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State Bar of Georgia Young Lawyers Division

THE YLD REVIEW

Volume 66, Issue 3, June 2025

Working for the Profession and the Public

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From the President

We Did It, YLD!



**Kenneth
Mitchell Jr.**

It has truly been an honor to serve as the 78th president of the State Bar of Georgia YLD. I want to thank you all for your unwavering support and partnership. It's been a privilege to lead this organization, and I'm incredibly proud of the progress we've made together. Over the past year, we've focused on several key areas that enabled the YLD to flourish: continue to make service a priority, increase membership engagement and professional development.

Service Was the Top Priority

One of our goals was to continue to make service the priority. The YLD did just that. This year, the YLD participated in a number of service projects, allowing the YLD to make a tangible difference in the lives of those in need. Some of them included:

Hand in Hand of Glynn

The YLD donated personal hygiene items to Hand in Hand of Glynn, a community of affordable housing for the chronically homeless in Glynn County, at the 2024 Fall Meeting in Jekyll Island.

Trees Atlanta

The YLD Community Service Projects Committee participated in a tree planting project with Trees Atlanta in November 2024.

Cycling for Good

The YLD donated personal care items to Cycling for Good, a community cycling group that organizes monthly rides through downtown Atlanta with the specific pur-

pose of assisting those experiencing homelessness, at the 2025 YLD Spring Meeting in Nashville, Tennessee. (See page 20 for more about the meeting.)

YLD Wills Clinic

In April 2025, the YLD Estate and Elder Law Committee organized the YLD Wills Clinic, which involved drafting wills for senior citizens.

May the Wellness Be With You

In May 2025, the YLD organized "May the Wellness Be With You," where YLD members packed wellness care packages for frontline professionals in child welfare and domestic service agencies across Georgia.

We also organized three fundraisers that supported worthy causes. In March, the YLD Signature Fundraiser raised \$90,000 for the YLD Public Interest Internship Program; in April, the YLD participated in the 14th Annual Georgia Legal Food Frenzy, which raised more than \$600,000 for community food banks in Georgia (see page 25 for a list of winners and other information); and in June, the YLD Supreme Cork event raised nearly \$20,000 for the Safe and Stable Families Project of the Atlanta Volunteer Lawyers Foundation.

Additionally, we volunteered in three competitions: the William W. Daniel National Invitational Mock Trial Competition in November, the Georgia High School Mock Trial Competition in February and the Intrastate Moot Court Competition in April.

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The YLD Review seeks to provide a forum for the discussion of subjects pertaining to the regulation of the legal profession and improving the quality of legal services, as well as other matters of general interest to Georgia lawyers. The statements, views and the opinions expressed herein are those of the authors and do not necessarily reflect those of State Bar of Georgia, its officers, Board of Governors, sections, committees or staff.

From the Editors

That's a Wrap, Folks!



**T. Alec
Chappell**

The 2024-25 Bar year is winding down, but that doesn't mean the Young Lawyers Division is resting on its laurels. Far from it. As this edition of *The YLD Review* illustrates, the YLD continues to offer unparalleled networking and educational opportunities, real-world advice for navigating the practice of law based on members' lived experience and in-depth discussion of legal hot topics.

First up, we reflect on what the YLD has accomplished. Alex Clark recounts the YLD Spring Meeting in Nashville, which combined education (a CLE on Tennessee's ELVIS Act), entertainment (line dancing, karaoke), fellowship (a kickball game against the Tennessee YLD) and service (collecting donations for Cycling for Good). Blair Weatherly recaps a virtual panel on generative artificial intelligence (GenAI) co-hosted by the YLD Corporate Counsel Committee and the YLD Business Law Subcommittee, highlighting the pros and cons of using GenAI in your law practice.

Looking to the future, this issue's beating heart is its practical guidance for young lawyers just starting out in our difficult profession. Tyler Meadows, a third-year law stu-



**Jena
Emory**

dent at Mercer, discusses the transition from law student to attorney, focusing on the importance of having a mentor. Chelsea Dease exhorts us to "stay the course" in the face of inevitable challenges. *The YLD Review* Co-Editor Jena Emory reminds us to be a good to our co-workers, emphasizing values like politeness and forgiveness that attorneys too often overlook. YLD Secretary Kindall Browning-Rickle draws valuable lessons from an interview with Hon. Amy E. Smith, Superior Court, Houston Judicial Circuit: learn your jurisdiction's local practices, always be prepared and imbue your practice with professionalism. In our Member Spotlight feature, rising stars Chase Duvall, Lina Khan and Amelia Stevens share how they've benefited personally and professionally from participation in the YLD.

Other articles show how we as young lawyers can reach new heights in our careers by sharpening our trial skills, joining professional associations and hanging our own shingle. Gabriel Justus aptly analogizes litigation to armed combat and applies the lessons of military intelligence to trial preparation. *The YLD Review* Co-Editor



**Siena
Gaddy**

Siena Gaddy explores the history and value of American Inns of Court, with special emphasis on Macon's William Augustus Bootle American Inn of Court. For those ready to take the next step and hang their own shingle, Angelik Holloway provides actionable guidance for opening your own law firm; she draws on her own experiences so that we can follow in her footsteps and avoid pitfalls.

Finally, an article by *The YLD Review* Co-Editor Alec Chappell explores the intersection of bankruptcy (his favorite subject) and personal injury litigation, explaining why personal injury attorneys simply must know whether their clients are in bankruptcy.

We hope you find these engaging articles as enlightening as we did. YLD

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Jena Emory is a senior associate at Morris Manning & Martin, LLP.

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DON'T FORGET!

YLD committee membership expires at the end of the Bar year on June 30. Be sure to log in to your member portal at www.gabar.org and re-join one (or more!) of the 30 hard-working YLD committees. Membership is free of charge.

How to Hang Your Own Shingle: Seven Practical Guidelines to Serve Clients and Make Money Without Shiny Object Syndrome



**Angelik "Angie"
Holloway**

In January 2020, in the midst of the emerging global COVID-19 pandemic, I hung my shingle excited to start serving clients in a way that aligned with my values and lawyering style. Prior to enrolling in law school, I had a vision of having my own law firm to provide a different type of lawyer-client relationship. But I soon learned that the legal training that I received at UCLA School of Law did not equip me on the fundamentals of "the business of law." Within the first year of my law firm practice, I hired a paralegal, grew to six figures and helped clients in various matters. In what follows, I share the top seven guidelines to build a law firm that serves both you and your community. I believe that you can make a good living as a lawyer and serve your clients without having to sacrifice your well-being to do so.

1 The Art of the Plan

Prior to law school, I had "dipped my toe" in entrepreneurship by starting a tutoring business, a hair braiding business and, in my younger years, a lemonade stand. At a very young age, my grandmother inspired me to consider business ownership. Through my grandmother's rental property businesses, I was exposed to the difficulties in landlord-tenant law alongside her philanthropic goals to provide affordable housing for single mothers. Notwithstanding those valuable experiences, hanging your own shingle comes with its own distinct challenges.

When I started my firm, I had \$500 and a legal pad. I roughly outlined the legal services and practice areas that I planned to



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provide. I asked for input from my family on taglines and my DIY website, claimed my profiles on the free lawyer websites and, within days, I had prospective clients calling my Google Voice phone number. Now, having the benefit of law firm coaching and experience, I would strongly recommend creating a legitimate business plan with a SWOT analysis (strengths, weaknesses, opportunities and threats). Your business plan should also identify with specificity:

- Your ideal client avatar;
- How the services you provide align with that client's legal needs;
- How you plan to let your target audience learn about your services (i.e., marketing);
- Your financial operational budget; and
- Your revenue mix.

Although it might appear to be inconsequential, the exercise of creating your ideal client avatar helps you verify that your de-

sired services will be aligned to your ideal client's legal needs. For example, if you want to provide estate planning services to high-net-worth clients, the delivery of your services will likely need to include expertise in business law and real estate and seamless onboarding processes and non-standard business hours to align with convenience expectations for that market. If your budget permits, consider hiring a contractor on Upwork or Fiverr.

After you determine who and how you're going to serve, you'll have to figure out how you're going to let those individuals know about your services. In the last five years, I've lost approximately \$87,000 on marketing services that did not result in any measurable return on my investment. Before you hire anyone to assist you with marketing, I recommend that you take a free or cheap course on Coursera or similar platform to obtain some basic foundational knowledge on marketing. While you will eventually need to delegate your marketing

services to a qualified contractor or agency, you want to ensure that you have adequate knowledge to determine if you're "being taken to the cleaners." Most importantly, use your ideal client avatar to inform your marketing strategy. For example, with high-net-worth estate planning, it may be worthwhile to attend golfing or luxury art events.

Lastly, you will need to figure out your operational costs and your typical revenue cycle. When you're first starting out, you should keep your operating costs low. Below is a sample budget that includes the essentials—of course, you can add more bells and whistles as your revenue grows. Your revenue mix takes into account the average duration of a case. When I first started my practice, I had contingency (civil rights) matters and flat fee (landlord-tenant and education) matters. The flat fee matters provided me with revenue to pay my bills, while the contingency cases typically lasted three to four years before resolution. The landlord-tenant cases allowed me to cover operational expenses until the larger contingency cases settled. When you're designing your revenue mix, you will need to have both options available to you. If you're going to do a 100% contingency practice like personal injury, you may want to consider hourly work for other law firms or document review projects to supplement income while you're building your practice.

Sample Starter Monthly Budget

- Malpractice Insurance (\$100)
- Website Hosting & Email (\$30)
- VOIP Phone (\$40)
- Answering Service (\$200)
- Case Management (\$100)

2 Systems That Serve

Once your plan is well-drafted, you'll need to consider systems. The framework of your systems will include: intake, onboarding, legal services administration, offboarding and file closing. I recommend that you order the "Guide to Starting Your Law Practice" from the State Bar of Georgia's Law Practice Management Program. Within that book, there are templates that you can alter that align with your branding

and practice area needs. Your systems will evolve with your business acumen, but at the outset, the most important thing is to have a written procedure for doing things. Refinement will come with time.

Most Important Systems

- Electronic signature for engagement letters (DocuSign, JotForm, Sign Request or case management).
- Encrypted communication system (typically available in case management).
- Online payments (Lawpay, Gravity Legal, Stripe).
- Case management (Clio, Practice Panther, MyCase and Fidus).
- Test out the various options during the free trial periods, and then select the one(s) that align with your offerings.

