

Georgia State Law

ALUMNI MAGAZINE • SPRING 2016



ETHICS

plus

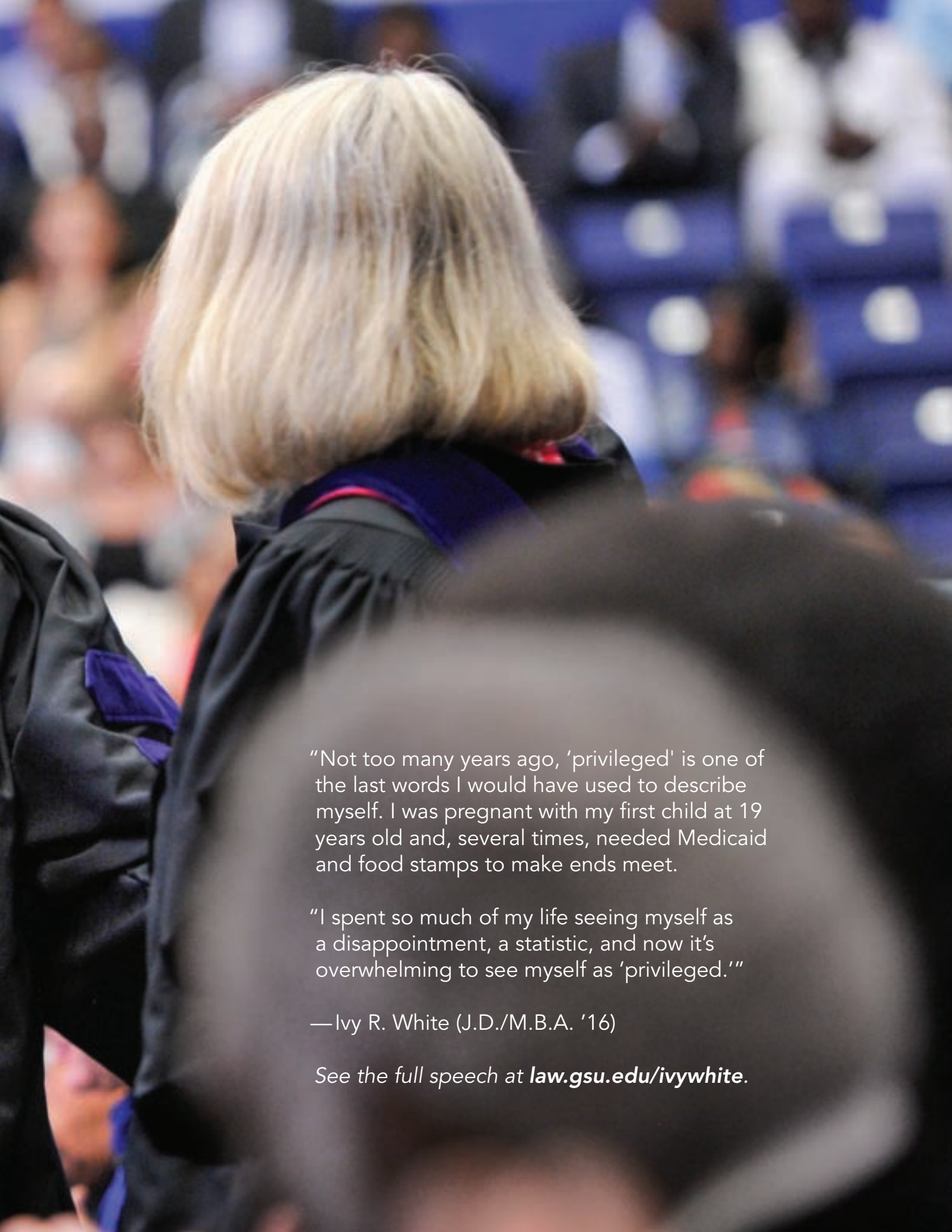
COURAGE

equals

EXEMPLARY

LAWYERS



A person with blonde hair, seen from behind, wearing a black graduation gown with a purple stole. They are standing in a large, crowded arena with blue seats visible in the background. The image is slightly out of focus, emphasizing the person in the foreground.

"Not too many years ago, 'privileged' is one of the last words I would have used to describe myself. I was pregnant with my first child at 19 years old and, several times, needed Medicaid and food stamps to make ends meet.

"I spent so much of my life seeing myself as a disappointment, a statistic, and now it's overwhelming to see myself as 'privileged.'"

—Ivy R. White (J.D./M.B.A. '16)

See the full speech at law.gsu.edu/ivywhite.

Georgia State Law

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Twitter: @GeorgiaStateLaw and @gsulawadmission

Instagram: @gsulaw

LinkedIn: Georgia State University College of Law and Center for Law, Health & Society at Georgia State University

Our deans on Twitter: @kaminshine, @profgabel and @wendyfhensel

Law school unplugged blog: law.gsu.edu/law-school-unplugged



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Georgia State Law

Dean

Steven J. Kaminshine

Editor

Wendy R. Cromwell
Director of Communications

Managing editor

Stacey L. Evans (B.A. '02)

Art director/designer

Winnie Hulme

Copy editor

Breckyn Wood

Contributors

Jessica Gabel Cino, Holly Cline,
Stacey L. Evans, Jaya Franklin,
Therra C. Gwyn, Wendy F. Hensel,
Nicole Iannarone, Jennifer Bryon
Owen, Mary Radford, Charity Scott,
Roy Sobelson, Breckyn Wood

Illustrator

Christopher Hickey

Photographers

John Amis, Jason Braverman,
Meg Buscema, Chuck Choi, Getty
Images, Caroline Joe, Judy Ondrey,
Dot Paul, Carolyn Richardson,

Brian Robbins, Steve Thackston,
Robert Toomy

Send address changes and alumni news to:

Georgia State University College
of Law, Office of Development and
Alumni Relations, P.O. Box 4037,
Atlanta, GA 30302-4037
Email: lawdevelopment@gsu.edu

Office of Development and Alumni Relations

Ely Abbott
Director of Development

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Jones Day

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Georgia Legal Services Program Inc.

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The Firm of Dawn M. Jones LLC

Aasia Mustakeem (J.D. '87)
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Justice David E. Nahmias
The Supreme Court of Georgia

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Chief Judge Thomas W. Thrash Jr.
*U.S. District Court for the Northern
District of Georgia*

Trishanda L. Treadwell (J.D. '02)
Parker Hudson Rainer & Dobbs LLP

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From the Dean

ATTICUS FINCH IN *To Kill a Mockingbird* embodies our vision of the ideal lawyer — a man with a strong sense of right and professional mission. His decision to defend Tom Robinson, a black man charged with rape in the Jim Crow South, was heroic for the time, even if Atticus' decency and modesty prevented him from viewing his behavior so grandly. For him, his duty was basic and as old as the legal profession itself — the duty to provide a voice for those who can't speak for themselves. But what does Atticus' story hold for lawyers in today's complex world of practice?

This issue takes a closer look at legal ethics and professionalism through the lens of Harper Lee's *To Kill a Mockingbird*. Faculty members and alumni talk of how the book has inspired them. In our cover story, "Ethics Plus Courage Equals Exemplary Lawyers," Clark Cunningham, the W. Lee Burge Chair of Law and Ethics, talks about exemplary lawyers who are not just the ones who win cases. They are the ones who make ethical, client-focused decisions that often require courage.

For example, two judges featured in this issue, Peggy Walker (J.D. '86) and Shawn LaGrua (J.D. '87), had the courage to take a fresh look at the issues seen in their courtrooms. Walker developed a family drug treatment program for parents of preschoolers to help prevent children from falling through the system. LaGrua created the "My Life Matters" accountability program for young offenders to stop the cycle of re-victimizing others.

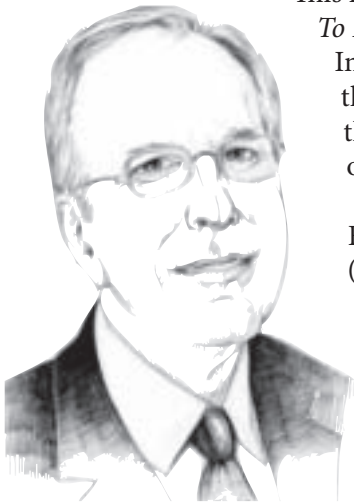
Their capacity to see beyond a judge's conventional role and show us all how justice can be both effective and restorative channels Atticus Finch. Their lawyering, or judging in their case, is but an extension of who they are — as it is with Atticus. Indeed, the genuineness we see in Atticus Finch's tender relationship with Scout parallels the care and courage we see in his representation of Tom Robinson. We see a man whose professional and personal identities are joined.

As Clark Cunningham reminds us in the cover story, commendable lawyers respond to human need. "A sense of duty and compassion becomes the foundation, and out of that comes the courage. I think that is the story of Atticus Finch."

Our faculty members encourage our students to go beyond internalizing professionalism rules to developing and sustaining a broader mission as counselors and problem-solvers and to nurture a commitment to justice that always trumps convenience.



Steven J. Kaminshine
Dean and Professor of Law



PUBLIC SERVICE AWARD

In the fourth grade, **Aimee Maxwell (M.Ed. '83, J.D. '87)** realized her purpose in life: She wanted to “save the world.”

“The world turned out to be a bit bigger than I thought it was when I was nine,” she said. So she found a more direct way to channel her passion for helping others: fighting for justice.

As executive director of the Georgia Innocence Project, Maxwell works to exonerate those who were wrongfully convicted. On May 5, Maxwell received the 2016 Ben F. Johnson Jr. Public Service Award, which is



Aimee Maxwell, executive director of the Georgia Innocence Project, with Clarence Harrison, the first person exonerated with the help of GIP.

presented to an attorney whose accomplishments reflect the high tradition of selfless public service that Georgia State Law’s founding dean, Ben F. Johnson Jr., exemplified.

“The award is one of the most prestigious honors a Georgia lawyer can receive,” Maxwell said. “Dean Johnson exemplified everything I expected a lawyer to be.”

It was at Georgia State Law that the shy Maxwell, who was terrified to talk in class, found her voice.

“During Litigation, I discovered that I could speak out for others,” she said. “Thanks to amazing professors, including **Anne Emanuel and Jodi English**, I was encouraged to pursue my interest in litigation.”

Empowered to speak out for those who weren’t being heard, Maxwell began defending the underprivileged as a criminal defense attorney. In 2002, she became the founding director of the Georgia Innocence Project. The nonprofit’s mission is to use DNA testing to exonerate those wrongfully convicted and help them rebuild their lives and to advance practices that minimize the chance of future wrongful convictions.

“As attorneys, we should all spend time speaking for those who cannot speak for themselves, and no one embodies that more than Aimee does,” said **Bryan M. Grantham (J.D. '06)**, associate attorney at Hawkins Parnell Thackston & Young LLP.

Her tireless efforts have helped exonerate six men. Many others are regaining their voices — and hope — thanks to Maxwell’s determination and unwillingness to give up, Grantham said.

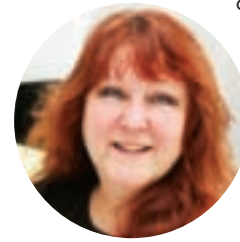
Maxwell’s passion is inspiring, said Grantham, a former GIP extern who nominated Maxwell.

“What always struck me about Aimee was how deeply she cared about her clients and, frankly, everyone in the criminal justice system,” he said. “Aimee has an ability to see humanity in people that society has cast off.”

Learn more >> law.gsu.edu/bfj2016

Associate registrar Rackliffe retires

Patricia “Tricia” Rackliffe (B.A. '89) has scheduled her last exam, input her last grade, counseled her last student. After a 32-year career at Georgia State University, including 28 years as the registrar for the College of Law, Rackliffe has retired.



Her favorite part, hands down, has been working with the students. “I love my students,” she said. “They’re fabulous.”

For the past 28 years, Rackliffe has tried hard to make the registrar’s office a friendly, welcoming place for students. “I don’t want to be just a faceless

office,” she said. “I want our

students to feel like they can actually speak to someone or just come in to chat and have tea.”

Former Associate Dean Roy Sobelson has witnessed the effects of Rackliffe’s positive attitude. “Tricia makes everyone—students, faculty and staff—feel special, treating their issues as her own,” he said. “She has a delightfully quirky sense of humor, which helps reduce the stress her constituents often feel. She is the reason students feel so at home in a place that could otherwise feel very intimidating.”

Some of those students have formed lifelong friendships with Rackliffe, who keeps in touch via Facebook and occasional coffee dates. She’s even had two generations of law students come through her office.

“I knew **Keith O’Daniel (J.D. '91)** when he was here, and then his son **Clay (J.D. '06)** and daughter **Ashley (J.D. '12)** both came here,” she said.

“They’re all wonderful. I have an orchid at my house from Ashley—my kitchen window is full of orchids from students.”

