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State Bar of Georgia Young Lawyers Division

THE YLD REVIEW

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Working for the Profession and the Public



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From the President

Let's Normalize Service



Kenneth Mitchell Jr.

Since I joined the legal profession, there is one quote that has always resonated with me: "A lawyer is either a social engineer or he's a parasite on society."—Attorney Charles Hamilton Houston

According to Houston, a social engineer is "a highly skilled, perceptive, sensitive lawyer who understood the Constitution of the United States and knew how to explore its uses in the solving of problems of local communities and in bettering conditions of the underprivileged citizens." Houston's quote resonates with me because it instructs lawyers to do more with their gifts by making a positive contribution to their community instead of being detached and doing nothing. In other words, lawyers should normalize serving their communities. Some lawyers downplay service as secondary, or a mere afterthought, to their practice; but service should not be considered an afterthought, rather as a complement to their practice. Lawyers should normalize service because it provides benefits to the community, the lawyer and it opens doors.

Service Benefits Community

Lawyers should normalize service because it provides benefits to the community. As we all know, lawyers play a vital role in society by upholding the rule of law, protecting rights and liberties, and ensuring access to justice. In addition to one's legal services, lawyers should serve their community by volunteering with bar associations, civic associations, religious institutions and other

community organizations. The community is enriched when lawyers participate in legal clinics with their bar association, serve as mentors for the youth and volunteer at a food bank, to name a few. When these services are normalized, for example, a senior obtains free legal advice, a high school student has a positive role model and a low-income family receives nourishment.

Service Benefits Lawyers

Lawyers should also normalize service because it provides benefits for lawyers. Through service, lawyers experience professional growth, a sense of accomplishment and better health. Volunteering at a legal clinic can help lawyers acquire new skills, improve existing ones and develop skills like leadership, teamwork and communication. When serving others, lawyers also gain a sense of accomplishment, especially when they see the impact they make in another person's life. Additionally, service can be helpful to lawyers' health and wellness. Studies show that those who volunteer have lower mortality rates than those who do not, and service can also reduce stress and anxiety levels. Hence, normalizing service is beneficial for lawyers' careers and overall wellbeing.

Service Opens Doors

Finally, lawyers should normalize service because it opens doors and provides opportunities. As stated earlier, lawyers can volunteer with many organizations that host community service events. During those events, lawyers get to meet several volunteers that enable them to expand their professional network and make new

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

Limited Time Magic: Your YLD Years



**Siena
Gaddy**

When I worked at the Walt Disney World Resort in 2013, the company launched an initiative called “Limited Time Magic.”¹ During Limited Time Magic, guests experienced “imaginative entertainment and exciting seasonal offerings,” each of which felt like they ended just as soon as they began. From what I remember, the special events varied in length; some lasted a single day, others lasted a week and some were even longer—but every event ended.

As YLD members, young attorneys are privy to a very special kind of “Limited Time Magic”: our membership in the Young Lawyer’s Division. Unfortunately, every attorney’s YLD membership ends.² And as we approach our 36th birthday or our fifth year in practice, whichever is later, we close the door on our YLD years. That said, as young lawyers we should strive to embrace the time we have and make the most of this special time in our career. Here are some tips to help you reap the benefits of your YLD membership.

Join a YLD Committee

Joining a committee is the first step to becoming involved in the YLD. The YLD boasts more than 30 committees—from Child Protection and Advocacy to Workers’ Compensation—you will certainly find at least one committee that suits your interests or practice area. YLD committees host standing meetings, offer input to the executive committee, and plan CLE and social events.

Committee meetings are a great way to expand your professional network. They generally last an hour and are led by committee co-chairs, but you never know who will attend. Members of the executive committee and board of directors often join. After joining a committee, you will receive emails about upcoming meetings. As



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a reminder, committee membership lapses every Bar year, so be sure to log on to your membership portal and rejoin committees you were a part of last year.

Attend General Session

The YLD hosts a general session at each of its four meetings. There is no charge to attend. At general session, each of the YLD Officers delivers a report. Additionally, committee chairs and leaders of the regional YLD organizations are encouraged to deliver a report and plans for upcoming meetings and events are often discussed.

