I am honored to be nominated," Barnes said. "The 13 applicants were excellent."

She graduated from the University of Tennessee College of Law in 2002, and served as an attorney in Nashville for four years before becoming municipal judge for Smyrna six years ago. She considers traffic cases, general sessions criminal cases and traffic cases.

News this week that Siskin was backed by the local bar association apparently didn't hurt him, who picked up nine votes in round 2A.

Siskin told the commission Friday afternoon, "I've always felt the circuit court is my calling."

Afterwards, the 40-year old said he was honored to be selected as a finalist.

"It was such a strong field of candidates," the University of Georgia Law School graduate said.

Siskin practiced law from 1998 to 2007 and worked part time as a magistrate before becoming a full-time magistrate in 2007.

Wilson picked up 10 votes on the first ballot to be the first to be recommended by the commission to Gov. Haslam. The 51-year-old Lascassas resident graduated from the Nashville School of Law and has been practicing law for 23
years.

"I have diverse experience," he said. "I've handled over 1,000 criminal cases, and over 1,000 bankruptcy cases. "I have a passion for public service," the United Way of Rutherford and Cannon County board member said.

Fifteen of 17 commission members were present for the long day inside the Rutherford County Courthouse, which saw advocates for applicants presenting their cases for candidates up until just after 11 a.m. Then, each applicant was asked questions by the commission for approximately 15 or 20 minutes before voting began.

Commissioner Bert McCarter of Murfreesboro did not vote, because one of the candidates (Catron) was a law partner of his.

Thirteen applications applied between July 10 and July 31 for the job.

"The candidates are vetted by the governor's office, and the governor makes the final decision," explained Dave Smith, a spokesman for the governor. "The governor could also ask for a new slate of candidates from the commission."

When a new judge is selected, he or she will serve until 2014.

The 16th Judicial District Circuit Court judges make $161,808 per year, according to state law. Judge Ash will remain in his current position until a new judge is selected by the governor.

- Doug Davis, 615-278-5152

FYI

J. Mark Rogers, Royce Taylor and David Bragg are the other circuit court judges besides Don Ash. Robert Corlew is chancellor of Chancery Court.
Miami-Dade judge at ground zero of South Florida's foreclosure crisis

By Martha Brannigan
mbrannigan@MiamiHerald.com

As the administrative judge for the civil circuit division, Miami-Dade Circuit Judge Jennifer Bailey has a bird's-eye perspective on the foreclosure crisis that has changed South Florida's housing landscape.

The spike in foreclosure cases beginning in 2006 has tested the courts, prompting the creation of a task force and the allocation of extra funding to help cope with the unprecedented foreclosure load.

Bailey has lectured on the subject of foreclosures. She has testified before Florida legislative committees. And she wrote the Foreclosure Bench Book for attorneys and real estate professionals.

After sitting down for an interview with The Miami Herald, Judge Bailey responded by email to questions about the foreclosure situation.

Q. Miami-Dade is an epicenter of the foreclosure crisis. Does the 11th Circuit Court have sufficient manpower and resources to deal with the foreclosure load? How will the recent state grant help?

Miami should be proud of its judges, who shouldered the burden of an exploding foreclosure caseload. In the last typical year of 2006, there were 9,800 foreclosure cases filed. Since that time, 215,717 foreclosure cases have been filed through June 2012 — an average of nearly 40,000 per year. In just the past two and a half years, your judges have resolved over 92,000 cases.

The Eleventh Circuit's existing manpower and resources continue to be challenged by the foreclosure load, which is currently about 60,000 cases, but the one-time state funding we received in 2010-11, and now again in 2012-13, will allow us to hire additional retired
judges and case managers to assist our daily efforts to resolve these cases.

However, this special state funding does not include funding for the Clerks of Court, who handle all the paperwork, case files, and docketing of case activity. The foreclosure crisis has imposed a huge burden on the Clerks while budget cuts have forced them to cut positions or leave vacancies unfilled, leading to challenges in the handling of the court records. Q. What has happened to judges’ caseloads since the foreclosure crisis began? What has the court done to adapt to it?

Judges’ individual caseloads tripled from an average of approximately 1,900 active cases per judge, to approximately 7,000 active cases per judge during the peak of the foreclosure crisis. After a great deal of hard work on moving these cases to resolution, that number has since dropped to approximately 5,000 active cases per judge — still an extremely difficult burden to carry.

To assure access to justice, we set up a special calendar which only hears foreclosure summary judgments full-time. We have tried to keep judge’s calendars accessible for hearings in other types of cases by making sure we are still setting time for jury trials and by splitting calendars so that foreclosure cases are heard at separate times from other cases, so that the volume of foreclosure cases does not elbow out every other type of civil proceeding.

Currently we have both trial judges and senior judges trying foreclosure cases, and once the Foreclosure Project, which started July 1, gets fully running, we will be moving hundreds of foreclosure cases to trial each week. Q. What are the advantages and disadvantages of judicial foreclosure compared to non-judicial foreclosure?

The judge’s job is to apply the existing law to the individual circumstances of each foreclosure case. Therefore, that question is best addressed by lender attorneys and consumer defense attorneys who have been following these proposals closely and can speak about how each system protects the parties’ rights and the pros and cons they see from the lenders’ and consumers’ perspectives. However, the significant advantage touted for non-judicial foreclosure is that it would purportedly reduce delays in foreclosure cases currently handled by the courts. Here in Miami-Dade County’s Eleventh Circuit, there has been no delay in foreclosure case hearings for nearly two years.

If you want to see a judge to hear your trial or summary judgment, you get a prompt court date. Q. What happened with foreclosure cases during the Attorneys General cases, and what’s happening now that the case has been settled? Are you seeing a new wave of filings?

When the “Robo-signing” scandal broke, many lenders put cases on hold so that they could investigate and improve their systems for processing foreclosure paperwork. We supported that effort, because it is critical that documents filed in court are truthful and accurate, and many banks have returned to court with substantially improved systems. This was particularly difficult for condominium and homeowners associations, which frequently do not receive association payments from homeowners in foreclosure, creating deficits in the associations’ operating budgets and affecting the entire community.

During the investigations conducted by the Attorneys General and the Treasury...
Department, many issues also arose about the process of loss mitigation — the process by which borrowers try to work with banks to keep their home. Anecdotally, we seem to be seeing more loan modifications and short sales going through now, but we don't have comprehensive data measuring those events.

While foreclosure filings have once again increased after the Attorneys General and Treasury Department investigations concluded, we are now at a steady rate of about 2,300 new foreclosure cases per month on average for 2012. We do not anticipate seeing another foreclosure filing tsunami. Both banks and their law firms realized that filing too many cases at once create quality control problems for them and workload problems for the court system.

There are rumors that there are giant warehouses filled to the brim with unfiled foreclosures that are about to reach the courts, but we haven't seen them yet. Some of the delay may be due to stricter procedures required by the banks' recent settlements with the Attorneys General and the Treasury Department over inappropriate handling of foreclosure cases, as well as Florida's recent requirement that the accuracy of the complaint in foreclosure must be sworn to by the foreclosing plaintiff. Q. Regarding foreclosures, you have said: "It is more important to do them right than to do them fast." Can you elaborate?

Foreclosure cases must be handled correctly by the courts. The integrity of title to the real estate property depends on a thorough and accurate court proceeding. Subsequent purchasers of these properties will rely upon what happened in court to assure their ownership of the property.

Some jurisdictions have been accused of running "rocket dockets" in which priority is placed on quick entry of judgments. Since the beginning of the crisis, the Eleventh Circuit's priority has been to ensure that the foundations upon which the judgment is entered are solid; i.e., that parties are properly noticed; the supporting facts are properly established, and that the original note is surrendered to the court or accounted for during the proceeding. To that end, we have strict review procedures in place to ensure the integrity of the process. While we maximize resources to move the cases through the Miami-Dade court system as efficiently as possible, we do not do so at the expense of justice. Q. From your vantage point, who is responsible for the foreclosure crisis?

I deal with the cases that are in front of me. Moral judgment gets you nowhere. There is plenty of blame to go around. The banks shouldn't have made the loans. The borrowers shouldn't have taken them. It was a huge shell game with loans getting sold and repackaged into securities, with no responsibility. Everyone thought that somebody else should be the one to say 'no.'"
Pradaxa faces mountain of claims, including from TN men

The Tennessean - Nashville, Tenn.
Author: Bobby Allyn
Date: Aug 19, 2012
Start Page: n/a
Section: News Health & Medicine
Text Word Count: 1344

Pradaxa faces mountain of claims, including from TN men

After taking the blood-thinning drug Pradaxa for three weeks, Charles Jackson experienced intestinal bleeding. His doctor told him to get off the drug he began taking after suffering a stroke last September.

Months later, Jackson, 75, a retired truck driver from the rural railroad community of Hohenwald, saw a television advertisement imploring patients who had complications with Pradaxa to dial 1-800-BAD-DRUG to learn more about joining a lawsuit against the drug company.

Now Jackson is among hundreds of patients throughout the country who are teaming against an anti-stroke drug whose sales eclipsed $1 billion last year. Joining the suit thrusts Jackson into the high-dollar stream of product liability lawsuits, a burgeoning world of mass claims in which specialty law firms cast a wide net for injured consumers who represent the pitfalls of marketing risky products.

Spearheading the Pradaxa litigation is the San Antonio-based law firm of attorney Mikal Watts, a prominent product liability attorney and deep-pocketed Democratic fundraiser.

Watts, who recently hosted President Barack Obama at his home for a private fundraiser, filed tens of thousands of claims for redress after a $20 billion fund was set up to handle claims from the 2010 Gulf oil spill. He was responsible for an $800 million settlement after winning a case against Ford and Firestone alleging defective tires and vehicle parts, one of the country's largest product liability payouts.

Pradaxa, Watts wagers, could be the country's next blockbuster civil settlement.

Emily Baier, a spokeswoman for Pradaxa's maker, Boehringer Ingelheim, declined to comment on the lawsuit, though she said safety is the company's chief priority.

The drug has been under attack by physician groups and patient advocates since 3,781 adverse effects and 542 deaths associated with Pradaxa were reported last year to the Food and Drug Administration. The FDA is conducting a safety review of the drug, which millions of Americans take twice a day.

Yet some legal observers say the case exposes the seams of mass litigation: Clients such as Jackson are treated as no more than a claim number. And the fairest outcome for Jackson and numerous others, experts say, will not result from a collective suit in which cherry-picked examples stand in for hundreds of individual stories.

"It's going to be one of the larger mass torts in the history of the United States," said Ryan L. Thompson, attorney with Watts Guerra Craft, who is working on scores of cases, including Jackson's, with a team of 70 employees dedicated to the Pradaxa suit.

As if to indicate the enormity of the case, Thompson at one point asked: "Can you remind me of my client's name?"

An alternative

Jackson is one of millions of heart patients nationwide who have been prescribed Pradaxa, a blood thinner approved by the FDA in 2010 for patients who have an irregular heartbeat. When introduced, it was celebrated as the first replacement of the decades-old warfarin, known by the brand name Coumadin, the leading stroke-prevention pill, but one that requires weekly exams and calls for dietary restrictions.

Pradaxa, by contrast, required fewer doctor checkups and did not make patients eat selectively.

Beyond that, warfarin's possible side effects include brain hemorrhages and other types of internal bleeding. Pradaxa stepped into the lucrative market as an easier, safer alternative.
Boehringer Ingelheim, based in Germany, is one of the largest pharmaceutical companies in the world. It spent $464 million in 2011 to promote Pradaxa, including direct-to-consumer advertising. And many were warming to the pitch. During the same period, the company’s sales topped $1 billion.

Patients who have an irregular heartbeat, also called atrial fibrillation, are part of the broader market for blood clot drugs, in which sales have exceeded $10 billion a year, according to Goldman Sachs.

Deadly reports

The race to replace warfarin was believed to be over, and the company responsible for developing the substitute was broadcasting its message loudly.

But thousands of run-ins such as the one Roy Heady of the Cookeville, Tenn., area experienced raised alarms for regulators.

Shortly after switching medications last spring from Coumadin to Pradaxa, he was hospitalized for a hemorrhage. Although he was yanked off the medication, he still suffers from internal bleeding as a result of Pradaxa, according to a federal suit filed recently in Nashville.

"I thought it would lessen the headache of being on Coumadin," said Heady, 65, a retired electrician. "But it ended up creating more of a headache."

The drug led all other medications in the number of deaths reported to the FDA in 2011, according to the nonprofit Institute for Safe Medication Practices.

And in January, a Cleveland Clinic study found that Pradaxa may increase patients' risk of heart attack and cause irreversible bleeding complications.

'Real fraud''

Not long after those blistering reports came the first crop of federal lawsuits. The Watts firm was blazing the trail.

"It's a drug of questionable efficacy, and the real fraud has been perpetuated on the patients," said Ryan Thompson, an attorney with Watts' firm. "They developed a take-it-and-forget-it, one-size-fits-all drug, which injured an extreme amount of people."

Middle Tennesseans Jackson and Heady got caught up in the huge federal lawsuit like most: by dialing a number from a television commercial. Other claims were found by glimpsing a billboard ad or stumbling upon an Internet notice.

Often, local firms will refer clients to Watts because the San Antonio outfit has the know-how and resources to take on big corporations.

Thompson said he expects the cases to top 1,000 by next year, even after fraudulent and questionable cases are eliminated.

Recently, a judicial panel was organized in southern Illinois to hear all of the Pradaxa lawsuits emerging in federal districts across the country to avoid having dozens of courts battling disparate claims.

In the next three months, a massive tide of documents, numbering in the millions of pages, will be introduced to the case. In about a year, a panel of judges will select "bellwether" cases, which are individual injuries that represent hundreds of claims, according to Kentucky injury attorney Lee Coleman. His firm worked on Vioxx litigation that later resulted in a $950 million settlement and is aiding the Watts firm with the Pradaxa battle.

Watts' firm chose multi-district litigation, common in pharmaceutical battles, instead of a class-action suit, in part because it speeds up the process.

"Most of the patients are older, so time is of the essence. We need to proceed with haste," Watts said recently.

Baier, the Boehringer Ingelheim spokeswoman, said: "Patient safety is our top priority." She said research shows that adverse side effects reported to regulators usually peak during a drug's first few years on the market, when doctors are still unfamiliar with the drug and are on high alert.

Mass tort pros, cons

Elizabeth Burch, mass tort law professor at the University of Georgia, said the legal profession has long been profit-oriented. But the acute focus on reaping whopping settlements in mass litigation prompts some observers to deride the
Pradaxa faces mountain of claims, including from TN men - The Tenne... http://pqasb.pqarchiver.com/tennessean/access/2739145371.html?FM...

efforts as large-scale blackmail.

Still, because the government does not have the resources to bring these types of cases against big corporations, they are important battles to wage, Burch said.

"With most mass tort litigation, everyone gets a haircut. Some people who have severe claims get more; some lesser ones get less. But the idea is that, collectively, they are a more powerful force than they would have been individually."

Because of the nature of the multidistrict litigation, however, claimants such as Jackson and Heady probably will be dwarfed by more shocking stories.