Rackliffe has seen a lot of changes at the school over the years, from gradual shifts in technology and registrar procedure to the big move to 85 Park Place last year. But despite all the good times, she’s ready to hand over the reins and pick up a leash instead.

“I want to play with rescue dogs,” she said about her upcoming free time. “But what I’m really looking forward to is not having to check my calendar whenever my husband wants to travel and say ‘Oh I’m sorry honey, I can’t go with you because we have exams, we have registration, we have this and that.’ I don’t have to check with anybody!”

—Breckyn Wood



57TH MILLER LECTURE

“Citizens in a democracy ought to be able to see their government at work in a public setting,” said **Adam Liptak**, Supreme Court reporter for *The New York Times* during the 57th Henry J. Miller Distinguished Lecture on Feb. 11.

Liptak, along with **Dahlia Lithwick**, senior editor at *Slate* and a contributing editor at *Newsweek*, and **Robert Barnes** of the *Washington Post*, spoke about “Supreme Court Transparency” and gave an inside look at reporting from the Supreme Court. **Eric Segall**, Kathy and Lawrence Ashe Professor of Law, and **Luke Donohue (J.D. '16)**, *Law Review* symposium co-editor, acted as moderators.

Social media has compressed the news cycle, making it difficult to read an entire opinion, digest the material and write about it quickly before the world has moved on, Lithwick said.

“It also creates a conversation in a way that we didn’t have before,” Barnes said, adding it is more immediate and widespread than the days of letters-to-the-editor. “The courts have made so many important decisions about American life in the last few years that there is a heightened awareness,” he continued.

The issues on the Court’s upcoming docket, such as abortion, affirmative action and immigration, play perfectly into the political debate that’s going on right now, he said, and will increase the court’s importance in the upcoming presidential election.

Learn more >> <https://vimeo.com/155029523>

Panel: Stakes high in appointment of Supreme Court justice

There was much discussion on Georgia State Law’s campus after the sudden death of Supreme Court Justice Antonin Scalia. Professors **Neil Kinkopf**, **Eric Segall**, **Patrick Wiseman** and Emory University Associate Law Professor **Alexander “Sasha” Volokh** discussed the “Implications of Justice Scalia’s Death” on Feb. 17 at Georgia State Law. The event was organized by students from the Georgia State Law American Constitution Society. “We’ve never had a moment in time like this,” Segall said.

President Obama’s nomination of Judge Merrick Garland spurred even more conversation. Read the full coverage and commentary from Georgia State Law faculty at law.gsu.edu/us-supreme-court.

LAW WEEK 2016



DeKalb County State Court Judge **Dax López** gave students tips on how to succeed in the legal profession during the Student Bar Association keynote during Law Week 2016.

The law matters because...

In celebration of Law Week 2016, students, alumni and faculty members sound off.

“It’s our opportunity to ensure the rules are built upon principles of integrity.”
—Hope Peterson (J.D. '17)

“It provides a structure for parties to air grievances.”
—Amy McCarthy (J.D. '02), career management specialist

“Of what it makes possible.”
—Patrick Wiseman, professor of law

“It helps us reconcile competing values and goals.”
—Patricia Zettler, associate professor of law

“Great lawyers can change the world.”
—Manoj Mishra (J.D. '02)

“It serves as the great equalizer.”
—Christine Lee (J.D. '16)

“It enhances people’s quality of life.”
—Nicole Henderson (J.D./M.S.H.A. '17)

“It gives everyone an equal opportunity.”
—Lucy Zhang (J.D. '16)

Read more at law.gsu.edu/law-week-2016



A SUPREME VISIT

In January, students had the opportunity to watch as the Supreme Court of Georgia heard oral arguments in two cases at the College of Law's Ceremonial Courtroom, *Cottrell v. Smith et al.* and *State v. Brown et al.* Students are, from left: **Quinn Kane (J.D. '16)**, **Max Jones (J.D. '16)** and **Luke Donohue (J.D. '16)**.

Students study in Brazil

Julian Juergensmeyer, Ben F. Johnson Jr. Chair in Law, and director of of the Center for the Comparative Study of Metropolitan Growth, and **Karen Johnston (J.D. '08)**, assistant director, led students on a trip to Rio de Janeiro and Curitiba, Brazil to study land use planning, sustainable

and equitable development, growth management and environmental law and policy as part of the International Perspectives on Urban Law and Policy course.

"Rio de Janeiro is a beautiful city, but it suffers from great social and economic inequality. The site visits into the favelas showed me a level of poverty I have never seen, but community leaders, the city and nonprofit groups are making great strides in improving their lives," Johnston said. "Curitiba was vastly different. A pioneer in public transit, Curitiba is a well-designed, sustainable city featuring a model bus system."

In addition to site visits, the group met leading academic, public and private sector professionals.



The group visited Polish Park in Curitiba, Brazil.

Tara Mitchell (M.S. '16) said the trip was an amazing opportunity. "What I was able to take away from the experience was an understanding of Brazil's complex goal of providing opportunity and housing to all of its citizens while equally working to preserve the biosphere of the country," she said. "I would definitely recommend students participate and experience the world outside the classroom!"

Olmstead Disability Rights Clinic starting fall semester

This fall, Georgia State Law will open the Olmstead Disability Rights Clinic in partnership with Atlanta Legal Aid Society's Disability Integration Project. The yearlong, off-site clinic focuses on advocacy arising out of *Olmstead v. L.C.* **Talley Wells**, Director of the Disability



Integration Project, will also serve as the clinic's director. Participating students will represent clients to help them obtain the assistance they need to live at home. They will also advocate for children with autism and behavioral

disabilities to get the support they need at school and home.

"This is a unique opportunity for students to be involved in individual representation while at the same time being part of this major legal transformation that is happening around the country and in particular making a huge impact in Georgia," Wells said.

The clinic will also serve as an avenue to increase awareness about the lives of those with disabilities and educate the public about the importance of *Olmstead*. Students will work in teams to research a legal issue that impacts children/young adults with disabilities and then conduct community education forums.

"One of my passions is to tell the nation about this critical decision, because it is transforming the country from a 19th-century system based on institutions and separating people with disabilities to a 21st-century opportunity for people with disabilities to be full members of the community," Wells said. "We have finally begun to make large steps in a 150-year-old problem of institutionalizing people with disabilities, but we have miles to go."

Wells said there is a huge amount of excitement surrounding the opening of the clinic. "I think Georgia State Law is making an impact in Atlanta and in Georgia, and I'm excited about working with the school," he said.

LL.M. graduate plans to pursue environmental law

Irish-born **Rachel O'Toole (LL.M. '16)** is a member of the first LL.M. class to graduate from Georgia State Law. Already admitted to the Georgia bar, O'Toole pursued the non-bar track, with a focus on Environmental and Land Use law.



I enjoy being able to take instruction from a client and offer the best possible legal resolution.

"It's an area I am passionate about," said O'Toole, a graduate research assistant and recipient of Georgia State University's Dean's Graduate Fellowship. "I've enjoyed studying very much, and it has been great to work with Professor Lynn Hogue."

O'Toole is a barrister at law and member of the Bar Council in Ireland. She earned a B.A. in English Literature and Legal Science from the National University of Ireland, where in 2009 she also received her LL.B. (the equivalent of a J.D. in the United States) with honors. O'Toole litigated in Ireland for three years, first practicing

family law in Dublin, next representing the city of Galway in environmental and land use matters.

An aptitude for advocacy manifested early in her career, and O'Toole was awarded a scholarship to study Accelerated Advocacy Skills at Chicago's John Marshall Law School in 2011.

After relocating to the United States with her husband, psychotherapist Sohail Butt, O'Toole passed the California bar in 2014, as well as the Georgia bar in 2015. The couple moved from California to Fayetteville, Georgia, because "it felt like home," she said.

O'Toole moved fluidly from the common law system in Ireland to legal practice in the United States, though she notes some differences.

"In the U.K. and Ireland barristers work as independent litigators," she said. "They are members of an independent referral bar and are not permitted to form allegiances or partnerships, unlike in the United States."

Barristers are similar to trial lawyers in America, with solicitors being akin to transactional attorneys in the states.

O'Toole is a part-time researcher for the international law firm Carreras & Lemoine, often working in tandem with attorneys from France, England and Belgium. She also is registered as a certified mediator with the Georgia Commission on Dispute Resolution.

In rare spare time she participates in outdoor activities and exercises her artistic side through woodcarving and oil painting. She describes herself as a competitive badminton player and avid hiker.

But her passion is the field of law. She looks forward to the daily practice; she takes pride in providing excellent service to clients.

After graduation, she hopes to work in environmental law, land use or perhaps another civil practice area.

"I'm open," she said. "Hopefully it will be in an area where I have frequent client contact. I enjoy being able to take instruction from a client and offer the best possible legal resolution."

O'Toole said she will miss the warmth and intellectual stimulation offered by her professors, deans and fellow students.

"Georgia State University College of Law and its staff will always occupy a special place in my heart," she said. — *Therra C. Gwyn*

2016 SPRING GRADUATES

J.D. graduates: **175**

LL.M. graduates: **15**

No. of pro bono hours: **12,000 +**

Graduated with academic honors: **67**

Class Gift Scholarship Fund: **\$5,600**

COMMENCEMENT ADDRESS

"Attorneys make up less than one-third of one percent of the nation's population. With that role comes an awesome power and an awesome legacy," said **Kevyn D. Orr** of Jones Day.

Orr asked the graduates to be courageous, ethical and creative. "Go forth and be the leaders that you were born to be."

STUDENT SPEAKER

"I spent a good part of my life making myself small [and] doubting myself," said **Ivy R. White (J.D./M.B.A. '16)**. "I applied only to Georgia State, because I wanted to go to a school where the things that made me diverse were seen as assets, not liabilities ... and here I am, no longer shrinking myself."

White shared the mottos that got her to law school: "Don't ever shrink yourself or make yourself small, because the dream is free, but the hustle is sold separately—so just do it."

See videos of speeches at vimeo.com/167120337.



Father and son share more than their legal degrees

Robert Bourne (J.D. '88) and his son **Elliot Bourne (J.D. '16)** share more than fond memories from the same alma mater. Their names are engraved on side-by-side lockers at Georgia State Law.

"It is a great source of pride for me that my son is going to be a lawyer and equally pleasing that he is a graduate of my law school," Robert said. "I thought it would be cool if we both had our names on lockers in the law building in honor of the fact."

Robert has his own practice, Robert E. Bourne Law, and represents clients in auto accident, wrongful death and workers compensation cases. His example ultimately attracted Elliot to the legal profession.

"From a young age, I had a good feeling of what practicing law is like based on what my dad did. It was something that I could see myself doing," he said.

With an undergraduate degree in philosophy, Elliot's initial plan was to get a job in that field.

"I studied philosophy because I was passionate about the subject, but the job market for philosophers is not all that great," he said. "I thought law school was a logical step, as both disciplines involve a lot of reading and reasoning skills."

Elliot plans to pursue a job in prosecution after passing

the bar. "My criminal procedure classes were some of the most interesting in law school, and my externship with the Fulton County solicitor general was a rich and rewarding experience," he said.

As Elliot's career as a lawyer is just beginning, his father has more than 28 years of experience — and valuable knowledge to share. Robert hopes that his son experiences the same rewards he has had as an attorney.

"There is great satisfaction when you know you have worked hard on a case and your client is grateful for what you have done for them," he said. "What gives me the most joy about practicing law is the knowledge that I have made a difference in my client's life."

Though the type of law father and son practice may differ, their legal career path has the same beginning — it started at Georgia State Law. Their locker nameplates are a small yet significant representation of that.

"I am happy to have my name on a locker," Elliot said. "I've always wanted to have my name on something."

The locker nameplates are available for \$1,000 each. For more information, visit law.gsu.edu/lockercampaign.

— Holly Cline

In their words | *Two judges on rehabilitation programs they started*



FAMILY DRUG TREATMENT

Judge Peggy Walker (J.D. '86)

What led you to become a judge in juvenile court?

Becoming a juvenile court judge was not part of my career plan. I was new in Douglasville and wanted to learn about the community and people, so I volunteered to work in juvenile court and found a career that I love where I can use my education as a former teacher and as a lawyer.

You created a program that helps parents with substance abuse problems who have children age 5 and under. Why is it important?

Children under the age of 4 have the highest risk of death in our state, stay in foster care longer and are more likely to reenter foster care than any other age group. When meth hit us so hard, the degree of neglect for infants and toddlers

"I am never willing to settle for the status quo. I believe we can do better even within the limited resources we have."

was frightening. I wanted to serve this preschool population because of the danger of drug-addicted parents caring for very vulnerable children. It has been a great success. We have had nine drug-free babies born to participants. One participant has become a peer advocate and works with our team.

What motivates you to continue doing the work you do?