General session feels like a mix-and-mingle, a reunion and an open forum—those that participate are always collegial. New members are recognized, past presidents are welcomed back and member accomplishments are celebrated by the group at general session. For example, the first YLD General Session I ever attended included one member’s engagement announcement, another received kudos for a promotion and members were called to action to donate and participate in Legal Food Frenzy.

Write for The YLD Review

Of course, I’ve saved the best for last. In all seriousness though, writing an article for *The YLD Review* is one of the best things you

can do with your YLD membership. There is no better time to start (or continue) working on the “Publications” section of your resume than today. Unlike the word count requirements of the *Georgia Bar Journal*, *The YLD Review* requests shorter pieces—750 to 1000 words. Additionally, *The YLD Review* often publishes pieces based on personal experiences that other young lawyers may find helpful to their career or their practice.

If you are unsure where to start, the co-editors are more than happy to help you refine a topic and get started. Please do not hesitate to reach out to us.

Although 36 or five years may seem far off, the “Limited Time Magic” of your YLD years will soon be in your rearview. While the days are long, the years are short. We hope you heed our advice and become involved before your “Limited Time Magic” concludes. ^{YLD}

Siena Gaddy serves as a career law clerk to Hon. Austin E. Carter, U.S. Bankruptcy Court for the Middle District of Georgia, and is an adjunct professor at Mercer University School of Law. She is also co-editor of The YLD Review.

Endnotes

1. Join Us in Looking Back at 2013: A Year of Limited Time Magic!, Disney Parks, <https://disneyparks.disney.go.com/ca/let-the-memories-begin/limited-time-magic/> (Last Accessed September 20, 2024).
2. Past presidents of the YLD enjoy lifetime, honorary YLD membership.

Look Out, Georgia Makes Major Changes to Child Support Guidelines



**Sawyer A.
Martin**

On May 6, 2024, major changes came to Georgia's child support guidelines.¹ Portions of the new law became effective on July 1, 2024; others will go into effect on Jan. 1, 2026. This article discusses three major changes that Georgia family law practitioners need to know.

First, and probably the most conspicuous, the new law increased the amount of the basic child support obligation. Since 2007, child support in Georgia has been calculated based on the combined monthly income of the custodial parent and the noncustodial parent.² The new law amended the child support obligation to increase the basic child support obligation at most income levels. For example, any time prior to July 1, 2024,³ parents with combined monthly income of \$5,000 and three children would have had a basic child support obligation of \$1,500;⁴ now, those same parents would have a basic child support obligation of \$1,610.⁵

Second, the new law established new parenting time and low-income adjustments. Although the basic child support obligation is the presumptive amount of child support, a court can increase or decrease that figure based on certain deviations.⁶ Before the new law, deviations included "high income; low income; other health-related insurance; life insurance; child and dependent care tax credit; travel expenses; alimony; mortgage; permanency plan or foster care plan; extraordinary expenses; parenting time; and nonspecific deviations."⁷ Importantly, these deviations are discretionary.⁸ As of Jan. 1, 2026—when this portion of the new law goes into effect⁹—the discretionary parenting time and low-income adjustments will become mandatory adjustments (if applicable).¹⁰



The previous parenting time deviation reflected the premise that "special circumstances" might "make the presumptive amount of child support excessive or inadequate due to extended parenting time[.]"¹¹ Similarly, the new parenting time adjustment "reduces the basic child support obligation amount for the noncustodial parent to account for court ordered parenting time" in which the noncustodial parent inevitably incurs expenses.¹² Under the new law, what was once a discretionary deviation will become a mandatory adjustment.

The previous low-income deviation was "based on the noncustodial parent's inability to pay the presumptive child support amount due to low income."¹³ As with parenting time, the low-income deviation will become a mandatory adjustment. Additionally, the new law explains in detail how to calculate it:

"[i]n cases where the monthly adjusted gross income of a parent ... is less than the highest amount of monthly adjusted gross income shown in the low-income adjust-

ment table" in O.C.G.A. § 19-6-15(p), "then the child support obligation of such parent(s) shall be the lesser of such parent's presumptive amount of child support or the amount determined using the low-income adjustment table[.]"¹⁴

Again, this is a 2026 change.

