

THE ATLANTA LAWYER

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**A LOOK AT JUVENILE COURTS
THE IMPORTANCE OF A TRAUMA-INFORMED AND
TRAUMA-RESPONSIVE JUVENILE COURT**

**BOOKS FOR READERS AND PRE-READERS
CELEBRATING DIVERSITY, EMPOWERMENT, AND KINDNESS**

A FOCUS ON FAMILY LAW

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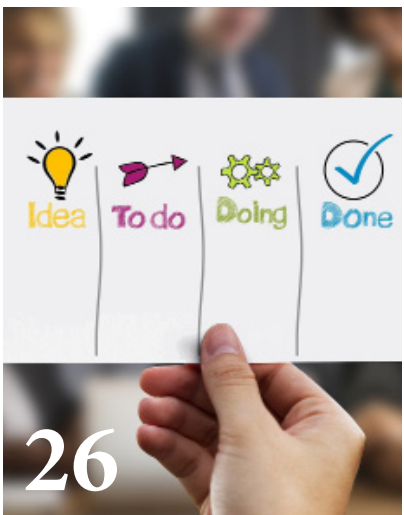
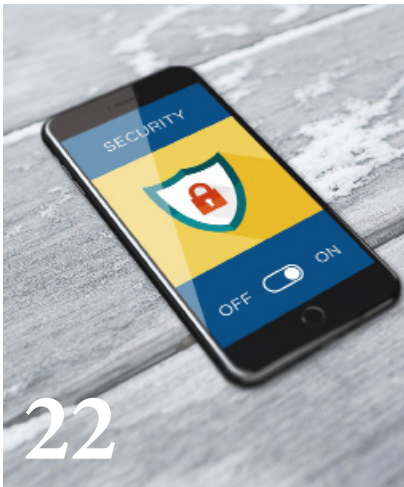
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What Do Lawyers and Children Have in Common?



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L

et's face it, children are really just short lawyers who still get to eat snacks and take naps every day. #jealous. Let's explore, shall we?

Powers of observation: Lawyers are trained to notice the nuanced differences in language and analyze the implications. As such, most lawyers notice small things that non-lawyers would typically gloss over.

Likewise, if you have spent any time, any time at all, with a young child, you know what I mean. Children notice everything. Usually, the things you were hoping they would gloss right over. Which leads us to the second similarity...

Boldness: Lawyers tend to say things like it is a given; like there is no way we could possibly be wrong. Even if you are pretty certain, but not 100%, just say it with conviction and dare someone to challenge you. Children, too, have a certain innate boldness - or perhaps it is a lack of fear. Notice something about a stranger in public? Ask the nearest trusted adult, in a very loud voice, why it is that said stranger did/does/is doing that thing. "Why did that person just cut in line?" (I can feel you cringing).

Inquisitive: Lawyers ask "why" all day long. Why does our client want a desired outcome? Why did our client take a past action? Why is opposing counsel making this request? Why did the judge ask that question during the hearing? Well, kids do the same. All. The. Time. Sometimes the questions are fun ("why is the sky blue" or "why is ice cream so delicious"), while other times less so ("why is Grandma gone" or "why are you and mom not together"). Either way, the search for the knowledge is a constant.

Negotiation skills: Lawyers literally get paid to negotiate, whether it is the leading M&A attorney working out the final details of a deal or a litigator reaching a settlement. We learn early not to show our whole hand, to hold certain things back, and find the other side's motivation. Kids are no different. "May I have two cookies if I eat a second serving of broccoli?"

A sense of justice/fairness: In many respects the entire justice system is about the pursuit of justice or fairness. It is easy to see it in the criminal justice system, but it is present in other areas, too. Commonly, contracts are not entirely one-sided and civil juries reach what they consider fair monetary awards. Similarly, kids are constantly exploring what is fair. Do you not believe me? Give one sibling two cookies and the other only one. It will not take long before you hear “Hey! That’s not fair!” (If you were raised in my parents’ house, the immediate response back would be “life isn’t fair; get used to it.”). If given enough leeway, the child will even explain to you why it is not fair and how to remedy the solution - sounds more and more like a lawyer, does it not?

For better or for worse, I try to keep these similarities in mind in my professional and personal life. When my kids want to stay up late on a Friday night to watch a movie, we negotiate a deal and execute a “contract” memorializing that deal, often even addressing the ramifications if they breach the agreement. (Do not get on to me about capacity to contract - I have conveniently omitted that detail from my discussions with them). I have found that they are more willing to stick to a deal in which they had buy-in than to comply with a parental edict. Likewise, when opposing counsel are inextricably irrational, I try to remind myself that they may need a hug, a snack, and a nap. Because after all, children are really just short lawyers and lawyers are really just tall children.

Now go play nice in the sandbox.



Christina M. Baugh
Atlanta Bar Association President

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Ask Our Members

Guess the Atlanta Bar member from their childhood photo!



L-R, top to bottom: Amy B. Cheng, Chris P. Lightner, Paula J. Frederick, Lillian N. Caudle, Kier A. Prince, Erik I. Provitt, Kevin C. Patrick, Jacqueline L. Payne, Megan T. Hodgkiss, Jena G. Emory, Judge Diane E. Bessen, and John D. Hadden

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A Look at Juvenile Courts

The Importance of a Trauma-Informed and Trauma-Repsonsive Juvenile Court.



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The mission of the Fulton County Juvenile Court, one of the largest juvenile courts in the Southeast, is “to protect children and the community in matters brought before the Court, to rehabilitate children, and to restore families.” Each year hundreds

of children and their families come before the Court seeking solutions to complicated issues. Juvenile courts have the responsibility to administer justice to those in our society who are often the most vulnerable. Court proceedings can

result in placing a child outside of their home and rehabilitative treatment methods that can have a strong, lasting influence on the lives of those children. Research has found that most court-involved youth were exposed to violence and live with the

trauma of that experience.¹ In 2015, The National Council of Juvenile and Family Court Judges (NCJFCJ) issued a resolution urging juvenile courts to be trauma-informed in their community connections, practices, policy, educational training, administration, therapeutic services and judicial leadership.² Juvenile Court staff and its leadership are in the unique position to identify and improve interactions with children and youth who suffer from and have been exposed to traumatic stress and experiences.

In light of the NCJFCJ resolution, the Fulton County Juvenile Court invited the NCJFCJ to conduct a trauma assessment of our Court to further understand the opportunities and barriers to becoming a trauma-informed and trauma-responsive court, and to adopt practices that are sensitive to child and family trauma. Through the implementation of a universal precaution model, the Court wants to transform the culture and physical environment of our Court to be trauma-informed and trauma-responsive and better serve children, families, and our employees.

What Is Trauma and a Trauma-Informed Court?

The Substance Abuse and Mental Health Services Administration (SAMHSA) describes trauma as the result of “an event, series of events, or set of circumstances that is experienced by an individual as physically or emotionally harmful or life threatening and that has lasting adverse effects on the individual’s functioning and mental, physical, social, emotional, or spiritual well-being.”³

The types of cases that make up the majority of our juvenile court’s case load are dependency, delinquency, and children in need of supervision (CHINS); though the number of victims of potential traumatic experiences who appear before the court are unknown, research has shown that millions of children in the U.S. are exposed to violence as victims of abuse

and other violence, witnesses to intimate partner violence or witnesses to violence in their neighborhoods.⁴ According to research, such exposure results in children traumatized having an increased risk of school failure and significantly greater risk in developing aggressive and disruptive behaviors, alcohol and illegal drug use, repeated victimization and diagnosis of behavioral health disorders including post-traumatic stress disorder (PTSD).⁵ As everyone continues to live with the COVID-19 pandemic, the work of our Court becoming trauma-responsive is necessary now more than ever.

A trauma-informed court is one in which the judge and other stakeholders recognize that the children and families appearing before them may have personally experienced traumatic life events of varying severity, are cognizant that the stress of the courtroom environment may impact trauma survivors, and take action to minimize trauma and re-traumatization.⁶ When judges make even small changes toward that acknowledgment, it can make the proceedings more efficient and avoids potentially re-traumatizing individuals who have already experienced trauma.

Nationally, Juvenile Courts have advanced their understanding of how trauma impacts one’s development and how it influences human function and behaviors. As courts, there is an increased need to look beyond “the what” (the act or action of delinquency or dependency) that has brought the youth before the court, but rather a light must be shined on “the why” of the act or action. The why may be found in the assessment for traumatic injury or experience which when appropriately addressed reduces the likelihood of reoccurrence.

Prior to the trauma assessment, Fulton County Juvenile Court engaged in ongoing efforts to create policies, procedures, and practices that collaborated with trauma focused services, coordinated, and

monitored services that are evidence-based effective treatments, and implemented environmental changes that aid in reducing the risk to exacerbate existing trauma of those who became court involved. Some of those efforts included trauma awareness trainings, improving the physical environment of the Court, and conducting hearings virtually and utilizing

As everyone continues to live with the COVID--19 pandemic, the work of our Court becoming trauma-responsive is necessary now more than ever.

time-certain calendaring (a best practice and considered one of the cornerstones of effective case flow management and the creation of a trauma-informed system). The court had also been engaged in collaborative training opportunities with Fulton County Court Appointed Special Advocate (CASA) program to improve the knowledge and expertise of staff on how adversity and trauma impact youth, children, and their families. CASA has been utilizing the Sanctuary Model to become a trauma-informed organization, and certain court personnel have participated in those efforts over the past few years. While Fulton County Juvenile Court was making strides towards being more trauma-informed and trauma-aware, the Court decided to engage an outside organization to conduct an assessment to get another opinion on how and where the Court can improve its trauma awareness.

(continued on page 13)

2022 LEADERSHIP TRANSITION SCHEDULE

January 31 - February 14, 2022:

All Nominating Committees shall meet.

February 7, 2022:

Deadline to submit 2022-2023 Section Dues proposals to Atlanta Bar Board of Directors. Deadline to submit 2022-2023 Section budget proposals to Atlanta Bar Executive Committee.

February 21, 2022:

Atlanta Bar Board of Directors votes on Section Dues proposals.

February 22, 2022:

Deadline to submit Bar and Section slates to executive director.
Deadline for Atlanta Bar President Elect to submit 2021-22 board member nominations to the executive director.

February 28, 2022:

Deadline to offer self-nominated candidates that were not slated the opportunity to petition to be included on the ballots.

March 7, 2022:

Deadline to receive petitions to be placed on ballots.

March 14, 2022:

First ballots distributed by email. Return deadline: April 1, 2022

April 1, 2022:

First ballots counted.

April 4, 2022:

Second ballots, if necessary, for runoff, distributed by email.
Return deadline: April 12, 2022

April 12, 2022:

Second ballots counted.