3 Creating a Lawyer-Client Relationship That Cultivates Referrals

To cultivate referrals and provide a memorable client experience, create a culture of service alongside boundaries. The culture of service can be established by providing clear expectations during onboarding including: a communication policy for returning phone calls, a set method for updating clients (e.g., calendar reminders, texts, portal messages), team introductions and their roles to avoid confusion (if applicable), and regular case updates and conversations at set intervals *without being prompted by the client*. In addition to proactive communication, think about ways that you can "wow" the client. Consider sending a welcome packet in the mail with branded swag, send video explanations to break down complex legal strategy and exceed expectations by getting legal work done prior to the deadline. You may want to consider having weekly lawyer hours where you will be available to answer client questions. At the same time, I also recommend creating firm boundaries by keeping your cell phone number private, not responding to client calls or messages outside of business hours unless it is an emergency and enforcing your communication policy.

4 Avoiding Marketing Pitfalls

One of my biggest mistakes was delegating my marketing to third-party agencies without adequate oversight or understanding. For example, I hired a marketing company to run PPC Google ad campaigns, but I didn't understand the fundamentals of Google ad campaign metrics. After further review (and hiring another person to audit the PPC campaign), I learned that the campaign was underperforming, the sales pages had incorrect information about our services and I was wasting money on a strategy without any ROI. Especially when you're first starting out, create a marketing campaign that allows you to capitalize on free or low-cost services. For me, my first iteration of my marketing plan included: three coffee dates per week with other lawyers, my website, online profiles and social media. Resist the urge to sign up for big-name marketing agencies with flashy advertising. Instead, focus on cultivating a general understanding of marketing processes, staying true to your ideal client avatar and declining to sign any contracts longer than 90 days. When you're ready to invest in marketing, consider a consultant with a depth of expertise as compared to a "one-stop shop." Regularly review your marketing goals as compared to your performance, and pivot quickly on inefficient strategies.

5 Pivoting for Purpose

Your law firm ownership trajectory is not fixed, and I encourage you to regularly consider changing it to suit your needs. When I first started my law firm, it was a 90% litigation practice. It evolved to adding two support staff and an associate attorney with a downtown commercial office. That version of my law firm served me during those years, but I pivoted two years ago to create a law firm that aligned with my current needs—more flexibility to care for sick family members, to position myself to start my own family and to reduce burnout. As your life evolves, you will encounter similar questions like: is this practice area still serving my needs? Would I be more fulfilled doing something else? I encourage you to

► SEE SHINGLE, PAGE 13

Judicial Spotlight

Behind the Black Robe: Meet Hon. Amy E. Smith



**Kindall
Browning-Rickle**

In April 2025, I had the pleasure of sitting down with Hon. Amy E. Smith, the most recently appointed judge to the Houston Judicial Circuit Superior Court. Smith is a graduate of the University of Georgia School of Law. She began her career as a law clerk in the Southwestern Judicial Circuit which covers Lee, Macon, Schley, Stewart, Sumter and Webster counties. During her time in the Southwestern Judicial Circuit, she clerked for Hon. Thad Gibson and Hon. Rucker Smith. Hon. Amy Smith looks back on that experience and notes that Judge Gibson was “an excellent representative of what I thought a judge should be.”

After her clerkship, Smith was hired by Kelly Burke at the Houston County District Attorney’s Office. As an assistant district attorney, she prosecuted property crimes, domestic violence crimes, traffic crimes and major crimes. She also worked in the appellate division, the child support division and the post-conviction division, and served as the chief assistant district attorney.

In 2011, Smith was appointed by Gov. Nathan Deal to be solicitor-general in the Houston Judicial Circuit. She served in that role until she took the bench in January 2025.

I asked Smith to share some tips with young lawyers that she picked up in her 13 years as solicitor-general and she shared the following:

- Take time to learn the general practices of each jurisdiction you practice in. It will make your practice run smoother.
- Preparation is the majority of your case. It is always better to be over-prepared than underprepared.
- Every young lawyer should be professional. An important part of that is to practice being professional



Hon. Amy E. Smith, Superior Court, Houston Judicial Circuit

PHOTO COURTESY OF HON. AMY E. SMITH

to everyone in the court system. Making nice with the judge is great but being respectful to clerks, court reporters and bailiffs will make your life, and your practice, much easier.

Although it has only been a couple of months since she took the bench, I asked Smith what she has learned since being appointed. She told me that she has learned just how much about the law that she did not know. Having spent her career thus far as a prosecutor, she knew she would have a lot to learn about civil law. What she did not know was that she would have to reach back to law school to reacquaint herself with “interpleader.”

Smith has admirable goals for her time on the bench: to be fair, honest, kind and empathetic. She wants to be earnest in her decisions because every decision she makes as a judge will have an impact on someone’s life, sometimes in ways that she does not anticipate.

I think a lot of wisdom can be gleaned from Smith’s tips and her goals for herself. It is true that not every young lawyer aspires to be a judge one day, but we can all benefit from trying our best to be fair, honest, kind, empathetic and earnest in our decisions. Even as lawyers, our decisions affect people. YLD

Kindall Browning-Rickle is the senior assistant public defender in the Houston County Public Defender’s Office.

The Value of Mentorship



Tyler Meadows

I began my law school journey as a first-generation law student, my knowledge of what a law school class looks like informed by dramatized movies. When I began my second-year summer with the Bibb County District Attorney's Office, it felt like I would be transferring that lack of knowledge and experience to the workplace as well. I had learned the case law and the black letter law from my criminal law class during my first year and criminal procedure in my second, but the hands-on operations were foreign entirely, especially since I knew that I would present in the courtroom under the Third Year Practice Act. I felt entirely lost and overwhelmingly stressed.

When I first started, I thought that those feelings genuinely would be realized, and it felt somewhat like I and my fellow law clerks were thrown to the wolves—sink or swim—but I was wrong. What I found instead was mentorship.

My supervisor, and the supervisor for all the law clerks in the office, was Kyle Owenby, a senior assistant district attorney who had worked in the office since he graduated from Mercer University Walter F. George School of Law in 2016. Owenby, and other ADAs within the office, would be instrumental in my development as a future young lawyer that summer and throughout my third and final year of law school.

The first time that I represented the state it was in a bond hearing. I did not have a how-to guide or step-by-step instructions on how to argue over a defendant's bond; all I had were the facts before me and what I thought it should look and sound like from watching the seasoned attorneys argue them before me. In effect, I was trying simply to mimic what I had seen, while also

► SEE MENTORSHIP, PAGE 19

Officers' Block

If you could spend a day with any celebrity or historical figure, who would you choose?



KENNETH MITCHELL JR. | YLD President
Civil rights attorney Charles Hamilton Houston



VERONICA ROGUSKY COX | YLD President-Elect
Dansby Swanson



VIRGINIA C. JOSEY | YLD Treasurer

What a tough choice! I think it would be fascinating to sit down with so many historical figures, but hearing directly from Cleopatra would be insightful.



KINDALL BROWNING-RICKLE | YLD Secretary

I really had to think on this one, but I would choose Ruth Bader Ginsburg.



BRITTANIE D. BROWNING | YLD Immediate Past President

The historical figure that I would like to spend the day with is Mother Teresa.



T. ALEC CHAPPELL | YLD Newsletter Co-Editor

Gaius Plinius Secundus, AKA Pliny the Elder. His History of Rome, which no longer survives, would be a treasure trove for historians.



JENA G. EMORY | YLD Newsletter Co-Editor

I don't have much interest in celebrities, but I would be happy to spend the day with Jesus.



SIENA GADDY | YLD Newsletter Co-Editor

Walt Disney. He didn't live to see his dream realized—he died before Walt Disney World Resort or the Magic Kingdom opened—so I'd love to hear his thoughts on how it turned out.

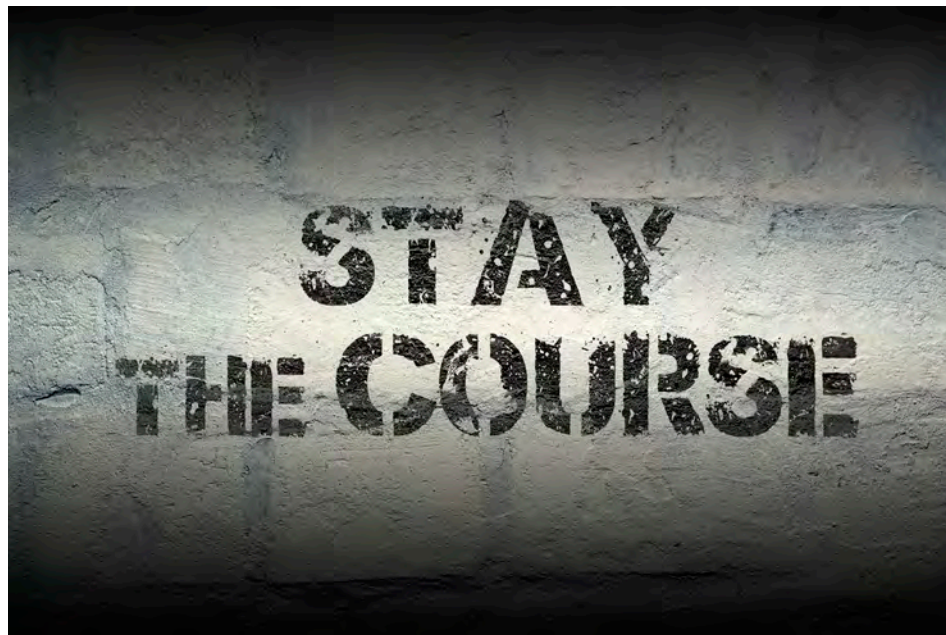
Staying the Course: Remaining Steadfast as a Young Lawyer



**Chelsea M.
Freeman Dease**

With increasing client demands, compulsory mandates around billable hours, heightened sensitivity around the expenditure of firm/organization resources and the national exhaustion that has plagued the country following the COVID-19 pandemic, it is undisputed that the legal community is facing communal burnout. This is particularly true for young lawyers, who are entering or operating in an ever-changing legal landscape that requires ingenuity, flexibility, initiative and business development potential with little to no playbook. Young lawyers often inquire about best practices or keys to success in shaping their legal career as they are pummeled by continually shifting goalposts, diverse personalities, growing caseloads and shifting cultural and political climates. We are all off-kilter in no uncertain terms. Even more challenging than the fact we are all feeling unbalanced, there is no one-size-fits-all recipe for achieving a successful legal career. However, it is universally the case that the first few years of practice can make or break future earning potential and elevation prospects. The first few years of legal practice are akin to 1L grades to the extent they can be determinative of positive career outcomes. This is an undeniable fact that we as legal professionals, young professionals, must accept. Nonetheless, young professionals need not readily accept defeat in the face of what appears to be insurmountable challenges. If anything, when things seem impossible, that is the perfect time to roll up your sleeves and dig in.

