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Correction Notice

In last month's column, "In-House E-Discovery
for Legal," the author Erin Corken was mistak-
enly labelled as a regional review manager. Ms.
Corken works with Ricoh's In-house e-discovery
for legal team.

From the Publisher

Welcome to this month's
visit with your friends and
colleagues, old and new. Attorney
at Law Magazine is first and
foremost for and about you ... the
Metro Atlanta attorneys.

Since our premiere issue in
2012, we have received great
feedback, suggestions and
involvement from you. Thanks, to
everyone who has responded and
to all those that are involved in this
publication, you are the reason
the magazine has been a great
success from the start.

As I like to say, we are the outlet
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practice or firm to fifteen thousand
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Much success,

Bill McGill

Georgia Council of Magistrate Court Judges Provides Statewide Self-Service Access for Self-Represented Litigants

By Rachel Brooks

The Georgia Council of Magistrate Court Judges is now offering attorneys and self-represented litigants the opportunity to use a free online service to complete an interview, generate the applicable forms and electronically file court forms via the Odyssey eFile GA portal. Filings created online may also be submitted by mail or in person for any magistrate court in the state. The tool is called the Magistrate Courts Free Forms Generator and is powered by the Tyler Technologies, Inc. Odyssey Guide & File solution.

"The Council of Magistrate Court Judges has been brainstorming ways to help the public and, specifically, the self-represented litigant group for several years now," said Sharon Reiss, executive director of the Georgia Council of Magistrate Court Judges. "Magistrate court was designed to be the people's court and, especially since the economic downturn, we have seen even more self-representation. In an effort to gain more uniformity, education and efficiencies within our courts, we wanted to develop a free service that would make our forms not only easier to fill out, but also more complete so that judges had all the information about a case before court."

The Georgia Council of Magistrate Court Judges is the first Tyler client to roll out interviews statewide through a Web portal and via mobile technology. Georgia's 159 magistrate courts will also be able to offer in-house access to the guided filing process, without additional strain on employees, through use of kiosks. The court exceeds 500,000 filings annually.

"Tyler is proud to assist the Magistrate Court to expand access to justice across all Georgia counties with an easy-to-use solution that helps self-represented litigants; they are a leader in leveraging this rapidly expanding way to increase access to justice while at the same time improving court efficiencies," said Bruce Graham, president of Tyler's Courts & Justice Division. "The Georgia Council of Magistrate Court Judges is providing a tool that will streamline court processes and improve service to constituents, and we look forward to helping them succeed."


Odyssey Guide & File allows users to develop interviews and provide relevant, informative content that can result in a reduction of erroneous filings and staff time answering pro se questions. As a cloud-based solution, self-guided interviews are published and accessed from the court's website, providing flexibility for self-represented litigants to complete the interview anytime, from anywhere. Other early adopters of Odyssey Guide & File include the South Dakota Unified Judicial System; the State of Idaho Judicial Branch; Eighth Judicial District Court in Las Vegas; and the Second Judicial District court in Albuquerque, New Mexico.

To find out more about the interviews offered, visit the Georgia Council of Magistrate Court Judges' website: www.gamagcouncil.org. More information about Odyssey Guide & File can be found by visiting www.tylertech.com/guidefile.



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The Importance of Knowing Thy Landlord

By T. Bradley Fulkerson, III, CCIM

With several Atlanta trophy office buildings changing hands in recent months, it's critical for tenants to know who their new landlord is and what financial objectives that ownership entity is trying to achieve.

Parkway Properties Inc., a publicly traded REIT that was just given investment grade credit ratings by Moody's and Standard & Poor's, is under contract to buy One Buckhead Plaza for \$157 million in a deal that boosts Parkway's market share of the Class A office inventory in Buckhead to 13 percent.

That acquisition values One Buckhead Plaza at almost \$340 per foot and is one of the highest prices ever paid for an Atlanta office tower, trailing only Heitman LLC's recent acquisition of 3630 Peachtree (\$390 per foot) and Parkway's 2011 purchase of Sovereign (\$346 per foot).

The Brookdale Group LLC in January bought The Pinnacle and Two Live Oak for a combined \$201 million from TIAA-CREF, the century-old pension fund that has more than \$851 billion in assets under management and had owned the buildings for about a decade and is paring back its Atlanta holdings while it pumps more money into markets such as Washington, D.C.

Cousins Properties Inc., one of the oldest publicly traded REITs in the country, bought the 1.5 million square-foot Northpark Town Center complex for \$348 million last fall from AEW Capital Management LP and the Bank of Ireland.

Each of these owners has slightly different financial metrics – net operating income targets, funds from operations, dividend payouts, target hold periods, and so forth – and these varying objectives can drive vastly different negotiating strategies.

Intimate knowledge of your landlord's specific

objectives and internal targets is crucial for having productive negotiations and ultimately reaching mutually satisfactory lease terms.

Parkway, for example, has already signaled that rents will go up at One Buckhead Plaza, where the whispered rate is \$6 per square foot higher than just a few months ago.

"Current in-place rents at One Buckhead Plaza are below market rates and we see a great opportunity to reposition the asset and unlock embedded growth," Parkway CEO James R. Heistand said in a press release the day the company announced the purchase.

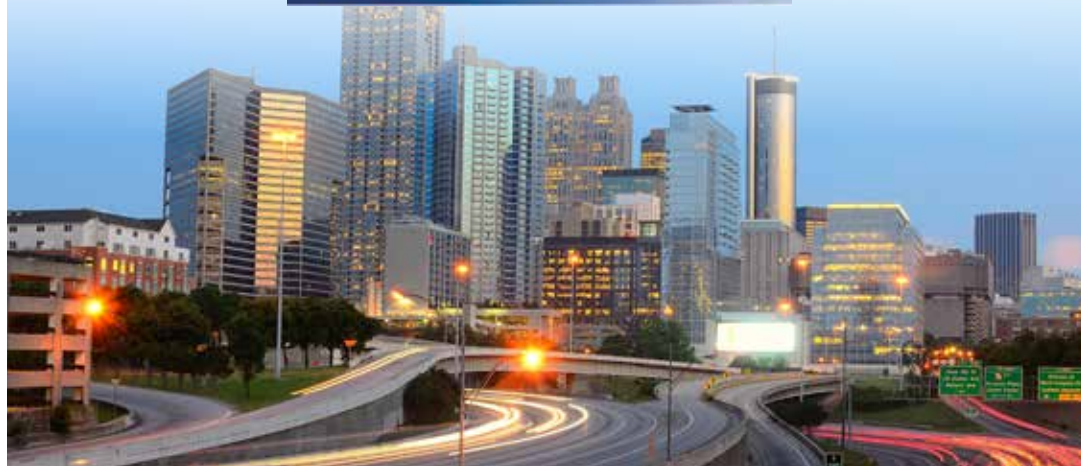
Rents at Northpark Town Center are up almost 10 percent since before Cousins bought the complex, reflecting the tight availability in Central Perimeter as companies like Veritiv Corp. and Mercedes-Benz USA take large blocks of space.

But don't just assume a new owner means automatically higher occupancy costs.

While rents are likely to increase as this new economic cycle gains steam, tenants can still gain significant benefits through free rent, early occupancy, more generous tenant improvement allowances, termination options, right of first refusal on adjacent space, extension options and so on.

New owners are especially keen on wooing their largest tenants whose leases expire in the next few years in an effort to lock in future cash flow for their new asset and prevent relocations to competing buildings. This dynamic can give those big tenants, who have great influence on the value of the asset, a strong negotiating position to mitigate upward pressure on rents.