"If you have an attorney just representing you, then you can be confident about the outcome," Burch said. "But if an attorney's representing 1,000 people, it's a little bit of a harder sell to think you're getting the best individual representation."

Contact Bobby Allyn at 615-726-5990 or ballyn@tennessean.com.

Leading suspect drugs

Ranked by the number of reports to the FDA in 2011

Pradaxa (approved in 2010): 817 reports
Coumadin (1954): 490 reports
Levaquin (1996): 393 reports
Carboplatin (1989): 376 reports
Zestril (1988): 351 reports

Source: Institute for Safe Medication Practices
ID_Code: DN-308190036

Abstract (Document Summary)

Months later, Jackson, 75, a retired truck driver from the rural railroad community of Hohenwald, saw a television advertisement imploring patients who had complications with Pradaxa to dial 1-800-BAD-DRUG to learn more about joining a lawsuit against the drug company. Joining the suit thrusts Jackson into the high-dollar stream of product liability lawsuits, a burgeoning world of mass claims in which specialty law firms cast a wide net for injured consumers who represent the pitfalls of marketing risky products.

Reproduced with permission of the copyright owner. Further reproduction or distribution is prohibited without permission.
Recent UGA graduates launch start-up mobile gaming company

By SATYAM KASWALA SATYAM.KASWALA@ONLINEATHENS.COM — updated
Sunday, August 19, 2012 • 10:31pm

For most college students, video games are just a hobby. But two recent University of Georgia graduates, Christian Rhodes and James Lynn, have turned that hobby into a business.

Rhodes and Lynn founded Aristobot earlier this year, a start-up mobile gaming company devoted to bringing the vast, competitive world of global gaming into the palm of users' hands.

"It seemed like a cool thing to do," said Rhodes, who graduated from the UGA School of Law this year. "We were always interested in games and especially the programming side of them."

While in school, Rhodes worked on programming projects with Lynn, who graduated from UGA in 2009 with a computer science degree.

Eventually, the two took notice at the exploding mobile application market and decided to summon all their brewing skills and ideas from developing programs and transform them into something bigger.

Now the company is on the cusp of releasing its first-ever game, Chess Mates, available this week at the Apple App and Google Play stores.

Chess Mates, like all games Aristobot plans to develop, is a shared, skill-based mobile gaming application that maintains the accessibility and easy resuming features of recent popular games like Zynga's Words With Friends.

However, Aristobot's games are designed for the more sophisticated and competitive gamer. They will feature constant user profiles, global rating systems, avatars to unlock, experience points, smooth independent servers and instant replays where users can learn from their mistakes. Unlike most gaming developers, Aristobot builds cross-platform games compatible with Apple and Android systems alike.

"We chose chess because it's turn-based, very straightforward and a good vehicle to stress-test the Aristobot framework," Rhodes said. "The next few games will be simple, but we want to start developing more complex and original games."

For such a simple game, Chess Mates took a year...
Recent UGA graduates launch start-up mobile gaming company

and a half to develop. Lynn, who works from Austin, Texas, where the company is based, programs Aristobot's games, while Rhodes handles all other areas of the company, including the business, marketing, financial and legal sides. Rhodes works from Atlanta. They are the sole designers and developers.

Rhodes said two reasons the company decided to tap into the mobile market were low costs and the encouraging lack of barriers independent developers face. He said that Chess Mates costs less than $2,000 to make, though countless hours were sacrificed to bring it to life.

"Phones open the door to the community because almost anybody can jump in and create a game," Rhodes said.

Smartphones continue to hurtle upwards in sales. A March 2012 Nielsen study found that smartphone purchases accounted for half of all mobile subscribers in 2012, a 38 percent increase from 2011.

The number of mobile gamers also climbed to 100 million this year according to Newzoo, a market research firm that collects data on the gaming industry. The pool for smartphone gamers is larger and more diverse than ever before.

As the company tosses its first game into this expanding market, the next question it'll face is how to best make money, Rhodes said. Some companies stock registers through in-app purchases within their games, while others rely on traditional digital unit sales or advertising.

Chess Mates will be offered in a free version as well as a version with extra features that costs less than $2. Rhodes hopes to keep Aristobot's games uncluttered by advertising, but he hasn't ruled out anything as the young company looks to find its footing.

"It's a learn-as-we-go experience," Rhodes said. "But I think it shows a lot of promise."
John F. T. Murray, Col. U.S. Army (Ret.) died at the Hospice of Chattanooga Hospital in Chattanooga, on August 18, 2012. He was born in 1918 to John and Catherine Hagan Murray of Elmhurst, N.Y., the oldest of six children. He was preceded in death by his beloved wife of 34 years and the mother of his six children, Dorothy Roberts Murray in 1975. He was also preceded in death by his second wife, Rosella “Roz” Sanderson in August 2010, and by his youngest son, Richard David Murray, in December 2010. Survivors include his brother, William Murray; his sons, John F. X. Murray (Louise) and William Robert Murray; and his three daughters, Mary Lynn (Steve) Applegate, Sue Anne (Chris) Brown and Sara “Sally” (Bill) Lockett. He is also survived by a total of 13 grandchildren and 16 great-grandchildren. The grandchildren are: Marisa Murray, Michele Murray Pyne, John William Murray, Charles “Chuck” E. Davis IV, Christopher Lynn Davis, Jenny Crews, Deb Grissett, Kathy Perrin, Will Murray, Dorothy (“Don”) Waller, John Calvin Thornton Jr., and Molly and Kathleen Murray. Col. Murray, (“Dad,” “Jack,” “The Colonel”) was a 1941 graduate of the United States Military Academy, West Point, N.Y., and a 1951 graduate of Harvard Law School. He served his country in WWII in General Pattons Third Army, G2, 87th Division in France, Luxemburg, Belgium, Czechoslovakia and including the infamous Battle of the Bulge. He received various medals for his service to his country including the Bronze Star, (2) French Croix de Guerre Medals, Legion of Merit w/Cluster, and the American Defense Award presented by President Franklin D. Roosevelt. Subsequently he traveled with his family to an assignment in Seoul, Korea, prior to the Korean War. Upon graduation from Harvard in 1951, he was transferred to the Judge Advocate Generals Corps and assigned to the Pentagon where he served as the senior military assistant to the civilian attorney, (Joseph H. Welch), during the Army/McCarthy Hearings. After his time at the Pentagon, he traveled with his family and served in Salzburg, Austria, and both Livorno and Verona Italy. Upon returning to the U.S. in 1958, he was assigned to Fort Benning, Ga. After his term there, the family moved to Pennsylvania where he attended the Army War College in Carlisle. In 1961 he was appointed Commandant of the Judge Advocate Generals School in Charlottesville, Va. He remained there until retiring from the Army in December 1964. During his “civilian” years he was a Professor of International Law at the University of Georgia, Athens, Ga., and was appointed associate dean in 1966. In 1976 he was appointed Dean of the Law School of St. Louis University. He retired from his civilian life and his second career in 1979 and returned to Georgia to be closer to friends and family. “I have spent my retirement visiting family and friends, attending class reunions at West Point, and sharing time between homes in the mountains of Georgia and North Carolina and the beaches of Florida. I have visited all the lower 48 states in motor homes and have sailed to Alaska and flown to Hawaii. I’ve been blessed with good health and good friends. I have had the pleasure of watching my children, grandchildren and great-grandchildren grow and develop their individual personalities.” I have lived for many years, and as they say in the Military, “Old soldiers never die they just fade away.” At a later date a Catholic Mass will be celebrated at the Chapel in West Point, N.Y. Burial will follow beside his beloved “Dorothy” in the U.S. Military Cemetery, West Point, N.Y. The family wishes to thank the staff at the Terrace at Mountain Creek, Chattanooga, for their care and attention. They also wish to acknowledge with deep appreciation the important role of Hospice of Chattanooga. In lieu of flowers please make donations in his name to Hospice of Chattanooga or to Saints Peter and Paul Catholic church in Chattanooga.
In murder case, RICO charges intrigue defense lawyers

Mark Niesse
Daily Report
08-22-2012

The public may be fascinated with the murder case against Andrea Sneiderman because it centers on an alleged love triangle, but lawyers observing the case are intrigued by something else — racketeering charges.

By accusing Sneiderman of violating the RICO law, or Racketeer Influenced and Corrupt Organization Act, DeKalb County prosecutors have been able to seize more than $2 million in life insurance money paid to her after her husband, Rusty Sneiderman, was killed by Hemy Neuman outside a Dunwoody day care center on Nov. 18, 2010.

Taking that money could hamper Andrea Sneiderman's ability to pay her defense lawyers and lead to a challenge that she's being denied her rights, said two lawyers experienced in criminal matters.

Criminal defense lawyers also added that the RICO charges have other benefits for the prosecution. RICO charges are easier to prove than murder, and they give prosecutors a wide latitude to explore a host of Sneiderman's actions that could be related to her husband's murder.

"It gives the prosecutor a sort of larger sledgehammer to wield," said William Morrison, a lawyer who has tried numerous RICO cases involving gangs and white-collar crime. "You can throw in the kitchen sink with a RICO indictment. Everything is intertwined."

The prosecution will attempt to use the RICO charge to show that Sneiderman and Neuman, her former boss at GE Energy, conspired together in the murder plot, according to the Aug. 2 indictment against her. In March a jury found Neuman guilty but mentally ill, and he's serving a life sentence. (On Tuesday, DeKalb Superior Court Judge Gregory Adams released Sneiderman from jail on $500,000 bond, restricting her movements to her parents' house, medical appointments and meetings with her lawyers.)

Applying the RICO law in these circumstances is unusual, said Kenneth Hodges III, an Atlanta lawyer and former Dougherty Judicial Circuit district attorney.

"I've never heard of the seizure of insurance proceeds in a murder case ... where an insurance company had made a payment to the beneficiary and then the DA's office came in afterward," said Hodges, of Ashe, Rafuse & Hill. "If the freezing of the assets inhibits or hinders in any way Ms. Sneiderman's ability to retain counsel, to defend herself from the indictment, she could and should make due process claims."

Defense attorney Donald Samuel said prosecutors followed the money and grabbed the life insurance cash to prevent Sneiderman from spending it or hiding it while she awaits trial.

"They're bringing RICO to tie up her assets. It raises all kinds of due process concerns," said Samuel, of Garland, Samuel & Loeb. "RICO is extraordinarily expansive in Georgia. RICO taken to its limits could be used in almost a limitless number of crimes."
Daily Report: In murder case RICO charges intrigue defense lawyers

Samuel was involved in a prominent example of a case in which RICO charges accompanied murder accusations. He defended former DeKalb County Sheriff Sidney Dorsey against charges that Dorsey ordered the death of Derwin Brown, who had defeated Dorsey in the 2000 election. Dorsey — prosecuted by then-DeKalb District Attorney J. Tom Morgan, who is now Sneiderman's lawyer — was convicted, and the Georgia Supreme Court upheld his conviction and the use of RICO charges in the case.

Both the office of DeKalb DA Robert James Jr. and Sneiderman's defense team, led by Morgan, declined to comment. On the stand during Neuman's trial, Sneiderman denied having an affair with him, and her lawyers have proclaimed her innocence.

Although Sneiderman won't be able to use the life insurance money for her defense, she may have other assets at her disposal. The Aug. 8 civil forfeiture complaint lists $2,275,779 that was seized from four of Sneiderman's accounts held at the Bank of New York Mellon, but it also notes that the Sneidermans had nearly $1 million saved in joint accounts or accounts only in Rusty Sneiderman's name at the time of his death.

Besides the money, the RICO charge will help prosecutors build toward proving malice murder and attempted murder charges, said attorney B.J. Bernstein. The eight-count indictment also includes accusations of insurance fraud, making false statements and perjury.

According to O.C.G.A. § 16-14-3, to prove a RICO offense has been committed, prosecutors need only to show that the accused has engaged in at least two acts toward a criminal goal — in this case, Rusty Sneiderman's murder. The indictment against Andrea Sneiderman lists 55 alleged overt acts by her and Neuman, including providing him with Rusty Sneiderman's schedule and misleading police about the nature of their relationship.

"It's potentially easier to convict someone under RICO because you only have to show they committed predicate acts. ... If something's missing, a jury can still convict you," Bernstein said. "RICO makes you accept that she was involved for the sake of insurance money, rather than being involved for the sake of having an affair with this man and wanting to spend her life with him by getting her husband out of the way."

At Sneiderman's trial, jurors will be able to examine the indictment and the step-by-step accusations of how the pair planned the killing, said Morrison, of Jones Morrison & Womack. "They will have a roadmap as to what the DA's theory is," he said.

Many of the racketeering accusations in the indictment point to circumstantial evidence. For example, it says in the weeks before the murder, Sneiderman urged her husband to call 911 to report that their garage door had mysteriously been raised, apparently to create a record of suspicious activity near their home.

The indictment says the day after the shooting, she gave Neuman the user name and password for her laptop, and he logged on that day. She later told friends she suspected Neuman killed her husband, but she didn't share that information with police, the indictment says.

She also testified at Neuman's trial that she didn't know what happened to her husband until she reached the hospital, the indictment says. But the forfeiture complaint says she called a friend, a co-worker and her father-in-law before she arrived at the hospital to tell them her husband had been shot.

Even if only a few of these claims are proven beyond a reasonable doubt, prosecutors could still win a RICO verdict without a murder conviction, said University of Georgia law professor Ronald Carlson. Prosecutors are seeking life without parole on the murder charge, and the RICO count comes with a 20-year maximum sentence.

"Often the RICO charge is brought into the picture to help ensure that a conviction of some kind will result from the trial," Carlson said. "Most prosecutors see a path to conviction a little more accessible under RICO than a circumstantial murder case."

But other lawyers disagreed, saying a murder conviction would go hand-in-hand with a RICO verdict.

"Why would a jury find you not guilty of murder but guilty of RICO of committing the murder? Juries do weird things sometimes, but that's completely illogical," said Samuel.

Michael Lambros, who has handled RICO forfeiture actions for district attorneys across the state, also said it's unlikely that a jury would only find guilt on one of the offenses.

"If you lose on murder, you're going to lose on RICO because there are predicate acts you've got to show," Lambros said.

District attorneys have expanded their use of state RICO statutes in the last decade as they've learned how much of an impression it can make on jurors, said Jerome Froelich Jr. of McKenney & Froelich.

Detailed racketeering charges give jurors an outline of the case they can follow, and prosecutors can use it to expand the type of evidence that can be presented at trial because the scope of RICO is so far-reaching, Froelich said.

"RICO scares juries. They don't understand that it's so broad that it could be anything," said Froelich, who handles mostly federal defense work. "One of the arguments I would make to the jury and the judge is that the state has overreached here. They're trying..."
to make this scarier than it really is by throwing racketeering into it."


Editor's note: Daily Report reporter Mark Niesse's account of the August 21, 2012 bond hearing for Andrea Sneiderman is on the ATLaw blog here.

Copyright 2012. ALM Media Properties, LLC. All rights reserved.
Richard White has left a partnership at Jones Day for one at Busch, Slipakoff & Schuh. White represents investment funds and servicers in the acquisition, disposition and servicing of real estate loan portfolios. As the financial industry works through the backlog of distressed real estate debt, this is a busy area.