What I have found over the past eight years of practice is: *stay the course*. It is imperative as a young lawyer to remain committed to your craft and drown out the “noise.” Confronting challenges, whether internal or external to your organization, is



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inevitable, but it is important to use every challenge, including negative feedback, as an ingredient for your growth. Your legal career is yours alone, which means it is incumbent upon you to make intentional decisions to foster your growth. This includes submitting error-free (or as nearly as practicable) work product; taking ownership of your work; inquiring consistently about expectations and verifying compliance; engaging actively with the Bar and other professional organizations; and most importantly, recognizing that your legal superpower lies in your ability to build relationships and sustain your stamina.

The challenges of today's young lawyers look markedly different to those confronted by those entering the profession 20 years ago. Now, young lawyers are practicing on “pins and needles” as organizations and clients, alike, are becoming increasingly sensitive to their bottom line and satisfaction of internal metrics. Yet still, it is imperative to *stay the course*. As a young lawyer, you are worthy and entitled to have the fulfilling career that you desire. Remain in the driver's seat and do not allow the challenges

(there will be many) to dissuade you. Remain engaged with your organization and its internal events. Recognize that accountability is both a verb and a noun; your brand is your ultimate currency. Seek mentorship and strengthen existing mentoring relationships. Remain curious by seeking out training related to your practice area or other areas in which you have interest. Stay optimistic but avoid being disingenuous. Take stock of your values and ensure you are in spaces that align with those values; if not, be the change you wish to see or go where you feel most welcome. Tap into your village because we all need to be empowered and encouraged by our tribe. Celebrate your wins loudly and learn from your losses because success is not linear. Continue to build relationships, not just for the sake of business development, but so you can stay connected to the human experience and learn from others.

As the old saying goes *perfectionism is the enemy of progress*. Put another way, do it scared. Do it terrified. Regardless, do the very thing that scares or terrifies you in ef-

► SEE COURSE, PAGE 15

How to Be a Good Co-Worker



**Jena
Emory**

When young attorneys start out practicing the law, they often focus on learning how to be a good attorney. They want to know how to write a good brief or present a perfect oral argument. Too often, however, young attorneys forget to focus on learning how to be a good co-worker.

As an attorney, you will spend the majority of your time with your co-workers. If you work in a hostile way, your work life can be miserable. If you are a good co-worker, your work life will be easier, and your career will be better for it. But what does it take to be a good co-worker? This article will discuss how doing your job, being polite, not talking about other people, ignoring other people's aggression and letting go of hate are necessary to be a good co-worker.

Do Your Job

The best way to be a good co-worker is to do your job. If you can consistently meet the requirements of your job, the people around you are not forced to pick up your work. The office works efficiently, and everyone is happier.

Be Polite

Rudeness will never make you look good. Be polite to everyone you work with, whether you like them or not. There are no exceptions to this rule. I suspect that you are specifically thinking of one or two co-workers that you dread talking to and emailing. I am firmly in favor of avoiding people like that in an office. But when you must interact with them, you should be polite (and brief).

I am not suggesting that you should be a pushover. You can and should say no but be polite when you say no or set an appropriate boundary at work.



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Stop Talking About Other People

You should assume that anything you say in an office will be repeated or overheard. Act accordingly. If you are frustrated with someone and need to vent, do that outside of the office. Talking about a negative office interaction or a loathsome co-worker will only cause more trouble.

Every second you spend complaining to your boss about another person is a second you are not talking about how great your work is. It is another second not building professional relationships with the people around you. Every second spent talking about someone else is a waste. Use your time to build your career, not tear other people down.

Ignore Other People's Aggression

Attorneys will be aggressive toward you. People in an office will send you nasty emails or say things behind your back (or to your face). When confronted with these situations, be the bigger person. Ignore it.

Starting World War III in your office is not going to make anyone like you. If you can be the person to de-escalate a situation by refusing to respond to a nasty email or remaining calm when someone attempts to start a fight with you, your office will be better for it. Many attorneys are looking for a reaction when they attack you. If you take away the satisfaction of watching you explode, you will be surprised at how quickly the attacks stop.

Let Go of the Hate

Hating someone only perpetuates and prolongs a conflict. Hate also makes the office awkward. The sooner you can let your hate go, the sooner the conflict will end. Hate places an inappropriate amount of importance on one person. Your career will not be defined by one person. One bad co-worker or one bad boss will not destroy you. Taking the time to hate and stew about specific people who have wronged you takes away valuable time and energy you could spend building your career.

I strongly encourage you to let go of hate mostly for your own benefit. Hate is a waste of time and energy. If you have experienced a difficult situation with another person, forgive them. Choosing to forgive someone does not validate or excuse that person's behavior. It allows you to move on.

I am not naïve about the practice of law, and I understand that some attorneys are overbearing and impossible to be around. If you are in that situation, find another job. If you find that you are haunted by the way you have been treated in your past, do not be afraid to seek professional help. If you heal your own pain, you can keep it from spreading to the people around you. You can also live a more quiet and peaceful life.

While you are busy learning how to be an attorney, do not forget to learn how to be a good co-worker. YLD

Jena Emory is a senior associate at Morris Manning & Martin, LLP.

Member Spotlight | Northern District

Each quarter, The YLD Review highlights three of the Young Lawyers Division's most impactful members—one from each federal judicial district. Those featured in our Member Spotlight serve both the YLD and their local communities, excel in their practice and maintain the highest level of professionalism.

Chase Duvall

Tell us about yourself.

I went to law school at Mercer University, and that's where I was first introduced to tax law—something I never expected to enjoy, but it ended up being a perfect fit. That interest eventually led me to Boston University, where I earned my LL.M. in Taxation. Outside of work, I love spending time with my family and friends and traveling, though if I had it my way, I'd be on a beach most days. I'm definitely a beach bum at heart.

What is your practice area?

I primarily practice tax law, which I was first introduced to during my 2L and 3L years at Mercer. What started as an elective quickly became a clear professional calling. I enjoyed the complexity and problem-solving nature of tax issues. That interest motivated me to deepen my knowledge in pursuing an LL.M. in Taxation from Boston University. I've been fortunate to turn that interest into a fulfilling career.

What is your involvement with the YLD?

I first got involved with the YLD through the Cobb County Bar Association. I really enjoyed connecting with other young attorneys, attending insightful speaker events and participating in networking opportunities. In 2024, I had the privilege of attending the YLD Leadership Academy, which was a fantastic experience. It gave me the chance to meet attorneys from across the state and various practice areas, and I walked away with new friendships and a deeper appreciation for our profession.

What advice do you have for young lawyers?

One piece of advice I'd offer to young lawyers is: don't be afraid to ask questions and seek guidance early in your career. Law school teaches you how to think like a lawyer, but the day-to-day practice of law requires mentorship, humility and the willingness to learn constantly. The best lawyers I know are the ones who stay curious and collabora-



PHOTO COURTESY OF DUVALL LAW

tive, so surround yourself with people who challenge you and support your growth. **YLD**

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of Georgia

Member Spotlight | Middle District

Each quarter, The YLD Review highlights three of the Young Lawyers Division's most impactful members—one from each federal judicial district. Those featured in our Member Spotlight serve both the YLD and their local communities, excel in their practice and maintain the highest level of professionalism.

Lina Khan

Tell us about yourself.

I am a proud military kid and grew up living around military bases around the world. I have lived in four countries and six states, and Perry, Georgia, is the 11th place I have lived. I am incredibly proud to be an attorney because I am the first practicing attorney in my family. My family has always been in STEM careers, such as medicine and engineering, so it has been a real challenge to break out of that and forge my own path. I take a lot of pride in being a person of color that works in prosecution. I don't often see people like me as attorneys or as prosecutors—and I fully believe prosecutors should come from all backgrounds. I am a proud alumna of the University of South Carolina (Go Gamecocks!) and went to law school in Florida. I met my husband, David, when our parents were stationed at the same military base overseas and we reconnected while he was stationed in Jacksonville. We have been married for seven years and have a daughter who is the light of my life. She is aptly named after Arya Stark from Game of Thrones. When I'm not lawyering, I volunteer with civic organizations in my community. I'm passionate about working with organizations that assist veterans and victims of domestic violence.

What is your practice area?

I am a career prosecutor. I went to law school thinking that I would end up in Washington, D.C., working at an embassy and living overseas. While I was in law school, I took an internship with the 4th Circuit State Attorney's Office in Jacksonville, Florida. My first case was a five-month-old baby who was murdered by her father. That case changed my life because I realized that the prosecutors in my office were the only ones fighting for her. I knew then that I wanted to be a prosecutor. I later interned with the 8th Circuit State Attorney's Office before starting my career in Ocala, Florida, at the 5th Circuit State Attorney's Office. I moved

to Georgia for my husband's military career and knew I wanted to stay in prosecution. When I moved here, I met Mike Smith when we were both prosecutors in the Cordele Judicial Circuit. He took me under his wing and really taught me Georgia criminal practice and procedure, which is vastly different from Florida's. He helped me break free from scoresheets and taught me appropriate sentencing structure and plea offers. He also helped me adapt to prosecuting cases without depositions and learning the right words and names for criminal procedure in Georgia. He has been an incredible mentor to me and has supported me in every step of my career. I followed Smith to the Houston County District Attorney's Office where he is now my trial partner. He probably regrets helping me so much because he'll be stuck with me forever.

What is your involvement with the YLD?

I really became interested in the YLD when I learned about Leadership Academy. I am an alumna of the 2023 YLD Leadership Academy. During the first session, I was hiding out in the back of the room when I started chatting with the person next to me. We discovered we had a lot in common and when I asked him his name, he said Damon Elmore. No big, just hanging out with the executive director of the whole State Bar. Elmore, like everyone else in the YLD, was so welcoming and really led me to want to stay involved after Leadership Academy. In 2024, I was fortunate to be named a co-chair of the YLD Women in the Profession Committee, and this year, I am a co-chair of the YLD Law School Outreach Committee. I have been a part of some really wonderful events, including networking events all over Georgia, moderating a panel for International Women's Day and meeting so many incredible lawyers from all different practice areas. I have forged forever friendships with my fellow YLD cohorts and have made some incredible memories. (Frank



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Gaddy's improv performance as Armando is forever imprinted on my mind. IYKYK.) I want to say a special shoutout to Jessica Oglesby and Jamie Goss. They are tireless workers who have helped me plan events, talked me through budget requests and really are the true reason anyone gets anything done in the YLD. This is my final year in the Young Lawyer's Division, and I will miss it so much.

What advice do you have for young lawyers?