So call a broker and go meet that new landlord. Break bread. Meet for a cocktail. Find out what he's trying to accomplish. Understanding the landlord's objectives could pay dividends for you as a tenant.



Methods for Gaining Clients

By Raj M. Nichani

Raj M. Nichani, Esq. is the president of The RMN Agency, a full-service legal search and staffing company specializing in the permanent and temporary placements of legal attorneys and professional staff with law firms and corporate legal departments. Raj and his team are dedicated to placing the highest quality candidates based on their own unique needs. The legal recruiting company was recently ranked the best legal staffing firm of 2014 by The Daily Report. You can reach Raj at (678)-842-5855, or by email at raj@thermnagency.com or by visiting thermnagency.com for updated job postings and further information on the recruiting process.

With the New Year in full swing, all attorneys and law firms can benefit from gaining new clients. I receive a lot of emails asking about the best strategy for generating new leads. In this article, we will explore different methods that have worked for me, but if you have a successful strategy, keep at it. But remember, switching it up from time to time can keep it fresh and show you new results. Here are some tips on how to get your name out there and attract new clientele for 2015:

The Conference Method

Conferences are a great way to meet and gain clients for your practice, as well as valuable business contacts. Depending on your specialty, whether it be intellectual property, real estate law, or labor & employment, there are plenty of conferences available nationwide for you to find and attend. It's important to plan ahead. Most conferences start planning at least six months to one year in advance. If you get in contact with a coordinator early enough, you may be able to get a spot to speak at a conference by being on a panel in front of a captive audience. Speaking on your specialty and passion for the legal field is a great way to get your name out there to clients or other attorneys who want your services.

The Writing Method

Some attorneys prefer to stay out of the lime-light commonly found at conference settings, or aren't comfortable presenting in front of a crowd. For those who shy away from the spotlight, the writing method may be your preferred choice. Attorneys who enjoy writing about various legal topics opt to write for legal journals, magazines and various other news sources to have their work published. Conducting research or writing for an advice column in a magazine or online legal site can be an excellent way to gain clients. The writing method gives you the chance to get your name and law firm out there nationally. You never know, that one article you wrote could pay off tenfold when a client or another attorney refers you work after reading your articles. Not to mention, adding published work on your resume is always a plus.

The Networking Method

This is the old-fashioned method to gain clients. Going out to local or national events and conversing with people is always an easy way to network. If you don't know anyone at the event, start by talking to people you see standing alone or join a larger group discussion. During your conversations, listen and try to find a commonality with a potential client. That will be your key

link with him or her. Also, don't hand out your business card to every person you meet; save them for people you make a real connection with. In addition, get one of their business cards so you remember with whom you conversed and who to contact when you get back to the office. Make notes, if necessary, on the back of business cards to refer back to the meaningful conversations in your follow up emails in the coming week. The single most important take away is for you to follow up with the people that you meet.

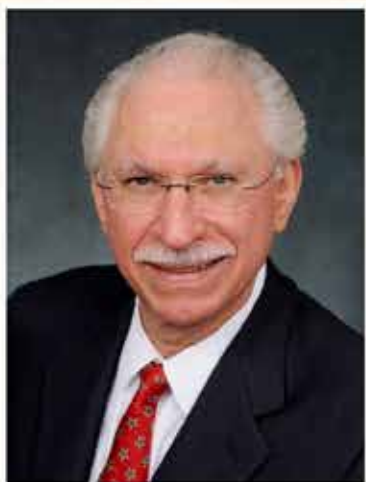
The RFP Method

Attorneys have always used the request for proposal (RFP) method to gain new clients. With this method, lawyers or law firms are asked to prepare a written proposal or deliver a presentation about their services as a way to gain clients. Basically, you want to let your client know why you are the best and why someone should work with you over another firm. The RFP method is sometimes called a "double-edged sword" because on one side, you can gain many potential clients. On the other end, preparing for an RFP requires a large amount of time and energy to prepare for all contenders. Ultimately, only one law firm will win the business. During an RFP, you want to be sure to stand out from the competition and present yourself in a way that makes you different from the next law firm. Additionally, you don't want to be too brief. Present your law firm as a team of hard working individuals, present substantial facts, and try to use informal language. Your clients may not always be lawyers, so common language will be understood more than if you were to speak in legal jargon.

Overall, the most important part of gaining new clients is to present all your strengths as a lawyer or law firm effectively. Whether you are speaking at a conference, mingling at a legal event or presenting an RFP, communicating the main points you want your potential client to hear is key. Gaining new clients takes time and effort; there is always a lot of competition, but be persistent and do your best and all your hard work will pay off in the long run.

The Insurance Archaeologist™

By Jackson Williams



Robert E. "Bob"
Underdown,
AIC, ARM

“While a corporate risk manager, my associates suggested I write a book about risk management,” said Robert Underdown. “Instead, after my career as a claims manager for insurance companies and a risk manager for public and private corporations, I began to write insurance expert witness opinions. I got involved because a friend asked me to provide an expert witness opinion on an insurance case and I discovered not only was I really good at it, but I also found it fun and exciting.”

Underdown is an insurance and risk management consultant and testifying insurance expert witness located in Scottsdale, providing services across the United States. He has over 30 years of experience in the insurance industry. Some of his areas of expertise include: insurance industry custom and practice, agent/broker standard of care, bad faith claims, claims handling, construction defect coverage opinions, general coverage opinions, life insurance suitability opinions, and risk management standards.

Underdown's career began as a life

insurance salesman right out of college. He later transitioned into the insurance claims industry progressing from a field adjuster to branch claims manager. Next he became a corporate risk manager for a variety of entities, during which time he further honed his insurance coverage skills and knowledge with a variety of coursework and seminars leading to several insurance designations such as a certificate of general insurance, associate in claims (AIC) and an associate in risk management (ARM). One of the things Underdown enjoys about his practice is acting as a consultant, because while retained as a testifying expert, he has the expertise necessary to participate in planning just how to approach a particular case. In cases with a risk management component, he brings value because he understands the standards for the operation of a corporate risk management department, including the intricacies of self-insured programs.

Working on cases that address a variety of issues keeps him engaged and well rounded. Also, by continuing to work cases with both defense and plaintiff attorneys he obtains

additional insight and can identify merits on either side of a case. When advising attorneys on the selection of experts, Underdown cautions against using an expert who can be categorized as only a plaintiff or defense-oriented expert. One of the benefits Underdown brings to a case is to be able to analyze both sides of the case clearly because of his background.

Underdown notes, “Insurance cases can be very interesting especially with extra-contractual cases where the possibility exists for a creative plaintiff attorney to take a minimum limits case and turn it into a huge bad faith case against a recalcitrant insurance carrier. A case that stands out in my mind is one in which a creative plaintiff's attorney turned a minimum limits policy of \$15,000 into a \$5 million judgment. Now that's creativity – finding valid points that others miss!”

As a past president and a current member of the Arizona chapter of the Forensic Expert Witness Association, Underdown has an extensive network of contacts, and if he is unable to handle your particular issue he will know someone who can.

How to Create Your 2015 Marketing Plan: Setting Objectives and Implementing Your Plan

By Terrie S. Wheeler, MBC

Happy New Year! I would like you make a commitment to complete your marketing plan and actively implement your plan throughout 2015. Conduct discovery and due diligence on your 2014 results. Look at the broader goals you have for your life financially, in your practice, with your family, travel you want to pursue, and overall, how you are going to enjoy the life you are working so hard to build. Now it's time to set objectives and implement a creative and cost-effective marketing plan for 2015.