April 29, 2022:

Atlanta Bar Board of Directors vote on President Elect's appointments to the Board.

May 2, 2022:

Deadline for Sections to submit report of activities for FYE 21 and goals for FYE 22.

The Assessment Process

In the Spring of 2021, the NCJFCJ conducted a virtual trauma assessment for Fulton County Juvenile Court. The trauma assessment included stakeholders and partners in the community in order to be informed on methods that can be used to become more trauma-informed and trauma-responsive to the community. The purpose of the Court's trauma assessment was to aid in its understanding of how the courts interactions could be improved while improving the trauma-responsive process of justice. The process utilized a multi-method approach, including on-line surveys, focus groups with 15 unique stakeholder groups conducted via Zoom, and observations of virtual court hearings.

The assessment informed the Court regarding our processes, including the extent to which professionals understand the traumatic effects on children, youth and adults involved in the system, how court professionals understand and address secondary traumatic stress, and how trauma is identified within the system.

What's Next?

The assessment identified opportunities for improving our trauma-responsive practices. First and foremost, our work will be guided by the adaptation of a universal precaution model court wide. This model assumes that the Court, all stakeholders, and all youth and their families have a history of exposure to a traumatic life event or experience, either prior to becoming court-involved and/or during court involvement. Adopting this approach can have significant implications for crafting our Court policy and practice with respect to prevention, assessment, treatment, and training about trauma.

Pursuant to the recommendations of the assessment, the Court will develop materials to assist children and their caregivers in understanding the Court process; implement training on secondary

traumatic stress as well as coordinate employee resources to address this; update Court practices that address hearing continuances, and the timing of issuing orders; and use bench cards to guide thorough discussions on key child well-being topics during hearings.

As the Court continues to implement best practices, the Fulton County Juvenile Court Judges, Court staff, and administration must engage in an accountability, rehabilitative and reunifying practice that includes a juvenile justice and child welfare practice which is culturally sensitive to childhood trauma. Being trauma-responsive includes taking universal precautions to address the uncertain number of persons with trauma who become court involved, across all domains of environment, practice, policies and individual persons. As the Juvenile Court continues on the path of advancing trauma-informed and trauma-responsive methods there will be focus on the implementation of strategies designed to reduce stress, improve comprehension, lessen anxiety, and reduce the risk of exacerbating trauma symptoms.

As a result of the trauma assessment, Fulton County Juvenile Court updated to our strategic plan which has afforded the Court the opportunity to intentionally embed the work associated with becoming a trauma informed and responsive court, to the way in which the Court envisions serving our community. Core values that are the foundation of our Court now include being trauma informed. Responding appropriately through this lens is going to require a mental shift in how judges, attorneys, and court staff see court participants.

Juvenile Courts impact the lives and families of some of the most vulnerable children in our communities. Courts have a responsibility to consider the trauma of the children and families who appear before the Court, and to make efforts to acknowledge their trauma and mitigate further trauma caused by being involved with the Court.

While Fulton County Juvenile Court is still in the process of implementing all the recommendations from the trauma assessment, the Court is actively moving in the direction of fulfilling the mission of the Court by being trauma-informed and trauma-responsive.

¹United States Department of Justice, Attorney General's National Task Force on Children Exposed to Violence, Report of the Attorney General's National Task Force on Children Exposed to Violence. [Washington, D.C.] :OJJDP, 2012. Available at <https://www.justice.gov/defendingchildhood/cev-rpt-full.pdf>

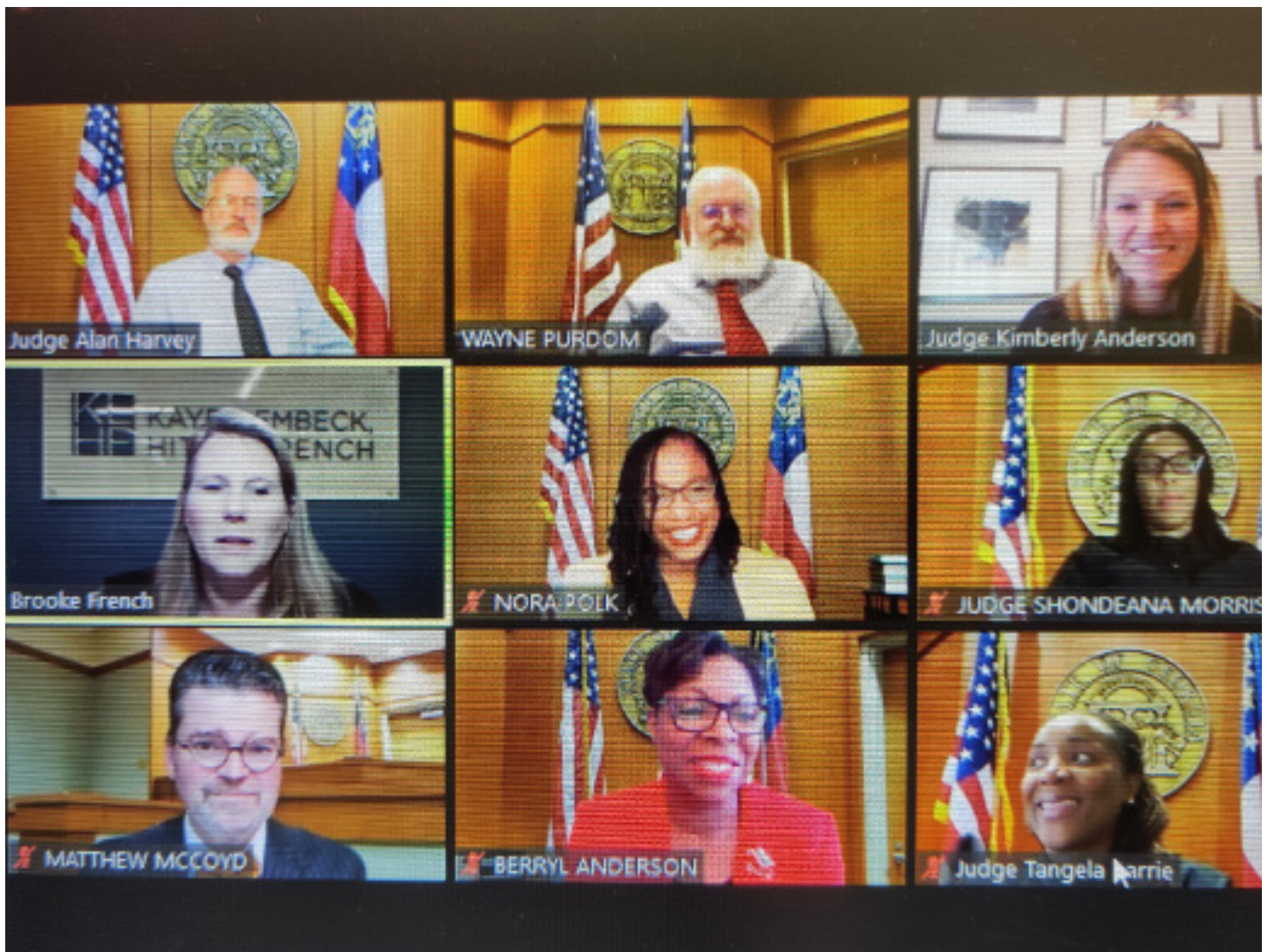
²National Council of Juvenile and Family Court Judges, Regarding Trauma Informed Juvenile and Family Courts, 2015. Available at <https://www.ncjfcj.org/wp-content/uploads/2019/08/regarding-trauma-informed-juvenile-and-family-courts.pdf>.

³Substance Abuse and Mental Health Services Administration. SAMHSA's Concept of Trauma and Guidance for a Trauma-Informed Approach. HHS Publication No. (SMA) 14-4884. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2014. Available at <https://store.samhsa.gov/sites/default/files/d7/priv/sma14-4884.pdf>.

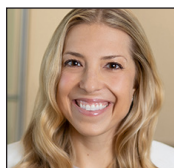
⁴United States Department of Justice, Attorney General's National Task Force on Children Exposed to Violence.

⁵MacArthur Foundation, Juvenile Justice in a Developmental Framework: A 2015 Status Report. Chicago, IL; John D. and Catherine T. MacArthur Foundation, 2015. Available at https://www.macfound.org/media/files/macarthur_foundation_2015_status_report.pdf

⁶See The National Child Traumatic Stress Network, Essential Elements of a Trauma-Informed Juvenile Justice System. Available at https://www.nctsn.org/sites/default/files/resources/essential_elements_trauma_informed_juvenile_justice_system.pdf See also Stoffel, E., Korthase, A., & Gueller, M., Assessing Trauma for Juvenile and Family Court Judges: From Development to Implementation, 2013-2017. Reno, NV: National Council of Juvenile and Family Court Judges, 2019. Available at https://www.ncjfcj.org/wp-content/uploads/2019/07/NCJFCJ_Assessing_Trauma_Final.pdf



Judges Panel Series: DeKalb County



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On December 21, 2021, the Atlanta Bar Association hosted the second installment of Access Atlanta: Judge Panel Series. December's panel featured the following DeKalb County judges: **Honorable Berryl A. Anderson** (Chief Magistrate Judge),

Honorable Kimberly K. Anderson (State Court), **Honorable Tangela Barrie** (Superior Court), **Honorable Alan Harvey** (Magistrate Judge), **Honorable Matthew McCoyd** (Magistrate Judge), **Honorable Shondeana Morris** (Superior Court),

Honorable Nora Polk (Magistrate Judge), and **Honorable Wayne Purdom** (State Court).

Are virtual hearings here to stay?

Judge Tangela Barrie believes virtual hearings will continue on a court-by-court basis. Zoom hearings are appropriate in some cases, depending on the subject matter and the parties involved. For example, a lawyer who often participates in virtual hearings will be more efficient on Zoom than will a pro se party attending his first hearing. Judge Barrie enjoys virtual hearings and will continue them with the consent of the parties.

Superior Court judges – What is the average amount of time it takes to schedule a Zoom hearing after the request?

Judge Barrie evaluates hearings on a case-by-case basis. She tries to schedule temporary hearings as soon as possible when requested. She will hear a case at 8:30 am if necessary. Mediators are available on Zoom, making it easier to send cases to mediation.

Judge Shondeana Morris is a huge fan of Zoom status conferences for civil and criminal cases. She believes Zoom is here to stay, but some procedures must be done in person. Zoom allows her to manage domestic cases more effectively, and conduct proceedings at non-traditional hours.

Magistrate Court judges – have you seen an increase in evictions and foreclosures?

Judge Berryl Anderson has seen an increase because Magistrate Court is still 100% virtual at this time. Zoom has opened the floodgates for access. Previously, individuals would have to go to the courthouse during business hours; now individuals may submit evictions and foreclosures 24/7. Magistrate Court has brought in additional judges to manage the increase. Magistrate Court will be a hybrid court in the future.