White said he joined Busch Slipakoff on July 23 to expand the servicing aspect of his practice, managing both securitized and balance-sheet loan pools after they are acquired. He called Jones Day a "fantastic firm" but said the servicing work did not fit the firm's pricing model. "It was work I was leaving on the table," he said.

"The people there are amazing. It's one of the best-run firms with some of the best attorneys anywhere, and Lizanne Thomas is one of the best people I've ever worked for," White added, referring to Jones Day's local managing partner.

"We were happy to have had Rick with us even for a short time," said Thomas in an email. "Given the direction of the servicing industry, where his work is, we support his decision to move this self-contained practice to a firm focused more on middle market clients. I understand Rick will be joining some longtime friends who lead that firm. We wish him well."

White, 41, has known his new partners at Busch Slipakoff since they worked together in the late 1990s at Powell Goldstein, and said he's referred work to them.

"My clients were happy with their work and their fees. Eventually several said to me that if I were to make the move, I could continue to do the large, sophisticated stuff, and they would be able to send me the more bulk stuff that needs to be done at a more cost-effective billable rate."

White said his clients include Rialto Capital Management, TriMont Real Estate Advisors, CWCapital, Wells Fargo and Waterfall Asset Management.

He said the debt deals he works on range from $500,000 for a single loan to hundreds of millions of dollars for a pool of loans.

Bush Slipakoff is White's first experience at a small firm. After starting his legal career at Powell Goldstein in 1997, White moved to what is now Kilpatrick Townsend & Stockton with a group representing loan servicers. He joined Jones Day two years ago. "Jones Day has 2,500 lawyers and 700 partners," said White. "Here I am one of seven partners. I really feel I have accountability to the other six, and their families and the associates. I like that."
Bryan Busch and Adam Slipakoff launched Busch, Slipakoff & Schuh almost four years ago when they and several other lawyers split off from Taylor English Duma (then Taylor, English & Busch). The firm has grown rapidly, from the five initial lawyers to 30, according to Slipakoff. He said its growth has been driven by representing Georgia banks in the acquisition of failed banks' loan portfolios by the Federal Deposit Insurance Corp.

For instance, he said, one client, State Bank & Trust, has made 12 acquisitions from the FDIC, and another, Community and Southern Bank, has made seven. Before the financial crisis, Slipakoff said, the firm represented a lot of small, start-up banks. Then it began handling work involving their troubled assets and then representing failed banks after they were taken over by the FDIC.

Bush Slipakoff advises banks "from soup to nuts" in distressed loan deals, he said, from the acquisition of loan pools under loss-share agreements with the FDIC, then on workout, foreclosure and litigation around underperforming loans. Note sales from banks selling off loan portfolios of $50 million to $100 million are an active area for the firm, said Slipakoff.

He said White's servicing practice, including his experience working with servicers of securitized loan pools, complements Busch Slipakoff's practice. "We have serviced bank-related assets from all aspects and this is the final piece of the puzzle," said Slipakoff.

In other news, Busch Slipakoff has moved from the Riverwood 100 Building at 3350 Riverwood Parkway to City View at 3330 Cumberland Blvd., where it has signed a seven-year lease.

**BRIEFLY**

Justin Daniels has joined Baker, Donelson, Bearman, Caldwell & Berkowitz as a shareholder from the Sandy Springs firm Wagner Johnston & Rosenthal. Daniels has a corporate practice focused on privately held, entrepreneurial companies and a real estate practice representing developers and investors.

Gordon & Rees has recruited Jeffrey Melcher as a partner and Parks Stone as an associate from Lewis Brisbois Bisgaard & Smith. Both are litigators. Melcher has represented clients in trucking and transportation, employment, professional negligence, real estate, insurance and general liability matters, among others.

Gordon & Rees, a 500-lawyer firm based in San Francisco, opened an Atlanta office in 2011.

Cherie A. Phears has joined Schiff Hardin's Atlanta office as an associate from Hunton & Williams' Washington office. Phears is a commercial litigator and received her law degree from the University of Georgia in 2008.

Mindy Waitsman has been named a partner at Moore & Reese. Waitsman practices community association law.

Shelby Grubbs, a partner at Miller & Martin, has been named a fellow of the Chartered Institute of Arbitrators, a UK nonprofit with about 12,500 members in 110 countries.

Family law firm Warner, Bates, McGough & McGinnis, is hosting a reception Thursday to raise money for the guardian ad litem program serving Fulton County Superior Court.

The pro bono program, run by the Atlanta Volunteer Lawyers Foundation, provides guardians ad litem to safeguard children's interests in contested custody cases in Fulton County Superior Court when the parents can't afford to pay for one. The program was almost terminated after it lost a $25,000 grant from Fulton County in May. It won a reprieve after the 20 judges on the Fulton Superior Court bench pitched in about $20,000 of their own money.

Warner, Bates is hoping to cover the difference with the fundraiser. Admission is $100, and the firm is providing food and drink. "There will be good food and cocktails," said one of the firm's partners, Jim McGinnis, adding that Tom Catherall's Here to Serve Restaurants is the caterer.

McGinnis said he and his law partner Leigh Cummings organized the fundraiser after reading a June story in the Daily Report about the funding cut.

"We read the article saying the program was strapped for cash and we're trying to fill the gap," said McGinnis. "I know how important guardians ad litem are. We use them every day."

All are welcome and all money raised will go to AVLF's guardian ad litem program. McGinnis said the firm has invited members of the family law bar and he expects the family law judges on the Fulton Superior bench to attend.
The $100 contribution can also be deducted from the $300 cost of being a named host for AVLF's fall winetasting event.

The fundraiser is Aug. 23 from 5:30 p.m. to 7:30 p.m. at Warner Bates' offices at 3350 Riverwood Parkway in the Riverwood 100 building. To RSVP, call the firm's receptionist, Nancy Kanner, at 770-951-2700.
Hampton-Candler Engagement

08.23.12 - 01:00 pm

Mr. and Mrs. Clark Ellison Candler of Atlanta, Ga., are pleased to announce the engagement of their daughter, Laura Scott Candler, to Daniel Gregory Hampton, son of Randall and Diane Hampton of Yadkinville.

The couple met at Davidson College, in Davidson, NC, where Laura was a cheerleader and Dan played football.

Laura graduated with a bachelor’s in history in 2010, and is a third year student at the University of Georgia School of Law. Dan graduated with a bachelor’s in physics in 2011, and is a second year student at Wake Forest School of Medicine.

An August 2013 wedding is planned at Laura’s home church, Decatur Presbyterian, in Decatur, GA. The couple will reside in Winston-Salem while Dan completes his medical degree.

© yadkinripple.com 2012
Bankruptcies decline, but not due to economy

Fewer North Georgians are filing for bankruptcy, but that doesn’t signal an improvement in people’s finances.

By the end of June last year, there were 26,230 personal bankruptcy filings in North Georgia, according to court records. In the first half of this year, it was at 22,495, a 14 percent decline and the lowest level since 2008.

“That’s not an indication the economy’s getting any better,” said Jack Williams, professor at Georgia State University’s College of Law.

Instead, the shrinking pile of filings indicates the most troubled borrowers are too poor to even afford the filings, which can cost thousands, and that creditors simply cannot take action.

“There’s really no regulatory pressure or corporate pressure you would otherwise see to collect on the debts,” Williams said.

There are two types of personal bankruptcy filings most individuals can make: Chapter 13, a reorganization of debts, or Chapter 7, a total liquidation.

In 2005, a series of changes were made to bankruptcy law that made it more difficult for people to file for Chapter 7. That year, 50,948 individual cases were filed in North Georgia.

The following year, that number was cut in half, to 24,326. It peaked in 2010 at 54,564, and sank to 51,258 by the end of last year.
The changes to the law may have triggered the drop, but they may not have been a good thing, said Jaime Dodge, professor at The University of Georgia School of Law.

“We have all heard stories of the abuses of bankruptcy by celebrity millionaires with huge estates, or billionaires adopting their girlfriends,” she said. “Unfortunately, it is not those abuses that the 2005 amendments are affecting. It’s the folks living on the margins.”

More people are having to work hard just to save up enough money to afford the bankruptcy filing, Dodge said.

That leads to a spike in bankruptcy filings right around the time people get their tax return checks, she said.

There were 4,363 bankruptcy filings in North Georgia in March, the highest level of any month this year so far, according to data collected by the courts.

Part of the reason bankruptcy filings are dropping is that people are becoming accustomed to a new normal, said Mac McGrew, senior vice president and financial advisor at The Harrison McGrew Group at Morgan Stanley Smith Barney, Atlanta, which has about $250 million under management.

Even the wealthiest clients at McGrew’s firm are starting to work under budgets, rather than spending freely.

“People are very aware of where each one of their dollars is going,” he said.

And for the masses, this has been an adjustment, he said.

“More than anything, it’s people adjusting to their new world,” McGrew said.

Home value is one major driver in the stabilization of this new lower economic level, McGrew said.

The homes people bought in the first half of the last decade have dropped in value, and those values aren’t increasing.

The number of foreclosures has flooded bank balance sheets with real estate they can’t do anything with, he noted.

“The banks are really at the point where the last thing they want to do is take over somebody’s house,” McGrew said.

He’s even heard of some people refusing to make house payments just to get the attention of their bankers, McGrew said. The bankers are swamped in workouts and refinancings, and it’s overwhelming the system, he said.

Some people have even had their home debt reduced without asking for it, he said.

The changes in bankruptcy law have forced more people to file Chapter 13, or a reorganization of debts, Dodge noted.
That's less effective for people underwater in their homes, and it leads to more people working directly with their banks, rather than filing for bankruptcy, which could also explain the drop in filings, she said.

McGrew pointed out another way people are getting the income to make their debt payments: they're moving in with their parents.

Adults who couldn't keep their homes are moving in with aging parents, and recent college graduates who can't find employment are moving back home as both groups reassess their financial futures. This in turn cuts costs for those groups, who don't have to pay rent.

"People, instead of filing for bankruptcy, are trying to find other means for where they can live and what they can do," McGrew said.

Kat Greene covers Banking & Finance
Memoried Glances: Church construction ‘boom’ in downtown

by Julia Dyar
08.26.12 - 09:00 am


Front Page News

Church Construction Boom — LaGrange is experiencing a church construction “boom” with major projects in progress for three downtown congregations.

The look of the downtown area changes almost daily as workers make progress on the new Presbyterian Church’s education building, the new St. Peter’s Catholic Church and the Christian Life Center of First Baptist Church on the Square.

Construction workers have battled temperatures as hot as “fire and brimstone” to keep the church facilities on schedule for completion in 1988. Total cost of the three projects exceeds $7 million.

Veterans Memorial Park Considered for Downtown — The LaGrange Downtown Development Authority on Tuesday established a property tax rate of two mills – the same as last year – and discussed the feasibility of a veterans memorial park on Lafayette Square.

The owners of about 212 properties in the downtown commercial area will pay the tax. It will generate more than $20,000 to go along with a current balance of $97,960.46.

Authority chairman Nasor Mansour Jr. appointed Charles Hudson, Ed Gore and Stan Crawford to study the idea of a memorial on the square to honor local veterans who died in battle, beginning with the Revolutionary War. One authority member estimated it would cost about $225,000.

Because of the expense, the City Council would be asked to contribute funds to the project.

Summertime Fun at Camp Viola — Friday was closing day for Camp Viola, now operated as a day camp by the Troup County Parks and Recreation Department. Since June 8, over 340 local youngsters have participated in the outdoor recreation experience, with attendees averaging 110 per day.

Activities at the facility included swimming, arts and crafts, sports, games, nature hikes and special events. The camp was free and open to all youngsters ages 7 to 13. Richard Jackson was camp director.

Fryer Heads State Chamber Leaders — Jane Fryer, executive director of the LaGrange Chamber of Commerce, was elected president of the Georgia Chamber of Commerce Executives Association at its recent annual meeting in Savannah.
GCCEA works closely with the Business Council of Georgia and the Department of Industry and Trade to promote and sustain the economic growth and development of Georgia.

**Coming Home to Salem** — Homecomings are popular annual events for many local churches, bringing together on one day each year people who share common roots and interests. Homecoming traditionally means lots of homemade food, socializing and “catching up” on the past year’s events.

One rural Troup County church, 128-year-old Salem Methodist, celebrated homecoming with traditional services at Salem Methodist Church followed by a bounteous covered dish luncheon in the old Salem school building on Aug. 9, when upwards of 60 people came home to celebrate heritage and mingle with kin.

**Eight Receive Lovejoy Law Scholarships** — The Hatton Lovejoy Law Scholarship Committee of Fuller E. Callaway Foundation today announced the awarding of scholarship grants totaling $108,000 to eight outstanding law school students from this area.

Funds were provided by a bequest in the will of Fuller E. Callaway III, who died in 1971. Awards were based on ability, motivation, character and need. Grants vary according to need and are renewable based on the applicant’s academic performance.

Those receiving grants are David King Anderson, and Kevin Alan Hall, Emory University School of Law; Patrick B. Calcutt, Florida State University College of Law; Steven R. Escobar, Columbia Law School; Donald E. Hayes Jr., Catholic University, Columbus School of Law; Lissa G. Newman and Mary Laura Riddle, Georgia State University College of Law; and Jeffrey Marshall Todd, University of Georgia School of Law.

**Editorial**

**Looking Good** — We tend to take for granted many of the advantages that LaGrange possesses, and then along comes and outsider who is shocked by our progress.

This was brought home in a recent edition of The Charlotte Observer in Charlotte, N.C., in an article by Ken Sanford, information director at the University of North Carolina in Charlotte.

In an article about how well Charlotte measured up against other leading cities in the Southern region, he compared what some of those offered with what Charlotte offers. Charlotte has a population of 370,000.

The list of cities Knoxville, Nashville, Memphis, Dallas, San Antonio, Houston, Baton Rouge, New Orleans, Mobile, Montgomery, Atlanta AND LaGrange, Georgia.

Sanford listed the drawbacks as well as the assets of each of these communities and measured them against Charlotte.
Here’s what he said about LaGrange – “Why include this small Georgia city? It holds a lesson for North Carolina. It’s a good illustration of how enhancing a major city can cause spin-off benefits to nearby rural counties. Located about 70 miles west of Atlanta in Troup County, Georgia, it is attracting to its modern industrial park companies that want to be near, but not in Atlanta. And LaGrange, once dependent upon textiles exclusively, is thriving with a balanced economy.”

Isn’t it nice to be noticed?

*Julia Dyar, a retired journalist, is active in the Troup County Historical Society.*

© lagrangenews.com 2012
HIRES/PROMOTIONS

LISA SCHWARTZ
New job title: Director of Independent Life at Home
Company: THA Group
Duties: Schwartz oversees day-to-day staffing needs for South Carolina life care operations; serves as the primary contact for ILAH clients, families and caregivers; performs community relations, marketing and educational activities and markets all THA services as needed.
Related work experience: Schwartz was the community relations manager for Hospice Advantage in Savannah.
Education: Schwartz is a graduate of Berry College with a B.A. in mass communication, public relations.