The Plan: Where You Want to Be

Reflect on the information gathered in the assessment phase. Then, follow these steps to put your marketing plan in place. Next on the docket? Set measurable objectives. Every lawyer in private practice should build their marketing plan around activities that produce high impact results at a low cost. Your objectives should each be specific and measurable and should be built under what I have termed, The Four Pillars of Marketing. After you set objectives, you will then develop the marketing tactics designed to help you achieve each objective. Following are sample objectives with a number of suggestions on how to accomplish each. Marketing objectives serve as the roadmap to achieving your marketing goals for 2015.

**Retain and Grow Relationships
With Existing Clients and Contacts**

Client Satisfaction Objective: Achieve a 95 percent client satisfaction rating with existing clients.

How: Conduct a client survey, schedule client interviews or send end-of-matter surveys.

Client Service Objective: Create replicable processes that define the XYZ law firm way of delivering services.

How: Define your process to serving clients including new client intake, ongoing client service, rapport building with clients, keeping clients informed, and communications via email, voicemail and returning telephone calls. Read “The E-Myth Attorney” by Michael E. Gerber for step-by-step instructions on how to run a successful and lucrative practice.

Cross Marketing Objective: Generate \$15,000 of new business by offering estate planning services to the firm’s divorce clients.

How: Introduce our estate planning lawyer to divorce clients at the end of the representation; develop a handout on “The Top Reasons you Need a New Will Post-Divorce.”

Referral Source Development Objective: Attract five new referral sources in 2015 that will each generate one client matter or case valued at \$5,000.

How: Assess past referral source traits. Identify where best referrals have come from, tap into contacts on LinkedIn to introduce you to more referral sources like your best. Meet these people. Ask great questions. Be the first to refer business to them.

New Business Development

Networking Objective: Attend at least one networking functions each week throughout 2015 with people who could become clients or refer business to you.

How: Analyze where your best clients have come from. Join an industry group that attracts prospective clients or referral sources. Become an active member. Write and speak for the organization. Remember networking is all about how you can help others succeed.

Targeted Business Development Objective: Identify three to five new clients or referral sources you would like to do business with in 2015.

How: Conduct research to identify people and companies that would be a great fit for your expertise. Search your LinkedIn contacts for connections. Ask your contacts to introduce you. Follow up and

follow through. Conduct research on your targeted new clients or relationships.

Proposal Development Objective: Develop a proposal content archive by February 2015 that can be used to respond to new business development opportunities.

How: Develop a proposal response template that includes the sections: Our Understanding of your Needs, Our Approach to Meeting your Needs, About our Team and Fees Proposed. When responding to a proposal always start with the client and their needs not the firm and its credentials.

Market Research Objective: Conduct market research on each new prospective client or referral source prior to first meeting.

How: Define an objective related to incorporating market research into your practice before meeting with a new prospective client or referral source.

Increase Name Recognition in the Marketplace

Trade and Professional Associations Objective: Research and join one trade association attracting prospective clients or referral sources.

How: Ask clients which organizations they value, join the association, attend meetings, become a high-profile member by writing, speaking and serving as a resource to members. A trade association is a long-term strategy. Make the commitment and stick with it.

Social Media Objective: Become a thought leader on social media by building your base of contacts on LinkedIn to over 500, and posting relevant content using social media a minimum of four times per month.

How: Spend 15 minutes per day focused on building your online reputation. Add contacts, comment on others’ content, answer questions, start discussions, congratulate contacts who received promotions and write one blog post per month.

Advertising Objective: Limit advertising budget in 2015 to less than \$1,000.

How: Focus efforts on social media and PR, only advertise in directories for organizations in which you are a member. Make sure you track how clients heard of you when they call in. Chances are they were referred to you versus seeing an ad you placed.

Public Relations Objective: Publish three articles in 2015 that will be read by prospective clients or referral sources; build a relationship with two reporters

covering your practice area so they call you as a source.

How: Media outlets are always looking for fresh new perspectives. Create a list of ideal publications, radio or television shows on which you would like to be featured. Write an article outline, send it to an editor with a note on why readers, viewers or listeners would be interested and follow up!

Community Involvement Objective: Secure a board position for a nonprofit organization you support.

How: Research opportunities online, search LinkedIn for others involved in the organization, reach out to your best contacts with your message of wanting to serve on the board. Nonprofit boards love having bright, talented and dedicated lawyers on their boards.

Targeted Communications

Client Communications Objective: Distribute a timely and relevant communication to clients on a quarterly basis.

How: Develop topics that are timely and relevant to your clients and referral sources. Create content and import your contact list into a communications tool like Constant Contact, Mail Chimp or Campaigner, send the communication and track reader analytics.

E-based Communications Tool Objective: Select and implement a communications tool that will allow me to cost-effectively produce quarterly communications by Mar. 15, 2015

How: Research the most popular tools and subscribe to one. Research those referenced above.

Website Development Objective: Conduct a comprehensive review of your current website and enhance or redesign a new website by July 1, 2015.

How: Visit websites of other lawyers with whom you compete. Select the elements you like most and create a new sitemap for your website. Solicit bids from qualified companies. Make sure you choose a website developer willing to give you full access to your content for future updates, and who knows the critical importance of writing content with search engine optimization in mind.

Event Planning Objective: Host one client appreciation event in 2015.

How: Pick a date, determine a budget, develop a theme for the event, select the venue, send invitations, host event and follow up with attendees.

Finally, Implement your Plan!

This is the phase where the best laid plans fall short. Implementing your marketing plan is analogous to the commitment you likely made earlier in the month to go to the gym four days a week or to achieve the objectives you have set for yourself physically. Implementing your marketing plan will be accomplished at two distinct levels:

Following up with your Contacts - Remember that 70-80 percent of next year’s business will come from your existing clients and contacts. Based on the list of top contacts you created, commit to following up with each person in the first quarter of 2015. Track your efforts in a sales pipeline document so you always have next steps to follow up on. Determine what a logical “win” would be with each person. It might be an opportunity to market together, or an introduction your contact can make for you. Think also about how you can help your contacts including introductions you can make that will help them, or referrals you can make to them. It’s a two-way street.

Pursuing Marketing Projects and Activities - As you review the marketing objectives above and the ideas on how to implement each objective, plan your marketing activities as you would a trial or a complex business transaction. Be organized and thoughtful as you consistently focus on reaching the objectives you have set for yourself. Create a tactical implementation plan that tracks the marketing activity, budget for the project, action items and next steps, and the date you would like to complete the project. Most important? Hold yourself accountable to achieving the objectives you have set forth in your plan.

By applying a strategic approach to assessing your practice and developing a marketing plan for 2015, you will be ready to approach 2015 with a roadmap that will lead to the continued growth and prosperity of your practice, and to your continued satisfaction as a lawyer.

Terrie Wheeler, MBC is the founder and president of Professional Services Marketing, LLC. For more information or to sign up for a free webinar visit www.PSM-Marketing.com or call (320) 358-1000.

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Top HR Risks Facing Small Law Firms in 2015

By Jeff Rosset

Based on experience, and the stories heard from businesses every day, this is a list of the top four HR risks that legal practices, along with all small businesses, are facing in 2015. Please consider the following components, as well as how to apply the suggested solutions into your firm today.