Judge Nora Polk has seen a large increase in dispossession cases. In 2021, they saw more than 21,000 dispossession cases. On a weekly basis, they hold 11 calendars,

processing 20-50 cases per calendar. DeKalb County began a tenant-landlord assistance coalition, which has helped more than 2,500 families and receives about \$1 million per week in funds.

The Honorable Wayne Purdom believes the slowdown of collection cases going to judgment due to COVID-19 has passed. The court has a large criminal backlog, but most cases will settle before trial. On the civil side, the court has not made much progress with the cases that require week-long trials. He did not have a backlog when he joined the bench, and now he has a substantial one. He believes that motion practice will continue over Zoom. However, a guilty plea does not have the same impact over video conference that it does in person.

Judge Morris added that Superior Court jury trials resumed in June 2021. All Superior Court judges have heard a jury trial, and they ensure the safety of all persons who appear. They take many safety precautions – testing when coming into the courtroom, questioning about symptoms and recent travel, and plexiglass in courtrooms. The plan in 2022 is to have limited jury trials – civil, domestic, and criminal.

Judge Barrie has had multiple jury trials. They use another courtroom to hold the jurors. She asks each juror if they are comfortable with the situation, and she has had one juror say no in five trials. She will release anyone who is not comfortable.

What can we expect with bankruptcy filings in 2022 caused by a triggering event in State Court?

As soon as the judges are notified that there is a federal bankruptcy pending, the case is stayed.

How is DeKalb conducting voir dire?

Judge Kimberly Anderson states that state

court has mainly done voir dire in person. Judge Jacobs has done virtual voir dire. They use a church facility for more space, and strike jurors there. State court does not require as many potential jurors as superior court. In 2022, state court will start having longer trials. Currently, the default for criminal cases is in-person, and the default

However, a guilty plea does not have the same impact over video conference that it does in person.

for civil is virtual.

Judge Purdom can typically conduct three trials per week.

Magistrate Court judges – what is the biggest hurdle magistrate court has overcome and how did you overcome it?

Judge Matthew McCoyd is the supervising judge over the criminal division of magistrate court. They are currently conducting everything through Zoom, running roughly 96 calendars a week. All persons accused of a felony have preliminary hearings, which were suspended during the judicial emergency. There was initially a three to four-month backlog, and now it is one month. There has been at least a 10% increase in arrest warrants.

Judge Polk explained that some of the functions within magistrate court never stopped during COVID-19 because they are essential (e.g., protective orders). Before

(continued on page 17)

Blast from the Past

Past articles published in the January/February issues of *The Atlanta Lawyer* in previous decades.



February 1976 Medical Malpractice Suits Curb Annual Joint Bar/Medico meeting

The organized bar should invoke Canon 7 against attorneys who file worthless medical malpractice suits, the general counsel for the Louisiana State medical Association said here.



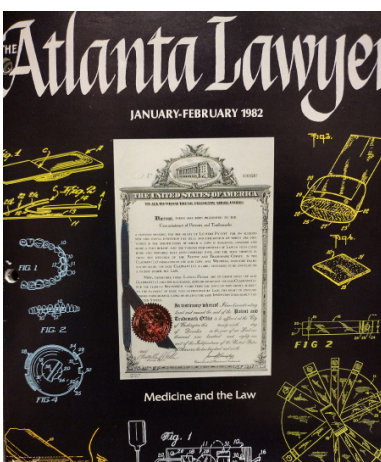
January 1991 Kuppenheimer Donation Suits the Youth Detention Center Mock Trial Team

You've probably had nightmares like this: you're in a courtroom, getting ready to try a case. The judge and jury are impeccably groomed and impressively attired. You, on the other

hand, are wearing blue jeans, a t-shirt and a pair of battered running shoes. For the boys on the mock trial team at the Atlanta Youth Detention Center, that nightmare has had substance as they prepared for the regional competition.

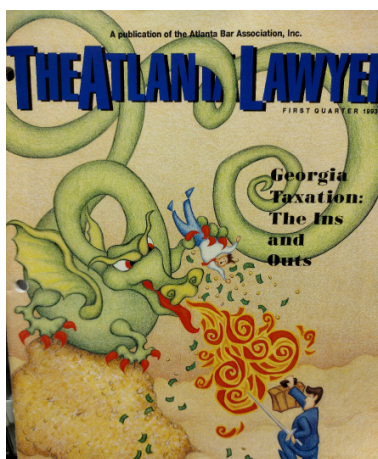
February 1976 Federal Court Pact to be Awarded

With the awarding of the \$77,066,000 Richard B. Russell Federal Building construction contract set for Feb 26, the Atlanta Bar Association successfully ends its campaign for development of new federal court facilities.



January 1982 Tips from CPT on what to Look for in a Word Processor

CPT offers a plain English explanation of exactly what word processing is, and some helpful pointers on how to choose from over 70 makes.



February 1993 The Tax Battleground of the 1990s

In 1992, the Georgia Legislature enacted legislation creating the Georgia Tax Amnesty Program, which provided Georgia taxpayers with an opportunity to come forward and pay certain past due taxes,

without being subjected to either civil or criminal penalties.

January 1982
Neuropsychiatric Evaluation in the Insanity Defense
Recently California abolished the legal defense of "diminished capacity," despairingly referred to as the "Twinkie defense." Dan White, killer of San Francisco Mayor George Moscone and supervisor Harvey Milk, was found guilty of manslaughter instead of first degree murder.

February 1993
Georgia State University Tax Clinic
The Tax Clinic at Georgia State University College of Law has successfully completed its first semester of offering free tax representation to low income taxpayers.

COVID-19, they did not have a paperless system, so they had to implement one quickly to continue the essential functions.

Do you see yourselves shifting to paperless?

Judge Kimberly Anderson only signs electronic orders.

Judge Barrie says they were heading this way before the pandemic, but the pandemic made the switch more important. If you show up to a clerk with a physical paper, you are escorted to a kiosk to file online. Her pet peeve about Zoom is people get too comfortable since they are not actually in a courtroom. She asks that everyone follow the Zoom rules she sends out, and that attorneys let clients know that it is still a professional environment.

Judge Purdom says court records became electronic five years ago. They went through a process of making Odyssey more user-friendly, which was completed before COVID-19. As a pointer to attorneys, he prefers to hold non-evidentiary civil motions hearings over Zoom. It is more efficient and keeps the attorneys from quarreling.

Judge Alan Harvey has become an Odyssey expert and conducts everything virtually. The collaboration between courts in DeKalb has been excellent for years and improved during the pandemic. He has heard divorce trials via Zoom and believes he can make just as good of a decision virtually as he can in person.

Jude Polk is a paper addict, but using Odyssey is much easier. Scanning documents in and signing them securely online is the present and future.

Do you send out Zoom rules? What is included in the rules? Is it advantageous to appear in person rather than over Zoom?

Judge Polk primarily deals with pro se

parties. The hearing notices include detailed instructions about downloading and using Zoom. Once the parties sign in, she reminds them that they are in a courtroom. She had to learn how to manage a virtual courtroom, which is a different skill set than managing a physical courtroom.

Judge Purdom has heard cases with one party in the courtroom and the other party virtual. He wants to remind parties that physical presence does not give the party an advantage. However, if the party has a lot of exhibits, being in the courtroom may be an advantage simply because it is easier to present exhibits. If arguing a motion in metro-Atlanta, you should always feel comfortable appearing by Zoom.

Judge Kimberly Anderson believes there is a logistical advantage to being in the courtroom. The arguments will not be affected – the law is what it is.

Judge Harvey has been hosting a hybrid courtroom. He believes he gets a good understanding of someone from body language and facial expressions. He focuses on determining the credibility of a witness. He finds it amazing how many people will testify inconsistently.

Judge Purdom thinks it is easy to lie through body language. Body language can be misleading across different cultures. He believes it is better to listen to testimony.

How do you interpret the Standing Order in domestic cases regarding the prohibition around travel with minor children over the holidays?

For Judge Barrie, it depends on the case. If a party is going out of town for an annual family trip, she typically supports it. However, if the other party is expecting to spend time with the child, that is when a problem arises. She typically reserves time the week before Christmas for problem cases. She tries to determine whether the travel is tradition, or if one of the parties is being spiteful.

Judge Morris has never encountered this situation. In the initial stages of COVID-19, she heard several temporary hearings related to travel during the pandemic, addressed on a case-by-case basis. Since then, it has not been an issue.

Do you have any suggestions if one party is moving marital money around and making it inaccessible to the other party, other than filing a contempt for violation of the Standing Order?

Judge Harvey would need to see evidence that the party has moved a lot of money. He has taken this into consideration with division of property or attorney's fees.

Judge Morris refers attorneys to the superior court website. The website encourages parties and counsel to reach out to her staff attorney or civil case manager, who will schedule a hearing as soon as possible. One benefit of Zoom is that she can schedule temporary hearings more quickly. If the situation is truly an emergency and your individual judge cannot schedule an immediate hearing, reach out to the presiding judge and they will fit you in if necessary.

Photo, L-R, top row: **Hon. Alan Harvey** (Magistrate Judge), **Hon. Wayne Purdom** (State Court), and **Hon. Kimberly K. Anderson** (State Court). L-R, middle row: **Brooke M. French** (Kaye, Lembeck, Hitt & French), **Hon. Nora Polk** (Magistrate Judge), and **Hon. Shondeana Morris** (Superior Court). L-R, bottom row: **Hon. Matthew McCoyd** (Magistrate Judge), **Hon. Berryl A. Anderson** (Chief Magistrate Judge), and **Hon. Tangelo Barrie** (Superior Court).



A Focus on Family Law

Child-Centered Issues We Never Imagined with COVID-19: Turning the Parenting World Upside Down.

For this issue of The Atlanta Lawyer, we focus on children. This month we asked Atlanta Bar Family Law practitioners for their comments about how the pandemic impacts child rearing issues, custody, and parental decision making. The lawyers give insight into each family's unique journey into litigation from their perspective as divorce lawyers, guardians ad litem (GAL), mediators, and arbitrators.

With the pandemic, so much has changed. COVID-19 has turned the parenting world upside down. Everything is changing every day, so, as frustrating as that is for us as individuals, it is exponentially so for families going through a divorce because they are already struggling to navigate new dynamics. The parties in these cases have their patience challenged incessantly with new information, changing guidelines, changing advice, etc. It is hard to be on the

same page with someone you love, let alone with someone you are divorcing or from whom you are already divorced.