I believe in the resiliency of children and families. I know if there is just one person who loves and nurtures a child, that child has the potential to succeed.

You are involved in many organizations and committees focused on the well-being and safety of children. What drives the passion you have for these issues?

I am a problem solver. I can read research and understand its application to policy and practice. I also am able to teach others how to implement best practices. I am never willing to settle for the status

quo. I believe we can do better even within the limited resources we have.

What is the most challenging issue in juvenile court?

The most challenging issue in all courts is the absence of a mental health system. Also, we use mental health and mental illness interchangeably, but they are very different. In our work, we plant seeds. If we do not address trauma and do not identify all of the issues, we plant the seeds for mental illness. If we treat the family as a whole and address all the issues using science to guide our practices, we plant the seeds for good mental health.

What advice do you have for law students?

They should volunteer and make contacts that will help them get the job they want. I also want students to know the importance of personal integrity. Many times they will face difficult decisions. My advice is do not choose what is easy, do not choose what is best for your career. Choose what is right and everything else will fall into place, because you will have earned the respect and admiration of those who lack your same courage. My last piece of advice is to remember that work is work, but life is faith, family and fun. You must make room for both to survive and to thrive.

Peggy H. Walker (J.D. '86) is the chief judge at the Juvenile Court of Douglas County and the immediate past president of the National Council of Juvenile and Family Court Judges. She is vice chair of the Georgia Child Fatality Review Panel.

“One thing I’ve realized over time is that we have to distinguish between violent offenses and violent offenders.”

**Judge Shawn Ellen LaGrua
(J.D. '87)**

Tell us about the “My Life Matters” program that you started.

I realized that we did not have options for 16- to 29-year-old offenders who were committing violent and semi-violent acts except to put them in prison or back in the environment they came from. I thought there had to be a better way. I took accountability court models and applied them to this program, which involves my courtroom, the district attorney’s office, the public defender’s office, the probation department, social workers and other programs. We put selected offenders into a structured environment. They have to be in school, or employed if they have graduated. They have a curfew, are subject to random drug screenings, have to maintain a B average and have to submit handwritten book reports.

Each month, we meet in the courtroom with about 90 participants. The sheriff’s department lovingly calls my program the “happy clappy court” because we clap when people do well, and it’s a fun day. The participants interact with one another. If someone isn’t doing well, they tell them how to do better.

How successful is the program?

We have had over 400 people in the program since it began about five years ago. A number of them came in with pretty serious offenses, and now, five years later, they have not gotten in trouble, have received an education and are working. One former gang member is working in community outreach at the Atlanta Police Department.

What motivates you to continue this program?

Having spent over 20 years in the criminal justice system as a prosecutor, I saw the good that came out of it for the victims, but never the good that came out of it otherwise. And here, you see folks that have had real challenges. Most of these young people are missing two things in their life — aside from parental guidance and a family unit: there are no expectations of them or accountability, and there is no reward and praise when they do something well. When you give that to them, you often see a whole different individual.

If they get in trouble, they come running here to tell me before I hear it from someone else. They also call or come by to tell us good news.

Why is it important to give these young offenders a second chance?

If you get robbed at gunpoint by an 18-year-old who shoves you, I can’t make a cogent argument to you that he shouldn’t go to prison. The problem is, what do we do in 10 years when this young man — who has an eighth-grade education at 18 and no job skills or family support — gets out? He will probably be more violent than he is now, he has

MY LIFE
MATTERS



little chance of getting a job and he’s not going to go back to school — it’s likely he’s going to re-victimize. So, we can take an opportunity now to try and turn that tide.

One thing I’ve realized over time is that we have to distinguish between violent offenses and violent offenders. An armed robbery is a violent offense, there’s no question. But is this offender somebody that can be rehabilitated?

It was the participants who named the program “My Life Matters.” I think they chose that because, until they got into the program, I’m not sure many of them thought their life mattered. This is the first time many of them have been held accountable for their actions and praised when they do something good.

Shawn Ellen LaGrua (J.D. '87) is a Fulton County Superior Court judge and vice-chair of the Georgia Commission on Family Violence.



ETHICS
plus
COURAGE
equals
EXEMPLARY
LAWYERS

by Jennifer Bryon Owen

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Claiming the number one spot in the American Film Institute's "Top 50 Movie Heroes of All Time" is a lawyer—Atticus Finch. That is, Atticus Finch as played by Gregory Peck in the film version of *To Kill a Mockingbird*.

Although possibly enhanced by the movie version, it was the book that influenced untold numbers to enter the legal profession. The aura cast by the fictional Atticus—a commitment to justice, especially for the downtrodden; ethical behavior; wise counsel; consistent example; and courage—provided inspiration worthy of a career.

Even though last year's release of a second book, *Go Set a Watchman*, reveals an unsavory side of the Atticus who has inhabited the literary world for almost 60 years, his reputation seems unsullied. He remains an example of ethical conduct. While attorneys may be talking about the controversy surrounding the new book, they don't seem to have it in their nightstand reading-stack.



Christine Koehler

Christine Koehler (J.D. '95), who has read *To Kill a Mockingbird* numerous times, said the book helped her decide

she wanted to be a lawyer for the underdog: a criminal defense attorney who goes up against great odds.

Along with a partner, Koehler has a firm in Gwinnett County, Georgia. A significant part of her practice stems from the eight years she served on the state bar's investigative panel, with one of those years as its chair.

The aura cast by the fictional Atticus—a commitment to justice, ethical behavior, wise counsel, consistent example, and courage—provided inspiration worthy of a career.

"I am no longer on the panel, but I represent lawyers who are accused of ethics violations by the state bar or who have complaints filed against them," Koehler said.

Her cases include everything from lack of diligence on a case, to dishonesty to the tribunal, to violation of escrow accounts by mingling personal funds with escrow funds.

She has represented lawyers who have disgruntled clients. In many cases, those unhappy clients are using social media to air their grievances.

In Koehler's view, the impact of social media can create huge ethical issues, both for attorneys and clients. For example, an attorney runs the risk of breaching confidentiality when using social media as a self-promotion tool.

"It's tempting to post about our successes and interesting cases we've had, especially if you're in private practice and part of your job is a little bit of self-promotion," Koehler said. "One of the hardest things to do is strike a balance between letting folks know you do a good job and maintaining the privacy or confidences of your client."

Conversely, when a client uses social media to let the public know they're dissatisfied with their attorney, it is natural for the

Watchman: was Harper Lee "humbled and amazed" or exploited? by Mary Radford

In February 2015, Nelle Harper Lee stunned the literary world by announcing that she would be releasing for publication a second novel, *Go Set a Watchman*. The author stated in a press release that she was "humbled and amazed that this will now be published after all these years." Almost immediately, speculation began as to whether the decision had been an attempt by her lawyer and others to exploit the reputation of a vulnerable older woman who was in ill health and resided in an assisted living facility.

When *Watchman* was published in July 2015, the speculation turned to certainty in the minds of those who believe the novel portrays the iconic Atticus Finch not as the progressive lawyer who had eloquently defended a black man accused of rape in *To Kill a Mockingbird* but rather as a segregationist and, in the minds of many, a racist. Many were convinced that Harper Lee

would not, of her own free will, publish a book that would so shatter the heroic status that Atticus Finch (who was modeled after her own father) enjoyed among most of the readers of *To Kill a Mockingbird*.

Those who suspect that Lee was one of the many older Americans who are exploited by their families, caregivers and trusted advi-



sors question why the author would release this novel after refusing to publish anything for 55 years. During most of those years, Lee's business affairs had been handled by her sister and lawyer, Alice Lee. In 2007, Harper Lee suffered a stroke that left her nearly blind and nearly deaf, and she moved to an assisted living facility.

In 2011, Alice Lee retired (at age 100), and Tonja Carter, a young lawyer in Alice Lee's firm, took over the handling of Harper Lee's estate. Soon after this "transfer of power," the usually reclusive Lee became involved in a series of lawsuits and disputes that were spearheaded by Carter. Many who knew the author opined that such actions were not characteristic of her, particularly the suit in which she accused the small museum in her hometown of Monroeville, Alabama, of exploiting her name and fame without paying her compensation.

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attorney to want to defend the handling of the case.

"Again," said Koehler, "you have to be careful to do that in a way that doesn't violate bar rules or compromise the client's privacy." She recommends that attorneys not respond directly to a negative posting but try, instead, to make numerous positive ones available.

Before social media, controlling client communication with the public was easier because the attorney was the go-between in releasing news.

"Now they control their own exposure," Koehler said. "It's important early on to make sure you're both on the same page about posting information about the case on social media. Ultimately, it is the client's decision, but if they are doing it in my cases, usually it is against legal advice."

Noting how tight-knit the legal community can be, Koehler believes that with modern technology, the discovery of ex parte communications, in particular those between judges and prosecutors, have come to light, and significant fall-out from that is being seen.

"It is important to remember how inappropriate a casual conversation can become when one of the parties isn't present," she said. "I don't know that the ex parte conversations are happening more frequently; in fact, I doubt it. But the discovery of them is happening more frequently, and we are seeing other members of the legal community take it very seriously."

"I remind folks that they are working within a community, and it is important to try to get along with your peers, but it cannot be at the expense of the client and of the bar rules,"

Koehler continued. "It's hard to remember sometimes, especially if you are going back with that same prosecutor and judge on the next case."

Similarly, the client must remain the sole focus of accountability courts. Previously, a team environment designed for the benefit of the client did not exist.

"Good and bad come with accountability courts," Koehler said. "It's good that everybody is working toward a common goal. It's bad in that sometimes folks forget they remain an advocate for the defendant."

Koehler foresees the ethics of government attorneys and prosecutors coming under a microscope, a move aided by media coverage of exonerations of people wrongly convicted. "There's been a shift," she said. "People want to know if this is a win-at-all-costs prosecutor. Behavior of unethical prosecutors will not be ignored."

Change within the system will come much quicker if those on the inside take action, Koehler said.

"Nobody wants to file that unpopular motion or file to recuse that judge, but sometimes that's what is appropriate," said Koehler. "You're sick to your stomach doing it, but you do it."

A quote from Atticus Finch in *Mockingbird* helps her through the difficult times: "I wanted you to see what real courage is, instead of getting the idea that courage is a man with a gun in his hand. It's when you know you're licked before you begin but you begin anyway and you see it through no matter what. You rarely win, but sometimes you do."

Alice Lee died in 2014. Less than three months later, Carter announced on behalf of Harper Lee that Carter had "found" the *Watchman* manuscript in a safe deposit box and that her client wished for the book to be published. Competing accounts indicated that the manuscript had not been fortuitously "found" in 2014 but rather discovered by Carter and two others in 2011. Some speculated that Carter had purposely delayed acting on the manuscript until after Alice Lee's death. The Alabama Securities Commission and Department of Human Resources received an anonymous report that Harper Lee was the victim of "elder abuse," but upon investigation, it closed the case without taking any action.

HarperCollins Publishers sold over one million copies of *Watchman* in the first week of publication. Apparently no one at the publishing house ever spoke directly to Lee

about her desire to have the manuscript published, but rather worked through Carter.

The mystery surrounding the publication of *Watchman* is a vivid example of the difficulty our society faces in discerning whether an individual of advancing age and decreasing mental and physical abilities is acting according to her own free will or is being exploited by others for their own profit.

There may be an entirely different side to the *Watchman* publication story. Supporters of Carter claim that she was Lee's truest friend and would never do anything to hurt her. One of the author's literary agents, Andrew Nurnberg, recounted that he had spoken to Lee about the book and reported that "she is both delighted and enthused that it will now be published." In an interview with the *New York Times*, Carter reported that Lee was "hurt and humiliated" that

she was being forced "to defend her own credibility and decision making." Through her publisher, Lee issued a statement that she was "happy as hell with the reactions to *Watchman*."

The true story behind Lee's decision to publish *Watchman* may never be discovered. She died in February. Ten days after her death, at the request of Carter, who had become the executor of Lee's estate, the probate judge sealed the probate records so that the contents of her will cannot be publicly disclosed. We will never be able to "climb into the skin" of Harper Lee, which, according to Atticus Finch, is the only way "to really understand a person."

Professor Mary Radford teaches in the areas of Wills, Trusts and Estates, and Elder Law. She has written numerous articles and books, including Georgia Guardianship and Conservatorship.

Can Atticus Finch be an ideal lawyer and an imperfect person?

by Nicole Iannarone

Author Harper Lee constructed an indelible portrait of a lawyer in *To Kill a Mockingbird*'s Atticus Finch. Though she herself was not a member of the legal profession, Lee's depiction of Finch helped generations understand and deconstruct the complexities of lawyers' competing responsibilities to clients, the justice system and to themselves.

Veteran attorneys are well aware of the struggles, external and internal, that lawyers face on a day-to-day basis when representing clients. And it is hard to prepare law students for the real challenges of client representation.