TINA HANEY
New job title: Ideal Aging Program director
Company: THA Group
Duties: Haney provides oversight and direction for THA Group's geriatric care consulting services and works with clients to identify resources to support independent living.
Related work experience: Haney was a nurse for the ALS Association of Georgia, serving as its outreach coordinator and patient care provider.
Education: Haney is a graduate of the Medical College of Georgia.

AMY FRASER
New job title: Recruiter and employee recognition program coordinator
Company: THA Group
Duties: Fraser recruits for clinical and community office positions within two service lines of the organization; develops and implements programs to recognize employees throughout the year; and collaborates with the marketing team to communicate internally with employees and develop the influence of social media and company branding.
Related work experience: Fraser was the career services coordinator at Pitt Community College and later the assistant director of career services at Armstrong Atlantic State University.
Education: Fraser is a graduate of Keene State College and has a master's degree in counseling from UNC Greensboro.

TOM CERBONE
New job title: Deputy chief of Early Intervention Program
Company: Chatham County District Attorney's Office
Duties: The EIP program helps law enforcement agencies in the early stages of their investigations of major criminal cases.
Related work experience: Cerbong has more than 30 years of legal experience as a trial lawyer, 22 of them in the Chatham County DA's office.
Education: Cerbong graduated from Saint Leo College with a B.A. degree in political science and received his law degree from Atlanta Law School in 1981.

MIKE DENNARD
New job title: Deputy chief assistant of State Court Division

Company: Chatham County District Attorney's Office

Duties: Dennard will oversee and manage the effective and timely prosecution of misdemeanor cases in the Eastern Judicial Circuit/Chatham County.

Related work experience: Dennard has more than 27 years in the legal field in both the private and public sectors.

Education: Dennard graduated from Morris Brown College with a B.A. in 1981 and received his law degree from the University of Georgia School of Law in 1984.

CHUCK COOK

New job title: Outside sales and service representative

Company: SOS Tire and Auto

Duties: Cook will market commercial/industrial tire products and services, including industrial press-on solid tires with mobile press and three off-the-road service vehicles.

Education: Cook is both Tire Industry Association and Michelin Off the Road certified in commercial and industrial applications.

SEAN G. PELLICCIONE

New job title: Certified public accountant

Company: Pelliccione & Associates

Duties: Pelliccione is a senior staff accountant specializing in write up services, auditing and individual tax preparation.

Related work experience: Pelliccione has been employed with Pelliccione & Associates since 2008.

Education: Pelliccione earned a master of accountancy from Georgia Southern University and a Bachelor of Science in management from Georgia Institute of Technology.

JOSEPH KELLEY

New job title: General manager of Mansion on Forsyth Park,

Company: The Kessler Collection

Duties: Kelley will oversee hotel operations and staff management, budget for the property, oversee project management and achieving key business goals and focus on maintaining and establishing local relationships.

Related work experience: Kelley was general manager at The Landings St. Lucia and The Osprey at Beaver Creek. In addition, Kelley also has worked at La Posada de Santa Fe Rock Resort, Sandals Grande St. Lucian Resort, Sandals Antigua Beach Resort, The Elms Resort and Conference Center and Radisson Aruba Caribbean Resort.

Education: Kelley graduated from Cornell University's School of Hotel Administration.

DANIEL BROMSTAD, CFA

New job title: Vice president-investments

Company: Wells Fargo Advisors

Duties: Bromstad will help clients meet their financial needs.

Related work experience: Bromstad was a portfolio manager with Wells Fargo Investment & Fiduciary Services.

Education: Bromstad has a Bachelor of Science in business administration from the University of Southern California. He also holds the Chartered Financial Analyst, or CFA designation.

LAWRENCE BRODY

New job title: Managing director-investments

Company: Wells Fargo Advisors

Duties: Brody will help clients meet their financial needs

Related work experience: Brody has been a financial advisor for 25 years in Savannah with Wells Fargo Advisors and its predecessor companies.

Education: Brody is a graduate of the University of Georgia with a bachelor's degree in finance from Georgia's Terry College of Business.
JACEK LUBECKI

New job title: Director of The Center for International Studies

Company: Georgia Southern University

Related work experience: Lubecki served as coordinator of international studies and of Middle Eastern studies and assistant and associate professor of political science at the University of Arkansas-Little Rock. He previously taught at the University of Colorado-Colorado Springs and at Millikin University in Decatur, Ill.

Education: Lubecki studied law and romance languages at the Adam Mickiewicz University of Poznan, Poland. He received his Ph.D. in international studies from the Graduate School of International Studies, University of Denver.

SEANNE HOLLIDAY

New job title: Branch manager, Godley Station

Company: The Coastal Bank

Duties: Holliday will oversee all staff responsibilities, market the bank's products and services and originate loans to new and existing customers throughout the Pooler area.

Related work experience: Holliday has served as the senior financial center manager for Wachovia Bank in Raleigh, N.C.; vice president at JPMorgan Chase in Dallas; community bank president for Grand National/Old Kent Bank in Sycamore, Ill.; and human resources officer at First of America Bank in DeKalb, Ill.

Education: Holliday earned a B.S. in technical management from DeVry University and is currently completing an M.S. program in accountancy through Keller University.

ANDREI IONESCU

New job title: Associate

Company: The Conner Law Group

Education: Ionescu received his law degree from the University of Georgia Law School. He graduated from the University of Georgia in 2009 with bachelor's degrees in political science and international affairs and a minor in Spanish.

HONORS/AWARDS

Realtor earns designation

Brooke Bass of Keller Williams Coastal Area Partners was recently awarded the Seniors Real Estate Specialist designation by the National Association of Realtors.

Bass, a member of the Savannah Board of Realtors, completed the training required to achieve the designation, which is specifically targeted for the 50-plus buyer and seller.

Attorney selected as a Top 100 Trial Lawyer

Mike Conner, managing partner of The Conner Law Group, has been selected for membership into The National Trial Lawyers and invited to join The National Trial Lawyers Top 100 Trial Lawyers. Membership is by invitation only.

Professor receives international recognition

Georgia Southern University assistant professor of operations management, Alan Mackelprang, has been named the winner of the 2012 Elwood S. Buffa Doctoral Dissertation Award. The internationally competitive award, co-sponsored by McGraw-Hill and the Decision Sciences Institute, encourages and publicizes outstanding dissertation research by selecting and recognizing the best dissertations written in the past year in the decision sciences.
Since the economic crash in 2008, some businesses, other service providers, and consumers have developed a seemingly unending number of ways to save money. That desire to save money is exemplified in the recent explosion in popularity of daily deal vouchers.

Although Groupon is the most popular daily deal voucher service, there is no shortage of those services. Even Google and Facebook have attempted to exploit the popularity of daily deal vouchers with Google Offers and Facebook Deals, respectively. In brief, a daily deal voucher is a coupon purchased by a consumer from a third-party operator that is then redeemed for food, goods, or services at a reduced price at specific businesses.

Although daily deal vouchers may present new material for economists, sociologists, and journalists, those vouchers, because of their similarities to coupons, rebates, trading stamps, and customer loyalty programs, are largely a new twist on familiar questions in sales and use taxation. Though groupons do operate somewhat differently than traditional coupons and gift cards, this article explains why the sales and use taxation of coupons and gift cards provides a good starting place to analyze how daily deal vouchers should be taxed.

The sales and use taxation of coupons and gift cards provides a good starting place to analyze how daily deal vouchers should be taxed.

Individual states' taxation of daily deal vouchers do and will vary. Nevertheless, the analysis of how to tax the use of vouchers does not provide a wholly novel challenge. Rather, a way to tax the use of daily deal vouchers can be determined by analogizing vouchers to existing price reduction schemes. This article describes how daily deal vouchers work, explores the historical taxation of similar price reduction mechanisms and other analogous items, and discusses the current state taxation of daily deal vouchers. The article concludes with a brief normative analysis of the taxation of daily deal voucher programs.

I. What Is a Groupon?

As stated above, a number of third-party providers sell daily deal vouchers. Because the deals work nearly identically and follow the model established by Groupon, this article's analysis focuses on...
the sales and use tax treatment of Groupon-type daily deal vouchers. To understand the tax implications of daily deal vouchers, it is important to understand their history and operation. Groupon was founded in late 2008 and grew out of the now nearly lifeless political activism website ThePoint.com. With the stated purpose of helping city dwellers discover new, local things to do, Groupon retained the tipping point feature created by ThePoint in which a voucher is activated only if the requisite number of people commit to participate (that is, buy the voucher). That tipping point concept also contributed to Groupon’s name, a combination of the words “group” and “coupon.” The tipping point concept, also known as the volume threshold, is an important factor in many daily deal voucher systems.

In all daily deal voucher systems, there are three parties—the customer who buys the voucher, the third-party voucher operator that sells the daily deal voucher, and the merchant that redeems the voucher. The typical flow of values works as follows: (1) after receiving the operator’s daily e-mail or checking the operator’s website, customers pay some set amount for that day’s voucher that activates if the volume threshold is met; (2) the operator retains up to 50 percent of the amount paid by the customer for the voucher and remits the remainder to the retailer upon the customer’s voucher use; and (3) the customer redeems the voucher with the merchant and receives the reduced-price product or service. Figure 1 provides an illustration of the value flows.

As stated above, most daily deal operators require that a specific number of vouchers be purchased before any of the vouchers activate. By ensuring a minimum number of participants, operators offer some level of protection to merchants by allowing merchants to effectively treat the use of daily deal vouchers as a quantity or volume discount. The

3It is important to note that groupons are not the same as simple daily deals. Various brick-and-mortar and online retailers conduct daily deals. Those deals do not fall into the same category as Groupon daily deals, LivingSocial deals, or Google Offers deals. As will be discussed in more detail below, daily deals that are the subject of this article are transactions that incorporate a third-party Groupon seller and typically require a specific number of participants. Simple daily deals tend to be temporary discounts that involve no additional parties other than the seller and buyer and require no minimum number of buyers. Those daily deals are conducted by companies like Woot, eBay, Amazon.com, and various other traditional retailers.


5A customer is not charged until the volume threshold is met. That is, if the volume threshold is not met, no customer receives the daily deal voucher and no customer is charged.
merchant does not remit any payment to the voucher operator, but rather it receives the proceeds of the voucher sale less the fee of the operator. By negotiating the minimum number of participants required to activate the voucher and the amount the operator is to retain from the sale of the voucher, many businesses are pursuing daily deal voucher opportunities as an alternative to traditional marketing techniques.

An example may help to illustrate the numerous tax questions regarding the operation of a typical daily deal voucher and will serve as the focus for much of the analysis in the balance of this article:

After months of slumping revenue, Yo Yo Yogurt decides it needs a business boost and investigates developing a new marketing plan. After researching classified advertising, local radio spots and other traditional marketing techniques, Yo Yo Yogurt decides it simply does not have the liquidity for any out-of-pocket advertising expenditures. Having heard a number of times about daily deal voucher operator Webate from news reports and friends, Yo Yo Yogurt decides to pursue the option of issuing a daily deal voucher for its yogurt. After successfully being selected by Webate for a daily deal voucher, the two firms decide that Yo Yo Yogurt will offer $10 worth of yogurt for $5, with Webate keeping 50 percent of each voucher sale ($2.50 per each $5 voucher) for its marketing services. Further, it is decided that the volume threshold will be 1,000 participants. On the day of voucher sale, Webate sends out an e-mail to its numerous subscribers announcing the Yo Yo Yogurt deal. After only a few hours the volume threshold is reached and, at the end of the day, a total of 2,000 subscribers have purchased the voucher.

Over the course of the next four to six weeks, Webate subscribes visit Yo Yo Yogurt and redeem the vouchers. Some of the purchasers use the vouchers to buy yogurt that exceeds the $10 amount covered by the voucher and pay the difference between the price and the voucher amount, while other Webate subscribers simply redeem the voucher and spend no additional money. At the conclusion of the promotion and after all 2,000 vouchers have been used, Webate remits $5,000\(^6\) to Yo Yo Yogurt, keeping the remaining $5,000 for itself as payment for marketing services provided. Table 1 summarizes the flow of values in this example.

Table 1. Flow of Values

<table>
<thead>
<tr>
<th></th>
<th>Amount/ Customer</th>
<th>Total amount based on 2,000 vouchers sold</th>
</tr>
</thead>
<tbody>
<tr>
<td>Webate sells $10 voucher</td>
<td>$5</td>
<td>$10,000</td>
</tr>
<tr>
<td>Webate charges Yo Yo Yogurt for services provided</td>
<td>$2.50</td>
<td>$5,000</td>
</tr>
<tr>
<td>Customer uses voucher to purchase $10 worth of yogurt</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amount Yo Yo Yogurt receives from Webate</td>
<td>$2.50</td>
<td>$5,000</td>
</tr>
</tbody>
</table>

This example reveals that there are numerous tax questions regarding a simple daily deal voucher transaction. The remainder of this article will explore the pertinent state and local tax questions raised by daily deal voucher programs.

II. The State and Local Tax Questions Raised by Daily Deal Vouchers

At the broadest level, daily deal voucher programs raise two general questions: (1) Is the sale of the voucher by the voucher operator subject to tax? and (2) What is the measure of the tax when the voucher is exchanged in an otherwise taxable transaction?\(^7\) Three general principles help answer those questions and guide the analysis of the taxation of daily deal vouchers. First, the sale of an intangible right to buy a tangible product or a service in the future is not a taxable event. Thus, like the sales tax treatment of gift cards or other similar certificates, sales tax should not be assessed on the initial sale of

---

\(^6\)Deborah L. Cohen, "Virtual ‘Tipping Point’ Leverages Group Deals," Reuters (June 10, 2009), available at http://www.reuters.com/article/2009/06/10/us-groupon-idUSTRE5592K720090610. The use of daily deal vouchers has become so popular that market leader Groupon, as reported by The Wall Street Journal, only partners with one out of eight merchants that approaches the operator to make a deal. See Bari Weiss, supra note 4.

\(^7\)For example, assume that a customer buys $12 worth of yogurt. To pay for the yogurt, she uses the daily deal voucher valued at $10 and pays $2 to cover the remainder of the bill. (Footnote continued in next column.)
the daily deal voucher. Second, generally the measure of the retail sales tax is the consideration paid for goods or services sold, although sales tax typically is assessed only on the sale of tangible personal property and applies only to limited categories of services. In connection with daily deal vouchers, it is worth observing that the 24 states comprising the Streamlined Sales Tax Project have defined sales price as the total amount of consideration, including cash, credit, property, and services for which personal property or services are sold, leased, or rented, valued in money, whether received in money or otherwise, without any deductions for the seller's cost of the property sold, cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, charges by the seller for any services necessary to complete the sale or any other expenses of the seller. Third, reductions in price that are a result of cost of the property sold, cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, charges by the seller for any services necessary to complete the sale or any other expenses of the seller.