Being Sued by a Disgruntled Employee

This fear is always in the back of a practice manager's mind (as well as the managing partner's), and for good reason. Recent data from the Equal Employment Opportunity Commission (EEOC) shows that there were over 93,000 discrimination charges filed in fiscal year 2013 – up over 23 percent since just 2006. Needless to say, it's imperative to ensure that your workplace is free from discrimination and harassment. Your best chance at successfully defending against an employee lawsuit is to secure documentation that would prove to a reasonable person that the employee was treated fairly and consistently with company policy. Examples would be an up-to-date employee guidebook, consistent performance review documents, termination checklists and complete job descriptions. Remember, juries are made up primarily by employees (not employers). Having the ability and documentation to demonstrate that the company treats its employees impartially and consistently goes a long way in terms of reducing an employer's exposure to liability.

Having Non-Compliant Personnel Files

To avoid penalties or other consequences, your firm must be sure to retain appropriate records according to state and federal compliance regulations, and also that information stored in a personnel file doesn't contain protected information (which should be stored separately). For example, any record that includes protected and/or non-job related information such as date of birth, marital status, dependent information, medical information, immigration status, national origin, race, gender, religion, sexual orientation, criminal and financial history, subjective statements or accusations, etc. should be filed separately from a personnel file.

When determining whether or not to place information and documents in a personnel file, be sure to consider relevance. Would the information be relevant to a supervisor who may review this file when making employment decisions? Is the information related to the employee's performance, knowledge, skills, abilities and/or behavior? If it is, then it should be placed in the employee's personnel file. Finally, be sure these files are accessible only to those who need access; typically, this is just the human resources staff.

Finding the Right People

For any law firm, especially those with a tight-knit culture, it is imperative to make every new hire the right hire. When a business makes the wrong hire, there are not only financial consequences, but the risk of causing internal unease as well. That said firms must be very careful and strategic when hiring. Be prepared to invest substantial time reviewing and sorting job application and resume submissions when seeking prospective candidates. In your interviewing process, remember that the best predictor of future job performance is past performance. To that end, consider using a behavioral-based interviewing technique, and don't forget to run a background check as well as verify the candidate's references.

In addition, remember that oftentimes your best (and most cost-effective) recruiting sources are your current employees. So, it's wise to start by asking if they know anyone who would make a good employee and culture fit. You may even choose to financially incentivize current employees who bring you successful employees.

Losing Top Performers

Now that the job market is picking up some momentum, practices are at risk of losing their most valued and productive employees to other firms. While different surveys report varying results, generally speaking, the top five factors impacting employee workplace satisfaction are:

- The employee's relationship with his/her direct manager.
- The employee's salary.
- The employee's benefit plans.
- The employee's opportunity to use his/her skills and abilities.
- The employee's opportunity for advancement.

It's recommend that you complete an audit of your workplace and give yourself a grade on each of these factors as they relate to your top performers, as well as comparing your results to other firms in your geographical region. Based on the results of your workplace audit, you may need to consider making some adjustments to your organization's pay structure, benefit offerings, management style, job duties and/or career planning.

The HR-related content of this article was produced in conjunction with The HR Support Center, a strategic resource partner of MidwestHR. This message does not and is not intended to contain legal advice, and its contents do not constitute the practice of law or provision of legal counsel. The sender cannot be held legally accountable for actions related to its receipt.

Jeff Rosset is a partner and director of marketing with MidwestHR, a professional employer organization. For more information, visit www.MidwestHR.com.

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RICHARD DEANE

IN YOUR CORNER

By Laura Maurice

When Rick Deane, partner-in-charge of Jones Day's Atlanta office, was an assistant U.S. attorney earlier in his career, he successfully prosecuted a bank-fraud case against boxing promoter James Cornelius. In 1981, Cornelius had orchestrated Muhammad Ali's comeback fight at age 39 against Trevor Berbick in the Bahamas, billed as "The Drama in the Bahama" while under investigation by the Federal Bureau of Investigation.

Cornelius was represented by renowned criminal defense attorney Bobby Lee Cook, whom Deane knew to be "a superb lawyer," in his words. Despite such a formidable opponent, Deane was successful in obtaining a conviction, and, in the process, his skills and demeanor impressed even the most unlikely suspects.

Fast forward several years. Deane, by then U.S. attorney for the Northern District of Georgia, was exiting a store in downtown Atlanta when a car pulled over and Cornelius got out. He approached Deane and asked if he remembered him; Deane assured him he did, and they had a pleasant conversation. Several weeks later, Cornelius sent Deane a signed photograph of Muhammad Ali, which is displayed on the bookshelf in Deane's office at work.

Not long after this exchange, Deane left

the U.S. Attorney's Office in 2002 to join Jones Day's litigation practice, which had recently been named Litigation Department of the Year by American Lawyer Magazine. Much to his surprise, shortly after joining the firm Deane received a call from one of his soon-to-be first clients in private practice: James Cornelius. It was the beginning of a relationship that continues today. Just last month, Cornelius (who now goes by the name of Ali Mohammad) was at the Buckhead Theatre for the release of "The Last Punch," the movie he produced based on his book about the fabled Ali-Berbick bout and the drama surrounding it. Jones Day assisted with intellectual property issues related to the film's production.

To earn the respect of an opponent points to the character, conduct and competency of Richard Deane. To achieve this in a courtroom where so many are at odds – lawyers against lawyers, prosecutors versus defen-

dants – is even more significant.

It's not surprising given Deane's approach to his profession, which is to treat people with respect. "As a lawyer, the end game is how effective you are. I firmly believe that conducting oneself in a professional manner and being effective aren't mutually exclusive; quite the opposite: they are positively correlated," he says.

Treating people with respect was something he learned the hard way. Deane grew up in the small town of Montezuma, Georgia, just south of Macon. He moved to Macon in elementary school and was one of the first African-Americans to integrate there, which was difficult at times. He attended an all-male high school that had a mandatory military program beginning in the 10th grade. According to Deane, the de facto military academy became a unifying experience for the students because it was "us against the drill sergeants."

Deane lived primarily with his grandmother, who was his first mentor. The two enjoyed watching the television show, "Per-

ry Mason" together, and his grandmother would tell him that he too could be a lawyer like Perry Mason. "The ironic thing is that she believed it, but if you looked at her life and the discrimination she faced, there was really no reason for her to believe that." Still, she inspired him to believe in himself, which gave him a strong foundation.

Deane went on to the University of Georgia where he obtained both his undergraduate and a Juris Doctor from the college of law. From there, he headed to the University of Michigan's College of Law for his LL.M., with the thought of teaching. There weren't many employment opportunities for African-Americans with large law firms at the time. Prior to going to Michigan, he interviewed with William Harper at the U.S. Attorney's Office and Harper told him that he would have a job when he finished if he wanted it. Intrigued, Deane decided to take him up on the offer; Harper proved to be a man of his word and another important mentor in Deane's life.

When Deane joined the U.S. Attorney's Office for the Northern District of Georgia in 1980, he was supposed to sign a three-year commitment. He ended up staying for 14 years as assistant U.S. attorney and was U.S. attorney for four years appointed by President Clinton, with a four-year hiatus on the bench in between as magistrate judge, U.S. District Court, Northern District of Georgia from 1994-1998. As an assistant U.S. attorney, he served in various line and management positions including chief of the criminal division and chief of the general crimes section.

Deane remained with the U.S. Attorney's Office for one year under President Bush before moving on to private practice. He initially was set on joining a smaller firm until a friend asked him to consider Jones Day, whose Atlanta office was under the leadership of George Manning at the time. "I heard from George and others something I hadn't heard from other firms. They touted the firm as a collaborative environment, offering a culture where every client was a firm client, rather than partners' clients, and I liked that concept."