In *To Kill a Mockingbird*, Scout Finch returns to her childhood to reflect upon the events that shaped her. Along a similar vein, in our first Professional Responsibility class, I ask students to imagine that they are at the end of their legal careers and to recount who they were as a lawyer and the impact they had, focusing on the potentially competing interests to clients, the legal system and to the lawyer as her own person.

Invariably, the class discussion includes the very issues Atticus faced in *To Kill a Mockingbird*. When students reflect upon what caused them to seek out

law as a profession, Atticus Finch is always part of the conversation. Whether through Lee's text or Gregory Peck's seersucker and horn-rimmed-spectacled portrayal, we all identify with the character who does what we all hope we would do and is the type of person we would want to be.

Although it has been on my list for quite a while, I haven't read *Go Set a Watchman*. My excuse? Lack of time. To be completely honest, perhaps I haven't yet picked it up because press coverage suggested it paints a portrait of Atticus Finch that won't match what I loved most about *To Kill a Mockingbird*.

Whether Atticus Finch is the lawyer we revered in *To Kill a Mockingbird* or a fallen idol with beliefs that we disdain, Lee's writing nevertheless helps us understand who lawyers are. We are public figures, advocating for clients who are unpopular or with whom we personally disagree. We work within a justice system that is not always just. And we are human and imperfect.

Nicole Iannarone is an assistant clinical professor and director of the Investor Advocacy Clinic. She teaches Professional Responsibility, Business Arbitration Practicum and Complex Litigation. Iannarone is a frequent speaker on issues of legal ethics and professional responsibility. She serves as the chair of the Atlanta Bar Association's Reputation and Public Trust Committee, vice-chair of the State Bar of Georgia's Professionalism Committee and is a member of the State Bar of Georgia's Formal Advisory Opinion Board.

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A shrinking sense of community

Mockingbird didn't directly affect the circuitous route Kelli Wolk (J.D. '99) took to becoming a Cobb County, Georgia, probate judge. But she is aware of how the portrayal of Atticus Finch in *Mockingbird* — as an attorney trying to make the world a better place — has impacted lawyers.

"It is a pretty selfless and worthwhile intention that motivates some people to go to law school," Wolk said. "The guy doing right and being a hero to his family, even though it may not be the easiest thing, is a really appealing theme."

This may have been easier, she thinks, in Atticus' day in a small town where there were only a few attorneys and everyone knew everyone else. Today's practice of law is not as intimate in many places.

"It's a different atmosphere when you have a thousand practicing attorneys in Cobb County, most of whom you don't know," Wolk said. "You're not going to have to face those same people and own up to your questionable behavior."

While skirting edges and pushing limits are no less acceptable, there is a little less day-to-day accountability. The subtlety of doing the right thing because it is the right thing to do for your community is getting lost, she said.

Kelli Wolk

"It's all about the chair," Wolk said, illustrating her point with a story. In the 1800s, a person living in the "little house on the prairie" built a chair that was likely to be used by someone they knew. Today, a person building a chair is likely making it for someone they don't know, so the builder is less invested in constructing a quality chair.

"As the world gets less interconnected, every chair gets built differently," Wolk said. "If anybody is even in the slightest way cutting their social responsibility, the snowball effect means that each chip adds up to a pretty big pile of disregard at the end."

It can be difficult for lawyers to "do the right thing, the noble thing" as *Mockingbird* illustrated, she said. But an attorney's partners, support staff and their families are all impacted if he or she does something unethical. The possibility of future financial ruin looms if the client base dwindles because the firm's reputation is tarnished, Wolk said.

Ethics in probate generally focus on confidentiality and discerning, in family situations, who is the actual client, made more difficult, again, by today's lack of intimacy. People once knew their neighbors; today, children fly in, sign papers and leave. Probate attorneys have to balance legitimate concerns of the client with the rules of the court, and perhaps most important to Wolk, explain to clients why accomplishing their goals may not be in their best interest. Then, there's the constant reminder to clients about venting through social media.





“Every family is unique in the way that things manifest themselves,” Wolk said, “but the lawyer’s job in terms of getting information, making the objective decision, explaining it to their client, laying out a clear picture of what is going on to opposing counsel and presenting it, ethically, to the court is pretty solidly what it has been for centuries.”

Atticus as an exemplar

Clark Cunningham, professor and W. Lee Burge Chair of Law and Ethics, said he can’t think of any other book that comes close to being as influential as *To Kill a Mockingbird* in leading people to become lawyers. Atticus Finch, he notes, provides a stellar example of courage and ethical behavior.

At his previous law school, one of Cunningham’s students wrote a thought-provoking paper that challenged his educators for not providing examples of good lawyers. Partly in response to that paper, Cunningham designed a course, “Professional Responsibility: Heroes and Villains,” that is now taught under the title “The Client Relationship.”

“... To use your intellect, your energy, your training and the wonderful world of law to help [a client] through a difficult time is just a great job, a great way to live.”

“The way I previously taught the required professional responsibility course, and the way most people would, was almost certain to make students cynical, because the only lawyers that students encountered in reading cases were those who were incompetent or getting disbarred or sued for malpractice,” Cunningham said.

Cunningham also wanted to instill more than just the rules of the bar in his students by featuring positive role models.

Exemplary lawyers are not just the ones who win cases, he said. They are the ones who make ethical, client-focused decisions that often require courage.

During the more than 20 years he has been teaching this course, he’s found that combining case studies with role-play is effective in helping future attorneys enter the field in a more positive way.

“I found it better for them to learn firsthand through simulations, such as a meeting with a client where they have to deal with such things as wondering if the client is telling the truth, or having to advise a client on whether or not to settle a case,” Cunningham said.

It’s important to remain client-focused and not betray trust, Cunningham said.

“What I love about being a lawyer, and what I want to convey to students about what is best about being a lawyer, is having a client,” Cunningham said. “Typically, a complete stranger comes to you with a problem. It is stressful to them, important to them. They will tell you things they would tell only a priest. They do this because they believe you will act in their interest and they can completely trust you. That’s an extraordinary job to have.

“To be able to be there for someone and to use your intellect, your energy, your training and the wonderful world of law to help them through a difficult time is just a great job, a great way to live,” he continued.

Georgia State Law’s expansion of clinical work for students during the last 10 to 15 years is a huge factor in helping students transition from a pupil to a professional who grasps what it means to be client-focused. Understanding the ethical issues facing attorneys is part of the clinical work.

Cunningham advocates that students’ entire law school experience be designed as a guided path toward ethical legal representation. His work with the National Institute for Teaching Ethics and Professionalism, which is housed at Georgia State Law, provides a forum for ideas and methods for best practices in reaching these goals.

Cunningham is writing a book, *Being a Lawyer, Becoming a Hero*, that features lawyers who are positive role models.

“These lawyers responded to human need,” he said. “A sense of duty and compassion becomes the foundation, and out of that comes the courage. I think that is the story of Atticus Finch.”

He notes that Atticus’ job description did not require him to sit outside the jail, putting himself between his client and the townsmen. Instead, his professional role put him in harm’s way, in that representing an unpopular client meant Atticus might lose clients and garner criticism.

“We don’t remember Atticus because he was a skillful courtroom litigator,” said Cunningham. “We remember him for his bravery, his kindness, and I would say, for his deep morality.”



Finding SOLACE

by Jessica Gabel Cino

I first encountered *To Kill a Mockingbird* in the sixth grade. I'm fairly certain I ended up buying the CliffsNotes because I had trouble distilling and plucking out the themes to "journal" about in my English class (this was before you could pull up a plot summary on Wikipedia).

I would love to say that the book left a profound impression on my young mind, but I pretty much left it where I found it. I didn't really think about it again for many years — well after my interest in doing death penalty work led me on a path to law school (and despite the fact that my older brother constantly referred to Atticus Finch as a much-revered idol).

Fast forward to just a few months into the practice of law when a Mississippi death penalty case landed on my desk. That one case taught me how to be a lawyer. The first time I met my client, a black man sentenced to death for the fatal shooting of a white police officer, I saw the humanity in my work, and I poured everything I had into that case.

In a few months, the case made it to a hearing on a new trial in rural Mississippi. Later, I would think that the courtroom was right out of the movie version of *To Kill a Mockingbird*. There was an upper level and lower level. The air conditioning did nothing to cut the stifling late-summer humidity. The attendees sat in their "respective" places: Whites sat behind the prosecutor's table; blacks sat behind us. My client was in a bulletproof vest because of the heightened racial tension in the small, Southern town.

It was my first argument without the training wheels I had in law school. No other lawyer could argue this for me if I stumbled. I struggled to set aside feelings that I was ill-equipped to argue that the court should spare the life of a young father who had no criminal record. Instead, I had to believe that after all of my investigation and preparation, I was the only one who could argue it. I presented the evidence and laid out the legal arguments. Was it seamless? Not at all. I shook a little until I

got my stride and even at the conclusion of my argument, I got choked up and my voice cracked.

By the time I finished, it was past dinnertime, but the judge wanted to rule on the death sentence that night. After an excruciating 30 minutes, the judge returned and in an unprecedented move ruled from the bench that my client should immediately be removed from death row. It was a small victory, since we still needed to undo the conviction, but nonetheless the

The next day I returned to my office—exhausted and embarrassed about my display of emotion in open court—and found a copy of *To Kill a Mockingbird* on my desk.

courtroom erupted into sobs and screams, and sheriff's deputies immediately removed my client for safety reasons. As for me, I sat on the bathroom floor of that dusty (and probably germ-riddled) old courthouse and sobbed until I ran out of tears.

The next day I returned to my office in San Francisco—exhausted and embarrassed about my display of emotion in open court—and found a copy of *To Kill a Mockingbird* on my desk. No note—just the book. I still don't know who left it for me. I took a vacation, brought the book with me, and ended up reading it twice (no CliffsNotes this time). Having lived through my experiences in Mississippi, I found solace in the pages. It taught me that it was OK to experience emotions and empathy in my case work and in my own life. It also reminded me of all the reasons I went to law school.

News of Harper Lee's passing brought back many of those feelings. Her characters so masterfully revealed their shortcomings and vulnerabilities while sorting through the difficulties of doing the right thing. At the same time, Lee managed to capture a challenging world of hope and curiosity—which, in my view, is the very definition of the practice of law.

To Kill a Mockingbird served such a great purpose for me. I picked it up when I needed something familiar and when I was in the throes of another death penalty case. It may recount simpler times, but it faces the same problems that we struggle with today. I don't think it will ever go out of style (and I probably won't read the follow-up, since I don't like tarnished memories of my fictional heroes). I know it was a book that inspired many to go to law school, but for me, it inspired me to keep doing the difficult cases and even to go on to teach.

Jessica Gabel Cino, associate dean for academic affairs and associate professor of law, teaches Forensic Evidence, Forensic Medicine, Bankruptcy and Contracts. Her primary research focuses on fraud and ethics at the intersection of law and science.

Wrongful conviction?

Cino and students create podcast about old murder case

A cold-blooded murder in a small Georgia town is blamed on an outsider, a young black transplant from California. He's arrested despite no physical evidence connecting him to the crime. A bungled investigation fails to recover evidence that later will prove vital. Those testifying against him include a jailhouse snitch and a newspaper carrier who claims

she saw the gunman clearly, in the middle of the night, driving the victim's car at a high speed across a parking lot. A coworker disputes her testimony at trial and later asserts that she lied to claim reward money. Police pressure others to finger the outsider. A nearly all-white jury convicts him—life without parole.

Fifteen years pass. During that time, all witnesses recant except the newspaper carrier.

DNA evidence is found that points to another man. Scandals have rocked the local justice system, including case fixing, sexual misconduct with an informant and charges of obstruction of justice. The outsider maintains his innocence and remains in prison, hopeless and out of legal options. A community is haunted with questions: Will an innocent man die in prison? Did the true murderer escape justice, and would those he later killed still be alive if he had been convicted for the first homicide?

It may sound like the premise for a compelling novel—but it is reality. A true story that is too often repeated in a broken justice system, according to Jessica Gabel Cino. She and several students are investigating and creating a podcast about the case of Devonian Inman, who was convicted in 2001.

The thorny legal issues raised in this case are plentiful, Cino said. Among them: law enforcement and the prosecution tried to make evidence fit their theory of the case; no evidence mentioning an alternate suspect (whose DNA was later found on a homemade ski mask in the victim's car) was allowed in the first trial, yet Inman's juvenile arrests were allowed in; and the jury sentenced Inman even though they had doubts about his guilt. More recently, when the DNA evidence was presented at a 2014 hearing, the prosecution changed its theory of the case.

"The indictment charged only Inman with this crime—no conspirators," Cino said. "But when the DNA testing came back, all of a sudden the prosecution said Inman committed it with a group of people."

Cino and students hope to raise awareness and amplify the conversation about problems in the criminal justice system by engaging the public in this story.