My advice is pretty simple: organization, mentorship and commitment. I will always recommend strengthening organizational skills. Being organized helps you be prepared, being prepared helps you succeed. This profession is heavy, demanding and it is easy to get overwhelmed. Having a solid case management system, well-trained staff and a strong calendaring system will do you wonders.

Second, find mentors. Reach out to your local attorneys and ask: What are they doing to manage their caseload? What are some of

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Member Spotlight | Southern District

Each quarter, The YLD Review highlights three of the Young Lawyers Division's most impactful members—one from each federal judicial district. Those featured in our Member Spotlight serve both the YLD and their local communities, excel in their practice and maintain the highest level of professionalism.

Amelia Stevens

Tell us about yourself.

I grew up in Darien, Georgia, a small town on the coast. (And I mean small—to this day there is not a single red light in all of McIntosh County.) What my hometown lacked in size, it made up for in natural beauty, boasting massive live oaks, green salt marshes and winding rivers that open to the ocean. Life was simple, and I loved every minute of it. I went on to attend the University of Georgia for both undergrad and law school. (Go Dawgs!) After law school, I settled in Savannah, which offered many comforts of home while providing a sizeable legal market that fit my career goals. I'm approaching the five-year mark at my firm, Oliver Maner LLP, where I practice civil litigation and primarily defend governmental and quasi-governmental entities. Outside of work, my favorite things to do are walk through the downtown squares during azalea season, try all the restaurants that Savannah's fabulous food scene has to offer and spend the weekend on the beach or in the river.

What is your practice area?

My practice mainly consists of defending governmental and quasi-governmental entities and officials when they are sued. This is a niche practice that provides exposure to many different areas of the law. I've had cases touching on constitutional questions, civil rights, zoning, environmental law, immigration, premises liability, auto torts, campaign finance and more. I did not know what type of law I wanted to practice while in law school, and I did not seek out jobs in this field. I was drawn to Oliver Maner because of the fantastic lawyers and people who worked there—not necessarily because of the work they did. I immediately enjoyed this practice area once I started my job, and I have been blessed to learn from very talented lawyers. My cases are challenging, requiring thorough legal research and honed writing skills, while also presenting inter-

esting fact patterns. My first trial centered around two detainees' First Amendment rights to religious-based vegan meals. My mentor and I were able to show the jury that the detainees did not suffer a constitutional violation because the jail official who substituted their vegan meal trays for regular meal trays reasonably believed that their professed religious beliefs were not sincerely held. If you had told me in 2018 while I took Constitutional Law II that this would be my practice one day, I would not have believed you.

What is your involvement with the YLD?

I became involved in my local Savannah YLD chapter when I was in my second year of practice. A fellow associate invited me to join the executive board as a way to get involved in activities outside my firm. I have held several roles, including social chair, membership co-chair and sponsorship co-chair. My favorite statewide YLD experience to date was participating in the 2024 YLD Leadership Academy. I made many new friends and met lawyers from across the state in various practice areas. My favorite program was our day touring the Capitol and the Nathan Deal Judicial Center. We met and had engaging discussions with legislators, lobbyists, government lawyers and appellate judges. I gained a deepened appreciation for our political process and legal procedure in the state. I would recommend the YLD Leadership Academy to any young lawyer looking to get involved in the State Bar.

What advice do you have for young lawyers?

Find a workplace and mentors who value you and your individual contributions and want to invest in you as a growing lawyer. I am fortunate to work in an office where my mentors seek my opinions, care about my professional development and take time to intentionally mentor and teach me. They involve me in every step

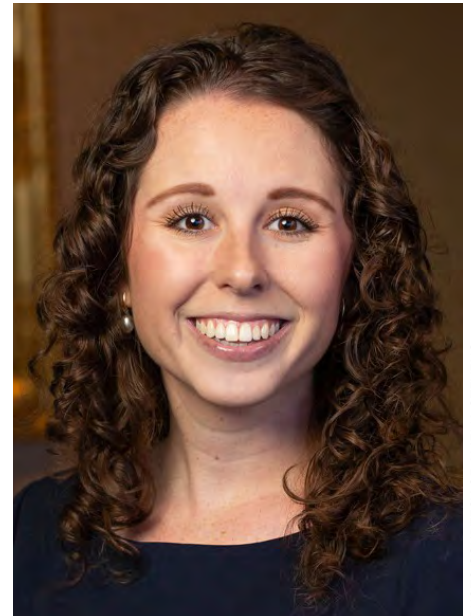


PHOTO COURTESY OF AMELIA STEVENS

of the process, and I am a better lawyer because of their attention. Whether you are in Atlanta, Savannah or a small town, you deserve to be more than a cog in a machine. YLD

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their resources? What are their tricks of the trade? Find out the tools for success. There are always mentors around and if you can't find them locally, then reach out to the YLD.

And finally, commitment. The most important advice I would give is something I heard from Supreme Court Justice Carla Wong McMillian. She said if you are going to volunteer to do something, then do it and do it well. Honor your commitments. This resonated with me so much because I think new lawyers have the best intentions without really understanding commitments. If you commit to something, do it and do it well. YLD

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welcome those pivots as an opportunity to create the law firm practice that most aligns with the present version of you without any allegiance to former versions of your practice. Create a new plan for the new practice and step boldly into it without reservation.

6 Hiring Systems for a B Team

Your first question might be: Why a “B” Team and not an “A” Team? I believe that B Team members are better positioned for small law firm life because they provide better than average services but are more likely to stay on your team for longer periods of time. In other words, you may have lower attrition with a B Team member than an A member because A Team members may want more advancement opportunities or income than small firm owners are able to provide. Like the ideal client avatar exercise, the hiring process, particularly for a small law firm, needs to be centered around fit, firm culture and skillset. Ultimately, it is important to consider the driving motivation behind each of your staff members. Do they value a higher salary, remote work, a flexible schedule or advancement opportunities? Then, consider whether and how you are able to meet those needs as a solo or small law firm owner. Small law firm owners are uniquely positioned to offer less corporate politics, more schedule flexibility, and more soft benefits like expanded PTO and remote work. Once you have completed the ideal employee exercise, then implement a system to find that person. For an effective hiring

system, you should have a robust application process, credential reviews, a background check, one to two rounds of interviews, personality/skills testing and reference verification. You might be tempted to hire a family friend or eliminate some of these formalities because you are a solo, but I strongly recommend utilizing a hiring system. My favorite hiring tools: Paid LinkedIn job ad (with qualifying questions), Clear Checks (for background checks) and Clifton Strengths for Skills Assessments.

Your hiring system should include a well-drafted employment agreement with a job-specific rubric for evaluating their performance. Each job duty should include metrics for evaluation. For example, an intake coordinator may be responsible for answering incoming calls or returning calls within 24 hours according to intake procedure; a paralegal may be required to draft pre-suit demands with 85% accuracy. In the beginning, plan to provide structured orientation (one to two weeks) and retraining opportunities as needed throughout the 90-day probationary period.

7 Metrics Over (Almost) Everything

In order to evaluate what’s working and what’s not working, you have to review your numbers at regular intervals. These figures are often called Key Performance Indicators (KPIs). Your KPIs will vary as you expand, but the most important KPIs to review at the outset include: number of

leads (e.g., calls, online forms, etc.), number of conversions (i.e., number of leads that signed engagement letters), revenue per case (i.e., how much you made when the case was resolved) and lead source (i.e., where that client found you). These four metrics will give you a starting point to determine how you’re making money and possible gaps in your strategy. For example, if you receive 100 incoming PI calls per week, but only convert five of those clients, the next step is determining why the other 95 did not convert. Ask yourself: are these bad cases that were rejected? Did I take too long to follow up with the lead? Are the phone conversations missing key information to build rapport with the client? By utilizing the numbers to make decisions, you will be better equipped to make data-informed decisions, instead of making decisions based upon impulse or desperation. Putting metrics aside, ethics are paramount to any other data source. Regularly review the Georgia Rules of Professional Conduct and contact the Ethics Helpline at 404-527-8741 if you encounter any scenarios that fall within the grey area.

I hope that these seven practical guidelines help you on your journey to growing a profitable law firm without falling prey to many of the mistakes I made while growing my firm. If I can be of service, please do not hesitate to contact me at 678-404-1239 or info@aedmondslaw.com. YLD

Angelik “Angie” Holloway is the founding and managing partner at Edmonds Law Office in Atlanta.

Ethics dilemma?

Lawyers who would like to discuss an ethics dilemma with a member of the Office of the General Counsel staff should contact the Ethics Helpline at 404-527-8741 or toll free at 800-682-9806, or log in to www.gabar.org and submit your question by email.



State Bar
of Georgia



Will Qualified Immunity See Its End?



**Alejandro
Guarín**

On May 20, 2024, Hon. Carlton Reeves of the U.S. District Court for the Southern District of Mississippi delivered an order in the case *Green v. Thomas*¹ that is likely to have a big impact on civil rights litigation in the United States. In a very detailed order, Reeves held that the doctrine of qualified immunity, which has shielded police officers and government officials from civil liability for decades, is not based on any recognizable principles of law.

What Happened?

On Feb. 13, 2020, Nicholas Robertson was shot in Jackson, Mississippi. Seeking help, he knocked on the door of Avery Forbes but was unresponsive by the time the police arrived and subsequently died at the scene. Several months later and unrelated to Robertson's shooting, Samuel Jennings, who had been arrested for burglary and grand larceny, provided a handwritten statement to Detective Jacquelyn Thomas implicating Desmond Green in Robertson's murder. Jennings claimed that Green confessed to the shooting and described moving Robertson's body with others. However, Jennings' statement was inconsistent and at times incoherent. It later emerged that Jennings was drug-impaired, mentally ill and had a criminal history, all of which should have raised concerns about his reliability.²

Despite these issues, Thomas used Jennings' uncorroborated statement to secure an indictment against Green for capital murder in July 2020. Green was subsequently arrested and detained under harsh conditions for nearly two years before the charges were dropped. During the grand jury proceedings, Thomas allegedly withheld critical information, including Jennings' impairments and criminal history, as well as a police report that contradicted Jennings' account and pointed to another suspect.³



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Green's complaint further alleged that Thomas intentionally procured a false identification from Jennings by pointing to Green's photo in a lineup after Jennings initially selected someone else. Additionally, Thomas failed to corroborate Jennings' statement and ignored significant inconsistencies between Jennings' account and the police report, undermining the credibility of Jennings' testimony.⁴

In response to these actions, Green filed a lawsuit against Thomas and others, alleging malicious prosecution and violations of his constitutional rights under the Fourth and Fourteenth Amendments.⁵

Thomas raised the defense of qualified immunity, which shields officials from claims that those officials have violated another person's constitutional rights. Green fought the qualified immunity defense not only by claiming that Thomas was not protected by qualified immunity, but by also arguing that qualified immunity is "unsound law" which misreads the Civil Rights Act of 1871. Judge Carlton W. Reeves not only denied Thomas' plea for qualified immunity but also agreed that qualified immunity was indeed unsound law.⁶

Reeves conducted a deep analysis of the history of the Civil Rights Act of 1871—now codified as 42 U.S.C. § 1983—which was initially known as the Ku Klux Klan Act.