The experience at Jones Day has turned out to be everything Manning said it would be and Deane had hoped. The transition to the defense side was smooth, he says, because even as a prosecutor, he never had the view that defense lawyers were doing anything less than honorable. More than half of his practice is focused on white-collar crime, representing clients facing all types of criminal or civil investigations by the United States Department of Justice and

other investigative agencies. The other part consists of more general commercial and civil litigation matters. Deane has extensive experience in dealing with federal grand jury investigations, as well as broad experience trying cases in state and federal courts and appearing before the Fifth and Eleventh Circuit Courts of Appeal. Representative clients include the Atlanta School Board, The Facilities Group, the Fulton County District Attorney's Office, The Public Warehousing Company K.S.C., The Sherwin-Williams Company and numerous others.

Deane balances the demands of his practice with his duties as partner-in-charge, which take up about half of his time. He assumed the role last summer from Lizanne Thomas, who took a new leadership position overseeing the firm's operations in the South. While Deane hasn't actively sought out leadership opportunities since joining the firm, they have naturally come his way, much like what he experienced in the public sector. In addition to being partner-in-charge, he heads the Atlanta office's litigation group and serves as co-chair of the global corporate criminal investigations practice. He also is very active in the firm's diversity and inclusion initiatives.

Deane intends to stay the course of his predecessor and continue to raise the profile of Jones Day in Atlanta, as well as to thoughtfully anchor and grow the office. The office is a go-to firm in this market for significant litigation and deals and has recently added attorneys in the area of cybersecurity, litigation and corporate transactions.

Deane enjoys his management responsibilities, although balancing them with a busy practice makes for a long day. He usually gets to the office between 6:30 and 7 a.m. and works out at the gym in the building so he can be at his desk early. During his off hours, he enjoys family (he has two grown children in Atlanta and one stationed in Fort Knox, Kentucky), golf and reading (he is a Tom Clancy fan).

His interest in teaching remained through the years, and he has been an adjunct law professor at Georgia State University since shortly after the school opened in 1982. He teaches a course on advanced evidence, which is taught in a trial practice format. Along with the course curriculum, he shares with students his philosophy to treat people fairly and respectfully. His only other advice? "Work hard; there are no shortcuts."

It is advice that has served Deane well and made him the distinguished man and attorney he is today. Colleagues, clients and even adversaries agree: Rick Deane is someone you want in your corner.

AT A GLANCE

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LL.M., University of Michigan, 1979
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Bachelor of Arts, The University of Georgia, 1974

Professional Memberships

American College of Trial Lawyers
National Association of Former United States Attorneys, Past President
American Constitution Society, Board of Advisors
Federal Bar Association, Board of Advisors
Gate City Bar Association, Member

Community Activities

KIPP Schools, Board of Directors
Georgia State University School of Law, Board of Visitors

Professional Awards

12th Annual Chief Justice Thomas O. Marshall Professionalism Award from the State Bar of Georgia
Listed in Best Lawyers in America, 2015
Listed in Chambers USA and Georgia Trend Magazine's Legal Elite

Published Works

Federal Appellate Court Rules that the FCPA Prohibits Corrupt Payments to Certain Foreign Government-Owned Businesses, May 2014
Brazil's Clean Company Law: New Risks for Companies Doing Business in Brazil, August 2013
False Claims Act Recent Developments, July 2013
Best Practices to Avoid Misreporting University Data to External Sources, July 2013

Family:

Adult Daughter and Two Adult Sons

Hobbies

Golf & Reading

Legal Heroes

Thurgood Marshall
Charles Houston

Why Choose a Corporate Fiduciary

By Stephen S. Pappaterra, Martyn S. Babitz, Leanna Johannes and Jacquelyn S. Brennan-Boyer
PNC Wealth Management

Many factors come into play when deciding whether to use a family member as fiduciary or a corporate fiduciary – or a combination of both. Clients often understand that trusts are essential estate planning tools that allow them to save estate taxes, preserve or grow assets, and foster responsibility for wealth. They also typically know that they must name an executor in their will to settle their estates. Often, clients and their advisers assume that a family member is the best choice to serve as trustee and executor. In addition to perceiving this option as less costly, they also believe that a family member best knows and understands the family’s unique needs. A corporate fiduciary, however, is often a better choice than an individual for the administration of complex trusts and estates.

Role of The Fiduciary

A fiduciary holds property for the beneficial interest of others. This unique relationship requires the fiduciary to exercise a duty of loyalty and act with a high degree of care. For purposes of this conversation, we will refer to the role of trustee and executor interchangeably as “fiduciary,” although each role carries different duties and responsibilities. A trustee has legal title to assets placed in trust, and is obligated to serve the best interests of the trust’s beneficiaries in accordance with the provisions of the trust agreement established by the trust’s creator – the grantor – for the duration of the trust’s existence. The trustee’s legal responsibilities (as defined in the trust document or will may include, but are not limited to, making investment decisions, dealing with creditors of the estate or trust, allocating assets among the beneficiaries, voting interests in business entities, deciding on tax strategies, reporting all transactions to the interested parties) render him

personally liable for intentional or negligent misconduct in discharging these responsibilities. Although the fiduciary may engage advisors and may delegate some duties, such delegation will not relieve the fiduciary from liability for negligent discharge of his responsibilities.

Fiduciary Duties

Given the breadth of a fiduciary’s duties, and because exposure to personal liability attaches to those duties, one should consider several factors in selecting a trustee and executor. The following five are critical to the effective administration of a trust or estate:

1. Technical and administrative expertise.
 2. Impartiality.
 3. Permanence.
 4. Accountability.
 5. Cost.
- 1. Technical and Administrative Expertise** - A different kind of investment expertise is needed to manage assets held in trust or an estate. An execu-

tor must gather the assets and pay the debts. Because of the relative shorter term of the estate, no long-term investments are desired. On the other hand, the trustee must invest for diversification under most prudent investor statutes and balance the interests of the current beneficiaries against those of the remaindermen. Due to the advent of the Prudent Investor Act and Principal & Income Act (different versions of which have been adopted in many states), there have arguably been more far-reaching changes to trust investing and administration in the past few years than in the preceding 200 years. Under the Prudent Investor Act, a fiduciary is permitted, even encouraged, to delegate investment responsibility given the advances in technology and increase in the complexity of investment alternatives. A family member lacking investment expertise who does not delegate investment responsibility risks personal

liability. Consequently, investment expertise is crucial.

- 2. Impartiality** - The fiduciary must act as a disinterested (though not uninterested!) third party. Family members serving as fiduciaries are frequently subject to various forms of persuasion, including internal biases or not-so-subtle requests from other family members. Decisions made in this context may be emotionally charged, can potentially create intra-family strife, and may even result in litigation. In contrast, a corporate fiduciary will carry out the wishes of the grantor or decedent of the estate without familiar pressures. Furthermore, the fiduciary’s independence is central to its role. The fiduciary is legally required to act in the best interests of those for whom the property is held. This can only be accomplished if the fiduciary has no allegiance to one beneficiary or another, and the needs of the beneficiaries are held above those of the fiduciary. The fiduciary must have the integrity to make difficult decisions in the beneficiary’s best interests, taking into account the grantor’s intent as written in the trust agreement and, where relevant, existing case law and statutory authority. Finally, a fiduciary may face numerous conflicts of interest in the administration of a trust or estate, conflicts which would place a family member between the proverbial “rock and a hard place.”
- 3. Permanence** - Trusts often last for generations. With so-called dynasty

trusts, these arrangements can theoretically last forever. A corporate fiduciary provides continuity of administration because it has no age. Although the people involved in the trust’s administration may change, the underlying entity continues, as do regulatory guidelines to which the fiduciary is subject.