Read more at law.gsu.edu/donnabrown and convictionpodcast.com.



THE ETHICS ISSUE

ETHICAL HYPOTHETICAL:

Nonrefundable fees and reporting friends

Here's a hypothetical about fees. Given its lack of complexity, commonality and lawyers' need for a clear answer, it ought to be simple. If only ...

You and law school classmate Bess share office space in a Georgia town. You handle divorces, and Bess caters to small businesses. Over lunch, Bess tells you that five days ago she signed on a new client, NC. NC's work had several subparts to be done in order, but nothing could be done until Bess received some critical information. That was supposed to take about a week. The written contract provided for a \$50,000 retainer applied against hourly billings, \$15,000 of which was "nonrefundable, earned upon payment." NC gave Bess two checks, one for \$15,000 and one for \$35,000. Two days later, before Bess received any information or did any work, NC backed out, demanding all his money back. Bess says to you, without a hint she's seeking advice, "Forget that! I'm keeping the \$15,000. It was nonrefundable."

You're probably thinking that I'm going to ask you whether Bess may charge a nonrefundable fee here. Interesting question, answered somewhat ambiguously by Formal Advisory Opinion 03-1. We'll circle back to that issue.

Before we do, let me ask my real questions. There are two. First, did Bess have to put that \$15,000 check in her trust account, or could she put it in her operating account? If it were immediately earned, then it was Bess' money the minute NC gave it to her, right? No need to put one's own money into a trust account; that's not what it's for. But if not, then it was NC's money until Bess "earned" it. In that case, it should go into Bess' trust account, where there is no risk that her own problems might jeopardize NC's money. That is what a trust account is for. Since trust account violations are the quickest route to disbarment, we need to get this right. The answer to the trust account question is surprising, but before we tackle it, let's mention the second question.

This one is harder, because it's not just a legal question. It's also about friendship and living in the real world, as opposed to the law school world where we met. The second question is: Should you report Bess to bar disciplinary authorities if she

violated the rules by entering into this contract, insisting on keeping the money or (maybe) putting the check directly into her operating account?

Let's start with reporting Bess. After all, if you'd never report her for anything, the particular offenses she might have committed don't really matter. So let's stipulate that keeping money you're not entitled to, or committing a trust account violation, are each serious enough to warrant a careful consideration of your reporting obligations.

Should you report your friend?

So, ask yourself honestly. Assuming that one or more of Bess' actions were improper, should you report her? If history is any indication, the answer for most of us is "maybe so, but I wouldn't." Why? First, this may have just been an "error in judgment." That's easy enough to fix here, so let's move on. Second, Bess is your longtime friend and business colleague. That all goes out the window the minute you report her. The same would be true with almost every lawyer you know. You'd worry about becoming a pariah among your fellow professionals. Third, you could easily find yourself in a position like Bess' someday. Do you really want your colleagues reporting you?

And finally, there are the rules you're sworn to follow. Unlike 47 other states, which *require* you to report serious misconduct, Georgia's Rule of Professional Conduct 8.3 says you *should* report. Lest there be any doubt about the significance of that word, the rule goes on to say "There is no disciplinary penalty for violation of this rule." So that means you don't have to report it — but that wasn't my question. My question is whether you should.

Are there any reasons you *should* report? Three stand out here. First, it's damaging to NC, who paid \$15,000 for nothing. (Yes, he got Bess' "loyalty" for two days, but is that really worth \$15,000? At a minimum, shouldn't Bess be asking that question?) Second, putting it in the operating account could mean that it's now gone, leaving Bess with no way to repay it. And third, nonreporting makes it easy for violators to harm current and future clients.

In the end, the best reason not to report is your concern for your relationship, isn't it? That's not easy to ignore, but it's hardly a sufficient basis for potentially undermining the strength of our entire disciplinary system. (And let's be honest. Would your



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Let's be honest. Would your answer really change if it were someone you didn't know all that well?

though you might not ultimately get to keep some or all of the money, you still don't have to put it in your trust account. That pretty much defeats the point of a trust account, doesn't it? Once again an unsatisfying answer, but at least we have one.

So, let's wrap up. You can charge a nonrefundable retainer, but you might have to give some of it back. In my book, that's not truly nonrefundable.

answer really change if it were someone you didn't know all that well?)

So, let's just say while you'll consider reporting, you're leaning against it, wondering just how serious any violations might be. That requires us to circle back to the questions about nonrefundable fees and trust accounts.

Nonrefundable fees—what are the rules?

As to whether you can charge a nonrefundable fee, Formal Advisory Opinion 03-1 rules it permissible so long as it "is not a contract to violate the attorney's obligation ... to refund any advance payment that has not been earned." It acknowledges that there may be some value to taking the case and conflicting out other cases, but the lawyer still must refund what has not yet been "earned." In other words, unless Bess' mere acceptance of the case was worth the full \$15,000, she'll have to refund the rest. Really? If you have to refund the part you haven't "earned" just by signing on, then it's not really nonrefundable, is it? As unsatisfying as the opinion's logic is, at least it gives us an answer. So, Bess has to figure out the value of taking the case and refund the rest. Let's move to the trust account issue.

If part of what you hold may end up not being yours to keep, then you should have to put the retainer (or at least part of it) in your trust account, right? Formal Advisory Opinion 91-2 says that a lawyer "need not place any fees in a trust account absent special circumstances that may be necessary to protect the interest of the client." In fact, while discussing several different types of fees (fixed, flat, retainer, prepaid, etc.), the opinion never once says that any sort of arrangement actually requires the lawyer to place the advance payment in a trust account. So, even

Nevertheless, the idea of attributing, thus immediately earning, some amount just for being "on retainer" makes sense if the lawyer is thereby precluded from taking other work, because of conflicts or because the lawyer's time is monopolized. But if the work is just drafting documents, it's possible that neither applies, making a blanket "I've earned it all at signing" inappropriate.

Now, when it comes to putting that check somewhere, you needn't put it in a trust account, absent special circumstances. Despite the opinion, it seems foolish not to put the money in one's trust account. After all, this hypothetical demonstrates how easy it is for a client to make an unexpected demand for its immediate return; once it's in your operating account, it's all too easy for it to disappear or be put at risk.

And finally, about reporting. If I were to explain all this to Bess, and she still insisted on keeping the entire \$15,000, should I report her? Luckily, the above discussion makes it clear that Bess has not done anything sanctionable, making it moot. And educating her may change her mind, or at least her future practice. Frankly, though, I think Georgia ought to just mandate that lawyers report all known serious violations. That would still save me here, as there's not a clear violation. But if there had been, such a rule would eliminate any reporting dilemma, and treat all offenders the same. It would also ensure that lawyers take that one last look at their behavior before doing something that might be improper. That's really the point of the rules, *right?*

Professor Roy Sobelson teaches Professional Responsibility and writes widely on ethics and professionalism. He served on the Georgia Chief Justice's Commission on Professionalism and acted as reporter for the Commission on the Evaluation of Disciplinary Enforcement.

More on Professor Roy Sobelson stepping down as associate dean on page 29.

ARABIAN ADVENTURE

by Wendy F. Hensel

Professor
gets a peek
into the world
of female law
students in
Saudi Arabia

“THERE MUST BE SOME KIND OF MISTAKE.”

That was my first thought when I received an email from the Kingdom of Saudi Arabia inviting me to serve as an accreditation reviewer for a law program at a university in Riyadh.

Once I confirmed that the invitation was legitimate, my second thought was that I would probably decline. Saudi Arabia was not on my list of “must-visit” countries. Aside from its location in a dangerous part of the world, the kingdom has one of the worst human rights records for its treatment of women. It was daunting to think of entering that environment, even as an invited expert.

In short order, however, my final answer became clear. I firmly believe that fear should not control our choices and that when life hands you an adventure, you should say yes. So I did. What followed was one of the most fascinating, thrilling and uncomfortable weeks of my life.

There are many stories to tell, but perhaps the most insightful are my encounters with the women of Saudi Arabia, which began when I boarded a plane in Paris. The passengers looked like they could be from any city in the world, attired in jeans, shorts and colorful T-shirts. Within seconds of landing in Riyadh, that abruptly changed. Although the men walked off the plane looking the same, the women were unrecognizable.

Each, including me, was completely shrouded in an abaya, the long, black robe that women are required to wear by law. Most also wore hijabs that concealed their hair as well as niqabs that concealed their faces except for a small area around the eyes. A few even wore veils over their niqabs, completely covering their faces. To the Western eye, the group of individual women that had walked on the plane had transformed into an anonymous whole, each virtually indistinguishable from the other. It was disconcerting to say the least.

As my week moved on, however, it became quite apparent that this visual anonymity was a surface illusion. Although it was not until 2013 that four women in Saudi Arabia became the first to receive a license to practice law, the program I reviewed had been developed and fostered in the women’s section of the university. It had been so successful that a similar program had begun on the men’s side that year. The women I met during my review were impressive by any standard. The female administrators were confident, outspoken and enormous advocates for their “girls,” as they called them. They are convinced that they are educating the women who will be leaders of change in Saudi Arabia, and it is easy to see why.

The degree of energy and enthusiasm in the segregated women’s section of the university was quite notably lacking in the men’s. Once behind the walls of the women’s section, students and professors immediately took off their abayas, head scarves and veils. The first time this occurred, each one “reintroduced” herself to me. The scene at that point looked

similar to what you would find at many universities around the world. Beautiful art hung on the walls, and the architecture was distinctly feminine — it was clearly a place dominated by women.

The students seemed eager to demonstrate to themselves and to their society that they could operate as effective attorneys. As one alumna told me, “When I was hired, I was the only female in my law firm. There wasn’t even a women’s bathroom. Now, we hire many women graduates — in fact, they are better.”

Throughout my visit, there was widespread agreement (by both sexes) that women were outperforming the men both as students and as legal professionals. The repeated message was that the future of women attorneys in Saudi Arabia is bright and that progress is being made.

Yet still, there is the reality that is obvious to an outsider. Men and women are not allowed to take a class together. If a man teaches a women’s class, he has to do so behind a screen. The women can see him on video, but he cannot see any of them. If a woman teaches a class of men, she has to do so behind a screen so that the male students cannot see her.

The new rights these women hold could be revoked tomorrow.

The female head of the law program could not move from her office into the men’s section of the college without calling a special administrator to open the locked door (from both sides) that separates them. When she meets with male administrators, she is required to wear a niqab covering her face. When entering an assembly with both men and women administrators, she is required to enter through a separate door and sit in a separate area of the auditorium.

Of most concern, the new rights these women hold could be revoked tomorrow. They live in an absolute monarchy that can both grant and revoke basic rights at a moment’s notice. Even now, several alumnae reported that judges refused to allow them to represent clients in court. Moreover, even if law firms are willing to hire women, they are legally required to provide separate areas for female attorneys that allow them to communicate with men without being seen. Because of the expense, typically only the largest firms are capable of hiring women.

In short, I found Saudi Arabia to be a startling conundrum — a place with spirited, intelligent women who are nevertheless very much controlled by their environments. Whether Saudi women in the legal profession are able to make progress depends to a large extent on their society’s willingness to provide greater freedom to the female half of its population. My visit served both to inspire me by the changes taking place and to remind me that the struggle for women’s equality continues around the world.

Wendy F. Hensel is the associate dean for faculty development and research and a professor of law.

Alumni profile | *From Class of 1991 to Colorado Attorney General*

Politics, jurisprudence and public service have all converged in Cynthia H. Coffman's (J.D. '91) career since her days in what was once a fledgling College of Law at Georgia State University.

Now the attorney general of Colorado, Coffman was raised in small-town Missouri and graduated from the University of Missouri–Columbia before moving to Atlanta in 1985.

"I knew I was going to law school. I looked at Georgia State, Emory and the University of Georgia. I audited classes. I talked to law students. I felt that Georgia State Law was the best fit for me," she said.

"I was in the fifth class of the law school, which had started in 1982, and it was almost like a learning lab. The relationship between students and faculty was closer than I think in most law schools. The practice-based curriculum was good for me, because I'm not just a bookworm; I also learn by doing.

"By attending Georgia State Law, I was able to work and go to school and not go into debt. That was important to me," she added.

After graduation, Coffman worked in the Georgia Attorney General's office. "I got that job because of Georgia State," she said.

That ushered in the opportunity to work as a lawyer in finance and management services for the 1996 Centennial Olympic games.

When a pipe bomb fashioned by a domestic terrorist exploded in Olympic Park during a warm and crowded July evening concert, the international celebrations took a somber turn. "It affected me deeply," Coffman said.

"After the bombing, it was a very different games. I shifted to working directly with the victims. It was a life-altering experience to be around death and people whose lives were altered in an instant."

The experience profoundly informed her next move. She had dreamed of a life in Colorado "someday." The next year became that someday.