The Ku Klux Klan Act

The Ku Klux Klan Act was a landmark piece of legislation designed to address and curb the rampant racial violence during the Reconstruction era following the American Civil War.⁷

Amidst this social upheaval after the civil war, various groups, most notoriously the Ku Klux Klan (KKK), emerged, determined on restoring white supremacy through intimidation and violence against newly freed African Americans and their allies. The KKK's violent tactics terrorized African Americans who attempted to exercise their new civil rights, as well as the white and Black public officials who supported Reconstruction efforts.⁸

In response to the widespread violence and the inability or unwillingness of state authorities to protect citizens from racial attacks, Congress passed the Ku Klux Klan Act in 1871. The Ku Klux Klan Act specifi-

cally aimed to protect the civil and political rights of all citizens against the infringement by state actors and private individuals, underscoring that no one, not even political officials, are above the law.⁹

This was the case until 1967 when the doctrine of qualified immunity was established in *Pierson v. Ray*.¹⁰ In *Pierson*, several officers arrested a couple of Black ministers after the ministers entered a “White Only” waiting room at a bus terminal. Even though white agitators were threatening the Black ministers, officers arrested the Black ministers. After defeating their criminal charges, the ministers brought claims under the Ku Klux Klan Act. The Supreme Court then gave birth to this new doctrine, giving protections for government officials for claims that the Ku Klux Klan Act was designed to protect.¹¹

Judge Reeves’ Reasoning

Reeves provided some strong opinions about qualified immunity. In fact, instead of calling the Civil Rights Act of 1871 (now known as 42 U.S.C. § 1983) by its current name, he referred to it as the Ku Klux Klan Act to highlight the reasons why the statute was passed in the first place.

To Reeves, the creation of qualified immunity seemed like an anomaly since the Ku Klux Klan Act created no true immunities, not even for government officers, which was almost precisely who the Ku Klux Klan Act created protections against. Nonetheless, the Court created the doctrine of qualified immunity deriving its reasoning from common law good-faith and probable-cause defenses.¹²

Reeves then states that it would be difficult to see qualified immunity’s creation as anything other than a response to the Civil Rights Movement, protecting government officials even as the U.S. narrative increasingly embraced civil rights progress.¹³

Qualified immunity today has become extremely difficult to defeat in court. Now, qualified immunity shields public officials from liability unless their conduct violated “clearly established” statutory or constitutional rights that a reasonable person

would know. This standard purports to balance holding officials accountable and protecting them from undue harassment and liability. But in reality, this doctrine has evolved to require plaintiffs to point to exact fact patterns that match their case showing that government officers have violated their rights, making it difficult—if not impossible—to overcome.¹⁴ After all, it is impossible for two cases to be exactly the same.

Reeves rejected qualified immunity because he views qualified immunity as an error in judicial interpretation. Reeves cites *Dobbs v. Jackson Women’s Health Org.*,¹⁵ which ended abortion rights and began in his courtroom at the trial level. Since the Court in *Dobbs* took the stance that only Congress has the power to create these doctrines—and Congress chose not to—the courts should thus stray away from creating them.¹⁶ On those bases, Reeves believes that the doctrine of qualified immunity should also end because it diverges from the historical standards and original intent of the Ku Klux Klan Act.¹⁷ He reasons that the Act was meant to provide a remedy against government abuses without the defense of good faith.¹⁸ Reeves’ order provides reasoning to those who wish to challenge qualified immunity within the legal framework stated in *Dobbs*.

What’s Next?

This order has no precedential value. However, it may serve as a guidepost for legal arguments against qualified immunity. In this case, Green argued that Thomas was not only not protected from qualified immunity, but also that qualified immunity itself was unsound law. And Reeves agreed. It is possible that other civil rights attorneys around the country may take similar positions. Here, Reeves granted a certificate of immediate review, and the case is currently going through appeal. So it may be that, just like *Dobbs*, another case from Reeves’ docket may end up at the Supreme Court. YLD

Alejandro Guarin is an attorney at Pracht Injury Lawyers in Greenville, South Carolina.

Endnotes

1. Green v. Thomas, 734 F. Supp. 3d 532 (S.D. Miss. 2024).
2. Green v. Thomas, 734 F. Supp. 3d 532, 540, 554, 555 (S.D. Miss. 2024).
3. *Id.* at 540-41.
4. *Id.* at 554-55.
5. *Id.* at 542.
6. *Id.* at 540.
7. *Id.* at 543.
8. *Id.*
9. *Id.* at 543-44.
10. *Pierson v. Ray*, 386 U.S. 547 (1967).
11. *Id.* at 545.
12. *Id.* at 544-45.
13. *Id.* at 545.
14. *Id.* at 546-47.
15. *Dobbs v. Jackson Women’s Health Org.*, 597 U.S. 215 (2022).
16. *Id.* at 562-63.
17. *Id.* at 559 (footnote 32).
18. *Id.* at 544.

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forts to take charge of your career. While you may not know everything you need to know *yet*, one day you will know or, at the very least, you will know where to find the information or resources you seek. Remain open, curious and coachable. These are attributes that are universally valued. There is no shame in being inexperienced, there is only shame in refusing to embrace the experience. It is the *practice* of law, which means your career will be an on-the-job simulation that will feel calm on Monday and turbulent on Tuesday. Lean into that discomfort. We are all still learning. Nonetheless, remain steadfast and committed to your craft. Truly believing you are prepared for the task at hand lays the foundation for the insecurity to subside and the confidence to confront the day’s challenges to rise. While no one can provide the recipe for success for a lawyer, it is undeniable that the confidence to confront problems and find reasonable solutions is the quintessential ingredient. YLD

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American Inns of Court: Voluntary Organizations to Promote Professionalism and Ethics



**Siena Berrios
Gaddy**

For the last three years, I have had the honor of serving as the secretary/treasurer of the William Augustus Bootle American Inn of Court. I was invited to join the Inn in 2019, but have only in recent years, through my service on the Executive Committee, learned about American Inns of Court and the value these organizations add to the legal community.

American Inns of Court

The American Inns of Court movement began in the 1970s, after U.S. Supreme Court Chief Justice Warren E. Burger led a group of attorneys in a legal exchange in London. Chief Justice Burger drew inspiration from the English Inn of Court model and, with the help of Hon. J. Clifford Wallace of the U.S. Court of Appeals for the Ninth Circuit, proposed to adapt that model to the practice of law in America.¹ The first American Inn of Court test program launched in Salt Lake City, Utah, and welcomed students from Brigham Young University.²

In the following years, Inns of Court were organized across the country. Those American Inns were located in Hawaii, New York and Washington, D.C. By 1985, the American Inns of Court Foundation was organized.³ Twelve American Inns were chartered.⁴ The American Inns of Court sought to “promote the goals of legal excellence, civility, professionalism and ethics on a national level.”⁵ Unlike many other movements in the legal profession, the American Inns of Court grew quickly—today, there exist more than 30,000 members of American Inns of Court. The membership base of American Inns of Court is di-



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verse and includes federal and state judges, legal scholars and professors, as well as law students. More than 350 American Inns of Court have been chartered in 48 states and in at least one U.S. territory.⁶ Thus, the vision of Chief Justice Burger was realized: the American Inns of Court have become a preeminent legal organization serving our professional community.

The vision of the American Inns of Court is “a legal profession and judiciary dedicated to professionalism, ethics, civility and excellence.”⁷ To achieve this vision, the American Inns of Court seek to “inspire the legal community to advance the rule of law by achieving the highest level of professionalism through example, education and mentoring.”⁸

American Inns of Court comprise attorneys passionate about professional excellence. American Inns of Court meet several times a year, and at these meetings members “build and strengthen professional relationships; discuss fundamental concerns about professionalism and pressing legal issues of

the day; share experience and advice; exhort the utmost passion and dedication for the law; provide mentoring opportunities; and advance the highest levels of integrity, ethics, and civility.”⁹ Because mentoring and education are foremost goals of American Inns of Court, these organizations are uniquely situated to “bridge[] the gap between formal law school education and legal practice by offering career-long continuing education[.]”¹⁰

Mentoring groups or “pupillage groups” are the bedrock of a successful American Inn of Court. Pupillage groups consist of a cross-section of members—a few from each membership tier, usually divided by number of years in practice—and each group meets throughout the year to network and to socialize.¹¹ Further, pupillage groups may be tasked with developing and presenting a program at one of their Inn’s scheduled regular meetings.¹²

By encouraging experienced attorneys, scholars and judges to meet and work alongside newer attorneys, “less-experienced attorneys become more effective advocates

and counselors[.]”¹³ The American Inns of Court foster an environment of collegiality. Thus, because pupillage groups meet “outside the courtroom and pressure of daily practice,” mentoring relationships are naturally formed and “seasoned judges and attorneys [...] help shape students and newer lawyers with practical guidance in serving the law and seeking justice.”¹⁴

The William Augustus Bootle American Inn of Court

In Macon, our local American Inn of Court is the William A. Bootle American Inn of Court (“W.A. Bootle Inn of Court”). The W.A. Bootle Inn of Court was established in 1999 with the help of Mercer University School of Law and the local bench and bar.¹⁵ The W.A. Bootle Inn of Court meets five times annually and welcomes approximately 15 third-year law students to attend and participate in its programs.¹⁶

This year, the W.A. Bootle Inn of Court celebrated its 25th anniversary. Its programming looked back at significant cases and milestones relevant to Middle Georgia. The W.A. Bootle Inn of Court presented three programs in a series titled “Twenty-Five Years of Excellence: Celebrating the W.A. Bootle American Inn of Court.”