III. Historical Analogs to Daily Deal Vouchers

As noted above, the question of how to properly tax the sale and use of daily deal vouchers is not a completely novel issue. Rather, the question can be addressed by analogizing the sale and use of vouchers either to gift cards or to coupons. To understand the analogy of daily deal vouchers to gift cards and retailer coupons, a brief explanation of those two mechanisms is necessary.

A. Gift Cards

In general, states do not tax the sale of intangibles. Under this rationale, most states do not tax the sale of a gift card because it is merely the sale of an intangible right to later buy something. It would logically follow that the sale of a daily deal voucher would similarly not be a taxable event. A daily deal voucher is an intangible that grants the purchaser the right to buy something later that will be taxed if the underlying good or service is otherwise taxable. When a gift card is used to purchase an otherwise taxable good or service, the tax base is equal to the full dollar amount of the transaction. If one were to fully analogize daily deal vouchers to gift cards, it would seem that the appropriate tax base would be the full value of the transaction. Thus, under the gift card analogy, the sales tax base for the customer who received $10 worth of yogurt would be $10, even though that customer paid only $5 for the daily deal voucher in the Yo Yo Yogurt example above. That approach treats the sale of the daily deal voucher like a sale of a discounted gift card. The correctness of that approach of taxing daily deal vouchers is more thoroughly analyzed in sections IV and V below.

B. Coupons

Almost all states treat retailer coupons and manufacturer coupons differently. Most states treat retailer coupons — that is, coupons issued by the retailer that cause a price reduction that is not reimbursed by any other party — like a simple cash discount and thus do not require the collection of tax on the amount of the price reduction. However, most states do not exclude from the tax base those price reductions that result from the use of a manufacturer rebate. The rationale behind the disparate treatment is logical. In the case of retailer coupons, there is an actual reduction in the sales price, and thus a reduction in the seller's gross receipts. The opposite is true in the case of manufacturer coupons. There, either the retailer collects the full amount of the sales price and the purchaser later enjoys a post-sale price reduction in the form of a refund directly from the manufacturer, or the retailer grants the price reduction at the time of sale and is later reimbursed by the manufacturer. When a manufacturer coupon is used, there is no actual reduction in the sales price; there is no reduction in the gross receipts of the seller-merchant.

An outside observer with no knowledge of the operation of daily deal vouchers may think it is most sensible to analogize daily deal voucher programs to manufacturer coupons — it is a price reduction mechanism that reduces the price at the point of sale, which appears to be reimbursed by a third party. However, that analysis is flawed and the conclusion reached is incorrect. The problem is that the coupon analogy is imperfect. In the case of

15New York and Mississippi both follow this approach.  
16Example: A retailer issues a coupon for 25 percent of $10 worth of products. Sales tax would be assessed only on the $7.50 paid by the purchaser.  
17Car manufacturer rebates are the best examples of the first type of manufacturer coupon discussed here. In that situation, the purchaser of a new car receives a check from the car manufacturer after the car is purchased at full price from the car dealership. A grocery coupon is the best example of the second type of manufacturer coupon. When a customer uses a manufacturer coupon at a grocery store, the price is immediately reduced, but the tax base includes the reduction because the grocer will eventually be reimbursed by the manufacturer for the price reduction.  

---

11Hellerstein and Hellerstein, State Taxation, ch. 17.05 FN. 60; ch. 12.02, Table 12.7.
traditional coupons, the flow of money from the customer to the merchant is equal to the value of the goods being sold less any reduction in price effectuated by the coupon. In the case of a daily deal voucher, the flow of money from the customer to the merchant is not equal to value of the goods being sold less the price reduction, because of the daily deal operator’s fee. For example, if Yo Yo Yogurt had issued a retailer coupon for 50 percent off $10 worth of yogurt, it would have received $5. In the case of a daily deal voucher, Yo Yo Yogurt is receiving only $2.50, as shown by Table 1 above. Part of the analytical difficulty is that the amount paid and value received is exactly the same for the customer when either a coupon or a comparable daily deal voucher is used. In essence, Yo Yo Yogurt is selling a retailer coupon that grants customers $10 worth of yogurt to Webate for $2.50, which is then selling it to customers for $5. That is, the only cash Yo Yo Yogurt is receiving is $2.50. However, $2.50 is not the correct tax base either. As the third guiding principle states above, the sales tax base includes the total amount of consideration without any deductions for expenses of the seller. Thus, the $2.50 “paid” to Webate by Yo Yo Yogurt for marketing services must be included in the tax base for a total tax base of $5, the amount the customer paid for the daily deal voucher. The correctness of this approach of taxing daily deal vouchers is more thoroughly analyzed in sections IV and V below.

IV. States’ Treatment of Daily Deal Vouchers

Because daily deal vouchers are a relatively new price reduction mechanism, only eight states — New York, California, Massachusetts, Kentucky, Maine, Mississippi, Iowa, and Illinois — have issued some sort of directive or private letter ruling regarding the amount of tax to be collected on voucher use. Those eight states tax the use of daily deal vouchers in one of two ways: either like gift cards or coupons. Although both approaches appear to be valid, the discussion that follows will show why the coupon method is the correct method of taxing daily deal vouchers.

It is important to note that although only seven states have published formal guidance regarding the appropriate taxing strategy regarding daily deal vouchers, the 24 member states of the SSTP are also trying to determine the best way to tax daily deal vouchers. In early March the SSTP surveyed its member states regarding their taxing strategy of daily deal vouchers. With the exception of Texas, all states that responded currently tax or plan to tax daily deal vouchers using either the gift card approach or the coupon method described above in Section III. Soundly, the seven states that have published formal guidance and the 21 states that have responded to the SSTP’s survey do not tax the initial sale of a daily deal voucher under the principles governing the sale of intangibles.

A. The Coupon Method

Kentucky, California, Maine, Illinois, and, after a reversal in policy, Massachusetts treat daily deal vouchers like cash discounts or retailer coupons. In the purpose of their sales tax and thus assess sales tax only on the amount paid for the voucher when it is used to acquire the ultimate product or service. Kentucky provides the best rationale for why it taxes only the amount paid for the daily deal voucher: “When a consumer redeems the voucher at the local business for a taxable product, the tax is due on the total price the customer paid for the voucher rather than the total value if the voucher indicates the discounted price or if the local retailer knows and retains documentation of the discounted price [because] the portion of the purchase price of the voucher retained by the online company is considered an expense of the seller and part of gross receipts as provided in” Kentucky’s definition of gross receipts. That is, Kentucky includes in the tax base the amount retained by (or paid to) the daily deal voucher operator. Like the SSTP’s definition of sales price, Kentucky includes in the sales tax base “the cost of the materials used, labor or service cost, interest, losses, all costs of transportation to the retailer, all taxes imposed on the retailer, or any


other expense of the retailer. Thus, if Yo Yo Yogurt were operating in Kentucky, the sales tax base would be $5.

In a Private Letter Ruling issued on February 28, Illinois seems to use the same rationale as Kentucky. In responding to the taxpayer's inquiry of how to tax the use of daily deal vouchers, Illinois first states that its sales tax is imposed on the gross receipts from sales of tangible personal property made in the course of business. The letter goes on to define gross receipts as "the total selling price ... [defined as] the consideration for a sale valued in money whether received in money or otherwise, including cash, credits, property ... and shall be determined without any deduction on account of the cost of the property sold, the cost of materials used, labor or service cost or any other expense whatsoever." Although the Illinois Private Letter Ruling is not as explicit in its reasoning as the Kentucky publication discussed above, it seems clear that Illinois's rationale for taxing the amount that the customer paid for the voucher is the same as Kentucky's: the tax base should include all expenses of the retailer.

Though California and Maine both reach the same conclusion as Kentucky and Illinois, they do so with less precision. Maine treats daily deal vouchers like gift certificates and states that "when a gift certificate is purchased for less than its face value, the difference between the face value and the purchase may be treated as a retailer discount since that value will not be recovered from any other source." Although that approach does result in taxing the correct amount, it ignores the true operation of the daily deal voucher and fails to fully address how to treat the flows of value between the merchant and the daily deal voucher operator. Similarly, California avoids the problem of analyzing the flows of value between the merchant and daily deal voucher operator by simply declaring daily deal vouchers to be retailer coupons. Again, though California and Maine reach the correct conclusion, they ignore the complexity of daily deal vouchers and provide little analytical guidance.

Before June 14 Massachusetts taxed daily deal vouchers under the gift card method; that is, it assessed a sales tax on the full amount of the price of the good or service with no reduction in the tax base for the amount of the daily deal vouchers. In a directive issued on June 14, however, Massachusetts reversed its policy and adopted the coupon method for tax the use of daily deal vouchers.

Under the new draft directive, Massachusetts begins its analysis just like every other state by defining the amount (sales price) on which its sales tax is assessed. In its directive, Massachusetts defines sales price as "the total amount paid by the purchaser to a vendor as consideration for a retail sale, valued in money or otherwise ... [and shall] exclude (I) cash discounts allowed and taken on sales." In defining cash discount, Massachusetts takes a position that is both broader and narrower than other states. Unlike most states, Massachusetts reduces the sales tax base when a purchaser uses any coupon that reduces the price at the point of sale even if the manufacturer later reimburses the retailer for the reduction in sales receipts. Perhaps in implicit acknowledgment of the breadth of its position, Massachusetts strictly limits that tax treatment to manufacturer and retailer coupons.

32 "Directive 12-4: Application of Sales Tax to Sales and Redemption of Qualifying Promotional Vouchers," Massachusetts Department of Revenue (June 14, 2012), http://www.mass.gov/dor/businesses/help-and-resources/legal-library/directives/directives-by-decade/2012-directives/dd-12-4.html. Massachusetts's treatment of daily deal vouchers is a complete reversal of its earlier draft directive addressed to the same issue. In the original directive, Massachusetts argued that daily deal vouchers did not reduce the retailers' gross receipts because the reduction would later be reimbursed by the voucher operator. However, that reasoning ran counter to Massachusetts's own regulations. According to 830 Mass. Code Regs. 64H.1.4, the tax treatment of retailer and manufacturer coupons is in no way affected by "whether the retail vendor receives any reimbursement from the manufacturer, supplier or distributor." Thus, the reasoning that third-party coupons should be treated differently on the grounds that they do not actually reduce gross receipts was inconsistent with settled Massachusetts law.
33 Id.
36 "For purposes of 830 CMR 64H.1.4(2), a 'manufacturer's coupon' is a coupon issued by the manufacturer, supplier or distributor of tangible personal property to be redeemed by a retail purchaser of that property. A 'retailer's coupon' is a coupon issued by a retail vendor. Generally, (Footnote continued on next page.)
That is, if a retailer is reimbursed for a price reduction by any third party other than the manufacturer, the sales tax base will include the full price of the product sold regardless of any reduction in price enjoyed by the customer.

The 2009 case McGonagle v. Home Depot, U.S.A., Inc. has been the analytical keystone in both the earlier and more recent directives regarding daily deal vouchers issued by Massachusetts. In that case, the Massachusetts Court of Appeals held that a third-party coupon issued by any party other than the retailer or manufacturer does not reduce the sales tax base.37 In McGonagle, the coupon was issued by Energy Federation Inc (EFI). The EFI coupons at issue in the case were financed by regional utility companies in attempt to encourage the use of energy-efficient products such as compact fluorescent light bulbs.38 Neither EFI nor the utility companies manufactured the products favored by the coupons. To appropriately determine the taxation of those coupons, the trial court invited the Massachusetts DOR to submit an amicus curiae brief explaining its taxation of third-party coupons.39 The DOR reasoned that the EFI coupons should not reduce the sales tax base because the origination was a third party that would reimburse the retailers for the reduction in their gross sales receipts. The DOR claimed that the operation of the EFI coupon was in contrast to manufacturer and retailer coupons, which do reduce gross receipts.

In its most recent directive, Massachusetts simply states that “qualifying promotional voucher[s] or coupon[s] published on the Internet by a third party under a contractual arrangement with the vendor . . . will be treated similar to a retailer’s coupon that reduces the vendor’s gross receipts subject to tax.”40 The directive justifies that reasoning by distinguishing daily deal vouchers from the EFI coupons in McGonagle on the grounds that there was no contractual obligation between the retailers and the EFI.41 Although that approach properly determines the sales tax base, Massachusetts takes an illogical path in getting that result. Instead of distinguishing daily deal vouchers from the EFI coupons at issue in McGonagle, the EFI coupons are the exception to the general rule because they had a reimbursement element, Massachusetts implies that daily deal vouchers are excepted from McGonagle, which represent the general rule regardless of whether the reimbursement element exists. Massachusetts only further complicates the treatment of daily deal vouchers and other price reduction mechanisms by requiring the existence of a contractual obligation.42 However, even though its approach unnecessarily complicates the analysis, Massachusetts, like all the other states using the coupon method, now assesses its tax on the correct sales tax base (the sales price of the voucher).

2. The Gift Card Method

Now that Massachusetts has reversed its earlier approach, New York and Mississippi are the only guidance-issuing states that treat daily deal vouchers like gift cards. Instead of assessing a sales tax on the purchase price of the voucher, New York and Mississippi impose their respective sales taxes on the full amount of the retail purchase.

New York’s approach to taxing daily deal vouchers is the most schizophrenic of all the states. In August 2010 New York first attempted to provide guidance on the issue of daily deal vouchers.43 In the 2010 informational memorandum, the New York Department of Taxation and Finance states that “when computing the sales tax on restaurant meals where the customer purchasing one or more meals presents a [daily deal voucher] for which the restaurant will not be reimbursed, the restaurant must deduct the value of the [voucher] from the bill and then calculate the sales tax on the remaining amount.”44 Though the manufacturer’s coupons and retailer’s coupons that entitle the retail customer to a reduction in the sales price at the time of the sale will be treated like cash discounts. See 830 CMR 64H.1.4(1). Other types of coupons will not be treated as cash discounts. See 830 CMR 64H.1.4(2)(e), 830 Mass. Code Regs. 64H.1.4.


40Id.


43Id.


45Id. (Emphasis added.)
memorandum does not define the term “reimburse,” it seems that if there is any flow of money between the operator and the retailer, the full amount of the meal must be taxed under the gift card approach.

New York further complicated its approach when it issued a second information memorandum regarding the taxation of daily deal vouchers in September 2011.

In this most recent memorandum, New York distinguishes between two different types of vouchers: those vouchers that entitle the customer to a specific product or service and those vouchers that have a stated face value. If the voucher is for a specific service or product, the sales tax base is equal to the amount the customer paid for the voucher. If the voucher has a stated face value, the sales tax base is equal to the full sales price of the products or services before the voucher is applied. Neither memorandum offers any rationale why New York chooses these taxing schemes.

New York's approach is analytically unsound because it ignores the true operation of daily deal vouchers. When a retailer participates in a daily deal voucher program, it is discounting its goods, paying a daily deal voucher operator to promote that discount, and honoring the operator's voucher. Thus, while a third party (the operator) is involved when a daily deal voucher is purchased and used, there is no reimbursement. The retailer's gross receipts are being reduced because of the discount it is granting to its customers and because it is paying the operator for advertising services. States like New York should not assume that the retailer is being reimbursed by a third party because there is a flow of money from the daily deal voucher operator to the retailer. Rather, those states should analyze the structure of the daily deal voucher programs to fully understand the underlying flow of values.