Coffman moved west, joining the Colorado General Assembly's Office of Legislative Council, followed by a stint in private practice, where she was recruited to work for the Department of Public Health and Environment, first as director of legal and regulatory affairs, then as deputy executive director. She delved into all manner of environmental and health issues, including air and water quality, disease control, bioterrorism and maternal and child health programming.

In 2004 Coffman served as chief counsel to then governor

Bill Owens. The next year Attorney General John Suthers selected her as chief deputy. In 2012 she was named Best Public Sector Lawyer.

As second-in-command in the attorney general's office, she wasn't ready to leave when her boss finished his term limit, citing work she still wanted to do for the state she had come to call home.

Coffman, who is married to U.S. Rep. Mike Coffman (R) of Colorado, decided to run for attorney general. She was elected in 2014.

As "Colorado's lawyer," she aims to serve the public widely. Part of that has been bringing community and nonprofits together in her office in order to reach more of the population with information and services.

There are challenges to being both politician and lawyer.

"The two don't always mix,"

she said. "I ask myself, 'Am I striking the right balance? Am I running this office so the 280 lawyers and 500 people who work here can do their best work?'"

Coffman soon discovered that being elected attorney general placed her firmly at the intersection of law, policy and politics.

"This is where what I learned in constitutional law comes to life," she said. "The education I got at Georgia State has served me well, and I wouldn't trade it for anything."

She finds the work so fulfilling she admitted she'll likely run for a second term.

"This is the best job I've had in my legal career. I started out in an attorney general's office in Georgia, and it's like I've come full circle." — *Therra C. Gwyn*



Faculty news

PRESENTATIONS

Charlotte Alexander, assistant professor of law, presented at the University of California, Irvine Food Equity Symposium and a faculty workshop at the University of Georgia Terry College of Business.

Cass Brewer, associate professor of law, presented an article on disregarded entities for Bloomberg BNA in New York City.

Mark Budnitz, professor of law emeritus, presented "The Legal Framework of Mobile Payments: Gaps, Ambiguities, and Overlap" at a convening sponsored by the Pew Charitable Trusts and the Silicon Valley Community Foundation. He also was a panelist.

Sylvia Caley (M.B.A. '86, J.D. '89), associate clinical professor, director of Health Law Partnership and co-director of HeLP Legal Services Clinic, conducted a workshop, "Creating a Sustained Medical-Legal Partnership," at the invitation of Case Western University School of Law and Case Western University Medical School in Cleveland. She also presented "Collaborative Diagnosis: Inter-professional Education to Address the Social Determinants of Health and Wellness" at Emory University School of Medicine's Medical Education Day. At the National Center for Medical-Legal Partnership's Annual Summit, she participated in a panel, "Moving Beyond the Clinic: Engaging in Policy Work to Address Systemic Change."

Samuel A. Donaldson, professor of law, presented on business tax planning at the Heckerling Institute on Estate Planning in Orlando.

Erin C. Fuse Brown, assistant professor of law, gave a keynote on "The Double-Edged Sword of Health Care Integration: Consolidation & Cost Control" at the annual conference of the National Academy for State Health Policy and presented at Harvard Law School, Yale Law School and at two national health policy conferences for Academy Health and Families USA.

Wendy F. Hensel, associate dean for research and faculty

Blasi retires after 30 years

Mark and Evelyn Trammell Professor of Law and director of the Philip C. Cook Low-Income Taxpayer Clinic **Ronald W. Blasi** joined Georgia State Law in 1986. He has served as associate dean, acting dean and university associate provost.

"It is difficult to describe in a few words the tremendous impact Professor Blasi has had here," said **Mary Radford**, professor of law. "Perhaps his most important legacy is the taxpayer clinic; today it is the model for low-income taxpayer clinics at law schools throughout the United States."



Blasi formed the clinic in 1992, and it has provided legal representation to thousands of low-income taxpayers in Georgia. Blasi also created the Business Succession Capstone course, which was one of the first at Georgia State Law to embrace the experiential concept of learning through doing, said Radford, who taught the course with Blasi.

Though his passion for tax law and serving those in need is evident, Blasi's foremost goal has been to ensure that clinic students have a valuable learning experience.

Kelly Smith (J.D. '95) said he owes much of his career to Blasi. "Ron taught me a passion for the practice of tax law and, most importantly, what it means to genuinely care about people."

"Professor Blasi has single-handedly raised hundreds of thousands of dollars for the clinic and always insisted that the bulk of those funds be funneled back into research assistantships for students," Radford said. "In his quiet, modest way, he has served as one of the major foundational supports on which Georgia State Law's current stellar reputation has been built."

Jason Wiggam (J.D. '10) said Blasi's professionalism, ethics and passion to help the less fortunate made an impact on him.

"I am the attorney I am today because of him," he said.

development and professor of law, and **Leslie Wolf**, professor of law, presented their research about hospitals rationing drugs at the Southwest Disability Conference in Albuquerque, New Mexico.

Nicole G. Iannarone, assistant clinical professor and director of the Investor Advocacy Clinic, presented "Dealing with Diminished Capacity" at the PIABA Securities Law Institute.

Julian Conrad Juergensmeyer, Ben F. Johnson Jr. Chair in Law and director of the Center for the Comparative Study of Metropolitan Growth, presented on "Mitigating Economic Recessions Through Market Demand Based Land Development Permitting" in Rio de Janeiro, and "Impact Analysis as a Basis for Granting Land Development Permits in the United States" in Curitiba, Brazil.

Kendall Kerew, assistant clinical professor and director of the Externship Program, co-presented "Finding True North: Fostering Students' Formation

of Professional Identity So They Can Develop Guiding Principles for Practice" with Tim Floyd of Mercer University and Kelly Terry of the University of Arkansas at Little Rock and "Meeting with a Purpose: Making the Most of Student-Faculty Supervisor Meetings" with Mary Perry of Washington University in St. Louis at the Externships 8 Conference. She also did a session on externships at the 2016 Workshop for New Law School Clinical Teachers with Inga Laurent of Gonzaga University and co-presented "Preparing Lawyers for Community Engagement: Using Externships to Teach Students How to Collaborate, Communicate, and Be Catalysts for Change" at the 2016 AALS Conference on Clinical Legal Education with Inga Laurent and Kelly Terry.

Tameka Lester and Bonnie Rich (J.D. '94), assistant directors of the Philip C. Cook Low-Income Taxpayer Clinic, presented about federal income tax filing issues to the Project Healthy Grandparents group, a community service

research project of the Byrdine F. Lewis School of Nursing and Health Professions at Georgia State University.

Paul A. Lombardo, Bobby Lee Cook Professor of Law, presented an update on "Ethics and Ebola" with the staff of the Presidential Commission on the Study of Bioethical Issues and provided a report on "Legal Developments in Bioethics" at the American Society of Bioethics and Humanities meeting in Houston.

Lauren Sudeall Lucas, assistant professor of law, presented on "The Free Exercise of Religious Identity" at the University of Chicago Law School's Constitutional Law Workshop and on the role of identity in Equal Protection Doctrine at "The Present and Future of Civil Rights Movements: Race and Reform in 21st Century America" at Duke University School of Law. She was also invited by the Access to Justice Initiative of the U.S. Department of Justice to present to a working group discussing policies and

Faculty news

procedures regarding self-represented individuals in agency and administrative hearings.

Kris Niedringhaus, associate dean of library and information services and associate professor, presented "Using Metrics to Assess the Law Library" for the Atlanta Law Libraries Association.

Mary F. Radford, professor of law, presented at the Georgia State University Women Inspire Series, ICLE in Georgia Elder Law Seminar, Diminishing & Diminished Capacity Conference, and Estate Planning Institute. She also was a panelist at the American College of Trust & Estate Counsel (ACTEC) Meeting in Las Vegas.

Ryan Rowberry, associate professor of law, presented on the "Challenges of Reconciling World Heritage with Human Rights in the United States" at a conference in Geneva and on "Chaucer's Man of Law: A Black Soul Covered by a Medlee Cote" at the Medieval Society of America Annual Conference in Boston.

Charity Scott, Catherine C. Henson Professor of Law, has given presentations and workshops on mediation and health care conflict resolution to health care providers in Memphis and federal magistrates in Michigan. She organized a panel for the Legal Educators' Colloquium at the annual ABA Dispute Resolution conference in New York City on mindfulness and the ADR curriculum.

Shana Tabak, visiting assistant professor of law, delivered her paper "Rejecting Refugees through Refugee Detention" at the American Society of International Law Conference. She also spoke at the American Immigration Law Association GA annual meeting at Emory University School of Law's conference on "Immigration Issues Facing the LGBTI Community" and at a training for "Representing Central American & Mexican Asylum Claims."

Jonathan Todres, professor of law, presented papers on children's rights issues at the ACEI Global Summit on Childhood in Costa Rica and

Beloit College in Wisconsin and delivered the keynote at the National Academies of Sciences, Engineering and Medicine's Forum on "Investing in Young Children Globally" workshop in Prague, Czech Republic.

Anne M. Tucker, associate professor of law, presented on "Contract Is King, but Can It Govern Its Realm?" at the AALS Annual Meeting; on investment funds at the Eighth Annual Roundtable Discussion at Boston University College of Law; and on "Corporations, the Constitution & Democracy" at Loyola Law School & Free Speech for People.

Tanya Washington, professor of law, gave the keynote address at the College of Law's Board of Visitors' Annual Holiday Luncheon. She also presented on "Black Kids under the Marital Rainbow: Sexual Orientation Discrimination as a Civil Rights Issue" at Duke University School of Law.

Jack F. Williams, professor of law, presented on bankruptcy and taxation topics at the Southeastern Bankruptcy Law Institute in Atlanta, the Annual Meeting of the American Bankruptcy Institute (ABI) in Washington, D.C. and the Southeast ABI Workshop in Amelia Island. He was the keynote speaker at a symposium on "Servicemembers and Financial Distress" sponsored by St. John's University Law School.

Leslie Wolf, professor of law and director of the Center for Law, Health & Society, presented at the Public Responsibility and Medical Research Conferences regarding certificates of confidentiality and participated in a conference on precision medicine hosted by the University of Utah's S.J. Quinney College of Law.

Patricia J. Zettler, associate professor of law, presented her paper "Pharmaceutical Federalism" at the University of Kentucky College of Law.

PUBLICATIONS

Charlotte Alexander wrote "Legal Avoidance and the Restructuring of Work," a chapter in *The Structure and Structuring*

of Work, an edited volume in the Research in the Sociology of Organizations series; and "Dismissing Discrimination," a review of David Schraub's "Dismissal," on JOTWELL.

Cass Brewer wrote two chapters and completed a corresponding book project for Edward Elgar (along with co-editors Dennis Young and Elizabeth Searing) entitled *The Social Enterprise Zoo: A Guide for Perplexed Scholars, Entrepreneurs, Philanthropists, Leaders, Investors and Policymakers*.

Mark Budnitz published "The Legal Framework of Mobile Payments: Gaps, Ambiguities, and Overlap." The work was commissioned by the Pew Charitable Trusts.

Erin Fuse Brown published "Resurrecting Health Care Rate Regulation" in the *Hastings Law Journal*, "The Blind Spot in the Affordable Care Act's Cost Control Policies" in the *Annals of Internal Medicine* and "IRS Rules Will Not Stop Unfair Hospital Billing and Collection Practices" in the *AMA Journal of Ethics*. Along with co-author Jaime S. King, Fuse Brown published two posts on the *Health Affairs Blog* on state efforts to control health care costs, including an analysis of the Supreme Court decision in *Gobeille v. Liberty Mutual Insurance Co.*

Julian Juergensmeyer wrote "What I Think I Have Learned from 50 Years of Teaching American Law to Foreigners and Foreign Law to Americans" in *Legal Education and Legal Profession in the Global World—Polish-American Perspectives* and "Financing Urban Infrastructure—Old and New Approaches for Funding Urban Regeneration and Resiliency: The Atlanta Example" (with Becht Neel) in *How Cities Will Save The World: Urban Innovation in the Face of Population Flows, Climate Change and Economic Inequality*. He also published the third edition of his book *Land Use Planning and Land Development Regulation Law* with co-authors Roberts and Salkin.

Kendall Kerew wrote the chapter "Writing for Practice" in *Learning from Practice: A Text for Experiential Legal Education* (Wortham et al., 3d ed. 2016).

Paul Lombardo published "Anthropometry, Race, and Eugenic Research: 'Measurements of Growing Negro Children' at the Tuskegee Institute, 1932–1944," a chapter in *The History of Humans in Experiments: Perspectives from the 17th to the 20th Century*.

John Travis Marshall, assistant professor of law, co-edited *How Cities Will Save the World: Urban Innovation in the Face*

Afield new director of clinic

W. Edward "Ted" Afield joined Georgia State Law in January as the director of the Philip C. Cook Low Income Taxpayer Clinic and an associate clinical professor of law.