The W.A. Bootle Inn of Court began its year with remarks from U.S. Magistrate Court Judge Amelia G. Helmick. Helmick shared her story and how mentors have impacted her career. In its first program, the W.A. Bootle Inn of Court honored its namesake, Judge William Augustus “Gus” Bootle, and educated its members through a program which focused on Bootle’s landmark decision in *Holmes v. Danner*. The following program honored one of the W.A. Bootle Inn of Court’s founding members, Hon. R. Hugh Lawson. There, it celebrated Lawson’s legacy. Student members detailed several cases over which Lawson presided and a panel of several of Lawson’s colleagues and mentees shared his stories and advice. The W.A. Bootle Inn of Court concluded its programming with a send-off to two of its longest tenured members, Professors Tim and Daisy Floyd. There, students had the distinct privilege of interviewing our guests of

honor in advance of their impending retirement at the end of this academic year. In our final meeting, the W.A. Bootle Inn of Court will welcome Presiding Judge Sara L. Doyle, Court of Appeals of Georgia, who spoke with our members about professionalism.

Other Inns of Court in Georgia

Georgia is home to several American Inns of Court, which are located in Atlanta, Columbus and Macon.

Atlanta

- Clarke-Carley American Inn of Court
- Bleckley American Inn of Court
- Judge Clarence Cooper American Inn of Court

Columbus

- Columbus American Inn of Court

Macon

- William A. Bootle American Inn of Court

There exist three American Inns of Court which relate to specific areas of law: (1) Charles Longstreet Weltner Family Law American Inn of Court; (2) Honorable Charles Pannell Jr. Intellectual Property American Inn of Court; and (3) W. Homer Drake Jr. Georgia Bankruptcy American Inn of Court. If you are not yet involved in an American Inn of Court, but would like to become involved, you may access contact information for Inn leadership at www.innsofcourt.org.

Siena Berrios Gaddy is an associate at Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, in Macon and Atlanta.

Endnotes

1. About Us, American Inns of Court, https://www.innsofcourt.org/AIC/About_Us/AIC/AIC_About_Us/About_Us.aspx?hkey=72647b55-4a23-4263-8a3e-817098c808fa (last accessed April 8, 2025).
2. The History of the American Inns of Court, https://www.innsofcourt.org/AIC/About_Us/History/AIC/AIC_About_Us/

[History_of_the_American_Inns_of_Court.aspx?hkey=a37ee0c7-2df9-4af4-967e-1602688fd8f4](https://www.innsofcourt.org/AIC/About_Us/Our_Vision_and_Mission/AIC/AIC_About_Us/Vision_Mission_and_Goals.aspx?hkey=27d5bcde-8492-45da-aebd-0514af4154ce) (last accessed April 8, 2025).

3. *Id.*
4. *Id.*
5. *Id.*
6. *Id.*
7. About Us, Vision Mission and Goals, American Inns of Court, https://www.innsofcourt.org/AIC/About_Us/Our_Vision_and_Mission/AIC/AIC_About_Us/Vision_Mission_and_Goals.aspx?hkey=27d5bcde-8492-45da-aebd-0514af4154ce (last accessed April 8, 2025).
8. *Id.*
9. About Us, What is an American Inn of Court, American Inns of Court, https://www.innsofcourt.org/AIC/About_Us/What_Is_an_American_Inn_of_Court/AIC/AIC_About_Us/What_Is_An_American_Inn_of_Court.aspx?hkey=d3aa9ba2-459a-4bab-ae8-f8faca2bfa0f (last accessed April 8, 2025).
10. *Id.*
11. *Id.*
12. *Id.*
13. *Id.*
14. *Id.*
15. About the William A. Bootle Inn of Court, American Inns of Court, <https://www.innsofcourt.org/for-members/inns/the-william-a-bootle-american-inn-of-court.aspx>
16. *Id.*



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An Intelligence-Based Foundation for Trial Preparation



**Gabriel A.
Justus**

When I was an Army intelligence officer, I used the process of intelligence analysis to help me accomplish my missions at home and abroad.¹ I would like to share that process with my fellow lawyers, who are learning the art and science of trial preparation on the job at the frenetic pace of life as a litigator. This simple, stripped-down framework can help you discipline your thinking and get both your mind and your case organized so you can effectively tell your story to a judge or jury.

The Intelligence Analysis Process

The four steps of the intelligence analysis process are: (1) screen, (2) analyze, (3) integrate and (4) produce. This process is continuous, so when you reach the last step, simply move back to the first step, and keep iterating until your case is ready.

1 Screen

First, evaluate information to determine if it is relevant for your case. Your task is to decide if you discard it or keep it for further analysis.

In my work, I often waded through three or four police body-worn cameras from the perimeter security officers at the crime scene before I find footage of an interview with a potential witness. That footage from the security guys? Discard. Interview? Push it on to the next step.

Developing your ability to quickly triage useful information from clutter will save you time and improve the quality of your trial prep.

2 Analyze

Second, analyze information to determine its quality.

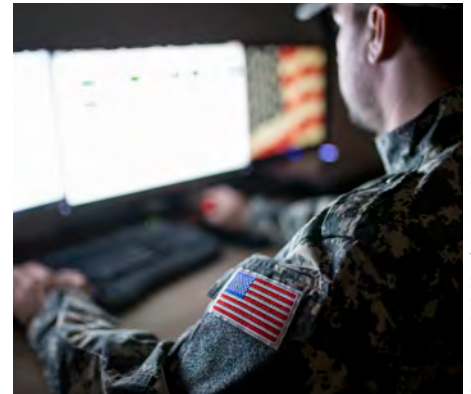
You must confirm or deny your initial screening decision about the information's relevance. Does it relate to something you care about for your case? Was the person speaking to the homicide detective on video providing a description of a shooting suspect or just asking directions to a nearby tourist attraction? What you learn may prompt you to discard the evidence or analyze it further.

Next, you should determine the reliability of the information. This analysis focuses on the *source* of the information more than the information itself. How credible do you find the source? Will a judge or jury find the source trustworthy? What facts could undermine a judge or jury's trust in a source? Remember, reliability is not limited to character issues. Perhaps a source is not lying but has bad eyesight and might be impeachable for not perceiving something clearly.

Finally, you should weigh the accuracy of the information provided. This analysis focuses on the information itself and how it fits with what you already know. Does this information corroborate or contradict information you have already vetted? What else would you need to know to decide if a given piece of information is accurate? While certainty is rare when trying to reconstruct events from evidence, you can develop a sense of where the probabilities are favorable and draw reasonable inferences in the face of uncertainty.

3 Integrate

Once you have weighed the quality of the new information, you must apply it to what you already know so you can draw conclusions. That means testing existing facts, challenging your assumptions and reevaluating your hypotheses about aspects of the case. Be aware that you are not an impartial observer, and your logical and cultural biases will tend to color your conclusions in conscious and unconscious ways. Bouncing ideas off a trial partner or other disinterested party will help ensure you do not fall too deeply in love with your own



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perspective on a case. If done rigorously, the integration phase will help you reach a conclusion about how the information you have analyzed fits into your case.

4 Produce

At last, the payoff. Thinking and analysis lead to an output—something to show for your work. In litigation, properly analyzed information enables you to do practical things like add a bullet point to an opening statement; update a witness list; create or modify a witness examination; or develop the foundation to get your evidence admitted into the record. It can also help you make strategic decisions, such as jury selection, plea negotiations or appellate considerations.

The process I shared is the one that I am familiar with and works for me. I hope this article inspires you to tweak your own trial prep in a way that makes you feel organized, informed and empowered. Your strong preparation *outside* the courtroom will lead to confidence *inside* the courtroom.

Gabriel A. Justus is an assistant district attorney and appellate resource prosecutor for the Eastern Judicial Circuit in Savannah.

Endnote

1. This process is codified in U.S. DEP'T of ARMY, ATP 2-33.4 INTELLIGENCE ANALYSIS p. 2-1 through 2-8 (10 January 2020).

► MENTORSHIP, FROM PAGE 7

trying my hardest not to embarrass myself before the judge and attorneys—something I was successful at some days more than others. But every time after I got up and presented, or embarrassed myself, there was always someone to meet me on my way back to my seat, to encourage me and tell me that I did fine or did well, and to give me pointers on how to improve or what they thought I could do better. What I found was that, though each and every one of them was right and had valid and worthwhile critiques, they all had different ideas and notions of how to present their arguments; what to highlight or steer focus from; and how to handle and carry themselves built up over years of personal experiences and the unique growth opportunities that they had each encountered.

In speaking with my supervisor, I had my eureka moment. Owenby graduated from Mercer's School of Law in 2016, and so I wanted his perspective as a new and young lawyer on how his transition and experiences were, mentorship for the role I would be coming into shortly. Owenby realized that he wanted to go law school and have a career in criminal law when he

served on a grand jury after he graduated from college and spoke with the district attorney there and described what a culture shock law school was going from working a 40-hour week to going to class and briefing cases. An experience that I did not find too distinct from my own.

However, what I really wanted to focus on was the second transition, from law student to attorney. He told me that he had been a law clerk at the DA's office, the same as me, and about the transition from that work to that of an ADA. Owenby said it felt similar to the work of a law clerk for the first year or two, getting your reps in and practicing in court so as to overcome that sense of anxiety and nerves. A lot of what he talked about were things that I too had worried about, the same feelings I felt standing up in court or thinking of my future as an attorney. It was in that conversation that I realized that all of these attorneys that I had looked up to or sought guidance from actually were just like me. They had sat where I was sitting, felt the same nerves and anxieties that I was feeling and had experienced the same worries about their roles as well. If they had been able to grow from where I

was to the pillars of competence and confidence that I saw now, how could I do that?

Owenby's advice for recent graduates and new attorneys: try new things, figure out what works and what doesn't, find out what you're good at and enjoy, and don't be afraid of something you've never done or thought of. After that, practice ... and practice some more. Look at what you have done and where you messed up, be introspective and take action where you see you can improve to be a better lawyer and find an outside observer to make sure you're not missing anything. There is always more to learn and self-doubts to conquer, and you can only do it by facing that anxiety and doing it over and over.

Those words resonated with me, and wherever I end up as a young lawyer, I know I will remember them. Guidance and mentorship like I got from Kyle Owenby and the other attorneys at the Bibb County District Attorney's Office feels like something once in a lifetime, but I hope that I, and my fellow young lawyers, can experience it anywhere. *YLD*

Tyler Meadows is a recent graduate of Mercer University Walter F. George School of Law.



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 **State Bar of Georgia**

2025 YLD Spring Meeting



**Alex
Clark**

The Young Lawyers Division had its “boots on the ground” in Nashville, Tennessee, in March for the 2025 YLD Spring Meeting. The weekend began Friday afternoon with the YLD Leadership Academy’s third session, during which the class teamed up with the Georgia Legal Services Program (GLSP) and the YLD Disaster Legal Assistance Committee to assist in relief efforts for colleagues, neighbors and other Georgians impacted by Hurricane Helene.