Finally, the new law provides that benefits paid by the U.S. Department of Veterans Affairs to disabled veterans for the benefit of their children will be considered in the child support calculation in a new way. Under the new law, "[b]enefits received under the United States Department of Veterans Affairs (VA) disability benefits by a child on the noncustodial parent's account shall be counted as child support payments and shall be applied against the final child support amount to be paid by the noncustodial parent for the child."¹⁵ Helpfully, the new law explains how this calculation works:

After determining the noncustodial parent's monthly gross income,

including the VA disability benefits and after calculating the amount of child support per subsection (b) of this Code section, if the presumptive amount of child support, as increased or decreased by deviations, is greater than the VA disability benefits paid on behalf of the child on the non-custodial parent's account, the non-custodial parent shall be required to pay the amount exceeding the VA disability benefit as the final child support amount.¹⁶

These changes to the basic child support obligation table, the new parenting time and low-income adjustments, and the veterans benefits provision represent the most significant changes to Georgia's child support guidelines in decades. As noted, the basic child support obligation table has already changed effective July 1, 2024. Practitioners should familiarize themselves with these changes, and with the parenting time and low-income adjustments that will go into effect on Jan. 1, 2026. ^{YLD}

Sawyer A. Martin is an associate attorney at Murray & Adkins Trial Attorneys in Richmond Hill.

Endnotes

1. See O.C.G.A. § 19-6-15. See also Georgia General Assembly, SB 454, <https://www.legis.ga.gov/legislation/66676>.
2. David A. Webster and Deborah A. Johnson, *Georgia Divorce, Alimony, and Child*

- Custody* §§ 11:22, 11:23 (2023 ed.). See also O.C.G.A. § 19-6-15(b)(4).
3. SB 454, § 2(a).
 4. 2006 Ga. Laws 583, 607-628 (SB 382)
 5. O.C.G.A. § 19-6-15(o).
 6. O.C.G.A. § 19-6-15(a)(10).
 7. David A. Webster and Deborah A. Johnson, *Georgia Divorce, Alimony, and Child Custody* § 11:40 (2023 ed.).
 8. *Hulsey v. Hulsey*, 300 Ga. 45 n. 1 (2016) (noting that "a trial court 'has considerable discretion to deviate from the presumptive child support amount based on the many specific deviations listed in the guidelines or on other grounds' as long as it properly supports any deviation with written findings of fact").
 9. SB 454, § 2(b). Between July 1, 2024, and Jan. 1, 2026, the parenting time deviation and low-income deviation will continue to be used. *Id.* at § 2(c).
 10. See O.C.G.A. §§ 19-6-15(a)(17), (b)(8), (g)(1)-(2), (i.1).
 11. *Hamlin v. Ramey*, 291 Ga. App. 222, 224 (2008) (quoting O.C.G.A. § 19-6-15(i)(2)(K)(i)).
 12. O.C.G.A. § 19-6-15(g)(1)(A)-(B).
 13. *Brogdon v. Brogdon*, 290 Ga. 618, 621 (2012).
 14. O.C.G.A. § 19-6-15(i.1).
 15. O.C.G.A. § 19-6-15(f)(3.1) (emphasis added). See also O.C.G.A. § 19-6-15(b)(10) ("Any benefits which the child receives under Title II of the federal Social Security Act or from the U.S. Department of Veterans Affairs due to the noncustodial parent's disability shall be applied against the noncustodial parent's final child support amount.")
 16. O.C.G.A. § 19-6-15(f)(3.1)(B).

► SERVICE, FROM PAGE 2

friends. These connections can lead to mentorship, job opportunities, referrals and collaboration on future cases. Accordingly, career opportunities occur when lawyers normalize service.

When service is normalized, the community is better, lawyers are better and opportunities arise. As this year's YLD president, I invite all lawyers to normalize serving their local communities, mentoring, advocating for others and getting involved with the State Bar of Georgia. When service is normalized, lawyers will be social engineers not parasites on society. ^{YLD}

Kenneth Mitchell Jr. is the chief assistant solicitor with the Cobb County Solicitors Office and president of the Young Lawyers Division of the State Bar of Georgia.