Mississippi is the most recent state to issue guidance regarding the taxation of daily deal vouchers. Like New York, Mississippi assesses its sales tax on the full retail purchase price of the good or service, including the amount covered by the voucher without providing any arguments in support of its approach. Because Mississippi fails to offer any support, it is hard to truly analyze its method, but its approach is likely analytically wrong for the same reasons as the approach taken by New York and other gift-card-method states.

Iowa's approach to the taxation of daily deal vouchers has not yet been discussed. Iowa taxes vouchers on the full price of the item purchased except when the voucher states the voucher purchase price on its face. Iowa claims that “in most situations, sales tax will be charged on the full price of the item purchased.” However, according to a reporter who has closely followed the tax treatment of daily deal vouchers, most vouchers do list the purchase price on the voucher. Thus, although Iowa's default approach is to tax the full amount of the item purchased, in operation, the tax base will most likely be the voucher purchase price.

3. The Lone Star State Method

Of the states that have published material regarding daily deal vouchers or have responded to SSTP’s daily deal voucher survey, only Texas has failed to follow either of the two methods discussed above in taxing daily deal vouchers. In response to the question about the sales tax base posed by the SSTP’s survey, Texas responded that “the amount of the transaction as recorded in the retailer's books determines the [tax base].” That is, if in the illustration above Yo Yo Yogurt recorded the sales price as being the amount it received from Webate ($2.50), Texas would tax only that amount. Although consumers and daily deal vouchers would certainly favor that approach because of the reduced tax bill, the approach violates established sales tax principles, is arguably theoretically inconsistent, and could lead to widespread abuse. As discussed above,
when determining the sales tax base, retailers are not allowed to deduct any seller expenses. The approach taken by Texas implicitly allows retailers to deduct their expenses. Further, if sellers are to remit tax only on the amount they record as the sales price, there would seem to be nothing stopping retailers from recording the lowest price possible and significantly reducing the sales tax base.

V. Final Thoughts

If the purpose of a sales tax is to assess tax on the consideration paid for goods or services sold, it is clear that the correct tax approach to daily deal vouchers is the coupon method discussed above. When a retailer enters into an agreement with a daily deal voucher operator to issue a voucher, the retailer is effectively reducing its gross receipts not just by the amount of the deal that customer perceives but also by the amount it is paying to the daily deal voucher operator for its marketing services. As discussed throughout this article, a retailer’s expenses to effectuate a sale are not deductible from the sales tax base. However, a third party’s (the operator’s) involvement in the marketing of what is effectively a retailer coupon should not bar a retailer from deducting its discount from the sales tax base. Just as in the case of a cash discount, a retailer that issues a daily deal voucher is reducing its gross receipts for which it is not being compensated (which is in contrast to a manufacturer coupon).

State revenue departments should not be confused by the flow of money from the voucher operator to the retailer. Although the structure of daily deal voucher programs may be novel, the underlying events that raise tax consequences can and should be analogized to existing taxing schemes.

It is clear that the correct tax approach to daily deal vouchers is the coupon method.

None of this is to say that there are not arguments supporting the taxation of daily deal vouchers like gift cards. The most frequent argument offered by proponents of the gift card approach is that it will be less of a burden on businesses. Primarily, supporters of the gift card approach argue that requiring businesses to keep track of the voucher sales price to reach the appropriate tax base would unnecessarily increase compliance costs. Though that argument is not without merit, it seems to ignore the reality of daily deal voucher programs. All daily deal voucher programs are agreed on by both the operator and retailer after serious deliberation and negotiation. When a daily deal voucher is issued, the price, division of proceeds, volume threshold, quota, and deal duration are known by the operator and the retailer. That is, there is never an instance in which a voucher is issued without a business’s knowledge and consent. Because of that close relationship between the daily deal voucher operator and retailer, it can hardly be said that there would be any extra compliance cost for the retailer to collect sales tax on the purchase price of the voucher.

Unfortunately, the disparate tax treatment of daily deal vouchers among the states is unlikely to become less confusing or more simplified. This contention was confirmed recently when, on May 22, the governing board failed to embrace either taxation method discussed above. Even states that have issued guidance are uncertain how to treat daily deal vouchers, as illustrated by Massachusetts’s recent policy reversal. It is likely that most states, all of which are struggling to avoid budget deficits, will favor the gift card method. Although the gift card method seems to be analytically problematic, anyone with the most basic knowledge of state and local taxation questions knows that states are allowed to be and frequently are wrong in their methods of taxation.

The merit of this argument is illustrated by the fact that many states like Iowa require tax collection on the amount paid for the voucher only when that amount is stated on the face of the voucher.

As reported by John Buhl in a recent article, the State and Local Advisory Council of the SSTP recently informally polled its member states regarding the taxation of daily deal vouchers. The results of the poll represented a continuation of states’ disagreement over the taxation of daily deal vouchers, with neither the coupon method nor the gift card method receiving a majority of support. John Buhl, “Governing Board Panel Undecided on ‘Deal of the Day’ Rules,” State Tax Notes, May 28, 2012, p. 604, Doc 201211220, or 2012 STT 102-1.

See the discussion above regarding Massachusetts’s reversal in policy.
### State Tax Notes Correspondents

**Alabama:** Bruce Ely, *Bradley Arant Boult Cummings LLP*

**Alaska:** Joe Hanel

**Arizona:** Joe Hanel

**Arkansas:** Rob Moritz

**California:** Lenny Goldberg, *California Tax Reform Association*; Chris Micheli, *Aprea & Micheli Inc.*; Kathleen K. Wright, *California State University, Hayward*; Greg Moran, *The San Diego Union-Tribune*

**Colorado:** Joe Hanel

**Connecticut:** Charles H. Lenore, *Day Pitney LLP*

**Florida:** Joe Follick

**Georgia:** Tim L. Fallaw and Ethan Millar, *Alston & Bird LLP*

**Hawaii:** Lowell Kalapa, *Tax Foundation of Hawaii*

**Idaho:** Dave Wasson

**Illinois:** Elizabeth Carvlin; Garland Allen

**Indiana:** Niki Lohrmann

**Iowa:** Elizabeth Carvlin

**Kansas:** Chris W. Courtwright, *Kansas Legislative Research Department*

**Kentucky:** Mark F. Sommer, Mark A. Loyd Jr., and Michael A. Grim, *Bingham Greenebaum Doll LLP*; Charlie White

**Maine:** Douglas Rooks

**Massachusetts:** Tom Benner; Neil Downing

**Michigan:** Suzette Hackney

**Minnesota:** Dale Busacker, *Grant Thornton*; Elizabeth Carvlin

**Mississippi:** D. Carl Black Jr. and J. Paul Varner, *Butler, Snow, O’Mara, Stevens & Cannada PLLC*

**Montana:** Greg Tuttle

**Nebraska:** Elizabeth Carvlin

**Nevada:** John S. Bartlett

**New Hampshire:** William F.J. Ardinger, *Rath, Young, and Pignatelli, P.A.*; Douglas Rooks

**New Jersey:** Michael A. Guariglia, *McCarter & English LLP*; Jeff Pillets

**New York:** Irwin Slonka, *Morrison & Foerster LLP*

**North Carolina:** Jack Cummings, *Alston & Bird LLP*; Kay Miller Hobart

**Ohio:** Elizabeth Carvlin; J.M. Ortega

**Oklahoma:** Kenneth L. Hunt, *Hall Estill*

**Oregon:** Tim Christie

**Pennsylvania:** Thomas Fitzgerald

**Rhode Island:** Brian C. Jones

**Tennessee:** Michael D. Sontag, *Bass, Berry & Sims PLC*; Tom Humphrey

**Texas:** Bill Kidd, *Long News Service*

**Utah:** Dan Harrie

**Vermont:** Neil Downing

**Virginia:** Craig Bell, *McGuire Woods Battle & Boothe LLP*

**Washington:** Dave Wasson

**West Virginia:** Thomas D. Miller

**Wisconsin:** Todd A. Berry, *Wisconsin Taxpayers Alliance*

**Wyoming:** Erin Taylor, *Wyoming Taxpayers Association*
The year was 1999 and, after nearly 50 years, venerable Atlanta firm Long, Weinberg, Ansley & Wheeler was dissolving as 23 of its 37 lawyers split off to found a new concern, Weinberg, Wheeler, Hudgins, Gunn & Dial, geared less toward insurance defense and more focused on high-profile commercial and complex defense-oriented litigation and catastrophic personal injury work.

Among the firm's first hires was a second-generation lawyer from North Georgia with a freshly printed law degree from the University of Georgia, an athlete's competitive drive and a yearning to learn the law.

He came to the right place.

"When I started I was lucky, because we had a lot of cases and not a lot of people," says Charles L. "Chuck" Clay Jr. "I got thrown into a lot of cases right off, I had three trial my first year. I probably learned more in that year than I ever have anywhere."

Thirteen years later, Weinberg Wheeler has more than tripled its legal firepower and opened satellite offices in Las Vegas and Miami, and counts Clay as one of its top national litigators and go-to guys when a client calls needing a sharp defense pro on the ground, now.

Clay has pulled out defense wins that saved his clients untold millions of dollars over the years in clear wins and by keeping damage judgments down, according to published cases and fellow personal injury lawyers on both sides of the bar.

In one "no-win" case, in which a surgeon was killed and his wife left brain-damaged by a carbon monoxide leak at a Wyoming hotel, he kept a multimillion-dollar award more than $175 million below the pre-trial demand despite his client's liability.

In another case in which a brain-injured auto-accident victim sought $17.5 million from a trucking company, Clay saw that the award was held to $500,000.

And in medical malpractice cases involving allegations of grievous injury or wrongful death, Clay has pulled down defense wins in courtrooms across the country.

"Chuck has a good feel for case evaluations, and really understands accident reconstruction as well as any lawyer I
know," says Weinberg Wheeler partner Billy Gunn, who has worked countless cases with his young colleague and confirms that, since his hiring, Clay has been someone to whom the firm routinely tosses knotty cases.

"Very early in his career, when he'd been with us about a year and a half, we were trying a brain-damaged baby case in Chicago; very tough case," recalls Gunn. "I had given local counsel a couple of witnesses to cross-examine, and he fell through on us."

Gunn called on Clay to step in, he says, "and he crossed them that day on two hours' notice. We got a defense verdict."

"A lot of times," says Gunn, "we'll get hired for a particular case somewhere because it's in trouble; by the time he's done with it, he's developed a relationship with the client that ends up with him getting cases regularly [from that client]. He really digs in to his cases, he's very good in front of jury, and interacts really well with opposing counsel."

Attorneys who've faced off with Clay agree.

"I've handled several cases on the other side of him" over the past decade or so, says plaintiffs personal injury lawyer Adam Malone. "Chuck has always been a fierce advocate for his client, but he also always displays the utmost professionalism: He avoids the nastiness and fighting over things that don't have anything to do with the merits of a case."

Clay, says Malone, "always seems to show up to defend the toughest cases, the one with really big exposure, so his clients must have a tremendous amount of confidence in him."

"He's one of my favorite people on the other side," observes Pete Law of Law & Moran. "We're adversaries for sure, but he's one you know will defend his case well. If he tells you something, you know you can believe it — and that's the highest compliment I can pay."

When Clay was young, his family moved to Rabun County, where his mother taught high school and his late father's practice included real estate and stints as the county attorney and Clayton city attorney, Clay says.

"I always thought I'd play a sport growing up," says Clay, who played football, basketball and golf in high school. "Golf was my best, but once I got to college, I figured out I was not as good as I thought I was."

After graduating from Furman University with a degree in business, Clay says, he looked at the job market and reconsidered his father's occupation.

"I liked the competition at law school: the moot court, trial practice," he says. "I'm very competitive, so I like the litigation aspect of defense work."

Along with the excess insurance cases he handles frequently, Clay also counts several Fortune 500 and international companies among his clients, including Coca-Cola Refreshment.

Clay says he gets along well with opposing counsel because he believes that, ideally, both sides are working for a fair result.

He recalls defending a case involving an accident in which a toddler was run over.

"The grandfather came up one day after court, and I didn't know if he was going to punch me or what," says Clay. "He thanked me for the way I had questioned the family, then he asked, 'How do you do what you do?'"

"I explained that, to me, I don't view what I do as a disservice to the plaintiffs," Clay says. "I want to see a reasonable outcome. If you're reasonable on the defense side, that usually prevents these crazy awards you hear about. Plaintiffs lawyers know that. I've found that, the more I've tried cases, the less frequently I've had to take them to trial ... good lawyers can usually reach a settlement."

That means not digging in and risking a huge award when liability is clear, he says.

"Sometimes the acts are so bad and so horrific, the optimal outcome is to say, 'You've got to go ahead and pay your limits, and get out,'" he says. His clients know him well enough to follow his advice.

"I've reached the point where I can say what needs to be said without getting contradicted or disrespected. That's a good place to be."

• Charles L. "Chuck" Clay, 38
- Weinberg, Wheeler, Hudgins, Gunn & Dial
- Undergraduate: Furman University, business
- Law school: University of Georgia, 1999
- As a kid wanted to be: A professional athlete
- Last vacation: Lake Rabun, July 4, 2012
- Last book: Cage's Bend, by Carter Coleman
- Fallback career: Athletic coach
- First job: Working on a construction crew, building houses in Rabun County
- The takeaway: "I wanted to do something more intellectually stimulating."
Travis Williams, 29, Northeastern Judicial Circuit assistant public defender

Kathleen Baydala Joyner
Daily Report
08-27-2012

Growing up in Fort Lauderdale, Fla., Travis Williams was inspired by the hardships he encountered — hardships he continues to see every day in the faces of his clients.

"I was raised by my aunt. I never knew my father. My mother was going through things with drugs," says Williams, who is now an assistant public defender in Gainesville. "And so all I had was my aunt. She raised me to be a man and to be tough and I fought my way through growing up."

As a child, he watched people in his neighborhood run into trouble with the law and he occasionally was the target of what he believed was abuse by authorities. And he says he felt the call to be a criminal defense lawyer early on.

"I figured the best way to avoid [trouble with the law] was to be a lawyer. I'm not doing this from a sterile perspective," says Williams. "I've been in instances where I've been pulled from a bicycle or felt unduly harassed. I've lived it."

After high school, Williams attended Florida A&M University and earned a bachelor's degree in business administration. During part of his time in college, he was homeless and living in his car. But he graduated and then earned his law degree in 2008 from the University of Georgia.

"I knew I had to finish. I leveraged everything I had on this dream of becoming a lawyer," Williams says. "It was do or die."

Since joining the public defender's office nearly four years ago, Williams has thrown himself into his profession. He lives in an apartment next to the public defender's office. He arrives at work at 7 a.m. each day and leaves late at night. He's even donned an orange jumpsuit during closing arguments to emphasize a point and has parachuted from a plane to get firsthand experience of reasonable doubt.

His boss, Northeastern Circuit Chief Public Defender H. Bradford Morris Jr., describes Williams as a role-model public defender, who has the potential to influence indigent defense policy in the near future.