- 4. Accountability** - A fiduciary is accountable for its actions. A fiduciary’s actions may be subject to personal liability for any breach of fiduciary duty. Thus, any interested party to a trust or estate can sue the fiduciary for its actions or inactions. Many individuals faced with potential litigation choose not to accept nomination as a fiduciary. In contrast to the limited resources of individuals who may serve as fiduciary once in a lifetime, a corporate fiduciary has made the commitment to serve as a fiduciary. A corporate fiduciary generally carries professional insurance as a cost of doing business and otherwise has the financial resources to make a claimant whole.
- 5. Cost** - Some states have statutory fees or guidelines that limit a fiduciary’s fees. Others follow the reasonable compensation standard whereby fees paid to a fiduciary and for other administrative charges must be reasonable. The actual cost of engaging a family member (or members) to serve as fiduciary may be higher than estimated. If the family member has no expertise in investments, real estate, administration, tax accounting or running a business, the

family fiduciary will need to hire experts for those tasks. The family member will then need to coordinate the work of those professionals. This coordination can be inefficient and ineffective due to duplication of effort and delegation requiring consistent, diligent monitoring. In contrast, a corporate fiduciary already possesses this organizational structure. It will typically staff tax and investments experts, along with professionals experienced in trust administration and estate settlement. In addition, corporate fiduciaries often have strategic partnerships with specialists in managing real estate and closely held business interests.

In summary, corporate fiduciaries have in-house resources to coordinate aspects of trust and estate administration. As institutions, they offer technical expertise, permanence, impartiality and accountability that cannot be provided by family members serving as fiduciaries. The cost of relying on a corporate fiduciary is often less in terms of time, exposure and money. In some cases, the use of co-fiduciaries, pairing the expertise of a corporate fiduciary with the personal input of a family member - may be the best solution.


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Avoiding Fraud Through Payment Schemes

By Joe Epps



Small businesses, including law firms, are at risk of employee fraud. The law firm is also the first to receive a call when a business owner suspects fraud. Therefore, law firms and their business clients need to understand the steps that can be taken to prevent or discover fraud within their businesses.



Payment Controls

One area of specific fraud exposure is through payments made by the company. Minimizing fraud perpetrated through payment schemes is called payment controls. At the beginning of a conversation about payment controls it is easy to want to jump to catch phrases like segregation of duties and internal audits. They are certainly some of the most common and highly effective controls businesses can put in place to ensure the integrity of their payment cycles. However, payment process controls are not a one-size-fits-all application.

Conventional controls such as segregation of duties, internal audits and anonymous hotlines can be difficult and expensive to implement in small businesses. This is likely why statistics show small businesses frequently incur the highest median occupational fraud losses and why the biggest contributor to such losses is thought to be a lack of sufficient internal controls.

Consider the challenge of implementing internal controls in a small business. Billing schemes and check tampering schemes, both of which take advantage of the payment process, are the most commonly reported types of occupational fraud to occur in small businesses. Losses related to these schemes commonly come in at over six figures because most occupational frauds go on for two years before they are discovered. With these statistics in mind, this article will focus on how to implement payment process controls aimed at preventing fraudulent billing and check tampering schemes against small businesses.

Review Bank Statements

Billing schemes in general are the misappropriation of company resources through manipulation during the bill payment process. These schemes can be difficult to prevent in small companies where there are not enough people in the office to have full segregation of duties. No matter the size of a company, the business owner needs to have bank statements sent to their home or subscribe to online bank statements. Doing so provides the owner with an opportunity to review payments made each month, along with the related canceled checks.

The key aspect of this control, however, isn't the review itself; it is the act of informing the book-keeping personnel that the bank statements are being reviewed by the owner. The best way to

enforce this understanding is to follow up with staff personnel on a couple of randomly selected payments each month; even if there is no suspicion of chicanery. This preventative control will reduce the perception that there is an opportunity for an individual to write a check to himself, to a false vendor or to purchase a product or service with no business purpose.

Talk to Vendors

Another fraud prevention strategy is for the owner of the business to make sure the accounting staff knows the owner is touching base with vendors on a monthly basis. Doing so, even if it is to just say hi, gives the vendor an opportunity to let the owner know about any unusual situations such as an unpaid invoice or late payment. This will also uncover a fraudulent vendor, which is a scheme that is often used. When the accounting staff knows this process happens on a regular basis, it will act as a preventative control against billing and check tampering fraud.

The focus should be to prevent fraud schemes from starting and to maximize the potential for early discovery if such a scheme is started. The procedures discussed above address both of these issues. The key to prevention is that employees know the owner is involved in the business's finances and is checking the transactions that flow through the bank statements.

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GREENLAW

DELIVERING ENVIRONMENTAL JUSTICE

By Jan Jaben-Eilon

"There's no greater threat facing the globe than climate change."

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A few years ago, Atlanta environmental law firm GreenLaw received a grant to conduct some marketing research. Based on several interviews with former board members and organizations with which the firm has worked over the years, the word "scrappy" kept coming up. Executive director Stephanie Stucky Benfield wasn't sure she liked the designation. But the marketing people explained: "You are fighters. You are taking on the tough battles of the environment."

Benfield had to concede the truth of that statement. With four attorneys – in addition to Benfield – and two law fellows, GreenLaw has more than enough work to keep them busy. In fact, the 23-year-old nonprofit public interest law firm not only doesn't need to seek out cases, it must turn down many cases brought to its attention. At the same time, its "environmental cases are rarely truly over since the underlying pollution issues often remain. There are no easy solutions," explains Benfield. "Con-

taminants, like groundwater pollution, may never go away. These are cases we do our best to manage over time."

One company that GreenLaw consistently faces is Georgia Power Co. "They operate coal-fired power plants in Georgia," explains Benfield, "and we succeeded in stopping two proposed coal-fired plants in our state. We are starting to transition beyond coal, including Georgia Power's decision in 2013 to move 15 coal and gas units offline."

"That was a big deal before the Georgia Public Service Commission," she continues. "And we're working to stop the last traditional coal-fired plant to be built in America, which would be in Sandersville, if Power4Georgians, the energy company pursuing it succeeds."

GreenLaw's website underlines the significance of this achievement. "Two to three million people die every year of illnesses related to air pollution – one of the 10 main causes of death on the planet. In Georgia, more than half of our state population lives in areas where it is

unsafe to breathe because of high levels of smog and other harmful pollutants."

In November 2000, GreenLaw launched The Georgia Clean Air Project, which aims to "clean up the dirtiest coal-fired power plants, prevent construction of new coal-fired power plants and encourage the development of renewable energy in Georgia. By forcing industrial polluters to pay for the environmental costs of energy production," GreenLaw can – and does – create a cost-competitive market for renewable energy.

Indeed, Benfield notes that GreenLaw was involved in Georgia Power's introduction of wind energy to the state. "It makes economic sense. Along with the sun, it's a free source of energy," she says.

Last year, GreenLaw chalked up another victory when it settled a large clean water case which resulted in a \$5 million settlement, with the funds going to protect the Ogeechee River. The case was brought against a textile

manufacturer which had been discharging flame retardant chemicals into the river for six years, resulting in the killing of 38,000 fish downstream.