JOIN A YLD COMMITTEE

The YLD has more than 30 committees working to support our motto of service to the community and profession. Each committee works diligently to provide substantive programming in their respective focus areas.

Prosecution as Problem Solving: How Prosecutorial Discretion Powers Justice



**Gabriel A.
Justus**

An elected district attorney (or solicitor) faces the challenge of maximizing justice for the largest number of criminal defendants and victims in his or her jurisdiction. That is a worthy enough goal, but the all-too-real constraints of time, personnel and resources make handling the criminal cases generated by arrests in a community a daunting problem. Given this reality, I argue to you, that prosecution is at its core a problem-solving enterprise powered by prosecutorial discretion.

Prosecutorial Discretion Defined

Prosecutorial discretion is, simply put, “what a prosecutor spends his or her time and effort on.” It is not confined to charging decisions or plea negotiations or trial strategy—the exercise of prosecutorial discretion occurs throughout the lifespan of every criminal case and manifests itself in many forms.¹

To assume the mantle of prosecutor is to exercise discretion. Consider: from the moment a crime is committed, the statute of limitations begins to run, meaning that a prosecutor’s lengthy inaction can bar a case from prosecution.² Thus, doing nothing with a case is as much an exercise of discretion as vigorously prosecuting it.

None of the stakeholders in the criminal law sphere want neglect—intentional or otherwise—to become the norm. While a case languishes in a prosecutor’s backlog, the criminal defendant, the victim and the community suffer consequences. For this reason, administratively dismissing cases is an essential act of discretion that allows prosecutors to cull those files least worthy of their time and attention. How a prosecutor or district attorney’s office decides the worthiness of such cases is a question



of policy driven by the elected DA’s values. Nevertheless, in a world where it is impossible to try every criminal case, a rigorous process of trimming caseloads is critical.

For those cases that proceed to formal charging, prosecutors exercise their discretion to choose what charges and which defendants they wish to pursue given a set of facts.³ This aspect of discretion is perhaps what most lawyers imagine when they hear the phrase “prosecutorial discretion” uttered in the wild. For example:

- Charging a single criminal act in multiple ways helps ensure that the strongest theory of the case survives to result in a plea or conviction.
- Charging certain core criminal acts at the expense of peripheral crimes streamlines the time and attention needed as the case progresses, focuses the litigation on the key issues and helps tell a coherent story before a jury.

- Charging only certain defendants among several potential co-defendants helps focus the efforts of the prosecutor on the most egregious offenders while leaving the others to serve as witnesses at trial.

Finally, plea bargaining and sentencing are venues in which prosecutors exercise their discretion to great effect. For example:

- Seeking approval from the court for an entry of an order of nolle prosequi serves to cull charged cases where further prosecution is unwanted or unwarranted.⁴
- Choosing to pursue—or waive—recidivist enhancements can maximize potential punishment for convictions of repeat offenders or motivate defendants to settle cases by pleas.
- Offering global resolutions to defendants with multiple open cases or potential probation revocations can

expedite closure of several matters, freeing up the prosecutor and the court's resources for other cases.

- Judiciously offering pleas into diversion or treatment programs can spare trial calendars for defendants for whom rehabilitation is not a reasonable option.
- Disclosing evidence in aggravation prior to trial can motivate a defendant to plead or provide the basis for the prosecutor to argue to the judge for an aggressive sentence.

Conclusion

This non-exhaustive list of exercises of prosecutorial discretion demonstrates that discretion is inseparable from the act of prosecution and manifests itself throughout the lifespan of any criminal case. When skillfully and ethically practiced, prosecutorial discretion is the engine that powers the prosecutor in his or her pursuit of justice. ^{YLD}

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

Endnotes

1. *Knight v. State*, 243 Ga. 770, 771 (1979), is a great case that expounds upon the centrality of prosecutorial discretion and its presence in every criminal case.
2. Yes, there are certain serious felony charges that have no statute of limitations, but the overall point remains the same that sometimes taking no action is an action in and of itself.
3. In addition to *Knight*, *supra*, *State v. Hanson*, 249 Ga. 739, 743 (1982), explains the prosecutor's discretion to choose which of several potential defendants to prosecute within a set of facts.
4. O.C.G.A. § 17-8-3.