Parents who had to travel for work suddenly did not travel at all, then a lot of them realized they did not want to travel for work and now do not travel. They are now going through a divorce and the spouse wants to say that the person was “never there” and traveled all the time, while the spouse

says, "I am changed, I am not traveling anymore, I am here to stay and oversee my own schedule so I can be here for the kids." What is the Court to do in that situation? Look at the historical data or look at the past two years?

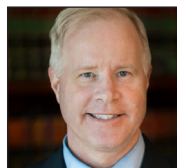
The same question arose for education – we now have to consider which parent would be better equipped to "homeschool" the children in the event of a school shutdown. We also have to write into our parenting plans who is responsible for the children during the day should the school not be open or the child needs to be home school or quarantined. What if a parent wants to choose to home school the children for medical reasons? For example, because of the pandemic and concerns of the child getting sick – is that a medical decision or an educational decision?

In Georgia, there are four areas in which there is decision-making authority: (1) non-emergency healthcare; (2) education; (3) extracurricular activities; and (4) religion. What if Mother has education authority and Father has healthcare authority and one wants the children to be in school and the other doesn't because of COVID-19 – who makes the decision? Is it a non-emergency healthcare decision or an educational decision? There is no law or direction from the Court about how to handle one parent who is following strict social distancing and one who is not – which parent is correct? Can a contempt be brought against a parent for this? What if the child gets sick and misses school? What if the child gets sick, which causes a parent to get sick and the other parent then must miss work? There are so many "what-if" scenarios – many of which we have not encountered or contemplated yet – and that challenge is we have nothing to compare to or base upon.



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As a result of the pandemic, who is the decision-maker for medical decisions for the children has become a big issue for clients in contested custody cases. Many parents are not on the same page regarding when or if their children should be vaccinated, and the proper protocol for quarantining due to potential exposure issues. Accordingly, clients are fighting over the non-emergency healthcare tie-breaker far more than they used to in the past, which has required either court intervention or getting recommendations from a GAL to move cases forward on these issues on temporary and permanent bases.



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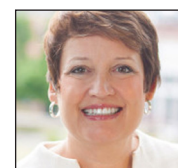
Issues we never imagined have become commonplace in custody cases during the pandemic. Which parent is more capable of handling virtual schooling, does parenting time stop if a family member is exposed or tests positive for COVID-19, how will decisions around vaccines be handled, and masking or not at school or activities are just a few of the issues that crop up. Overwhelmingly, we have seen skyrocketing mental health issues with children related to anxiety, depression, and, in some cases, suicidality. During the pandemic, I feel the area I have helped parents the most is educating them on the additional stressors on children and convincing parents to back off a bit on the intense focus on grades and screen time. Everyone needs to give each other a bit of grace and realize the rules that applied pre-pandemic are not always applicable or in a child's best interest right now.

When I tell a fellow lawyer that I am a

family lawyer, they inevitably groan and say something to the effect of "better you than me." It is important for a custody lawyer to be patient and to be able to recognize a child staying connected with both parents is better for the child's long-term outcomes. Most importantly, a custody lawyer should be able to compassionately set reasonable expectations with parents and, when

**Issues we never
imagined have become
commonplace in
custody cases during the
pandemic.**

necessary, to provide robust reality checks. I handle high conflict custody cases as a litigator, guardian ad litem and as mediator/arbitrator. I rely on other seasoned custody lawyers and seasoned mental health professionals as my sounding boards. I also stay current with the research on children, families, and conflict. It is my experience that guardians ad litem are most helpful in cases involving allegations of substance abuse, mental health issues, special need of children and abuse.



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A child-centered heart and a passion for children makes a difference in helping parties or the court craft a custody determination and parenting plan that helps the family transition out of litigation.

(continued on page 21)

Blast from the Past

Past articles published in the January/February issues of *The Atlanta Lawyer* in previous decades.



January 2000

Bard Auditions: One Last Change to Join the Fun

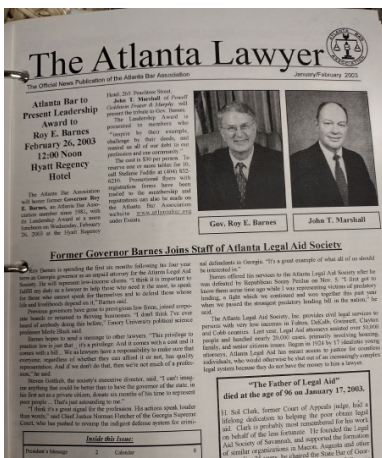
The Atlanta Bard - a committee of the Atlanta Bar Association - has scheduled two performances, March 16-17, 2000, at the 14th Street Playhouse. The Bard's performance of "A Courthouse Line" last March played before

a sold-out audience and received rave reviews in the *Fulton County Daily Report*.

January 2000

Atlanta Bar helps Strike Out Hunger

The Atlanta Bar Association helped raise \$67,800 for hunger relief with its sponsorship of the 12th Annual Harvest Gala. All proceeds benefited Atlanta's Table, a project of the Food Bank which rescues prepared and perishable food from local restaurants and delivers it in refrigerated trucks to not-for-profit agencies feeding those in need.

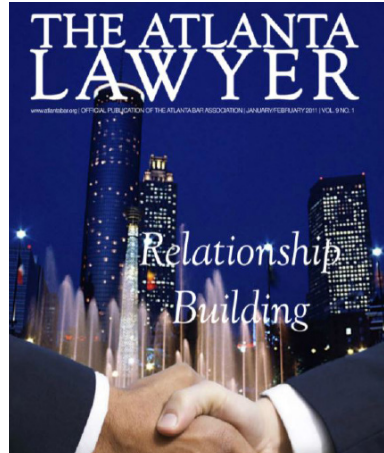


February 2003

Under the gun: What to Do With 15 Minutes of Voir Dire

Bill Clineburg writes: "I would be interested in your thoughts on how to focus voir dire in those increasingly frequent situations in federal court where the judge gives each party 15 or so minutes

to conduct voir dire. How do you suggest balancing the need to get to know the jurors with assuring you ask all the hot button questions?"



February 2003

Foundation News: Truancy Intervention Project

Each year, TIP hosts the program with the goal to adopt not just the children who are involved with the Project, but also their siblings and other school age children living in the home.

February 2011

Relationship Building: Tilting at Windmills

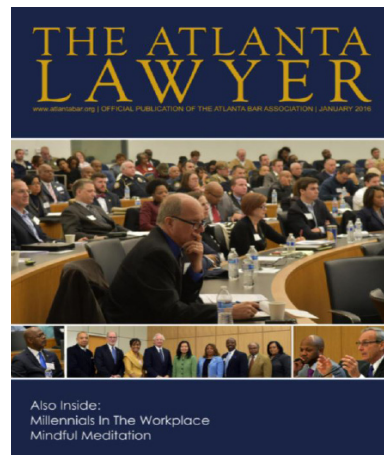
In a recent case, the lawyer I was assisting kept referring to the defendant as an evil wrongdoer. I asked, "Why are we talking about evil and intent? Isn't this just a simple negligence case?" He countered, "Well, yes but I really think this defendant is a bad guy. And don't you think the jury will award more money if they are angry?"

February 2011

How to Not Behave: Perspectives from Your Favorite Staff Attorneys

Everyday staff attorneys interact with members of the Bar on a variety of matters, and by acting

as the Judge's gatekeeper, they are afforded a bird's eye view of unethical, unprofessional behavior.



January 2016

Equal Justice in Law Enforcement Symposium

On January 14, 2016, national and local leaders from law

enforcement, citizen advocate groups, academia, the legal community participated in our EJLE Initiative.

As I have reached each stage with my children personally, it has given me new and meaningful insight into advocating for and advising clients, as well as my guardian ad litem and mediation practices. This personal life experience helps extend compassion and understanding that my younger, child-free self, did not know that I did not know. Experience helps give insight into each family's unique journey into litigation.

First, the family's ability to pay for a guardian ad litem is a consideration, but there are many of us willing to take on pro bono or "low" bono cases if the case warrants a GAL but the family does not have the funds. The other consideration is whether the dispute in the family is one that could be resolved by mediation, co-parenting counseling, or a parent coordinator. While a GAL is an excellent way to flush out the child's best interests, not every family needs or can afford protracted litigation. Especially with COVID-19 wreaking havoc on our access to the courts.

As a GAL, and in normal times, pre-pandemic, it was easier to get access to the children through the schools. That has been the biggest impact in those contested

custody cases where perhaps the GAL does not want to meet with the child at home. I have spent some hot Georgia summers in a mask playing or walking in parks with children just to find ways to get their input without the parent in the next room. Home visits were also greatly impacted, with many early in the pandemic being conducted via zoom. While this is fine for some cases, the nuanced information you receive as a GAL from driving to and observing the neighborhood is lost with a zoom call.

Interpreting the shelter-in-place orders were initially challenging early in the pandemic before we received clarity from the bench as to children having "two homes" to shelter in place. We saw people using the shelter-in-place order initially to block the other parent's access - some due to valid health concerns, and others are the bad actors keen to use any excuse to deny the other parent parenting time. We saw the same argument we have always seen - to vaccinate or not - rear its head, but we have always had cases where there is a discussion about vaccine schedules, opting out of certain vaccines (hello HPV vaccine debate on teen girls)! etc.

While many issues are consistent, it is

the ability to resolve these issues that has changed. Families will always, unfortunately, deal with addictions, abuse, cheating spouses and how that affects co-parenting, financial stressors and simply growing apart. Co-parents still moved out of state, children made elections, child support payors lost income, but these are not new issues. Our legal solutions to these litigation points may have adapted, but for the better.

There are always a few cases, clients, and children in cases that you feel a special connection to, and right now many of the equitable caregiver cases for my same-sex parents are those cases. I just settled one that has been in litigation since 2016, up and down appeals along the way, and the ability to stop the hurting for this family was the best gift to myself this past year. The ability to remove the threat of appeal and give access to my client's child after all these years is invaluable to my client.



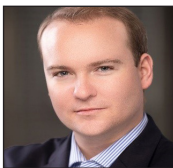
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An Evolving Cybersecurity Landscape

Key Notes from 2021 from Section Chair Bush and Editorial Board member Jones.

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Things heated up on the information security front in 2021, and they show no signs of cooling down in 2022. While the manner and means of cybersecurity risks

are increasingly becoming less predictable to businesses struggling to keep up, the one certainty is that the number of attacks will increase and will become increasingly

sophisticated. New attacks frequently dominate headlines, as the strategies used by threat actors and malicious software become more and more disruptive.