"He's better than 80-85 percent of the lawyers who have been practicing forever," Morris says. "We have some pretty qualified people [in the office], and I tell them, 'You're not required to do as much as Travis; you just have to do 70 percent of what he does.'"
Williams' case load requires him to juggle more than 100 clients at any given time. He has tried at least 16 cases to verdict, 10 of which resulted in acquittals, and won at least one appeal, Morris says.

After a trial last fall, "one of the jurors told him that he had restored his belief in America," says Morris.

Williams says he relishes the challenge and stress of his career.

"When it comes to money, a lot of people leave the work because of it. I'm not a big money person. I've never had much money, and I make more than anybody in my family," he says. "When it comes to the stress of work, it makes me feel like I'm doing something. I know when I come to work, I'm going to be tested to the limit. It's a grab bag every day, and that's exciting to me."

Williams also says his life goal is simple: "I just want to see indigent defense continue to prosper. I want to continue to push forward and excel. To be recognized as one of the best in the state, one of the titans of criminal defense, that would be nice, but there will still be more cases to try."

While he devotes a great deal of his time to work, Williams makes time for at-risk kids in his community, too. He is chairman of the programs committee at his local Boys & Girls Club, where he also coaches a youth speech club that has competed on state and regional levels.

Hall County Superior Court Judge Jason Deal says he has been impressed by Williams.

"He's one of the most talented young attorneys I've had before me," says Deal, who is a former prosecutor and the son of Governor Nathan Deal. He also presides over the Hall County Drug Court and Dawson County Treatment Court programs.

"[Williams] is a great orator," Deal adds. "He has a great presence in front of the jury. Not only is he able to make an argument, but he's able to make the legal argument. And he'll never let anybody outwork him."

Williams also caught the eye of a television and film producer who is working on a documentary called "Gideon's Army" that will appear on HBO next summer.

"Travis is one of two main characters in my documentary about young public defenders," Dawn Porter says. "It took me more than two years to convince him to participate, but I always knew if he did he'd be a star. He is passionate, caring, funny and brilliant."

In October, Williams will take on a high-profile case that already has made statewide headlines. He is representing Deanna Kipp, a woman charged with murder in the death of her 18-month-old child. The woman's boyfriend, who is also charged, was tried separately in July.

- Travis Williams, 29
- Northeastern Judicial Circuit assistant public defender
- Undergraduate: Florida A&M University, business administration
- Law school: University of Georgia
- As a kid wanted to be: "I knew since I was knee-high that I wanted to be a lawyer. And I always knew I wanted to be a criminal lawyer."
- Last vacation: "I don't take vacation. ButWilliams did visit Tybee Island for a day in December to retrieve his public defender of the year award.
- Last book: Food Rules by Michael Pollan
- Fallback career: Something in TV — behind the camera. Or a writer.
- First job: bell ringer for the Salvation Army.
- The takeaway: "Don't be embarrassed at work. It was awkward being out in front of a store, hoping people would put money in. I was only 14 years old. I just had to tell myself every day, 'Sometimes, you gotta do what you gotta do.'"
Best Law Schools for Bargain Hunters - Law Blog - WSJ

August 28, 2012, 11:29 AM

Best Law Schools for Bargain Hunters

By Sam Favate

We're all familiar with the U.S. News & World Report law school rankings and their clout with prospective law school students who value prestige. But what if you're a bargain hunter? Turns out there's a list for you too.

The National Jurist has published "Best Value Law Schools" rankings in its September 2012 issue, and placing first is the University of Alabama, which has tuition of $18,030, a bar passage rate of 95.95% and a weighted employment rate of 90%, according to JD Journal.

The legal education magazine ranked law schools by measuring how likely graduates were to pass the bar exam and obtain a legal position without incurring a lot of debt. For bar passage, the magazine used a school's two-year average, raw score and compared it to the two-year state average.

For employment numbers, the National Jurist used the American Bar Association's official employment statistics and weighed each of the 12 categories to calculate an average.

In second place this year was Georgia State University, with tuition of $14,770, bar passage of 93.47% and a weighted employment rate of 83%. The remaining law schools in the top ten were Louisiana State University, University of Nebraska, University of Georgia, University of Kentucky, University of Montana, University of New Mexico, University of North Carolina and University of Wisconsin.

Stanford University Law School and Columbia University School of Law had the highest weighted employment rates, with 95% and 92%, respectively, but didn't rank in the best value list due to high tuition costs.

As Law Blog noted last week, tuition costs have continued to increase at law schools, despite a decrease in school applications. The U.S. News rankings measure, in part, how much each school spends on each student, which means that lower tuition could result in lower rankings.

One note of caution when looking at the rankings and numbers in this report: The debt data used by National Jurist in some cases may have been incorrect, as Above The Law noted. Debt was only 15% of a school's overall ranking, according to the methodology used, but using an incorrect figure could throw off the calculation.

Don't Miss...

A Tattoo Room in Brooklyn

Does Ye Shiwen Deserve An Apology? (Chinese)

Chris Christie Gets His Time in the Spotlight: Draghi Cancels...

About Law Blog

The Law Blog is an online publication that covers hot cases, emerging trends and big personalities in law. It's brought to you by lead writer Joe Palazzolo, with contributions from The Wall Street Journal's legal reporters (below) and other staff.

Follow @Joe_Palazzolo 1,431 followers

Comment or tip? Write to joe.palazzolo@wsj.com or lawblog@wsj.com

Joanna Chung

Bureau Chief

Ashby Jones

Reporter

8/29/2012 8:46 AM
Law Blog reported earlier this month that some schools misreported their figures to U.S. News and the ABA, including Barry University School of Law, University of Kansas School of Law and Rutgers School of Law — Camden. The ABA has said it is allowing schools to revise the debt numbers and has found no instance of intentional misreporting.
Red & Black board falls short of student member rule

Katheryn Hayes Tucker
Daily Report
08-30-2012

The Red & Black Publishing Co.'s board — which oversees the management of the University of Georgia independent student newspaper — has been operating in violation of its own rules by not having student members, according to the nonprofit organization's bylaws.

"Two of the ex-officio members shall be the current student editor and student advertising manager of The Red & Black, and shall be active students of the University of Georgia," the bylaws state in Article II, Section 2.3c.

The board released the bylaws to the Daily Report Monday following a written request over the weekend. Directors and editors said in interviews that they can't remember the last time students participated in board meetings. A board spokesperson seemed uncertain over whether the board is required to allow students at its meetings, saying directors will take up the matter — without students present — when they meet in September.

Board members and students said the communication that could have come from sitting down at the table together might have prevented the Aug. 15 walkout by the newspaper's editors, which was prompted by fears that the board was going to require pre-publication approval of students' articles by the editorial adviser and other professional staff hired by the board. Students were reacting to a board member's memo to editorial advisers that called for "correcting poor quality before publication."

"Prior review" became the rallying call for a student protest and the line that student journalists said should not be crossed by the business side.

Students returned to The Red & Black newsroom after the board assured them it would not require pre-publication review of their articles.

Most of The Red & Black directors are current or former news executives, including Amy Glennon, the publisher of The Atlanta Journal-Constitution. Some are former reporters.

A nonprofit corporation's bylaws serve as guidelines for operation and a contract with employees, but also carry the weight of law, according to attorneys who were asked about the issue.

"I think the board members have a fiduciary obligation to make sure the corporation is following its own bylaws," said S. Derek Bauer, a partner with McKenna Long & Aldridge who represents media companies and nonprofit hospitals. "The bylaws exist not just to create organizational structure but to govern the governing body."

If the bylaws are not followed, the board opens itself up to liability, he said. "The stakeholders may have a legal action," Bauer said.

"Bylaws do carry with them certain obligations of the board. It is more so when you're dealing with nonprofits," said Cobb County
Superior Court Judge C. LaTain Kell, a graduate of the University of Georgia Grady College of Journalism and Mass Communication and the University of Georgia School of Law, and also a director of nonprofit corporations including the YMCA and MUST Ministries. "There are always potential legal ramifications to failing to follow your governing documents."

"I've never been in a situation where the board didn't follow the bylaws," said Kent Alexander, general counsel of CARE USA, and former U.S. attorney in Atlanta and former GC at Emory University. "Boards normally follow the bylaws. That's why they approve them."

Students were represented on the board in the past, said Melita Easters, the vice chair who has acted as spokesperson for the directors since the walkout.

"I don't remember what happened. It just fell by the wayside," she said. Easters recalled that because of classes, students had difficulty attending the board's spring and fall meetings in Athens, which are timed around interviews with new student editors.

She acknowledged that class schedules would not have conflicted with the board's summer meeting, which was held this year the first weekend in August at The King and Prince Beach and Golf Resort on St. Simons Island. There, the board unanimously approved the strategic improvement plan presented by director Ed Stamper. (The bylaws allow for expenses to be paid for meetings requiring overnight stays and meals, but do not allow directors to be compensated for their time.)

Stamper, a retired advertising executive, had worked for three months as an unpaid consultant to create the plan in an attempt to reverse failing readership and revenue that have placed The Red & Black on the road to a net operating loss for the first time in its history. Stamper's three-page memo discussed the professional staff's responsibility to ensure professional standards and quality on the newspaper. "You are accountable for the final product," the memo said in bold type near the top of the first page. The memo led to the walkout, and Stamper resigned.

Editorial adviser Ed Morales gave the memo to the student editors, and that led to the walkout.

"There was a great deal of communication about the new business plan with students this summer," Easters said. "But certainly if students had been present at St. Simons for the almost 12 hours of discussion the board gave to the new business plan presented by Ed Stamper, there would have been a greater understanding on their part for what we were trying to do."

Student editor-in-chief Polina Marinova agreed, although from a different perspective. "If a student had been involved in those meetings, prior review would never have been an issue," she said on a conference call Tuesday along with Julia Carpenter, student managing editor. At their request, the students were given a copy of the bylaws. Marinova said she was assured by the board the students would be included in future meetings. "Our main thing is just getting our foot in the door," she said.

Easters said the board remains committed to the plan it approved. As for adding students back to the board, she said she is sending out a survey to the directors asking them if they wish to have students attend all or part of their meetings. She said the board will have a specially called meeting in September to discuss "recent events," and will not have students present then.

"The board needs to come to grips with itself because we were divided about bringing the editors back," she said. A topic for discussion in September will be whether to invite students to the regularly scheduled fall meeting in November.

Easters said the board does not currently have a lawyer, and that she is looking for one.
Remember those "two yutes" in the 1992 movie *My Cousin Vinny*?

Defense lawyer Vinny Gambini (Joe Pesci): "It is possible that the two yutes ..."

Judge Chamberlain Haller (Fred Gwynne): "Did you say 'yutes'?"

Vinny: "Yeah, two yutes."

Judge: "What is a yute?"

Vinny: "Oh, excuse me, your honor ... two youths."

It was actor Jeffrey Lewis, playing "Deputy No. 1," who caught and arrested those two New Yawk kids in rural Alabama, throwing them into Hollywood's humorous system of justice. The good guys won in the end.

At 6-foot-2 and 210 pounds, Lewis was admittedly typecast for more than a decade during his acting career. In real life he would find he was better off in a courtroom than in a police car. He is now a partner and litigator at Arnall Golden Gregory in Atlanta.

Lewis was also an academic All-American at the University of Georgia, playing linebacker for defensive coordinator Erk Russell's famous "Junkyard Dawgs" on the 1976 SEC Champion team.

Lewis will again be a panelist on the "Neil Williamson and the Georgia Bulldog All-Stars" radio show, every Monday evening from 9 to 10 during football season on the Bulldog Radio Network, 750 AM in Atlanta.

From linebacker to litigator — with movie, TV and stage roles in between — Lewis, now 56, talked to the *Daily Report* about acting, the Bulldogs, his run with the bulls in Pamplona, meeting Britain's Prince Charles and, amazingly, staying at or below his football-playing weight with a vigorous exercise regimen.

**Let's start with the important stuff. What's your take on this year's Dawgs?**

The Bulldogs bring back a lot of skilled players from last year, although we are inexperienced in the offensive line. Combined with a favorable schedule, I look for great things from this year's team.

**Linebackers are tough and have to be smart to play the position, but not a lot of them grow up to be lawyers. What brought you to the law?**

A natural assertiveness is conducive to both linebacking and lawyering, especially litigating. I also had some aptitude for public speaking. Finally, Frank Love Jr. [retired Powell Goldstein partner and former State Bar president] is my uncle, and I always admired him.
You played for the grand defensive coach Erk Russell. He must have thought you had some smarts. Explain his "daily challenge" for you?

I impressed coach Russell with my intellectual capability — we had hand signals for three different defenses, and I could remember all three of them.

Seriously, Coach Russell was a great and inspiring leader. His players loved him and played hard in order not to disappoint him. He also liked to keep practices fun, and so challenged me to come up with the word of the day, a word that none of the other players could define. Sometimes I cheated, by looking into the dictionary, but my teammates were delighted when I referred to a sarcastic editorialist for *The Red & Black* as an "ersatz iconoclast."

You were an actor after college?

I acted in school productions in high school and college, then became a professional actor three years into my career as a lawyer. Because of my size, I was typecast as a policeman, or soldier, or thug. I once asked a casting director if I could read for the part of the lawyer, and she said no. I then told her that I was a lawyer, and showed her my Georgia Bar card. She said, "That's nice, but you don't look like the lawyer; you look like the cop."

My favorite stage role was the title character in the premiere of *Mr. Universe* at Seven Stages Theatre in Little Five Points. My favorite film role was in *My Cousin Vinny*, where I played the deputy sheriff who pulls the two boys out of their convertible at the point of a 12-gauge shotgun. When I delivered my final line: "Put your hands on top of your head, and get out of the car!" audiences wept. Seriously, I now use the prosecutor's opening statement from this movie in a Continuing Legal Education class I teach on trial techniques.

Defense lawyer Vinny Gambini's (Joe Pesci) entire response to that opening statement was: "Everything that guy just said is bull—. Thank you." What did Vinny miss? What do you teach from the movie?

Vinny missed the entirety of the prosecutor's opening because he was sleeping! Seriously, only two and a half minutes, using no notes, the prosecutor sets the scene, gets the jury's rapt attention, moves around and gestures to keep it, summarizes his evidence, and has the jury ready to believe the two boys are the robbers/killers. I use this clip to show how effective these techniques can be in front of a real jury.

You also were in *Freejack* in 1992. What was that like? Did you meet Mick Jagger?

*Freejack* was a one-day shoot for me, and unfortunately, Mick wasn't on the set that day. I did work with Daniel Day-Lewis over three nights on *Stars and Bars*. He was intense, really into his character, even in a comedy. I also spent a week on set with Linda Hamilton in *King Kong Lives*. She was very friendly and open, despite her fame from *Terminator*. She commiserated over my short soldier's haircut, because my wedding was only two weeks away.

When they are done with their football careers many players tend to put on a bit of weight. You're down four pounds from your playing weight of 35 years ago. What's your secret?