Officers' Block

Had you not attended law school, what would your “dream job” be?



KENNETH MITCHELL JR. | YLD President

My “dream job” would be a professional athlete (football or track & field).



VERONICA ROGUSKY COX | YLD President-Elect

Had I not attended law school, you would find me working at a local library circulation desk, nose deep in the latest epic fantasy series, with my own personal stash of “must-reads.”



VIRGINIA C. JOSEY | YLD Treasurer

Fighting human trafficking is still important to me, but my dream job would be full-time employment fighting modern day slavery.



KINDALL BROWNING-RICKLE | YLD Secretary

Had I not attended law school, I would have loved to have become a curator at a museum!



BRITTANIE D. BROWNING | YLD Immediate Past President

If I had not gone to law school, I would have been either a news anchor or an actress.



T. ALEC CHAPPELL | YLD Newsletter Co-Editor

Quantum physicist—I want to know the secrets of the universe.



JENA G. EMORY | YLD Newsletter Co-Editor

Once I made the decision in my 2L year to be an attorney, I have never looked back. When I was younger, though, I imagined myself planting flowers for a living.



SIENA GADDY | YLD Newsletter Co-Editor

Owner and operator of a gelato cart in the Cinque Terre area of Italy.

Judicial Spotlight: Hon. Pandora E. Palmer

Holding Attorneys' Feet to the Fire: Volunteering and Its Unexpected Benefits



Bianca Shantal Carthern

"To the profession, I offer assistance. I will strive to keep our business a profession and our profession a calling in the spirit of public service." To Judge Pandora E. Palmer, the legal profession is deeply rooted in public service. Upholding the value of the profession requires its members to engage in community service. This past February, Judge Palmer celebrated 30 years as a member of the State Bar of Georgia. Reflecting on her 30-year legal career, she admits that she would not be where she is today without others holding her feet to the fire and stressing the importance of helping others in the community.

Judge Pandora E. Palmer sits on the Superior Court bench for the Flint Judicial Circuit in McDonough. Before being appointed as a judge, Palmer spent a majority of her legal career in private practice engaging in family law, criminal defense, personal injury, juvenile and Guardian Ad Litem cases. In October 2012, she opened her own law firm, Pandora E. Palmer, P.C., after serving as a partner with Smith, Welch, Webb, and White. Prior to her appointment to the Superior Court bench, she served on the State Court of Henry County from 2019-20.

After earning her Bachelor of Arts in Criminal Justice and Pre-Law as a first-generation college graduate from the University of Georgia, she received her J.D. from the Georgia State University College of Law where she attended parttime while working fulltime to support her young daughter. However, her formal education did not end there. Judge Palmer continues to further her education today as she is currently a candidate for Masters of Judicial Studies in the Judicial Studies program at the University of Nevada in Reno.

When she is not presiding over a busy civil, criminal or domestic calendar, Judge Palmer's passion for the law continues to grow through her commitment to accountability courts and service to numerous voluntary organizations. She currently presides over the Henry County Veterans Treatment and Accountability Court as well as serving as a member of the Ethics Committee within the Council of Accountability Court Judges. Every September, you can find Judge Palmer volunteering at the Henry County Kiwanis Club Fair. She may also be found advocating for clarity in the Uniform Superior Court Rules as a member of the Uniform Superior Court Rules committee or working on the Georgia Commission on Dispute Resolution.

For Judge Palmer, keeping the profession in the spirit of public service paved her pathway to the bench. Attending local bar association luncheons, helping organize CLEs and volunteering to speak on panels allowed her to connect with other attorneys, which opened doors for her as a first-generation attorney. For new attorneys, getting involved is key, according to Judge Palmer. Specifically she advises to start small and get involved with their local bar associations.