Triple Extortion & Sophistication

Part of the increase in concern is the array of methods of holding companies or governments hostage so they have less of a chance to mitigate damages or even to effectively negotiate with hackers. While previously the threat was an encryption of a company's systems until a ransom payment was made, companies now face the possibility that its networks will be locked down while at the same time the company's sensitive data will be exfiltrated. This is further exacerbated by the new market of "ransomware-as-a-service," through which any individual with an ability to access the dark web can hire professional attackers to perform a job for the right price. In fact, some hackers are using penetration tools to customize attacks on the fly. All of this leads to an exponential number of possible threat vectors instead of an attack likely only coming from a relatively small number of professional organizations. Further compromised are customers and business partners of companies subject to an attack, necessitating a fully holistic and shared approach to mitigating and handling attacks.

Supply Chain Attacks

Devastating cyberattacks on governmental, technology and supply chain sectors marked 2021. The SolarWinds, Codecov and Kaseya hacks spring immediately to mind. Attackers have exploited the uncertain environment and unique risks stemming from the COVID-19 pandemic, leading to a 29% increase in global cyberattacks. Many apps and other systems developed for the purposes of assisting people with COVID-19-related issues have been impersonated or simply hacked, leading to further damage. Over 50% percent of the malicious apps intended to exploit COVID-19 risks are related to TikTok.

Government Response

Last year also saw a significant increase in government regulations and initiatives

set on curbing the damage caused by cyberattacks, culminating in President Biden issuing an executive order regarding the country's cybersecurity as a whole. In May, President Biden's executive order responded to a series of concerning incidents by mandating new guidance on cybersecurity requirements from several federal agencies, in addition to spurring government software and hardware providers to step things up to retain their government contracts. Other U.S. government agencies and states followed suit:

- **OFAC:** In September, US Department of Treasury's Office of Foreign Assets Control (OFAC) issued an updated advisory on paying ransoms and the risk of potential sanctions that companies face in making such payments.
- **SEC and FINRA:** The US Securities and Exchange Commission (SEC) and the Financial Industry Regulatory Authority (FINRA) have each published reports outlining regulatory examination priorities for 2021 that include a notable emphasis on cybersecurity issues.
- **NYDFS:** The New York Department of Financial Services (NYDFS) issued industry guidance on ransom payments and how this fuels additional attacks. NYDFS further recommended against paying ransoms and instructed companies to adopt a defense in depth strategy layering multiple security controls within their environment.

Mitigation Strategies

It is an adage, but like most adages, it has a kernel of truth to it: it is not a matter of if, but when. What can you do now to mitigate your risk?

- **Inventory and Map Your Data:** You must know **what** data you touch, **where** it comes from, **where** it goes and **how long** you keep it. Particularly important here is the question of **where** any personal data subjects are resident, as this will drive jurisdiction-specific

breach notification requirements if there is a data breach.

- **Review Data Security Controls:** If you are trying to put controls in place after the fact, it is too late! Review your current controls and processes **now**, identify any gaps and take steps to remediate them.

Cybersecurity is increasingly an indispensable and unavoidable aspect of any corporate counsel's of business attorney's portfolio.

- **Implement and/or Evaluate an Incident Response Plan:** An incident response plan is key, and no business is too small to have one. Again, the last thing you want to do when you are hit with a security incident is to be trying to come up with a plan on the fly. You need to have one **now**. There are many standard-setting organizations out there that can provide you with guidance and best practices, and consultants and outside counsel abound to advise on implementation.
- **Cyber Insurance:** If your business accesses or uses personal data, you need to talk to an insurance professional about buying coverage to protect against losses from a security event. Fair warning, though: coverage is increasingly expensive, and costs do not appear to be going down any time soon. Year-over-year premium increases of 2x, 3x or even higher are not uncommon given the current threat environment. Key issues of

(continued on page 25)



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Legal Support Staff: \$5 per session

- interest to underwriters and carriers in the cyber space:
 - The **number of records** containing personal data processed by your business
 - The content and frequency of security **training** provided to your employees and contractors (e.g., around phishing)
 - **Tools** used to block malicious software and attachments
 - **Authentication** of remote users (e.g., multi-factor authentication)
 - Type and cadence of **vulnerability scans** and **penetration tests**
- **Vendor Management Protocols:** As some recent (and not-so-recent) data breaches have shown, sometimes the weakest link in your security posture is a third (or fourth) party which may not have the same controls in place as you do. Having a process in place for screening and monitoring vendors (even ones that might not seem that mission critical) is key.

Key Takeaways

Cybersecurity is increasingly an indispensable and unavoidable aspect of any corporate counsel's or business attorney's portfolio. Boards and potential investors are increasingly focused on it, and regulators (and plaintiffs' attorneys) certainly are. Attorneys need to educate themselves about the various mitigation strategies and honestly assess whether they have the expertise and resources to develop and implement a sufficient mitigation strategy, or whether to seek outside counsel. The Atlanta Bar's Privacy & Cybersecurity Section was created, in part, to serve as a network through which corporate and business counsel can find the education, resources, and professionals they need to serve their clients in this rapidly evolving area. Join us!

Have You Ever Wanted to be Published?

The Editorial Board invites you to submit your articles and article ideas to be considered for publication in upcoming issues of The Atlanta Lawyer. Submit your ideas to jcoleman@atlantabar.org

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How to Plan Your First CLE



PHOTO CREDIT: PIXABAY.COM

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Planning your first CLE on your own can be a daunting task. Not only do you need to consider the requirements of the Georgia Bar to get your CLE approved for credit; you also need to actually plan the program and coordinate speakers. This article will discuss the four basic steps to planning a CLE: (1) identifying a topic, (2) selecting speakers, (3) planning the program, and (4) applying for CLE credit.

Identify a Topic

The first step is identifying a topic. There are a myriad of topics to choose from. You can select an update on a specific area of law, best practices for taking a deposition or trying a case, an examination of the differences between in person and virtual mediations or emphasize the importance of mental health. If you are planning a CLE for an organization, the ideals of that organization should be the driving force

behind the selection of your topic.

Select Speakers

Once your topic is selected, you need to identify your speakers. This can sometimes be an underutilized advantage to planning a CLE. Most first time CLE planners are nervous about asking people to speak at their event, but this fear is unfounded. People want to speak at your event, no matter how small you believe it is. I firmly believe that when planning a CLE your speaker should be someone you know or someone you wish you knew. If you select an attorney you know to speak at a CLE, you strengthen your relationship and invest in their career by giving them an opportunity to present on a topic that they are the expert on. Even if you have not seen that person in a while, they will appreciate that you remembered them and recognize their expertise. On the other hand, if you choose a speaker that you wish you knew, you get the opportunity to meet a leader in their field, expand your own knowledge base, and make a new contact. There is no reason why you cannot help your own career while planning a CLE that your audience will enjoy.

Plan the Program

In a post COVID-19 world, the first step to planning your first CLE program will be deciding whether the CLE will be virtual or in person. There are pros and cons to both. If the CLE is virtual, you are responsible for selecting the virtual platform and using that platform properly. There are companies that you can hire to run the virtual program for you. These companies sometimes even offer free training sessions to check your lighting and sound days before the program. These companies can also be expensive. If you are hosting a small CLE, you may simply want to operate Zoom yourself. Be prepared, however, for technical difficulties, and forgive yourself when they occur. Your audience will forgive you as well. If you choose to host the CLE in person, you must find a venue for the event. Law firms or a bar center are normally good options.

As for the program itself, I normally allow the speaker to completely determine how they want to present on a topic. If they want to prepare a PowerPoint and lecture for an hour, I will let them do that. If they want to identify a few other speakers to form a panel, I will allow that as well. If a speaker wants me to moderate a panel, I first have the speaker provide me with the list of questions they want to answer. I have also allowed speakers to simply field questions from the audience on a certain topic. The speaker will know what format they are most comfortable with and want to use, and I normally defer to the speaker's preference.

Apply for CLE Credit

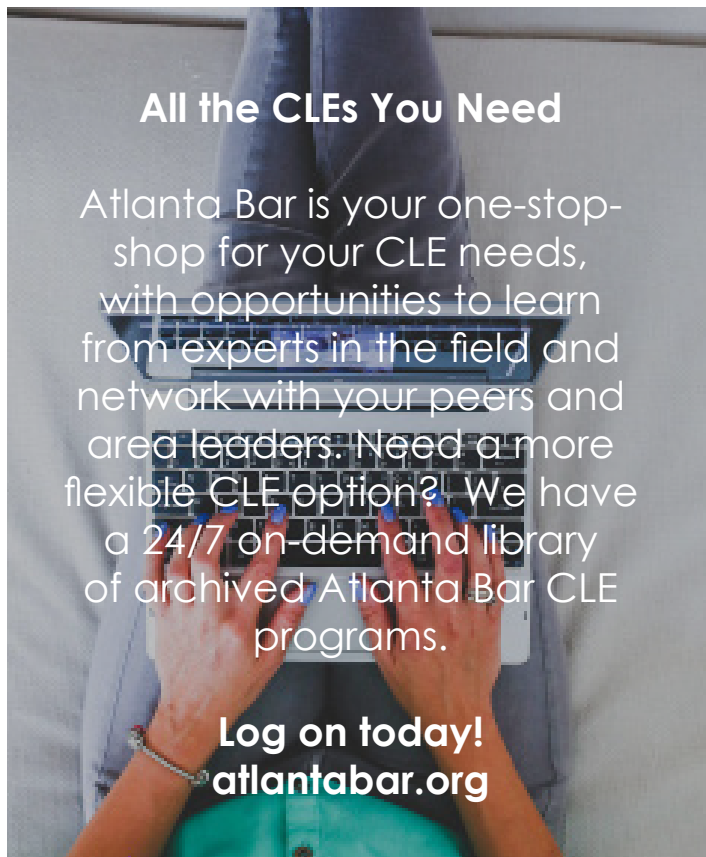
There are four different types of CLE credit: general, trial practice,

ethics, and professionalism. According to the State Bar, “[e]thics programming instructs attorneys on requirements of the rules, provides attorneys with resources to avoid violations and helps attorneys understand how the rules protect the public.” Trial practice requires the discussion of evidence, civil practice and procedure, criminal practice and procedure, ethical conduct of litigation, or trial advocacy. For professionalism credit, the presentation must discuss the lawyer's creed and professionalism concepts. For the complete requirements, please see the State Bar website.

Every type of CLE credit also requires written materials. The written materials can be the hardest part of the process, but it does not have to be. Most speakers do not have the time or the desire to draft written materials for a one-hour CLE. There are many people, in this situation, who choose to draft the written materials for their speakers. While there are certain situations where I agree with this approach – for instance if your speaker is a judge or significant public figure – I normally do not even give my speakers this option. Most attorneys, and especially experts in their field, have written articles or blog posts on topics that are their specialty. These prior papers can be used as the written materials for your CLE.

After you complete these four steps, you will have your first CLE planned. The practice of law is exciting, and CLEs can be a great way to expand your horizons as an attorney and learn new skills.

Good luck!