Previously, Afield was an associate professor of law and associate dean for academic affairs at Ave Maria School of Law in Florida. The tax clinic offers a unique opportunity to be on the forefront of experiential education, he said.

"It is a privilege to be able to build upon the excellent work that Professor **Ronald Blasi** started," he said.

Afield has a J.D. from Columbia Law School, an LL.M. in taxation from the University of Florida Levin College of Law and an A.B. in history, cum laude, from Harvard.

Caley receives Patton Award

AN ADVOCATE FOR CHILDREN with health care needs in low-income families, **Sylvia B. Caley** (M.B.A. '86; J.D. '89), associate clinical professor of law, has left an indelible mark on the community in her quest to eliminate health disparities and promote health equity.



She was honored for her significant contributions in improving the lives of others with Georgia State University's Carl V. Patton President's Award for Community Service and Social Justice.

Caley is co-director and one of the founders of Health Law Partnership (HeLP). She was a driving force in making HeLP an interdisciplinary program that serves and collaborates with the Atlanta Legal Aid Society, Children's Healthcare of Atlanta's pediatric hospitals, community clinics and other universities and organizations. In 2015, HeLP handled more than 600 cases, resulting in over \$700,000 in benefits for those clients.

"Sylvia is a role model for many and truly exemplifies Georgia State's commitment to fostering civic and community engagement," said **Charity Scott**, Catherine C. Henson Professor of Law.

Caley credited Georgia State with giving her the foundation upon which to build her work.

"Truly, it is a privilege to receive this recognition from the school that has given me so much — the education, training and encouragement necessary to expand my horizons and the platform upon which to contribute to the betterment of our community," she said.

of *Population Flows, Climate Change, and Economic Inequality* with Raymond H. Brescia (Routledge, 2016). The book features chapters written by Julian Juergensmeyer and Ryan Rowberry.

Ryan Rowberry published "Alleviating Barcelona's Public Housing Shortages through Historic Properties" in the *Revista de Derecho Urbanístico*.

Shana Tabak wrote "Aspiring States" in the *Buffalo Law Review* and "Ambivalent Enforcement: International Humanitarian Law at Human Rights Tribunals" in the *Michigan Journal of International Law*.

Jonathan Todres wrote *Human Rights in Children's Literature: Imagination and the Narrative of Law* (Oxford University Press, 2016; with Sarah Higinbotham) and "Can Mandatory Reporting Laws Help Child Survivors of Human Trafficking?" *Wisconsin Law Review Forward* (April 2016).

Anne Tucker published "Locked In: The Competitive Disadvantage of Citizen Shareholders" in the *Yale Law Journal Forum* and completed her electronic Business Organizations casebook, available through ChartaCourse.

Tanya Washington wrote "Children's Rights in the Midst of Marriage Equality: Amicus Brief in *Obergefell v. Hodges* by Scholars of the Constitutional Rights of Children" in the *Whittier Journal of Child & Family Advocacy* and "The Story Behind a Letter in Support of Professor Derrick Bell" in the *University of Pittsburgh Law Review*. She also wrote "Were Justice Scalia's Remarks in *Fisher v. Texas* Racist?" as a guest blogger on *American Constitution Blog*.

Jack Williams co-wrote an article on the bankruptcy of sports franchises for the *Australian and New Zealand Sports Law Journal* and a book on valuations in bankruptcy for the ABI.

Leslie Wolf's chapter on criminal HIV exposure statutes was published in *Criminalising Contagion* by the Cambridge University Press.

Patricia Zettler's articles "Compassionate Use of Experimental Medicines: Who Should Decide?" and "Regulating Drug Promotion to Promote the Public Health: A Response to Bennett et al." were published in *EMBO Molecular Medicine* and the *Journal of Law and the Biosciences*, respectively.

AWARDS AND ACCOLADES

Lisa Radtke Bliss, associate clinical professor, director of experiential education and co-director of HeLP Legal Services Clinic, received the Georgia State University Exceptional Service Award.

L. Lynn Hogue, professor of law emeritus and director of the LL.M. Program, received a Citation of Achievement from his alma mater, William Jewell College.

Kris Niedringhaus received the Hirsh Distinguished Service Award from the Computing Services Special Interest Section of the American Association of Law Libraries.

Natsu Taylor Saito, professor of law, was recognized with a Distinguished University Professor appointment.

Tanya Washington received the Georgia State University Alumni Distinguished Professor Award.

Leslie Wolf was inducted into the Johns Hopkins University Society of Scholars.

SERVICE TO THE PROFESSION

Cass Brewer was appointed a special advisor for the Southern Federal Tax Institute. He also served as reporter for the State Bar of Georgia Business Law Section Committee and the Nonprofit Law Section.

Mark Budnitz submitted a comment to the Reporters for the American Law Institute's Restatement of the Law of Consumer Contracts. He serves on the advisory committee of the Atlanta Legal Aid Society and is a member of the board of directors of the National Consumer Law Center. He was a member of the center's search committee that completed the recruitment of an executive director.

Sylvia Caley rejoined the board of directors of Georgians for a Healthy Future, a consumer health advocacy organization.

Andrea Curcio spent a day in January at Drexel University Thomas R. Kline School of Law working with their faculty on developing student assessments as part of her on-going work on legal pedagogy and assessment.

Sam Donaldson was appointed reporter to the Trust Code Revision Committee of the Fiduciary Law Section of the State Bar of Georgia.

Wendy F. Hensel acted as an accreditation auditor for the College of Law of Prince Sultan University in Riyadh, Saudi Arabia, on behalf of the Kingdom's National Commission for Academic Accreditation and Assessment.

Nicole Iannarone is a member of the Planning Committee for the 2016 PIABA Securities Law Institute and was elected secretary of the Atlanta Bar Association.

Julian Juergensmeyer served on the Georgia State University Council for the Progress of Cities and as program director for the International Perspectives on Urban Law and Policy Spring Break Session (2016) in Rio de Janeiro and Curitiba, Brazil.

Taylor retires after 25 years

Associate Professor of Law **Ellen Taylor** retires in June after nearly 25 years teaching at Georgia State Law. Her path to law was unconventional, though well suited for her personality.

She graduated from Manhattan School of Music in 1974 with a degree in trumpet performance and worked as a musician before attending Emory Law in 1983. After graduating, she worked as an associate attorney at Trotter, Smith & Jacobs, focusing on corporate and securities law matters. She joined Georgia State Law in 1992.



An aspect of teaching Taylor enjoys most is storytelling.

"I love to dig into the back story of the people and places and situations involved in the cases to try to give the students a better feeling for the real people that were involved," she said. "When I can make the story more vivid for the students, I figure they'll have an easier time remembering the law associated with the facts."

Taylor has influenced students to pursue corporate law, including **Megan Canning (J.D. '16)**.

"She underscores how corporate lawyers prevent problems and litigation," Canning said. "Her patience and kindness truly impacted my life."

Jenna Rubin (J.D. '16) credits Taylor's gentle nature for helping her become a more confident student. "Few professors share as much of themselves as Professor Taylor," Rubin said. "Nothing seems quite so scary when she's talking to you."

Taylor's retirement plans include traveling and working on her golf game. She also looks forward to watching Georgia State Law continue to thrive and grow, she said.

"It has been a great experience to be a part of the group whose dedication and diligence have consistently and continually raised Georgia State Law's quality and visibility," she said. "The faculty members we have hired in the last few years are absolute stars, and I'm confident that, as the more senior faculty retire, we will leave the college in excellent hands."

Lauren Lucas filed an amicus brief in the Georgia Supreme Court in *Anderson v. Sentinel Offender Services LLC*. She is chair of the AALS Constitutional Law Section. She also was invited to serve on the national advisory committee for the Texas Smart Defense Internet Portal.

Kris Niedringhaus was elected vice president of the Board of Directors of CALI (Center for Computer-Assisted Legal Instruction).

Mary Radford was elected chair of the ACTEC Site Selection Committee and is a committee member of the Professionalism and Ethics Committee for the National Academy of Elder Law Attorneys.

Charity Scott is president of the board of directors of the American Society of Law, Medicine & Ethics.

Shana Tabak was elected chair of the Women in International Law Interest Group of the American Society of International Law.

Jonathan Todres serves as Child Rights Advisor to ECPAT-USA (Ending Child Prostitution and Trafficking).

Anne Tucker is chair elect for the Agency Partnership & LLC Section of AALS and on the executive committee of the Business Associations Section of AALS.

Margaret Hughes Vath, senior lecturer of law, is president-elect of the Atlanta Bar Association.

Jack Williams was reappointed by Gov. Nathan Deal and confirmed by the Georgia Senate to the Board of Human Services.

Patricia Zettler continues to serve on the editorial advisory board for the *Food and Drug Law Journal* and to serve as a peer reviewer for that journal as well as for the *Journal of Law and the Biosciences*.

MEDIA COMMENTARY

Mark Budnitz's recent report, "The Legal Framework of Mobile Payments: Gaps, Ambiguities, and Overlap," was the subject of an article on CreditCards.com and Yahoo.com.

Andrea Curcio was interviewed on the topic of campus sexual assaults by Seattle Morning News Radio Show host Dave Ross. She also published an article in *The Conversation*, "What Colleges Don't Tell You about Campus Sexual Assault."

Erin Fuse Brown was a guest on the podcast *The Week in Health Law* in March.

Wendy F. Hensel and **Leslie Wolf** co-wrote "Hospitals Rationing Drugs Behind Closed Doors: A Civil Rights Issue" for *The Conversation*, reprinted in *U.S. News & World Report*.

Tameka Lester published "Do you owe the IRS money? Here's what to do" on *The Conversation*.

Paul Lombardo was cited in a book review on eugenics in *Nature*; he provided the feature interview on *Life of the Law*,

was quoted in a *BuzzFeed* news article on eugenic experiments at the Tuskegee Institute in the 1940s and was an essayist in *UnDark*, a new magazine featuring science journalism.

Tanya Washington wrote "How Much Diversity Can the US Constitution Stand?" and "Students' Demand for Diverse Faculty is a Demand for a Better Education" on *The Conversation*.

Jack Williams was interviewed on NPR on terrorist financing, in the *Atlanta Journal-Constitution* on bankruptcy trends and on FoxNews on ethics and sports and fantasy sports and betting.

Leslie Wolf published two articles on *The Conversation*: "Hospitals Rationing Drugs Behind Closed Doors: A Civil Rights Issue" with **Wendy F. Hensel** and "If We Don't Own Our Genes, What Protects Study Subjects in Genetic Research?" with **Erin Fuse Brown** and Duke University School of Law Professor Laura Beskow.

Patricia Zettler was quoted on various FDA issues, including prescription drug advertising, research with gene-edited embryos and direct-to-consumer blood tests, in *Fast Company*, *Mashable*, *Genetic Expert News Service* and the *Boston Globe's* life sciences initiative, *STAT*, among others.

VISITING PROFESSOR

Paul Lombardo was a visiting professor in January at the Sind Institute for Medical Sciences Center for Bioethics and Culture in Karachi, Pakistan, where he taught a course in "Law, Medicine and Contemporary Bioethics."

NEW COURSE/ PROGRAM LAUNCHED

Andrea Curcio received a teaching innovation grant to develop a new civil pre-trial litigation course this summer.

Charity Scott has been instrumental in developing a mindfulness program for Georgia State Law students and is enrolled in a yearlong mindfulness-in-law teacher training program with Warrior One in California.

Sobelson steps down as associate dean, returns to faculty

Sobe-Wan Kenobi. Ghostbuster. A walking Rolodex. The nicknames say it all. **Roy Sobelson** is legendary for the sage advice he has given to students in his 30 years at Georgia State Law.



THINK OF HIM AS A MODERN-DAY GHOSTBUSTER. Who are you going to call when you have a question? Who are you going to call in times of troubles? Who are you going to call during the good times? Dean Sobelson,” said **Ulyana Hamilton (J.D. ’16)**, during the May appreciation luncheon.

Sobelson’s drive to be a caring mentor stems from the lack of support he had when pursuing his J.D. in the mid ’70s. Law school was not the most inviting place then, he said. Legal education institutes prided themselves on being tough.

“Law school is incredibly stressful; students need somebody who has been through it before who can act as a teacher, a counselor, a mentor and a friend when necessary,” he said.

Sobelson has had an open-door policy with students from the moment he joined Georgia State in 1985. He pushed for a position to be created to serve the students — focusing on nonacademic needs such as mental health and student organizations and activities. His voice was heard; an associate dean for student affairs would be created — provided he took the job.

The role suited him, and when he became the associate dean for academic affairs in 2006, he continued to help students deal with personal issues in addition to his administrative duties.

The openness between faculty and students and the emphasis on providing students with more than a legal education is one of the things Sobelson loves about Georgia State Law.