Judge Palmer points out that an often overlooked value of your local bar association is connecting with your local judicial officers. Whether you practice in their courtrooms or not, there is an indescribable value in meeting your local judges. There are a lot of misconceptions and stigmas surrounding speaking to judges. However, it is important to note that judges are multifaceted individuals whose roles require them to embody a judicial persona on the bench. Outside of the bench, judges generally encourage an open dialogue with practicing attorneys. Even if you are not an attorney who litigates, it would not hurt to speak to a judge to merely ask about general tips for practicing.

Additionally, volunteering with the Georgia High School Mock Trial program



Judge Pandora E. Palmer

is another activity Judge Palmer highly recommends. As a former attorney coach for Union Grove High School, Ola High School and Eagles Landing High School, Judge Palmer knows firsthand that the high school mock trial program is an excellent way for practicing attorneys to help shape the future of our profession. "Take it one step further," she says, "and invite the high school students to observe a day with you as a practicing attorney. It could change their entire outlook on what the future holds for them."

Inside the courtroom, Judge Palmer consistently holds practicing attorneys' feet to the fire as she requires attorneys come to court prepared to advocate on their client's behalf. Outside of the courtroom, she urges new attorneys to uphold the values of the profession by giving back to the community.

Now, your feet have officially been held to the fire. How will you ensure our profession remains a calling in the spirit of public service? **YLD**

Bianca Shantal Carthern is an associate attorney at Mitchell-Hands Schuh Law Group.

PHOTO COURTESY OF JUDGE PANDORA PALMER

Mastering Personal Branding: A Critical Edge for Young Lawyers



**Morgan E.
Lyndall**

In today's hyper-competitive legal market, young lawyers often find themselves vying for visibility in a crowded field. Personal branding isn't just a trend—it's a fundamental strategy for standing out. The YLD hosted the "Marketing for Young Lawyers" event with Noy Media Group (NMG) on Thursday, Nov. 14. In anticipation of that program, I sat down with Rachel Fox, president of NMG, a leader in legal marketing, to uncover the essence of personal branding and how it can be a game changer for young attorneys.

Why is personal branding so vital for young lawyers?

Personal branding is crucial for everyone, but it's especially critical for young lawyers navigating a saturated space. At the end of the day, people choose to work with individuals they feel connected to and trust. To form those connections, you must have a clear sense of who you are, what you stand for and how to deliver a unique approach that's authentically you. When you know your brand and communicate it effectively, you differentiate yourself from the noise.

What defines a strong online presence for a law firm or attorney?

Simply put: "On brand or bust, baby!" Consistency is everything. A well-executed online presence starts with steady, quality content. Engage with others, stay relevant by sharing news and pop culture insights that tie back to your brand, and always provide value. Demonstrate your authority with a solid brand hook that grabs attention. And above all—be authentic. A polished and con-



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sistent online identity builds trust and keeps you top of mind in your network.

How can young lawyers ensure ROI (Return on Investment) in their branding and marketing efforts?

It's not always about likes, comments or shares. Real ROI comes from the conversations happening offline—the ones you don't immediately see on social media. You know you're making an impact when someone at a networking event says, "I saw that video you did on medical malpractice claims—I didn't know you specialized in those cases. Let's discuss one I have." Or when you get a message like, "Let's grab lunch and explore collaborating on some cases." The reality is, not everyone will publicly support you, and that's okay. But if you put yourself out there in a way that builds trust and credibility, you'll create opportunities to showcase your skills.

What does NMG offer?

NMG is a full-service agency specializing in personal injury marketing and advertising. With 15 years of industry experience, we've helped countless lawyers define and refine their brand identities. From radio and TV campaigns to billboards, social media, digital marketing, production and strategic partnerships—they are available to craft a brand that resonates.

Their mission is to build a trusted identity that attracts clients and partnerships alike.

NMG has a proven track record of transforming the personal branding strategies of attorneys across the nation.

In a market where visibility and trust are everything, defining your brand isn't just important—it's essential. YLD

Morgan E. Lyndall is a personal injury attorney at Flanagan Law, P.C., in Atlanta.

A League of Lady Lawyers



**Hannah Couch
Hostetler**

Drafting a memorandum of understanding. Revising bylaws and policies. Strategizing advocacy initiatives. Collecting research and data.