Next, the Georgia YLD partnered with Tennessee’s YLD for a CLE on Tennessee’s Ensuring Likeness, Voice and Image Security (ELVIS) Act. The CLE included a discussion about the protections for songwriters, performers and music industry professionals against the misuse of artificial intelligence in replicating their name, image and likeness. The panel was moderated by Darius Walker Jr., Ogletree Deakins, and was led by Anthony Adewumi, Broadcast Music Inc., and Professor Kristi Wilcox Arth, Belmont University College of Law.

Friday evening, the YLD kicked off the weekend with a welcome reception on the rooftop of the beautiful Kimpton Aertson Hotel. YLD President—and birthday kid—Kenneth Mitchell Jr. provided welcome remarks for his fellow YLD members, and State Bar President Ivy Cadle, accompanied by Leslie Cadle, made the trip up to welcome the YLD to Nashville for a fun and successful meeting. The weather was perfect for sunset line dancing lessons before hitting Broadway to put those newly learned dance moves to the test. A few YLD members even continued on to the nearby karaoke bar to end the night. (Footage of these performances will *not* be released publicly.)

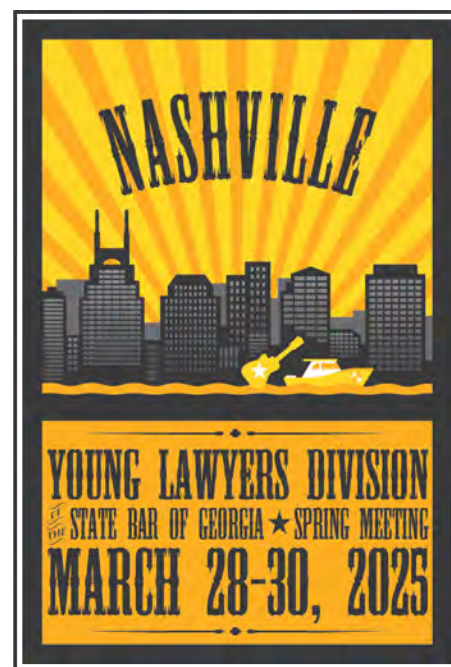
The weekend continued Saturday morning with the YLD General Session. YLD officers, Executive Council members

and committee chairs provided reports on projects and YLD-sponsored events taking place this year. State Bar Executive Director Damon Elmore provided an update that the YLD’s service project of collecting donations for Cycling for Good was a great success. YLD members filled up two big boxes with socks, underwear, undershirts, deodorant, reading glasses and other materials for the unhoused population. You can reach out to Elmore on Instagram @cycling_4_good if you have more items to donate.

Following the General Session, the Georgia YLD put on its game face in the annual Spring Meeting Kickball match against members of the Tennessee YLD. The game was quite the display of athletic prowess, and the two teams were tied going into the bottom of the last inning. We’re not saying the game was rigged, but the Red Team, whose team members included the State Bar executive director and YLD president, happened to win on a walk-off run. I am happy to report no serious injuries—thanks, in part, to the pre-game group stretching circle.

The meeting concluded Saturday night with dinner at the hotel, as the YLD was serenaded by the silky-smooth vocals of Nashville artists Ryan Neal and Gabe Baker, and enjoyed another rooftop sunset overlooking Music City. The weekend was a huge success, with the perfect mixture of networking, learning and Nashville fun. A special thanks goes out to YLD Director Jessica Oglesby, YLD Coordinator Jamie Goss and their team for planning the weekend. Also, thanks goes out to the weekend’s sponsors—Avalon, The Concussion Center and Milestone Reporting—for helping put on one of the best YLD Spring Meetings to date! YLD

Alex Clark is a judicial law clerk at the Supreme Court of Georgia.



2025-26 YLD MEETINGS

Fall | Nov. 1-3, 2025

Cloudland at McLeMORE Resort
Rising Fawn, Georgia

Midyear | Jan. 15-18, 2026

Omni Hotel at the Battery Atlanta
Atlanta, Georgia

Spring | April 23-25, 2026

Kimpton Hotel Arras
Asheville, North Carolina

Annual | June 11-14, 2026

Omni Amelia Island Resort & Spa
Fernandina Beach, Florida

For more information, visit
www.gabar.org/yld-meetings.

Leadership Academy | Session 3



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ELVIS Act CLE



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Service Project



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Line Dancing at the Welcome Reception



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Kickball Stretching Circle



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General Session



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ICYMI: Five Key Takeaways From the Generative AI Panel Discussion



**Blair
Weatherly**

The YLD Corporate Counsel Committee and YLD Business Litigation Subcommittee co-hosted a virtual panel discussion on March 11, focused on generative artificial intelligence (GenAI) and its impact on young lawyers and the future of their practice. The panel consisted of Kurtis Anderson, associate at Kilpatrick Townsend & Stockton LLP; Kelley Chittenden, senior corporate counsel of Privacy & Information Security at Delta Air Lines; and Vivien Peaden, of counsel at Baker Donelson Bearman Caldwell & Berkowitz PC; with Nathan R. Miles, senior associate at Morris Manning & Martin, LLP, as moderator.

Miles guided the panel through assorted topics, including practical applications of GenAI and the ethical, legal and business-related benefits and risks of using such technology. In case you missed it, here are five key takeaways from the panel.

1 GenAI can be used in everyday practice.

Some of the panelists regularly leverage GenAI tools available to them in their practice. Anderson uses Kilpatrick's enterprise tools and those available through Westlaw. He often uses it to "jump start" his legal research and to find key cases. Peaden also uses GenAI tools available at Baker Donelson, which the firm provides for case and contract summaries, outlines and risk identification. Overall, the panelists agreed that GenAI was a good tool to use to kick off their work, whether that be through foundational legal research, or an initial contract review, but that we must remember to verify what GenAI produces as there are risks involved with blindly trusting such technology.



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2 Proceed with caution—GenAI is not always accurate.

All panelists warned of GenAI tools providing inaccurate results. Chittenden used a personal example of GenAI flipping the espresso to milk ratio on a recipe for a drink she knew well. She said that this made her realize it can just be "flat out" wrong, which made her question using it professionally. She stated that she wouldn't solely rely on GenAI to provide a summary of the law. Anderson also highlighted that with GenAI, while there may be a relatively low risk when using it personally, such as how Chittenden did with a recipe, when we start using it for legal purposes, it raises the risks and can have serious consequences when it is inaccurate.

3 Current laws and ethical rules don't change with the use of GenAI.

Kurtis explained that GenAI does not change any ethical obligations for attorneys, and attorneys still need to be competent, truthful and protect their client's privacy. Further, all panelists concurred that it is important to obtain the client's consent before using

GenAI tools in their representation. Vivien expanded on this by saying attorneys must confirm that the information put into the AI tools "truly protects the confidentiality of the client information."

All panelists again stated the ethical rules require attorneys to check AI results. Vivien highlighted the need to be able to spot hallucinations. Kurtis echoed, saying it was crucial to always verify legal authorities, so you don't submit fake cases to the court that do not exist.

Additionally, the panelists explained that more legislation wasn't necessarily needed. We don't need AI-specific legislation to know what to do—the current laws and regulations in place already apply to GenAI use. Vivien expressed her belief that it could just be up to the state bars and enterprises to make decisions on how they leverage the use of AI.

4 Businesses can benefit from the use of GenAI but should remain "diligent and vigilant."

Kelley supported that GenAI can be great for businesses as it can enable innovation. It permits businesses to spend more time

improving and creating new products and services by utilizing GenAI for certain administrative tasks that would otherwise take up that time. However, Vivien cautioned that both businesses and law firms need to be “diligent and vigilant” when using GenAI. She mentioned we may be seeing litigation sparked by the use of GenAI tools by businesses. She recommended businesses do their due diligence and check with their legal teams before implementing AI tools and continue to be vigilant by reviewing the impact of the use of such tools.

Moreover, the panelists agreed that GenAI use by firms may benefit businesses by reducing their outside counsel legal fees. While the panelists didn’t know exactly how that is expected to look, it was something they thought firms and businesses would be considering.

5 GenAI can help communities access legal support, but we need to protect the public when using it.

Vivien brought up that GenAI’s benefit of reducing attorney time spent on certain matters may in turn increase the time available to spend on pro bono activities and provide the community more access to legal representation. This could easily include processes that are form driven. Kurtis added that he was aware of cases in the immigration space where routine matters that would take 15 hours with counsel could be cut down to only one or two hours using AI, opening up significantly more time for talking to and providing expertise to clients.

Kelley concurred that GenAI could help with access to justice but also brought up that it could create issues with unauthorized

practice of law. Vivien also cautioned that we need to make sure we protect the community by ensuring members of the State Bar of Georgia use GenAI responsibly. For example, we should make sure AI-generated lawyer advertisements follow the ethics rules to reduce the possibility of misleading the public.

Thank you to Nathan R. Miles, chair of the YLD Business Litigation Subcommittee, along with Tayah Woodard and Javier Beccerra, who, with myself, co-chair the YLD Corporate Counsel Committee, for their hard work and dedication in putting together this amazing event and proofreading this article.

Blair Weatherly is a senior associate at Brock & Scott, PLLC in Atlanta.



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► **PRESIDENT, FROM PAGE 2**

Increased Membership Engagement

Our next goal was increased membership engagement. This year, the YLD organized 60 events including 26 continuing legal education (CLE) sessions. These CLEs accounted for 30 hours, including 1 ethics hour, 2 trial hours and 4 professionalism hours.

Bankruptcy Basics: Navigating the Law & Process

The Bankruptcy Basics CLE, co-hosted by the YLD Federal Law Subcommittee and the YLD Judicial Law Clerk Committee in February, featured an engaging discussion with Hon. Lisa A. Ritchey Craig and Megan Glimmerveen on bankruptcy fundamentals and how to navigate the legal processes involved.

What Judges Wish Young Lawyers Knew

The YLD Litigation Committee hosted “What Judges Wish Young Lawyers Knew,” featuring DeKalb County State Court Judge Phyllis Williams and moderated by Morgan Lyndall, focused on courtroom professionalism and offered practical guidance on best practices, common pitfalls and key insights judges wish every young lawyer understood before appearing in court.

Additionally, we had some great CLEs on deposition techniques, criminal procedure and jury trials in family law.

We also held more than 20 networking events, including: the YLD Criminal Law Committee’s “Judges Aren’t So Scary” Halloween event in October; the YLD Women in the Profession Committee’s “Networking on the Pitch” at an Atlanta United soccer game; and the YLD Labor and Employment Law Committee’s “Mix and Mingle” in May. These initiatives fostered a greater community among our members and provided valuable resources for professional development.