“Students are aging chronologically, but I would like to know they are aging in terms of values and judgment,” he said. “The more we help make them better people, who have a better sense of self and are more comfortable with stress, the more we help make them better lawyers.”

Kelly Timmons, associate dean for student affairs, said Sobelson’s connection with students sets him apart. “He does it all with kindness, humor and chocolate,” she said.

Timmons added that Sobelson has been a big part of shaping the law school’s personality. **Stephanie Woodard (J.D. ’96)** echoed that sentiment.

“To me the law school is Sobe-Wan Kenobi,” she said, citing Sobelson’s nickname. “Dean Sobelson is the personification of what is great about Georgia State. He’s as much a treasure of the law school as the new building, the legacy of alumni and the great education.

“He is always a beacon of sage advice,” Woodard continued, “especially in that 1L world where you are living the dream and drowning in panic. He was always accessible and a voice of reason and encouragement,” she said, noting why his nickname after the Star Wars Jedi master and mentor is so fitting.

When Woodard graduated, she gave Sobelson an Obi-Wan Kenobi figurine as a thank you.

“Throughout my career, I have called on him,” she said. “He is that wise person you can reach out to for ethical concerns and legal issues — or even personal problems. He always gives you thoughtful consideration.”

For Sobelson, being there for his students is one of the best parts of the job, and the feeling of kinship is mutual. One student asked him to walk with her and wait while she was in a hearing before the fitness board. He obliged.

“It was special to me that she asked me,” he said. “I feel really fortunate that many of the students have become my good friends. I respect them now as colleagues.”

However, the time comes when you must pass the torch (or lightsaber) to the next generation.

“If we are going to continue to move forward, we need young people,” he said. “Someone who is prepared to move us to the next step, who has more energy and is more forward-thinking.”

Jessica Gabel Cino, incoming associate dean for academic affairs, has spent the last few months “learning the ropes.”

“He is an impossible act to follow,” she said. “He is the embodiment of professionalism, compassion, intellect and grace under fire. I’ve seen his thoughtfulness, his consideration, his guidance, his patience and even the remarkable restraint he has to demonstrate at times. It’s all the things I aspire to be. I am incredibly humbled and thrilled to be joining our leadership team.”

Sobelson will be returning to teaching full-time. Though his office number will change, his open-door policy will not.

— *Stacey L. Evans (B.A. ’02)*

Tips for practitioners | *Practicing mindfulness in law*

Mindfulness is awareness, cultivated by paying attention in a sustained and particular way: on purpose, in the present moment, and non-judgmentally. — Jon Kabat-Zinn, *Mindfulness for Beginners* (2012)

by Charity Scott

THE COLLEGE OF LAW LAUNCHED a mindfulness program to help law students reduce stress, improve concentration and ability to cope with distractions, develop resilience and increase mental health and well-being. In light of national reports about the high levels of substance abuse and mental illness within the legal profession, lawyers might consider developing a mindfulness practice to maintain their own equanimity and resilience in an increasingly distracted and stressful profession and world.

Be present

We spend so much of our time living in our own heads, especially as lawyers, that we actually miss a lot of what's happening around us. Without even intending to, our minds constantly ruminate on what happened in our past — yesterday, last week, or years ago — which can eventually spiral us into depression. Or our minds can raise continual fears about the future — deadlines, client or colleague demands, family worries — so that we live in states of perpetual stress and anxiety. Without realizing it, we can become captive to our “monkey minds” that leap from thought to thought, past and future, anywhere but the present moment. That results in a lot of distracted and wasted energy. Mindfulness practice is a way to become aware of our life in the present, moment to moment. Although the present moment is sometimes difficult, if we miss it, we're missing our lives. As lawyers, we might miss very important cues or information if we're not trained to be present.

Avoid judgments

Law school taught you to think like a lawyer: analyze and critique everything, find flaws in reasoning, make counterarguments. Those skills feed our naturally judging human mind, which endlessly makes judgments about what we like or don't like in nearly everything: the weather, this person, that food, this music, and so on. Yet our likes and dislikes are simply judgments, not facts. The more negative judgments we accumulate, the unhappier we become — particularly when they are turned inward in negative self-criticism. Mindfulness practice helps us to cultivate curiosity, compassion and a discerning rather than judging mind.

Let go

We tend to become hijacked or captivated by our distracted thoughts and negative judgments, which then drive us crazy, interrupt our sleep and don't serve much other useful purpose. Yet they do contribute deeply to our sense of identity, and thus they can be hard to let go. Mindfulness offers a way to learn to let go of our thoughts, negative judgments and other self-defeating habits of mind. It substitutes healthy, intentional coping strategies for maladaptive ones that give only temporary relief.

Be open and curious

Lawyers are understandably achievement-oriented and spend years of hard work to become experts in their fields. Professional expertise can come at a cost to personal growth, however, if it closes off your natural attributes of open-mindedness and curiosity. We can get stuck as human doings, rather than living fully as human beings. For all of our use of the Socratic method in law school, we too often de-emphasize the first Socratic principle: know thyself. Learning to become a self-reflective practitioner, continually open and curious about oneself and one's world, is perhaps the most important lawyering skill.

Breathe

Mindfulness practice fosters the habit to **STOP** in stressful or emotional situations: **Stop**; **Take** a breath; **Observe** what's happening in your body, your feelings and your thoughts; and **Proceed** when you have gained the awareness to understand what's going on in your own mind. Meditation practices often use the breath as a focus of concentration. Repeatedly bringing the mind's focus back to the breath when thoughts, emotions and bodily sensations inevitably arise during meditation promotes the skill of being non-judgmentally aware of them when they inevitably arise during everyday life. Learning to **STOP** allows us to become less automatically and mindlessly reactive to people and events and instead to be more thoughtfully and appropriately responsive to them. You can't control other people — you can only control your own attitudes, behaviors and responses.

Charity Scott, Catherine C. Henson Professor of Law, was the founding director of the Center for Law, Health & Society at the College of Law. She teaches various courses on health care law and policy, bioethics, tort law and negotiation.



Class actions

2002



Paige P. Baker, a partner with MendenFreiman, was included in the 2016 Georgia *Super Lawyers* listing. She specializes in the areas of business succession planning, business transactions and governance.



Kim Childs was elected Superior Court judge in Cobb County, Georgia.



Leigh Cummings established a new family law firm, Connell Cummings LLC, located at Cumberland Center in Atlanta's Cumberland/Galleria area.

2006



Michael Powell was hired as an associate in the Atlanta office of Cantor Colburn, one of the largest intellectual property law firms in the country.

2007



Henry "Dee" DeBardleben, an attorney with Weinberg Wheeler Hudgins Gunn & Dial, was selected to the 2016 Georgia *Super Lawyers* "Rising Stars" list.



Charlie Pollard was named a partner at McManamy McLeod Heller, an Atlanta professional title and closing firm.

2008

Angela Fox was selected for the 2015–16 Leadership Education & Advanced Direction (LEAD) Program Class by the Georgia Trial Lawyers Association.

2009

Robbie Ashe, MARTA board chair, was interviewed by WABE about the transit system's dream list for Atlanta expansion.



Lisa Liang was named staff attorney to the Honorable Susan E. Edlein, State Court of Fulton County. Liang was formerly with Atlanta Legal Aid Society's Health Law Department.

Grady O. "Jed" Morton was promoted to the rank of colonel in the U.S. Air Force and Alabama Air National Guard.

2011

Lisa Bobb was selected for the 2015–16 Leadership Education & Advanced Direction (LEAD) Program Class by the Georgia Trial Lawyers Association.



Melissa Manfredi opened the law firm Manfredi Law in Atlanta. She focuses her practice in commercial and residential landlord-tenant counseling and litigation and criminal defense.

Robert "Wesley" Starrett was selected for the 2015–16 Leadership Education & Advanced Direction (LEAD) Program Class by the Georgia Trial Lawyers Association.

2012

Cassandra Ceron was hired as an associate at Hoffman & Associates. Ceron specializes in the areas of wills, trusts, estate administration and probate and guardianship/conservatorship of incapacitated adults.

2013

Alexander Hoffspiegel was selected for the 2015–2016 Leadership Education & Advanced Direction (LEAD) Program Class by the Georgia Trial Lawyers Association.

Charles "Chase" Ruffin was hired as an associate at Burr & Forman LLP. Ruffin represents individuals and businesses in eminent domain disputes against state and local governments and has helped secure multiple judgements and settlements.

Two sides | *Two Board of Visitors members on why they serve*



Linda DiSantis (J.D. '88)

THE BOARD OF VISITORS is an active group of volunteers providing counsel to the dean to help advance the College of Law. Board members serve as ambassadors, informing members of their communities about what is going on at the college and, in turn, keeping the dean informed about their perspectives regarding the college and the profession.

The board consists of 25 members who represent all aspects of the profession. They include practitioners from Atlanta firms of all sizes, federal judges, a Georgia Supreme Court justice and general counsels and other in-house counsel from corporations and charitable organizations. This diversity of membership provides a broad perspective on the important issues facing the College of Law, the dean and legal education.

I have had the privilege of serving on the Board of Visitors for a number of years and am now serving as the chair. I have always found it fascinating to sit around the table with some of the brightest and most engaged members of the profession, who also bring a passion for Georgia State Law and all it has accomplished in 30+ years. Service on the board has allowed me to support the College of Law and continue my connection to it, an opportunity that I much appreciate. I am grateful for all the board members and what they do for Georgia State Law.

Linda DiSantis (J.D. '88) is the chair of the Board of Visitors. She also serves as board president for the Atlanta Audubon Society and as a board member for Georgia Organics and the Institute for Georgia Environmental Leadership. Her legal career included environmental and commercial litigation at Alston & Bird, in-house environmental practice and legal department management at UPS, Atlanta city attorney for Mayor Shirley Franklin and general counsel at CARE USA. She is retired from the practice of law.



Tye G. Darland

I GRADUATED FROM the University of Iowa College of Law in 1989. For the longest time, I was usually the youngest attorney in a meeting. When I moved to Atlanta to become the general counsel of Georgia-Pacific more than 10 years ago, I realized I was no longer the youngest attorney in the room, and therefore, it was time to start giving back.

So I got involved. I was asked to join the Board of Visitors several years ago. I did not know much about the law school except that we had many successful Georgia State Law graduates at Georgia-Pacific, so I assumed they were doing things right. With my background, I thought a lot of the students could relate to me despite my "title."

I grew up in a small rural town in Iowa. My wife and I married at age 20. I had nobody to turn to for guidance during law school. I want to assist and be a voice for students with similar backgrounds. That is why my wife and I fund scholarships at Georgia State Law, the University of Iowa and Vanderbilt. That is why I attend the reception for new Georgia State Law students to let them know there are others who have come from similar backgrounds and succeeded.

I get immense joy in helping others fulfill their dreams. Georgia State Law students seek and are appreciative of the assistance. With these traits and the top caliber of students that Georgia State Law attracts, it makes my small part in supporting them fulfilling.

Tye G. Darland (University of Iowa, BBA '86; J.D. '89) is senior VP/general counsel of Georgia-Pacific, previously general counsel (commercial) of Koch Industries. He also serves on the boards of Piedmont Healthcare, Zoo Atlanta and Atlanta Police Foundation.

Bragging rights



DESIGN AWARDS

85 Park Place received the 2016 American Institute of Architects–Georgia People’s Choice Design Award, which is voted on by the public.

The College of Law building also received an Award of Excellence from the Atlanta Urban Design Commission.

HONOR SOCIETY

Georgia State Law is one of only two schools accepted into the national honors society for legal education, the Order of the Coif, in 2016. Only 84 out of 208 U.S. law schools have Coif chapters, and only seven chapters have been approved since 2000.

2nd

The team of **Elizabeth Wedegis (J.D. '17)** and **Sam Wesley (J.D. '17)** came in second at the regional AIPLA Giles Sutherland Rich Memorial Moot Court Competition and competed in the national competition in Washington, D.C. From left are Wedegis and Wesley with Andrew Jones and Kain Day of the University of Virginia School of Law.



U.S. NEWS & WORLD REPORT RANKINGS

57th

overall

14th

part-time program

6th

Center for Law, Health & Society in health law programs

30th

clinical programs

OUTSTANDING STUDENT

Antonio Molina (J.D. '18) was named one of *Georgia Trend's* 40 under 40 in 2015.





Lawyers for Equal Justice, a new incubator program to help newer attorneys start innovative, socially conscious law practices providing services to low- and moderate-income clients, officially started in April. **Stephanie Everett (J.D. '02)**, center, is the executive director, and **Candace Sneed (J.D. '13)**, left, and **Alicia D. Mack (J.D. '13)**, right, are among the participants in the inaugural class. Visiting Professor Hulett H. "Bucky" Askew chairs the board of directors. Find out more at law.gsu.edu/LEJalumnae.