This may sound like your typical day at the office, but it's also the typical day for lady lawyers involved with the Junior League of Macon (JLM). For these ladies, service doesn't stop with their pro bono hours logged in the office.

JLM is a group of women dedicated to serving their community by providing trained volunteers and developing female leaders through training and philanthropy. While all Macon women interested in community service and leadership development can join, it's no surprise that over a quarter of its membership is comprised of local female attorneys, including JLM President Evelyn Clark Lopater.

"The same skills that make us effective with our clients also make us impactful community leaders," says Lopater. "Having so many attorneys in JLM means we have a base of volunteers who will do whatever needs to be done to reach our goals—and that is how we thrive."

Perhaps the reason why there are so many attorneys in JLM is because JLM's history, like our profession's history, has a legacy of service. JLM is a chapter of the Association of Junior Leagues International (AJLI), which is one of the oldest, largest and most effective women's volunteer organizations in the world.

The YLD Review will highlight civic and business organizations that frequently act as central hubs for young lawyers seeking to serve the public within their communities.



PHOTO COURTESY OF JUNIOR LEAGUE OF MACON

The Junior League of Macon was founded as the Utility Club in 1924 and was adopted by The Association of Junior Leagues of America, Inc., in 1937.

"The Junior League is a unique organization because each local chapter operates independently, governs itself and determines its own community focus, but we all still fall under the AJLI umbrella," says Lopater. "This means we have access to nationwide leadership training conferences, as well as thousands of incredible resources covering everything from how to run a board meeting or make and implement a strategic plan, to recruiting strategies and defining effective partnerships."

AJLI was started in 1901 by New York City socialite and activist Mary Harriman. At that time, New York City faced a large influx of immigrants and the growth of overcrowded tenements, or settlement camps. In response, Harriman gathered her "league of ladies" together to provide crucial services to these new Americans, including education, health care and nutrition.¹

AJLI has since evolved into a worldwide organization with more than 100,000 women in hundreds of league chapters across five countries. Contributing to AJLI's evolution

was the Macon Utility Club's affiliation with AJLI in 1937, thereby becoming the Junior League of Macon.²

At a time when the legal profession, like many others, closed its doors to women,³ the women of JLM forced open other doors—literally—to better the Macon community. In the 1950s, JLM co-sponsored the opening of the doors to the Macon Museum of Arts and Sciences and provided volunteer docents for the first 10 years. The following decade, JLM turned its focus to historic preservation and saved Macon's Grand Opera House from demolition through its fundraising efforts.⁴

In the 1990s, JLM provided a large portion of the funds to open the doors to the Ronald McDonald House of Central Georgia and the local Teen Parent Center. JLM also played a pivotal role in opening the doors to the local Salvation Army Safe House, a domestic violence shelter, and the Macon Volunteer Clinic, which provides free medical and dental care for the uninsured. It also built one of Georgia's first

handicap-accessible playgrounds at a local park. Fundraising thus played a huge part in JLM members' work.⁵

At that time, the large majority of JLM's membership did not work outside the home. As such, they treated fundraising for JLM's community service projects as a full-time job, in addition to their domestic duties. One member, who was pregnant and nearing her due date, recalled soliciting a donation from a department store. When the store manager asked her to drive hours to the store's headquarters to make her pitch, which she found to be unnecessary, she increased her ask by thousands of dollars. With her negotiation skills she learned during her JLM training, she came home with what she requested.

Since 2012, JLM has focused its service outreach on early childhood education and school readiness. This shift in its focus area resulted in new projects, including "Between the Lines," a program where JLM members recorded military parents reading a book for their children to listen to during their deployments, and taking children on back-to-school shopping experiences in preparation for the upcoming school year.⁶

"Our members are known for identifying a need and not stopping until the goal is achieved," says Lopater. "We have worked hard for that reputation, and we wear it like a badge of honor."

Since JLM's inception, employment for women has seen a steady rise.⁷ This, in turn, has led to a change in JLM's approach to community service, which ensures every service project has maximum impact on the community. This is why each signature JLM service project is carefully planned and executed based on significant community research conducted by its members.