Branding and Professional Development

Lastly, we wanted to support our members by empowering them to develop their professional brand. This was accomplished by providing headshots at the Midyear Meeting in Savannah, participating in the “Building



Your Brand” CLE with Noy Group Media and panelists Justin Miller, Dayna Thomas and Jason Wiggam, as well as the “Branding With Integrity” CLE with panelists Shiriki Jones, Lester Johnson III and State Bar Immediate Past President Hon. J. Antonio “Tony” DelCampo.

We also organized swearings-in at the U.S. District Court for the Middle District of Georgia, the U.S. District Court for the Southern District of Georgia and the Supreme Court of Georgia. This was instrumental in equipping our members with the tools they need to excel in their practice.

We Did It, YLD!

We accomplished our goals, we served the community, we increased engagement with

our members and we worked on developing our professional brand. I want to express my sincere gratitude to my fellow YLD officers, the entire YLD Board of Directors and the YLD committee chairs for their invaluable guidance and support. And a special thank-you to our dedicated staff, Jessica Oglesby and Jamie Goss, who have worked tirelessly behind the scenes to make our initiatives a reality. As I transition out of the role of president, I’m filled with optimism about the future of the Young Lawyers Division. We have a strong foundation, a talented leadership team and a dedicated membership. Together, we can continue to build a brighter future for our profession. YLD

Kenneth Mitchell Jr. is a partner with Giddens, Mitchell & Associates, P.C., in Decatur.

CONGRATULATIONS TO THE 14TH ANNUAL GEORGIA LEGAL FOOD FRENZY CHAMPIONS



The Legal Food Frenzy is an effort of the Office of the Attorney General, the YLD and Feeding Georgia, a statewide network of regional food banks. The competition is designed to help the 1 in 4 children in Georgia whose families struggle to provide food for them during the summer months. This year, Georgia's legal community raised **\$787,883**. The funds raised during the competition will provide more than 3.15 million meals to the food banks over the summer months. The winners of the 2025 Legal Food Frenzy are:

Attorney General's Cup

Habachy Law
92,933 points per person

Bar President's Award

Greenberg Traurig LLP
307,519 total points

Large Firm | Total Points

Greenberg Traurig LLP
225,343 total points

Large Firm | Points Per Person

Baker Hostetler
1,058 points per person

Medium Firm | Total Points

Coleman Talley LLP
167,098 total points

Medium Firm | Points Per Person

Troutman Pepper LLP
5,170 points per person

Small Firm

Caplan Cobb
34,709 total points

Small Firm | Points Per Person

Durham Bray Law Firm, P.C.
4,549 points per person

Sole Proprietor

Page Perry
20,800 total points and
20,800 points per person

Corporate, In-House Counsel

Chick-Fil-A Legal Department
105,322 total points

Corporate, In-House Counsel

Serta Simmons Bedding, LLC
12,945 points per person

Judicial

Columbia Judicial Circuit
20,000 total points and
1,667 points per person

Legal Organization

Georgia Institute of Technology
Office of the General Counsel
104,539 total points

Legal Organization

Tifton Bar Association
2,475 Points per Person

Law School

Mercer Law School
16,932 total points

The Legal Food Frenzy is spearheaded by a team of young lawyers who oversee the promotion of the competition across the state. The 2025 efforts were led by YLD Legal Food Frenzy Co-Chairs **Ashley Akins** and **Caroline Scalf**, as well as regional representatives.

America's Second Harvest of Coastal Georgia

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Colton McRae
Susannah Pedigo
Scarlett Montano

Atlanta Community Food Bank

Ashley Akins
Brittanie Browning
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Chattanooga Area Food Bank

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Feeding the Valley Food Bank

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Food Bank of Northeast Georgia

Kirsten Pickering Charles

Georgia Mountain Food Bank

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Nicole DeLoach

Middle Georgia Community Food Bank

Virginia Josey

Second Harvest of South Georgia

Bart Davis
Tom Shaw
J.D. Sears

What Personal Injury Attorneys Need to Know About Bankruptcy



T. Alec
Chappell

Bankruptcy is a technical and complex area of law, but all civil attorneys should know at least a little about it. This article aims to teach personal injury attorneys about bankruptcy. It focuses on two concepts—property of the bankruptcy estate and judicial estoppel—relevant to personal injury counsel.

Property of the Bankruptcy Estate

Personal injury causes of action, and any resulting settlement proceeds, may be property of the bankruptcy estate. The moment a bankruptcy petition is filed, an estate is created.¹ Property of the estate is defined broadly as “all legal or equitable interests of the debtor in property as of the commencement of the case” and includes causes of action held by the debtor.² In a Chapter 7 case, only property the debtor had upon filing the bankruptcy petition becomes property of the bankruptcy estate.³

Estate property in a Chapter 13 case, however, is more complicated. In Chapter 13, property of the estate includes not only the debtor’s pre-petition property, but also property acquired “after the commencement of the case but before the case is closed, dismissed, or converted ... whichever occurs first[.]”⁴ In the Eleventh Circuit, new assets become estate property even when acquired even after confirmation of the debtor’s plan.⁵

If a personal injury suit becomes property of the bankruptcy estate, that means the debtor’s creditors are entitled to share in its proceeds. In a Chapter 7 case, the Chapter 7 trustee, whose job is to “collect and reduce to money” estate property, steps into the debtor’s shoes and may prosecute the personal injury suit.⁶ In a Chapter 13 case, the debtor has standing to prosecute the



personal injury suit and in practice usually does so.⁷

In short, a personal injury attorney must find out whether the client is in bankruptcy. If the personal injury cause of action is property of the estate, failure to get the bankruptcy court’s approval of the settlement, or to disclose the personal injury attorney’s compensation, may result in sanctions, including disgorgement of the personal injury attorney’s fees.⁸ Courts disagree as to whether the bankruptcy court must approve a debtor’s employment of personal injury counsel, but it’s best practice to seek court approval.⁹

Judicial Estoppel

Failure to disclose a personal injury claim in bankruptcy court may thwart a debtor’s ability to pursue that claim in a non-bankruptcy court. Upon filing for bankruptcy, the debtor must file schedules, a statement of financial affairs, and other papers disclosing assets, liabilities, income, expenses, and other aspects of the debtor’s financial condition.¹⁰

What if a debtor acquires a new asset, such as a personal injury claim, while a Chapter 13 case is pending, particularly after confirmation? The Bankruptcy Rules permit, without requiring, a debtor to amend schedules, statement, and other papers.¹¹ Some courts speak of a “continuing duty” to disclose, but nothing in the Bankruptcy Code or Bankruptcy Rules explicitly requires that.¹² The Eleventh Circuit has held that a Chapter 13 debtor does not have “a free-standing duty to disclose the acquisition of any property interest” after confirmation but that the bankruptcy court “has the discretion ... to require a debtor to amend his schedule of assets to disclose a new property interest acquired after ... confirmation[.]”¹³

If a debtor fails to disclose a personal injury claim (or any other claim) that belongs to the bankruptcy estate, the debtor “effectively takes inconsistent positions in the two judicial proceedings by asserting in the civil lawsuit that he has a claim against the defendant while denying under oath in the bankruptcy proceeding that the claim exists.”¹⁴ Under the doctrine of judicial es-

toppel, to protect the judicial system's integrity, a court may dismiss a civil claim if the plaintiff failed to disclose it in bankruptcy.¹⁵

Judicial estoppel is often invoked by the defendant in federal district court or in state court.¹⁶ In the Eleventh Circuit, the test for judicial estoppel is whether the plaintiff "(1) took a position under oath in the bankruptcy proceeding that was inconsistent with the plaintiff's pursuit of the civil lawsuit and (2) intended to make a mockery of the judicial system."¹⁷ Georgia applies the same test.¹⁸ So, whether a personal injury claim is brought in federal or state court, a personal injury attorney must ensure that the client disclose the claim in bankruptcy if the claim is property of the bankruptcy estate. Otherwise, the claim may be dismissed.

In sum, personal injury counsel should always know whether a client is in bankruptcy. If the personal injury claim is property of the bankruptcy estate, counsel should ensure that the debtor discloses the claim to the bankruptcy court, seek bankruptcy court approval of the settlement and disclose to

the bankruptcy court counsel's compensation in prosecuting the personal injury claim. Failure to do so could have harsh consequences for the client and for counsel.

T. Alec Chappell is career law clerk for Hon. Edward J. Coleman III, U.S. Bankruptcy Court for the Southern District of Georgia.

Endnotes

1. 11 U.S.C. § 541(a) ("The commencement of a case ... creates an estate.")
2. 11 U.S.C. § 541(a)(1); *United States v. Whiting Pools, Inc.*, 462 U.S. 198, 205 n. 9 (1983).
3. *Bracewell v. Kelley* (In re *Bracewell*), 454 F.3d 1234, 1237 (11th Cir. 2006).
4. 11 U.S.C. § 1306(a)(1).
5. *Waldron v. Brown* (In re *Waldron*), 536 F.3d 1239 (11th Cir. 2008).
6. 11 U.S.C. § 704(a)(1); *Slater v. U.S. Steel Corp.*, 871 F.3d 1174, 1180 (11th Cir. 2017) ("[O]nly the Chapter 7 trustee, not the debtor, has standing to pursue a civil legal claim unless the trustee abandons the

asset, which then returns the claim to the possession and control of the debtor.").

7. 11 U.S.C. § 1303; Fed R. Bankr. P. 6009; *Slater*, 871 F.3d at 1180; In re *Goines*, 465 B.R. 704, 707 (Bankr. N.D. Ga. 2012) (Sacca, J.).
8. See 11 U.S.C. § 329(a) (requiring disclosure of compensation by any attorney representing a debtor "in connection with" a bankruptcy case); *Smith v. Meredith* (In re *Smith*), 637 B.R. 758, 774-75 (Bankr. S.D. Ga. 2022) (Coleman, C.J.).
9. See 11 U.S.C. § 327(e); *Smith*, 637 B.R. at 774 n. 18.
10. 11 U.S.C. § 521; Fed. R. Bankr. P. 1007(b).
11. Fed. R. Bankr. P. 1009(a)(1).
12. In re *Boyd*, 618 B.R. 133, 154 (Bankr. D.S.C. 2020).
13. *Waldron*, 536 F.3d at 1246.
14. *Slater*, 871 F.3d at 1176.
15. *Id.* at 1180.
16. See In re *D'Antignac*, No. 05-10620, 2013 WL 1084214, at *4 (Bankr. S.D. Ga. Feb. 19, 2013) (Barrett, C.J.).
17. *Slater*, 871 F.3d at 1180.
18. *Fulton Cnty. v. Ward-Poag*, 310 Ga. 289, 296 (2020).



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