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Guardian ad Litem Point of View

Volunteering as a Guardian ad Litem with Atlanta Volunteer Lawyers Foundation.



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When parents and caregivers have disputes over the custody and care of their children, the Superior Court may appoint guardian ad litem (GAL)¹ to advocate for the best interests of the children involved in the custody case. GALs appointed to Superior Court custody cases are governed by Uniform Superior Court Rule 24.9, which provides in part that:

[T]he GAL shall represent the best interests of the child. The GAL is an officer of the court and shall assist the court and the parties in reaching a decision regarding child custody, visitation and child-related issues... The GAL holds a position of trust with respect to the minor child at issue and must exercise due diligence in the performance of his/her duties. A GAL should be respectful of, and should become educated concerning, cultural and economic diversity as may be relevant to assessing a child's

best interests.

In the Superior Court, GALs are often in private practice and their fees are paid by the parties as directed by the Court. Judicial circuits across the state have their own procedures for appointing GALs and have varying approaches on what to do when the parties cannot afford to pay a GAL for their time.

In Fulton County, this is where Atlanta Volunteer Lawyers Foundation (AVLF) steps in. When the family involved cannot afford a GAL, the judges of the Fulton County Superior Court Family Division bench can appoint a pro bono GAL who is trained and supported by AVLF to investigate and make a recommendation as to the best interests of the children.

GALs are vital in many custody cases. Unlike the judge, the GAL can go out into the community, see where the child lives, build rapport with the child, and interview the parents, teachers, family, and other important professionals and acquaintances in the child's life. The GAL then provides a report to the parties and the judge about the findings of their investigation and makes a recommendation about custody and parenting time, based on the best interest of child standard found in O.C.G.A. § 19-9-3.

In 1990, Judge Joel Fryer appointed Debbie Segal, AVLF's then Executive Director, to serve as a GAL in a complex contested custody case pending in his court. After this case concluded, Segal, who had had no prior training or experience as a GAL, saw a need for training for future GAL appointments. She proposed to the Fulton County Superior Court that AVLF create a program to train and facilitate the appointment of pro bono GALs for the Court. The Court approved the idea and agreed to support it. Segal then approached Debby Ebel and the law firm of Long Aldridge & Norman, now Dentons, who joined in and made the GAL Program the firm's signature pro bono project. Since the program launched, rules, guidelines and programs have been created across the state to provide for children to have a voice in custody battles.

Segal shares, "My first case was absolutely terrifying. There were no rules or guidelines and Judge Fryer just told me to figure it out and do what I thought was best. And I had these children's lives in my hands. So now it is amazing that over 30 years have passed and what was so unique – for children to have an independent voice and their own advocate – is so matter of fact now."

Over the past 31 years, we have continued to grow this partnership with Fulton County Superior Court to best serve the court, the litigants, and of course our volunteers. AVLF's partnerships with the courts, bar associations, firms, and attorneys are the recipe for our program's success. Without these partnerships, we could not provide this vital service.

Currently, we offer training to become a Guardian ad Litem twice per year, in the fall and the spring. Our training boasts a roster of top-notch guardians ad litem from across the city who share their expertise with our attendees in a multi-day, interactive training session.

GAL volunteer opportunities with AVLF are open to all attorneys in good standing with the State Bar of Georgia², who have completed our training. You do not have to be a family law attorney or a litigator. We will teach you what you need to know!

If you are interested in serving as a GAL for Fulton County Superior Court custody cases, please reach out to our Volunteer Engagement Manager, Lilli Crowe, at lcrowe@avlf.org. She will contact you when registration opens for our May 2022 training.

¹GALs fill similar, but different roles in different courts. For example, GALs also play a vital role in the Juvenile Courts. This article will focus on the role of the Superior Court GAL, which is the type of GAL for which AVLF provides training, support, and pro bono opportunities.

²Uniform Superior Court Rule 24.9 does not require that a Guardian ad Litem be an attorney. This is a requirement specific to our program. While our training is open to all, regardless of whether you are a lawyer and regardless of your standing with the bar, these are requirements for volunteering as a GAL with AVLF.

Legends of the Bar

Trial Tales: 45 Years of Not Taking Myself Too Seriously. Trial tactics and techniques to learn.
Is it OK to enjoy when learning...especially in trial?

**LEGENDS
OF THE
BAR**

Roger J. Dodd

Wednesday, January 19, 2022

**ATLANTA BAR
ASSOCIATION**
LAWYERS WHO SERVE

The Atlanta Bar just hosted its first installment of a CLE series entitled “Legends of the Bar.” For this program, **Randall M. Kessler** (Kessler & Solomiany LLC) interviewed **Roger Dodd** (Dodd & Burnham), both of whom are trial lawyers. While his accomplishments are too lengthy to fully elaborate on in this article, briefly, Dodd is formerly a Board Certified Civil Trial Specialist for 30 years and a Board Certified Criminal Trial Specialist for 20 years. He has been practicing since 1976 and has tried more than 120 jury trials in his career. Dodd has been a lecturer, expert witness, and teacher in all 50 states, the District of Columbia, Russia, St. Thomas, Puerto Rico, Canada, Mexico, and various Caribbean locations. He now provides specialized individual training (www.doddlawclinic.com) and trial lawyer coaching (www.rogerdoddtriallawyercoaching.com).

Kessler essentially posed open ended questions to Dodd during the program and allowed Dodd to share war stories mixed with trial practice tips. Dodd began by addressing his most favorite opposing counsel who never raised one objection during the entire trial and his least favorite opponent who received

a tremendously large verdict and who mentioned that he was a “double Harvard” multiple times during the trial. Dodd discussed how he used this egotism to his advantage.

While Dodd maintains that he did not enjoy law school, he however loves trying cases. He is a firm believer in the jury system because the jury is the great equalizer. A jury keeps everyone honest. He believes that juries normally reach the right outcomes, not necessarily for the right reasons.

The program also included a detailed discussion of proper techniques of cross-examination. A cross-examination can be either too long or too short. Under the old school method, which Dodd referred to as “the destructive method,” a cross-examiner would try to attack certain portions of the witness’s testimony to show inconsistencies. This method can be effective, but Dodd favors the new technique of cross-examining witness, which he called “the constructive method.” With the constructive method, the cross-examiner goes over all the facts presented by the witness but frames the facts to support his version of the case. Dodd believes that you can kill the witness with a thousand cuts, not a “kaboom.” Dodd also shared that he has never had a Perry Mason moment during trial.

Dodd, as a world-renowned trial attorney, also provided his insights into delegating work. He believes that you should never delegate work to someone you do not completely trust, and you will never be able to delegate as much as you want. When it comes to client management, Dodd recommends setting client boundaries early on. He always informs his clients that they will make the big decisions on their case together, but they will not make every decision together. He never asks a client whether he properly examined a witness during trial.

Dodd’s insights into trying cases were invaluable, especially considering the phenomenon of the vanishing jury trial. The highlight of the program, however, was Dodd’s understanding of the legal profession. He knows that being a trial lawyer is hard, and it is a 24/7 job. Though he believes that he missed out on some of the philosophical and spiritual parts of life because he was working so much he would not trade it for the world. Not surprising for a man who dreams about cross-examinations.

If you were not fortunate enough to watch this CLE live, the program will be available on the Atlanta Bar’s online CLE library. Be on the lookout for the next installment of our “Legends of the Bar.”



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KEEP UP WITH THE LATEST
NEWS AND EVENTS BY
VISITING THE ATLANTA
BAR CALENDAR

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Books for Readers and Pre-Readers

Celebrating Diversity, Empowerment, and Kindness at Any Age.



PHOTO CREDIT: PIXABAY.COM



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Atlanta attorneys have a special connection with Dr. Martin Luther King, Jr. and a unique proximity to the lasting impact he and other local civil rights leaders have made on the law, even as the work is far from done. Of critical importance in this ongoing journey is education and awareness, and one can never be too young to learn messages of diversity, inclusion, self-empowerment, and compassion for others. In keeping with this issue's focus on children, and in honor of the recent holiday honoring Dr. King and Black History Month, we decided to provide a few book suggestions along these lines for our members with children in their lives.

First, what qualities should parents, grandparents, friends, and others look for when selecting children's books that reject harmful stereotypes and promote healthy self-image, emotional wellness, inclusion, and kindness? Age-appropriate materials that educate children on these topics explicitly do serve an important purpose, opening doors for important discussions about historical events, and helping them to develop resilience, awareness, and empathy.

But it is also critical to offer children exposure to diverse characters in all kinds of storylines. "Before I started practicing employment law, I was a first-grade teacher and very sensitive to the power

of representation (or the lack of) for my students. I became a collector of children's picture books created by Black authors and illustrators," says Principal and Chief Diversity Officer **Kimya Johnson** (Jackson Lewis). Atlanta-based Partner and Chief Diversity & Inclusion Officer **Yendelela Neely Holston** (Kilpatrick Townsend) tells us, "[t]he big thing about books is representation," she says, also recommending one of her son's favorites in the fantasy genre for our list, as you can see below. "It is important to me that my 8-year-old son can literally see himself in the stories that he reads. Thus, I try to make sure he has books where the characters look like him." In fact, all children benefit when their bookshelf reflects authors and illustrators of diverse backgrounds, as well as books with multilingual content, helping them cultivate appreciation for lived experiences different from theirs, and to envision a properly diverse and inclusive world.

Holston pointed us to a helpful resource, Reach Out & Read's Diverse and Inclusive Books List. Reach Out & Read, a non-profit organization whose network of pediatric clinicians incorporates tools to help families of young children make reading part of their routine, provides specific book recommendations as well as "tips for choosing diverse and inclusive books," such as looking for books that "[f]eature diverse characters that are not only about race or prejudice," and avoiding books that "contain hurtful racial or ethnic stereotypes, or images" or "[f]ocus on the 5 F's (food, fashion, folklore, festivals, and famous people)."

We invite you to check out a few lawyer-approved recommendations (including the ones our own kids like) from 2021 and 2022.

Please consider supporting local Atlanta bookstores and Black-owned booksellers such as Little Shop of Stories, Medu Bookstore, Charis Books & More, Good Books, or Bookish.

Book Recommendations for Older Kids

"Class Act" and "New Kid" by Jerry Craft. Award-winning graphic novels recommended by **Tamareeshi Geffrard** (Snowden Geffrard) whose son is in middle school, describes as "excellent books that address diversity and inclusion from the perspective of a middle school age child."

"Dragons in a Bag" by Zetta Elliott. Holston (quoted previously) recommended this award-winning fantasy fiction book that is a series, with a third book coming in Spring 2022.

"The Ear, the Eye, and the Arm" by **Nancy Farmer** (Smith, Gambrell & Russell). Recommended by Patent Agent Dr. Adam Payne who describes it as "[o]ne of the best children's books I know."