Benfield cites the case as one she's most proud of. As part of the settlement, funds are directed to testing and monitoring of the river. "The Ogeechee River went from being one of the most polluted rivers to one of the most protected," she emphasizes. According to GreenLaw's website, two of Georgia's rivers rank among the country's worst 20 for the amount of cancer-causing chemicals discharged into them, including the Savannah River which ranks as one of the top 10 most toxic rivers in the country.

Another case of which Benfield is particularly proud occurred prior to her joining GreenLaw in April 2012. In a federal court, GreenLaw helped establish the total maximum daily load, which is the amount of pollutants Georgia's waterways can sustain and still be healthy.

Benfield's attraction to GreenLaw may have been self-evident. She was a state legislator from Decatur for 14 years. During that time,

she sat on the Natural Resources Committee. "I was always interested in the environment and in children's issues. This came up, encompassing both. It's about public health and protecting those who are most vulnerable," says Benfield. "I once had a meeting with (renowned consumer advocate) Erin Brockovich who said, 'Every environmental case starts with a pissed off Mom.'"

A mother herself, Benfield grew up surrounded by politics. Her father was in Congress and her grandfather served in the Georgia House of Representatives. "I ate politics and grits for breakfast when I was growing up," she smiles. She went to University of Georgia School of Law with the goal of becoming a public servant. "Now I'm doing it in a more effective way. I think elective office should not be a career and I was increasingly frustrated at being in the minority party and not having a seat at the table."

Benfield says she learned about the importance of collaboration and the need to listen to all sides from her time in politics. Today, however, politics "is largely dysfunctional. There's an increasing dichoto-

my in politics, and compromise is harder to reach, especially on climate change. That's what I find appealing about GreenLaw. We use the power of law, to push for policy change. There's no greater threat facing the globe than climate change, and I think the legal expertise that GreenLaw brings is critical to us reducing our greenhouse gas emissions."

In 1992, a group of attorneys, law professors and judges – with the assistance of founder Ralph Nader – made the same point by launching the Georgia Center for Law in Public Interest, which was rebranded as GreenLaw in 2008. The firm was established to serve environmental and community organizations that had been adversely impacted by pollution. Stated on all of the firm's written materials is the statement, "Giving Georgia's Environment Its Day in Court." On its website, it states: "We champion the right of every Georgian to breathe clean air, drink clean water, live in healthy communities and enjoy our state's natural beauty. GreenLaw uses its legal and technical expertise to com-

pel unresponsive government agencies to enforce the law and industries to remedy serious water and air pollution violations across the state.”

Sitting in GreenLaw’s green-walled conference center, Benfield says her biggest challenge is fundraising, which takes about 70 percent of her time. “The challenge of a public interest law firm is that in addition to doing legal work, you must generate money to support that legal work. Our clients don’t pay us for our legal services. We have individual donors and foundations and sometimes client groups will provide money for out-of-pocket costs.” Benfield writes all the grants and handles – with the help of a paralegal – all events and donor meetings.

“To do the work we do, we need resources. Environmental cases are expensive. We need engineers and expert witnesses. It’s hard to find credible experts that are affordable in state,” she explains, noting that while she might draft comments on cases and do some policy-related work, she doesn’t litigate. “We have a great team of experienced attorneys who handle the legal work – my role is to communicate the good work we do and make sure we’re well funded.”

Fortunately, GreenLaw’s attorneys have a passion for protecting the environment, Benfield notes. “We can’t offer salaries that

private firms do, although we try to offer competitive salaries.” GreenLaw also employs the state’s only environmental justice attorney, MaKara Rumley. “GreenLaw is the only legal organization in Georgia whose mission includes providing low income, minority or otherwise disadvantaged communities (with) free legal services to reduce unlawful pollution,” says the firm’s website.”

Most of the time, however, GreenLaw represents other nonprofit organizations. One of its frequent clients is the Georgia chapter of the Sierra Club. Although the organization has attorneys on the national level, GreenLaw handles much of its legal needs at the state level. “We prefer to work with other environmental organizations legally to establish standing and also because our client groups often provide grassroots advocacy to support our cases,” Benfield explains.

“One thing we really stress is that our clients are our partners as much as they are clients. Most clients know us. We have long-standing relationships, especially because pollution doesn’t usually go away. We know the environmental groups in our state. There are other organizations who do the same work but we view them as colleagues, not competitors. There’s plenty of

work to go around,” says Benfield.

Not many environmental legal cases are litigated, however. “Most cases are argued through administrative law judges, not before juries. If the law or facts aren’t in our favor, we will try to negotiate the best settlement possible to protect Georgia’s environment. Settlement can often be a win-win since it avoids costly and lengthy litigation, so we focus on solutions at GreenLaw,” she continues.

GreenLaw also does a lot of coalition work, says Benfield. “I call them strategic alliances. We all have our strengths and gaps. We bring our legal skills to the table, but we need to partner with groups like the Sierra Club which bring grassroots advocacy.”

Compared to other states in the country, Georgia’s environmental record may not look so good, but compared to other states in the region, Benfield says, “We’ve made significant advances with solar energy.” She adds that Georgia needs a renewable portfolio standard, “but it’s not very realistic right now. We’re ambitious, but we look at what’s possible, and right now it’s not politically possible.”

Explaining the motto of her “scrappy” firm, Benfield concludes: “We are the place where Georgia’s environmental community finds an accessible legal partner.”



Scott Sykes, Stephanie Stuckey
Benfield & MaKara Rumley

Bill Adler Photography

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Leaving Bu Si nness on the Table?

A Pro-Con Game You'll Play Forever ...

By Nancy Mackevich Glazer

It's a familiar occurrence, happens all the time. You're meeting with a client about a new business problem. In the course of your conversation, you recognize ancillary legal issues outside your area of concentration or outside your firm's areas of practice.

Most of us know talented attorneys, either friends or colleagues, to whom we can comfortably refer business. It's a wonderful position to be in, having the ability to send business to someone with total peace of mind for the client's welfare. Most all of the time, we're happy to do it.

Maybe I should end it there. Referring business to those more competent to handle it is a good thing. Some of you can and will stop reading now.

To those of you who are still reading, obviously, there's more. It's that small percent of issues you recognize where you think twice and wonder, "Could I handle this new matter?"

Whether you practice in a large, middle market or a smaller firm, sometimes there will be times when you

wince – considering whether or not to leave business behind you. Is it a good thing to know your limits?

There are the obvious positives of accepting all or part of an engagement that has issues outside of your firm's practice areas, such as: (1) increasing firm revenue; (2) expanding your legal skills; (3) growing your practice to cultivate new business; and (4) creating stronger bonds with the client and becoming their go-to attorney. If the client already trusts you and knows the quality and value of your work, this opportunity can be a welcome and satisfying experience.

Conversely, there could be some negative consequences of taking legal work beyond your firm's areas of practice. First, the likelihood of making mistakes can be higher. The cost of foreseeable mistakes depends

“ You were smart to call me. Now, you just sit back, relax and let a professional take over. **”**

– Saul Goodman, “Breaking Bad”

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largely upon the facts, circumstances and the interests involved. You must assess these costs for you and your client. Of paramount concern is whether your client's best interests will be served if you take the matter.

Second, and related to point one, do you or members of your firm have the time needed to come up to speed? Will the time required to learn pay off for you in the end, perhaps as a long-term way to grow your practice? Again, most important, will your learning curve in any way jeopardize your client's interests?

In addition, you must also assess if taking the case will require you to take away too much time from your existing clients or other commitments. The answers may not be obvious as no one can accurately predict the many unknowns.

Last, you must decide if the added engagement will be worth it in the long run. There is no question that learning new laws and applying them to real situations adds pressure. While we can't always put a dollar amount on the cost of stress, the financial benefits may not be worth jeopardizing peace of mind, health or well being.