It's no secret, the key to fitness is these four simple words: "Move more, eat less." I lift weights twice a week, with the emphasis on multiple sets of at least 12 repetitions per set, while keeping the weight light enough to avoid joint pain. I also ride a bicycle, where my ambition remains to be able to ride up the Cochise Drive hill in Vinings, which I can still do. Experience has taught me that the key to staying active as you age ... is to stay active as you age.

You ran with the bulls in Pamplona and have biked in the Pyrenees. Fun?

Last summer, I did a 10-day motorcycle tour of the Pyrenees with former Bulldog football players Frank Ros, who is from Barcelona, Spain, and Richard Tardits, who is from Biarritz, France, along with friend Brian Conlon. We got up late, stayed up late, and ate and drank like kings. On the last day, we rode from Biarritz down to Pamplona, where we ran with the bulls in the festival of San Fermin. It is a religious festival, and so I spent a lot of time praying. We all survived, and the stories get better with every telling.

Tell me about meeting Prince Charles.

Jimmy Carter had been elected president, and so Prince Charles decided Athens, Georgia, would be a good place to stop on a good-will tour. It was our homecoming game against Kentucky my senior year. Coach Dooley and I went out on the field at half-time to shake hands with Prince Charles. He was friendly, wished us good luck in the second half. That wasn't enough. Kentucky won the game.

Does your football background ever help you in the legal world? Do the skill sets ever intersect?

I mentioned the innate assertiveness earlier. Certainly, commercial litigation is a team sport, requiring division of labor, leadership and cooperation. Motivation to win and hard work are also common to both.

Looking back, college football in the 1970s seems like simpler times. Today the money, exposure and 24-hour news...
cycle seem to have amped up the good and the bad parts of the sport, on and off the field. How has the game changed for you?

Everything was better when you were young, right? In its essence, the game of football hasn't changed; it is still all about knocking the fellow across the line from you down and controlling the movement of the football, whether it is being run or passed or kicked. The increased popularity of the sport has put a lot more dollars into it, on both the college and professional level, and thus probably more temptation toward bad habits. And it seems as if everything that happens gets into the media now, whereas it did not back in the '70s.

The other interesting change is with regard to concussions. It seems to me the only way to significantly reduce the numbers of concussions in football would be to return to leather helmets, because once you encase the skull in hard plastic, you allow players, both offensive and defensive, to use it as their primary weapon for blocking, tackling and breaking tackles.

Since I don't think anybody wants to go back to leather helmets, we have to adjust the rules of the game, but not too far. Certainly, the NFL has the money to set up a medical plan to take care of its former players who suffer these kinds of injuries, although it might mean current players make a little bit less.

Although I didn't think so at the time, it now looks as if, medically speaking, I was fortunate that the only NFL scout I ever met with told me he thought I might have a bright future as a lawyer.
LENGTH: 819 words

HEADLINE: DEAL ANNOUNCES CITY OF BROOKHAVEN COMMISSION

BYLINE: States News Service

DATELINE: ATLANTA, Ga.

BODY:

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

Gov. Nathan Deal signed an executive order today naming the Governor's Commission on Brookhaven. Under legislation passed by the General Assembly, if the creation of the City of Brookhaven was approved, the governor is to create a five-member commission consisting of a chairman and four others who reside in each council district within the city. The incorporation of the City of Brookhaven was approved by a 54.6 percent vote in July.

Under the legislation, the commission is to facilitate the provision of community services and facilities, the collection of taxes and fees, and the negotiation of intergovernmental agreements in preparation of the establishment of the new city. The full text of the executive order can be found here.

The members of the Governor's Commission on Brookhaven are as follows:

Ben Vinson, chairman

Vinson is an attorney at McKenna Long and Aldridge LLP, where he focuses on political law. Prior to his work at the firm, Vinson served as majority caucus counsel in the Georgia House of Representatives. Vinson received his law degree from the University of Georgia School of Law and his bachelor's degree in Political Science from Furman University. After law school, Vinson served as clerk for Judge W. Brevard Hand of the U.S. District Court. Vinson currently serves as the chairman of the Georgia Immigration Enforcement Review Board. He and his wife, Ansley, live in Brookhaven with their daughter.

J.D. Clockadale, District 1 representative

Clockadale is the director of marketing promotions for RaceTrac Petroleum, Inc. Additionally, Clockadale chairs a private security patrol, staffed by off-duty DeKalb County officers, to aid successful law enforcement in Brookhaven. Prior to his work for RaceTrac Petroleum, Clockadale was the owner and managing partner for Impero, LLC and worked as a financial and insurance representative for Prudent Financial. Clockadale has been involved in developing Brookhaven while serving as founding board member of both Brookhaven Yes and Citizens for North DeKalb. Clockadale is a graduate of the Georgia Institute of Technology where he received his bachelor's degree in Mechanical Engineering and his MBA in Entrepreneurship and Innovations.

Todd E. Lantier, District 2 representative

Lantier is the unit sales manager for MassMutual Financial Group/Capstone Financial Partners. Lantier previously served as director of investments for both Mass/Mutual Financial Group/Capstone Financial Partner and New York Life Insurance Company. Lantier received his bachelor's degree in Business Administration from Caldwell College and his associate's degree in Building Construction Management from Wentworth Institute of Technology. Additionally, as
an experienced financial services sales professional, Lantier is recognized as a designated Charted Mutual Fund Consultant. Lantier is the current president of the Brookhaven Community Connection, a founding member of Ashford Park School Education Foundation, and an advisory board member of Friends of Brookhaven Park. Lantier resides in Brookhaven with his wife, Shelia, and their children.

Jed Beardsley, District 3 representative

Beardsley is a shareholder in the law firm Baker, Donelson, Bearman, Caldwell and Berkowitz, PC, where he specializes in real estate and tax law. Beardsley received his law degree from Emory University School of Law, his master's in Business Administration degree from Emory University and his bachelor's degree from the University of Virginia. In addition to his professional achievements, Beardsley has supported the Brookhaven Community for years and currently serves as president of the Board of Historic Brookhaven Neighborhood Association, Inc., and as a board member of the Historic Brookhaven Neighborhood Association. Beardsley was also the founding member for the Brookhaven Community Connection, Inc., a business league for local organizations.

Kim Gke, District 4 representative

Gke serves as technical project manager for ATandT. Prior to this position, Gke worked as manager for the Coca-Cola Company, project manager for BellSouth Telecommunications and BellSouth Business Systems, program manager for ATandT, and business analyst for Andrews-Fischer, Inc. Gke received his bachelor's degree from Georgia State University and master's of Business Administration from the University of Hartford. Gke is also certified as a project management professional and a certified Netware engineer. Gke has served as the founding director for both the Brookhaven Community Connection and the Cross Keys Foundation, helping business and supporting public education. He was also the founding Steering Committee member for the Cross Keys Sustainable Neighborhood Initiative. In addition, Gke is fluent in Spanish, which he has perfected while working in the Hispanic community in DeKalb County.

LOAD-DATE: August 31, 2012

2 of 2 DOCUMENTS

Targeted News Service

Copyright 2012 Targeted News Service LLC
All Rights Reserved
Targeted News Service

August 31, 2012 Friday 10:45 PM EST

LENGTH: 843 words

HEADLINE: Deal Announces City of Brookhaven Commission

BYLINE: Targeted News Service

DATELINE: ATLANTA

BODY:

Gov. Nathan Deal, R-Ga., issued the following news release:

Gov. Nathan Deal signed an executive order today naming the Governor's Commission on Brookhaven. Under legislation passed by the General Assembly, if the creation of the City of Brookhaven was approved, the governor is to create a five-member commission consisting of a chairman and four others who reside in each council district within the city. The incorporation of the City of
Brookhaven was approved by a 54.6 percent vote in July.

Under the legislation, the commission is to facilitate the provision of community services and facilities, the collection of taxes and fees, and the negotiation of intergovernmental agreements in preparation of the establishment of the new city. The full text of the executive order can be found here [http://gov.georgia.gov/vgn/images/portal/cit_1210/25/5/189237115Brookhaven%20Commission.pdf](http://gov.georgia.gov/vgn/images/portal/cit_1210/25/5/189237115Brookhaven%20Commission.pdf).

The members of the Governor's Commission on Brookhaven are as follows:

**Ben Vinson, chairman**

Vinson is an attorney at McKenna Long & Aldridge LLP, where he focuses on political law. Prior to his work at the firm, Vinson served as majority caucus counsel in the Georgia House of Representatives. Vinson received his law degree from the University of Georgia School of Law and his bachelor's degree in Political Science from Furman University. After law school, Vinson served as clerk for Judge W. Brevard Hand of the U.S. District Court. Vinson currently serves as the chairman of the Georgia Immigration Enforcement Review Board. He and his wife, Ansley, live in Brookhaven with their daughter.

**J.D. Clockadale, District 1 representative**

Clockadale is the director of marketing promotions for RaceTrac Petroleum, Inc. Additionally, Clockadale chairs a private security patrol, staffed by off-duty DeKalb County officers, to aid successful law enforcement in Brookhaven. Prior to his work for RaceTrac Petroleum, Clockadale was the owner and managing partner for Impero, LLC and worked as a financial and insurance representative for Prudent Financial. Clockadale has been involved in developing Brookhaven while serving as founding board member of both Brookhaven Yes and Citizens for North DeKalb. Clockadale is a graduate of the Georgia Institute of Technology where he received his bachelor's degree in Mechanical Engineering and his MBA in Entrepreneurship and Innovations.

**Todd E. Lantier, District 2 representative**

Lantier is the unit sales manager for MassMutual Financial Group/Capstone Financial Partners. Lantier previously served as director of investments for both Mass/Mutual Financial Group/Capstone Financial Partner and New York Life Insurance Company. Lantier received his bachelor's degree in Business Administration from Caldwell College and his associate's degree in Building Construction Management from Wentworth Institute of Technology. Additionally, as an experienced financial services sales professional, Lantier is recognized as a designated Charted Mutual Fund Consultant. Lantier is the current president of the Brookhaven Community Connection, a founding member of Ashford Park School Education Foundation, and an advisory board member of Friends of Brookhaven Park. Lantier resides in Brookhaven with his wife, Shelia, and their children.

**Jed Beardsley, District 3 representative**

Beardsley is a shareholder in the law firm Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, where he specializes in real estate and tax law. Beardsley received his law degree from Emory University School of Law, his master's in Business Administration degree from Emory University and his bachelor's degree from the University of Virginia. In addition to his professional achievements, Beardsley has supported the Brookhaven Community for years and currently serves as president of the Board of Historic Brookhaven Neighborhood Association, Inc., and as a board member of the Historic Brookhaven Neighborhood Association. Beardsley was also the founding member for the Brookhaven Community Connection, Inc., a "business league" for local organizations.

**Kim Gokce, District 4 representative**
Gokce serves as technical project manager for AT&T. Prior to this position, Gokce worked as manager for the Coca-Cola Company, project manager for BellSouth Telecommunications and BellSouth Business Systems, program manager for AT&T, and business analyst for Andrews-Fischer, Inc. Gokce received his bachelor’s degree from Georgia State University and master’s of Business Administration from the University of Hartford. Gokce is also certified as a project management professional and a certified Netware engineer. Gokce has served as the founding director for both the Brookhaven Community Connection and the Cross Keys Foundation, helping business and supporting public education. He was also the founding Steering Committee member for the Cross Keys Sustainable Neighborhood Initiative. In addition, Gokce is fluent in Spanish, which he has perfected while working in the Hispanic community in DeKalb County.
Deal announces city of Brookhaven commission

by Staff Reports
08.31.12 - 02:11 pm

Gov. Nathan Deal signed an executive order Aug. 31 naming the Governor’s Commission on Brookhaven. Under legislation passed by the General Assembly, if the creation of the city of Brookhaven was approved, the governor is to create a five-member commission consisting of a chairman and four others who reside in each council district within the city. The incorporation of the city of Brookhaven was approved by a 54.6 percent vote in July.

Under the legislation, the commission is to facilitate the provision of community services and facilities, the collection of taxes and fees, and the negotiation of intergovernmental agreements in preparation of the establishment of the new city. The full text of the executive order can be found here.

The members of the Governor’s Commission on Brookhaven are as follows:

Ben Vinson, chairman

Vinson is an attorney at McKenna Long & Aldridge LLP, where he focuses on political law. Prior to his work at the firm, Vinson served as majority caucus counsel in the Georgia House of Representatives. Vinson received his law degree from the University of Georgia School of Law and his bachelor’s degree from Furman University. After law school, Vinson served as clerk for Judge W. Brevard Hand of the U.S. District Court. Vinson currently serves as the chairman of the Georgia Immigration Enforcement Review Board. He and his wife, Ansley, live in Brookhaven with their daughter.

J.D. Clockadale, District 1 representative

Clockadale is the director of strategic marketing promotions for RaceTrac Petroleum, Inc. Prior to his work for RaceTrac Petroleum, Inc., Clockadale was the owner and managing partner for Impero, LLC and worked as a financial and insurance representative for Prudential Financial. Clockadale has been involved in developing Brookhaven while serving as founding board member of both Brookhaven Yes and Citizens for North DeKalb. Clockadale is a graduate of the Georgia Institute of Technology where he received his bachelor’s degree MBA.

Todd E. Lantier, District 2 representative

Lantier is the unit sales manager for MassMutual Financial Group/Capstone Financial Partners. Lantier previously served as director of investments for both Mass/Mutual Financial Group/Capstone Financial Partner and New York Life Insurance Company. Lantier received his bachelor’s degree from Caldwell College and his associate’s degree from Wentworth Institute of Technology. Additionally, as an experienced financial services sales professional, Lantier is recognized as a designated Charted Mutual Fund Consultant. Lantier is the
current president of the Brookhaven Community Connection, a founding member of Ashford Park School Education Foundation, and an advisory board member of Friends of Brookhaven Park. Lantier resides in Brookhaven with his wife, Shelia, and their children.

Jed Beardsley, District 3 representative

Beardsley is a shareholder in the law firm Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, where he specializes in real estate and tax law. Beardsley received his law degree from Emory University School of Law, his master’s in business administration degree from Emory University and his bachelor’s degree from the University of Virginia. In addition to his professional achievements, Beardsley has supported the Brookhaven Community for years and currently serves as president of the Historic Brookhaven Foundation Inc., and as a board member of the Historic Brookhaven Neighborhood Association. Beardsley was also the founding member for the Brookhaven Community Connection, Inc., a “business league” for local organizations.

Kim Gökçe, District 4 representative

Gökçe serves as technical project manager for AT&T. Prior to this position, Gökçe worked as manager for the Coca-Cola Company, project manager for BellSouth Telecommunications and BellSouth Business Systems, program manager for AT&T, and business analyst for Andrews-Fischer, Inc. Gökçe received his bachelor’s degree from Georgia State University and master’s of business administration from the University of Hartford. Gökçe is also certified as a project management professional and a certified Netware engineer. Gökçe has served as the founding director for both the Brookhaven Community Connection and the Cross Keys Foundation, helping business and supporting public education. He was also the founding Steering Committee member for the Cross Keys Sustainable Neighborhood Initiative. In addition, Gökçe is fluent in Spanish, which he has perfected while working in the Hispanic community in DeKalb County.