"The Magic Misfits Series" by Neil Patrick Harris. The four-book series by actor Neil Patrick Harris (a dad to preteen twins) follows

a group of kids who do magic as a hobby and includes occasional chapters that teach magic tricks. A favorite of **Bonnie S. Levine's** (Verse Legal) kids (ages six and eight), it includes diverse and stereotype-defying representation, of which the author has said in a radio interview "While that's intentional, ... it's not something that I wanted to do and have it be the moral of the story. In fact what I think is nice about this reading level is that you can teach and you're teaching a group who are very anxious to be individuals and also to fit in. So it's a great duality."

"Where the Mountain Meets the Moon" by Grace Lin. Recommended by Atlanta-area attorney **Sarah F. Aufdenkampe** (FordHarrison) says: "The author, Grace Lin, weaves Chinese folk tales and fairy tales into an adventure story about a girl seeking a better fortune for her family and a dragon who wishes he could fly."

"Tristan Strong" Trilogy by Kwame Mbalia. Mbalia's protagonist, Tristain Strong, is an African-American teen who sets off on an adventure involving African gods and African-American folktales.

"Akata Witch" by Nnedi Okorafor. Sunny Nwazue, a twelve-year-old with albinism who excels at soccer, moves from America to Nigeria and discovers that she has magical powers.

"Ghost series and All American Boys" by Jason Reynolds. Recommended by Johnson (quoted previously) says that her kids "were drawn to [these books] because of [Reynolds'] unique ability to translate our most current and difficult subjects. Looking through the lens of the characters he created, allowed us to have deeper dialogues beyond what is . . . to how it feels."

"Dear Martin and Dear Justyce" by Atlanta author Nic Stone. Follow Justyce McAllister through his letters to Dr. Martin Luther King, Jr., to apply Dr. King's teachings to his own experiences with racism as a Black teenager in the Atlanta area.

Book Recommendations for Younger Kids

"Stacey's Extraordinary Words" by Atlanta-based attorney and politician Stacey Abrams. Abrams' new autobiographically-inspired book is about a child's struggles with self-doubt and speaking up.

"Laxmi's Mooch" by Atlanta-area attorney and author Shelly Anand. On Anand's website, she describes the book as "inspired by my own experiences growing up and having a mooch that other kids noticed. I hope kids (and adults) reading the book can celebrate their mooches and body hair!"

"Ada Twist, Scientist" by Andrea Beaty. A series that helps promote

(continued on page 35)

Atlanta Bar Association

BOOK CLUB



Our next book will be "Final Table" by Dan Schorr. Readings will begin in March and a meet and greet with the author is scheduled for May.

If you are interested in joining as a participant and/or as a facilitator, please reach out to Stephanie Martinez at smartinez@atlantabar.org

more diverse representation in STEM fields, featuring a bright eight-year-old scientist who is Black, female, and neurodivergent.

“My Brother Martin: A Sister Remembers Growing Up with the Rev. Dr. Martin Luther King Jr.” by Christine King Farris. Farris, who is 94 years old and resides locally, tells of her mischievous, motivated baby brother before he became the historic figure kids learn about in school.

“The Everybody Club” by Nancy Loewen and Linda Hayen. Based on a real “Everybody Club” that was the creation of co-author Nancy Loewen’s daughter Carissa. Carissa inspired everyone to make everyone feel included after observing how her younger brother with cerebral palsy was excluded from activities.

“I Dissent: Ruth Bader Ginsburg Makes Her Mark” by Debbie Levy. This biographical picture book about the life of RBG is a great choice for the loved ones of lawyers—through the story of the pioneer Supreme Court Justice.

“Daddy, Papa, and Me” by Lesléa Newman. Recommended by **Carlos Colón-Machargo** (Ogletree Deakins) who told us about this cute board book featuring a toddler’s happy day with their loving dads is his son’s favorite.

“Sulwe” by Lupita Nyong’o. In the book, little Sulwe feels excluded as a result of her darker skin, particularly in comparison to her sister’s lighter skin. Sulwe goes on a magical journey in her dreams that helps her overcome her insecurities.

“Fauja Singh Keeps Going: The True Story of the Oldest Person to Ever Run a Marathon” by Simran Jeet Singh. Recommended by **Emily C. Ward** (Smith Gambrell & Russell LLP), who gave it as a gift for a friend’s daughter and received rave reviews.

“Just Ask! Be Different, Be Brave, Be You” by United States Supreme Court Justice Sonia Sotomayor. We received multiple recommendations (including from Retired Eleventh Circuit **Judge Beverly Martin** and in-house attorney at Assurant **Chris Fox**) for Justice Sotomayor’s 2019 children’s book, in which the sitting Supreme Court Justice draws on her experience with juvenile diabetes to highlight that many of the unique challenges we face that make us different also give us unique strengths.

“It Feels Good to Be Yourself: A Book About Gender Identity” by Theresa Thorn. In the book’s Author’s Note, Theresa Thorn tells readers that she wanted to give her daughter a book “in which she could see herself,” that “reflected her back without judgment” and “to give that experience to all kids.”

“Amy in the Rain: How She Overcame Her Fears” by Dr. Aurelie Weinstein. Dr. Weinstein, a developmental psychologist, wrote this book suitable for ages 5-10, which includes a little bit of fairy magic to gently guide children toward overcoming their anxieties and phobias.

“Big Words for Small Kids: The ABC Book” by Dr. Keshius Williams. Dr. Williams’ newest book helps young children absorb positive messages while building vocabulary using words you don’t typically see when teaching the alphabet.

We hope members of the Atlanta Bar will find our suggestions useful. Please send your submissions or ideas to editorial board member Bonnie Levine, at bonnie@verselegal.com.

Check out [Verselegal.com](https://www.verselegal.com) for links and more details on this book list.

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The Atlanta Bar Wellness Committee

Looking Back and Looking Forward, Mixing Wellness into Everyday Life.



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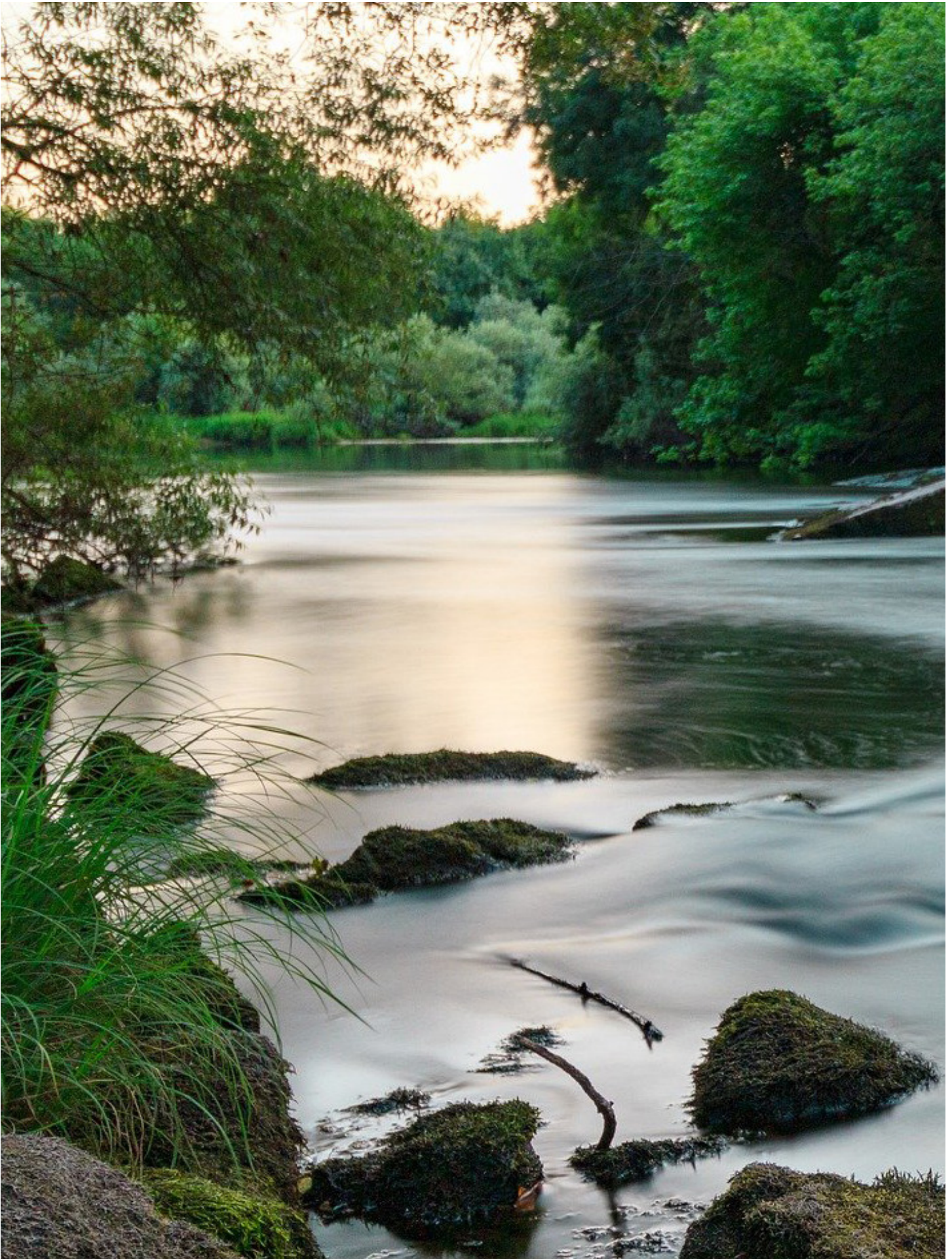
COVID-19 is still here, but so are we and we are here for our members! We all have busy, stressful lives and the Wellness Committee is here to help our members get through it with a little levity, a little Zoom, and a lot of help from our friends.

Taking care of ourselves is important not just because we are in a global pandemic, but because working too much and too much stress was already a pandemic in the legal community. I have personally found it helpful to be a part of a group where every now and then we just take a break from being a lawyer and got back to being a person.

Last year, the Wellness Committee hosted several events focusing on health and wellness for the holidays. My gingerbread cookie shaped like South Park's Mr. Hanky won the day, demonstrating that, contrary to popular belief, lawyers do have a sense of humor. All our events are championed by our wonderful members. **Hemanth Digumarthi** (U.S. Equal Employment Opportunity Commission) and **Beverly Fratto**. Fratto has put on several 'exercises you can do at your desk' sessions, yoga sessions and a healthy cooking class. She cooked in her kitchen and walked us all through cooking a delicious, healthy meal over Zoom. It is wonderful members like Fratto and Digumarthi that make this committee special and keep us wanting to do more for our members every month, every year.