To gain some insight into this debate, I spoke with solo practitioner, Diane Brazen Gordon, who has practiced law for over 20 years. Gordon's practice concentrates on representing individuals filing bankruptcy under Chapters 7 and 13 of the bankruptcy code, unfair debt collection and student loan law.

Gordon is also the president of North Shore Law, an association of women attorneys practicing in Chicago's northern suburbs. Members of North Shore Law collaborate and support each other professionally, often referring business outside their practice areas to each other.

Gordon is happy to refer matters to other members as well as to other seasoned attorneys. In making the decision whether to make a referral, her foremost concern is always the best interests of the client. “Working solo, I know that if I ever need something, usually a second pair of eyes on a brief or a sounding board about my approach to a novel issue, that attorney will be there for me. As of yet, I have never been disappointed.”

She feels that referring business out “only creates opportunities to build relationships with those attorneys.” For a solo or small firm attorney, in Gordon's eyes, that relationship can be tremendously valuable.

If you're familiar with “Breaking Bad,” you will recall how Walter failed to recognize his limits. For Walter, his stellar income wasn't enough; if it had been, we would be watching more seasons. Quoting an infamous billboard on the show, yes, it's good to know when you'd “better call” for help.

If you can call someone other than Saul, that might be a good thing, too.

► **Nkoyo-Ene Effiong** has joined the Atlanta office of **Nelson Mullins Riley & Scarborough LLP** as an associate and will focus her practice in education law.



Jamie Graham

► **Kilpatrick Townsend & Stockton** announced that **Jamie Graham** has been selected as a member of the 2015 class of fellows to participate in a landmark program created by the Leadership Council on Legal Diversity to identify, train and advance the next generation of leaders in the legal profession.



Alison Haddock Hutton

► **Duane Morris LLP** is pleased to announce that it has promoted **Alison Haddock Hutton** of the Atlanta office to the firm partnership.



Erica Parsons

► **Carlock, Copeland & Stair, LLP** congratulates **Erica Parsons** of the Atlanta office on being selected to join the firm's partnership.

She practices in the areas of general liability defense, insurance coverage and bad faith across the southeast. She successfully defends insureds and insurers in a wide variety of litigation matters in local and appellate courts in Georgia and Alabama as well as federal district courts and the 11th Circuit Court of Appeals.



Jennifer Fairbairn Deal

► **Kilpatrick Townsend & Stockton** announced that attorney **Jennifer Fairbairn Deal** has been named to the Atlanta Volunteer Lawyers Foundation's junior board. She will succeed Kilpatrick Townsend's Jared Welsh, who has served on the board since its inception nearly four years ago.

► **Swift, Currie, McGhee & Hiers, LLP**, an Atlanta-based law firm providing skilled representation, is proud to announce Ash-

ley **W. Broach**, **Ann M. Joiner** and **Pamela N. Lee** have been named to the firm's partnership. Broach is a civil litigator and her practice focuses primarily on product liability, premises liability and mass tort defense. Joiner practices primarily in the workers' compensation section of the firm. Prior to joining Swift Currie, her practice focused on workers' compensation defense at another Atlanta law firm. Lee devotes her entire practice to litigation, including various tort liability litigation, insurance coverage disputes and the defense of insurance bad faith matters.



David A. Garfinkel

► **Levine Smith Snider & Wilson, LLC** is pleased to announce that **David A. Garfinkel** has joined the firm as an of counsel attorney. For the past 30 years, Garfinkel has focused his practice on family law, specializing in complex divorces, high-asset property division, alimony and child custody and support issues.



Colin Bernardino

► **Kilpatrick Townsend & Stockton** announced that partner **Colin Bernardino** has been named a barrister of the W. Homer Drake, Jr. Georgia Bankruptcy American Inn of Court for 2014-2015. Bernardino focuses his practice on bankruptcy and insolvency matters.



Jonathan Hightower



Adwoa Ghartey-Tagoe Seymour



Chris Rylands

► By a vote of the partnership, the international law firm **Bryan Cave LLP** has elected **Jonathan Hightower**, **Chris Rylands** and **Adwoa Ghartey-Tagoe Seymour** to partnership in its Atlanta office, effective Jan. 1.

► **Stites & Harbison, PLLC** announced

Walker Entwistle has been named a partner in the Atlanta office. He is a member of the creditors' rights and bankruptcy service group. The firm also brought on new counsel **Melissa Davey**.

► The partners of **Nelson Mullins Riley & Scarborough LLP** have elected Atlanta attorneys **Sanjay Ghosh**, **Kinan Obeidin** and **Suzann Wilcox** to the partnership. Wilcox is a former of counsel attorney who joined the firm in 2013, while Obeidin and Ghosh are both former associates who joined the firm in 2005 and 2010, respectively. The partners also promoted **Elizabeth "Beth" McKee** to of counsel. She is a former associate who joined the firm in 2011.



Charles Beaudrot

► **Morris, Manning & Martin, LLP** celebrates the start of the New Year with the return of attorney **Charles "Chuck" Beaudrot**. Beaudrot is a senior partner in the tax and real estate capital markets practice groups.



Byron Kirkpatrick

► **Troutman Sanders LLP** is pleased to announce the election of new partners, including **Byron Kirkpatrick**, **Jason D. McLarry**, **Eric Rumanek**, **Michael H. Wall** and **Brian P. Watt**. Kirkpatrick advises industrial clients, developers, and local municipalities on complex environmental policy, permitting, compliance and enforcement and transactional matters. McLarry focuses his practice on the prosecution and defense of construction claims in court or before arbitration panels. He also routinely negotiates and prepares complex construction and engineering contracts, as well as counsels



Jason D. McLarry



Eric Rumanek

clients through all phases of domestic and international projects. Rumanek represents and advises clients in a variety of litigation matters, focusing in particular on the representation of pharmaceutical and medical device companies in complex mass tort, personal injury and wrongful death actions concerning specialized and technical areas of science and medicine. Wall represents clients in connection with commercial real estate development, acquisition, disposition and leasing matters. He has significant experience with industrial, office and retail assets, and his practice is national in scope. Watt represents and advises clients in a wide variety of matters, with an emphasis on complex litigation and commercial



Michael H. Wall



Brian P. Watt

real estate litigation. He is experienced in litigating various commercial and business disputes, including breach of contract, antitrust, constitutional torts, fraud, defamation, tortious interference and other statutory claims.

► **Parker, Hudson, Rainer & Dobbs LLP** announced that Atlanta attorneys **C. Keith Taylor** and **Scott E. Zweigel** have been elected to the partnership effective Jan. 1, 2015. Taylor is a member of the firm's commercial finance practice group, and his practice focuses on representing banks and other lending institutions in syndicated and single-lender secured loan transactions. Zweigel is a member of the firm's



C. Keith Taylor



Scott E. Zweigel

litigation practice group, and his practice focuses on complex commercial disputes and litigation in federal courts, state courts and arbitration.

► The inaugural W. Homer Drake, Jr. Georgia Bankruptcy American Inn of Court has selected **Stites & Harbison, PLLC** attorneys **Melissa Davey** and **Valerie Richmond** as barristers for the fiscal year 2014-15. Barristers are lawyers with 6-14 years of insolvency experience, have demonstrated excellent character and show the desire to improve and refine their skills.



Valerie Richmond



Melissa Davey

► **Carlock, Copeland & Stair** congratulates **Shannon M. Sprinkle** on being selected to serve as the firm's general counsel.

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