This year we already have some exciting things planned. Digumarthi has agreed to lead us in future hikes. Our next hike is planned for February 26, 2022, and we are planning a "Welcome Spring" hike in March. Our friends and partners in the Atlanta community are integral parts to what we do. We are lining up some guest speakers on topics of health, meditation, dealing with stress, and wellness. Look out for "Wellness Wednesdays" emails for more information on our upcoming events!

The Wellness Committee looks forward to another wonderful year of serving our members, and as the year gets started, we would love to hear from our members. Have a great hiking spot? A favorite healthy recipe? Know any meditation tricks? We want to hear from you!! Email your suggestions to me - I am looking forward to your great ideas!



The Atlanta Bar Foundation Grant's Celebration Luncheon

This special event provides collegial time for leaders to share the accomplishments, needs, and future plans for their organizations.

“

The Atlanta Bar Lawyer Referral and Information Service supported the distribution of \$135,000 in funding support this year to 11 pro bono organizations and programs.

”

Representatives from community nonprofit organizations and Atlanta Bar youth development programs gathered at the Atlanta Bar Foundation Grant's Celebration Luncheon which was held on December 17, 2021, hosted by Nelson Mullins Riley & Scarborough LLP. Funds generated by Atlanta Bar Foundation Summer of Fun fundraisers and proceeds from the Atlanta Bar Lawyer Referral and Information Service supported the distribution of \$135,000 in funding support this year to 11 pro bono organizations and programs.

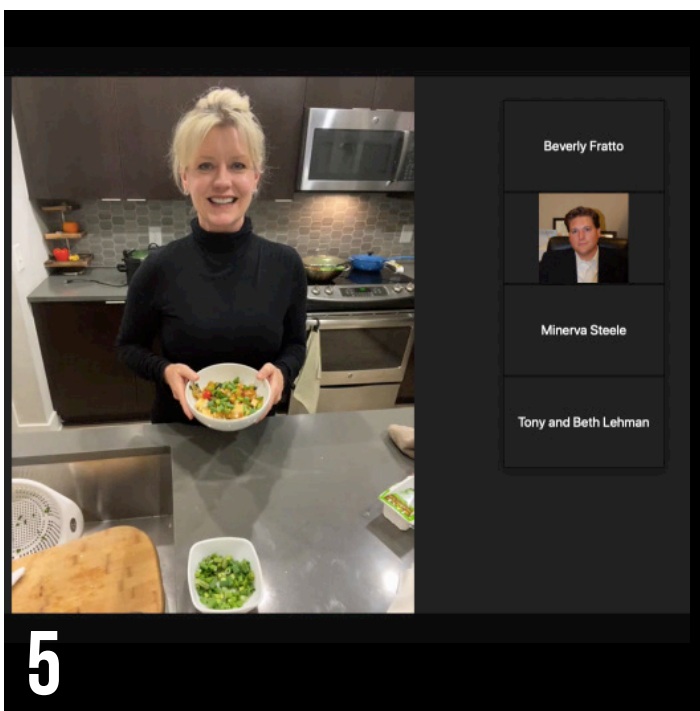
Atlanta Bar Foundation **Rob G. Wellon** (Wellon Family Law) shared, “Each of the pro bono organization recipients expressed their deep-felt appreciation for the grant that each received and how it would be used to further the goals of the organization. Each then went on to describe its efforts to assist the underserved, the poor, and youth in our community in such an impactful way. We in the legal field are indeed blessed to have such hard-working and dedicated people in these organizations to make the legal profession a true beacon to the community for those who need help the most. The Foundation and LRIS are indeed delighted to be a part of these efforts.”

The Minority & Diversity Clerkship Program, which works to increase and integrate the number of minority and diverse lawyers practicing in Atlanta law firms by facilitating placements in first-year clerkships, and the Summer Law Internship Program, which provides a mentoring relationship and paid internship to area high schools students to help further their understanding of the law, are supported by the grants program. Community partners Atlanta Legal Aid Society, Atlanta Volunteer Lawyers Foundation, Georgia Asylum and Immigration Network and Truancy Intervention Program, along with other pro bono legal service providers including Georgia Innocence Project, Georgia Justice Project, Gideon's Promise, Latin American Association and Pro Bono of Partnership of Atlanta, also received funding.

Foundation Board Director **Alan G. Poole** (Troutman Pepper Hamilton Sanders LLP) added, “It was gratifying to hear how much the Atlanta Bar Foundation grant program means to this year's recipients. These excellent organizations are one of the main reasons the Foundation exists, and, most importantly, they all make this wonderful city and the State of Georgia a better place for people in need.”



SECTION UPDATES



1 - December 2021 Litigation Breakfast. L-R: **Jim M. Sherman** (Stanley, Esrey & Buckley, LLP), **Judge Gail S. Tusan** (JAMS), **Kevin Race** (Race Law LLC), **Lillian N. Caudle** (Mercedes-Benz USA), and **Daniel Huff** (Huff Powell & Bailey LLC).

2 - Atlanta Santa 2021. L-R: **Rob G. Wellon** (Wellon Family Law), **James Byrd**, and **Judge T. Jackson Bedford, Jr.**

3 - Our Atlanta Santa and Elves on December 12, 2021, for the Georgia Division of Family and Children Services. L-R: **Karen St. Amand**, **Judge Chris J. McFadden** (Court of Appeals of Georgia), **Brenda Jenkins** (DFACS), and **Michael St. Amand**.

4 - Women in the Profession Section holiday party from December 9, 2021. L-R: **Judge Catherine M. Salinas** (U.S. District Court) and **Kimberly D. Charles** (Atlanta Legal Aid).

5 - Beverly Fratto cooking in her kitchen for a Wellness Committee Cooking Class, where she walked participants through cooking a



delicious, healthy meal over Zoom.

6 - Women in the Profession Section holiday party from December 9, 2021. L-R: **Laura T. Yellig** (City of Atlanta Department of Law), **Alicia Wyatt-Bullman** (Office of General Counsel, SSA), **Sarah M. White** (Atlanta Legal Aid), **Jacqueline H. Saylor** (The Saylor Law Firm LLP), **Michelle U. Wallace**, **Lindsey Powell** (Anderson Jones, PLLC), **Kristy R. Barnhart** (The Platt Law Firm), **Judge Ashley G. Drake** (Fulton County Magistrate Court).

7 - Members gather to celebrate the Atlanta Bar Foundation Grant's Luncheon (for more information see page 38).

8 - Corporate Counsel holiday party.



SECTION UPDATES

Bankruptcy

The Bankruptcy Section had a busy 2021 with continued focus on relevant CLE programs, community service and social events. The Bankruptcy Section hosted several informative CLEs on hot-topic bankruptcy issues and outdoor social events throughout the year. Bankruptcy Section members also participated in a number of community service events throughout the year by donating warm clothes to the Atlanta Mission, essential items for the Atlanta Children's Shelter, raising \$1,100 for the Atlanta Community Food Bank, and cleaning up the shores of the Chattahoochee River. Thank you to our members, speakers, and section sponsors for your helping us make 2021 another successful year!

The Bankruptcy Section is excited to host **virtually** its **Bankruptcy and Commercial Law Year in Review** on February 10, 2022, from 9:00 am to 3:15 pm. The seminar is a highlight for attendees and provides practitioners with a complete and succinct summary of the most important bankruptcy and commercial law case developments from the last year. The panelists will review Supreme Court precedent and other cases grouped by topic, covering both consumer and business bankruptcy issues. All registrants will receive prepared written materials. This annual presentation is jam-packed with information and insight - you won't want to miss it!

Additional information about the event as well as registration for same can be accessed here:

Save the Date

- March – Join us for a breakfast meeting focusing on the hospitality industry. More details to come.
- May – 2022 David W. Pollard Award and Spring CLE – Thursday, May 19, 2022

Contact Us

We want to hear from you! If you have proposals or ideas for Bankruptcy Section activities or projects, please contact any of the officers or board members. We would welcome your participation!

ALEXANDRA “CC” SCHNAPP

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DOROTEYA N. WOZNAK

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Corporate Counsel

The Corporate Counsel Section is off to a great start this Bar year. In November, the Section co-hosted, jointly with the Cybersecurity & Privacy Section, a timely CLE on vaccine mandates. The morning of the CLE, OSHA released its long-awaited regulations. Our stellar panel were able to include this “hot off the press” information into the CLE content. Thanks so much to **Stephen V. Bush** (Bodker, Ramsey, Andrews, Winograd & Wildstein PC), **Douglas R. Balyeat** (Pratt Industries (USA) Inc), **Kathryn S. McConnell** (Littler Mendelson PC), **Bryan A. Stillwagon** (Sherman & Howard LLC), **Michael O. Eckard** (Ogletree Deakins), and **Lee Hamil Little** (Hamil Little Healthcare Law) for a great program.

In December 2021, the Section co-hosted a holiday party with the Anti-Trust Section of the Georgia State Bar. Many thanks to Smith, Gambrell & Russell for providing a lovely venue for the event, the Antitrust Law Section of the State Bar, and Bryan Cave Leighton Paisner for a great evening.

We continue to improve our Section's web site, provide opportunities for pro bono service, networking, and timely CLE's on current topics of interest. We look forward to seeing you at a Section event in 2022.

We are here to serve you, our members. It is important that we know what you are interested in and make sure your membership in the Section is meaningful to you. If anyone has thoughts, comments, or ideas, please feel free to contact **Betsy Griswold** at bdgriswold01@gmail.com.

Finally, welcome to our newest Board member, **Frank Landgraff** (UPS Legal Department).

LINDA S. PACER

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Litigation

The Litigation Section finished 2021 strong with its December breakfast discussing “Offer of Judgment, Apportionment, and Proving Attorney's Fees.” Like our sister sections, the Atlanta Bar Litigation Section was forced to pivot in January due to the ongoing COVID-19 pandemic. This meant turning our breakfast series

virtual, yet again. We were still able to have an excellent discussion of “Trials in 2022 – A New Year & (Post?) Pandemic Outlook” on January 10, 2022.

Out of an abundance of caution for the safety of our members, the February breakfast will also be virtual. Just in time for Valentine’s Day, we will be discussing “Discovery Disputes: Revisiting the Collateral Source Rule and the Discoverability of Medical Funding.” Be on the lookout for registration information.

AMY B. CHENG
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Women in the Profession

As far as a project in December the WIP board members adopted a family whose names and information were provided to WIP by Legal Aid. A list of their size of clothing and shoes and what game or video equipment they might want were provided. The board or the board members then purchased the items for the family which were then wrapped and collected at the party and then later distributed to the family.

We have some exciting programs planned for 2022, including the Woman of Achievement luncheon. Be on the lookout for further information.

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