That community research led to the development of two partnerships with a local library and the Brookdale Resource Center, a transitional housing shelter. This

upcoming year, JLM will provide literacy programming to the Washington Memorial Library's 1,000 Books Before Kindergarten Program and children currently living at Brookdale. "Literacy is foundational for societal functioning, and the earlier literacy goals are met, the more opportunities become available for both the child and the community," says Lopater.

JLM will also partner with Macon Periods Easier (MPE), which provides free menstrual products to local female students in an effort to prevent them from missing school during menstruation. As JLM's chosen in-kind partner, MPE will receive menstrual products donated by JLM members as part of its school readiness initiative.

"The bottom line with all of our partnerships is that together we are greater than the sum of our parts," says Lopater. "While we are each individually doing valuable work in the community, our goal is that by combining forces we will be able to make an exponential impact." The impact that JLM has on Macon has not only opened doors for the underserved; it has also helped open doors to employment and leadership opportunities for women.

"I felt confident taking a job in the nonprofit sector largely because of my years sitting on the Junior League Board of Directors," says Lopater, deputy general counsel of the Medical Association of Georgia. "One of my duties at the Medical Association of Georgia involves the legal aspects of nonprofit governance, and my time spent in the weeds of JLM's Constitution and Bylaws gave me the skills and confidence to pursue this opportunity I otherwise wouldn't have felt qualified for."

Lopater encourages all women, especially female attorneys, to get involved with their local Junior League chapter to not only expand their professional abilities and improve their leadership skills, but

to exhibit their passions for bettering their communities.

"As women attorneys, we have so much passion, and that passion extends to all facets of our lives," says Lopater. "We have passion for our work and seeking justice. We have passion for our families and loved ones. We have passion for our community. And we know what it takes to get the job done."

To learn more about the Junior League, visit thejuniorleagueinternational.org. ^{YLD}

Hannah Couch Hostetler is an assistant U.S. attorney for the Middle District of Georgia. She currently serves as president-elect of the Junior League of Macon.

Endnotes

1. The Junior League, *The History of The Junior League*, YouTube (July 11, 2024), https://www.youtube.com/watch?v=oPAJJ3w0u_Y.
2. Junior League of Macon, Junior League of Macon's 75th Anniversary Video, YouTube (Oct. 2, 2012), <https://www.youtube.com/watch?v=wlCI8f8HyAc>.
3. Elizabeth D. Katz, Kyle Rozema, & Sarath Sanga, *Women in U.S. Law Schools, 1948–2021*, 15 J. Legal Analysis 48, <https://doi.org/10.1093/jla/laad005> ("Women made up 2.1 percent of practicing lawyers as of 1930, and they remained less than 5 percent as late as 1970."); Janet L. Yellen, *The history of women's work and wages and how it has created success for us all*, Brookings Inst., May 2020, <https://www.brookings.edu/articles/the-history-of-womens-work-and-wages-and-how-it-has-created-success-for-us-all/> (noting that in the early twentieth century, only 20 percent of all women were employed outside the home).
4. *Supra* n.3.
5. *Id.*
6. *Id.*
7. See generally Janet L. Yellen, *The history of women's work and wages and how it has created success for us all*, Brookings Inst., May 2020, <https://www.brookings.edu/articles/the-history-of-womens-work-and-wages-and-how-it-has-created-success-for-us-all/>.

Deposition Pointers for Workers' Compensation Defense



**Jessica
Ashton**

One of the best skills to learn and sharpen in Workers' Compensation defense is taking a good deposition. It's been said that a claim can be won or lost at the deposition, which may be an exaggeration, but there's some truth there. Claimants are given every benefit of the doubt, and it's often difficult to get necessary evidence from employers and clients. So your best bet is often to develop impeachment material. I've received much advice for taking a great deposition, which I've condensed into 10 tips:

1 Know The Facts of The Claim

It's often difficult balancing the cross examining, the notetaking and the handling of any objections that come your way. Don't make it harder on yourself by stepping in without having done a diligent run-through of your case file. Go through the meds again; go through the adjuster's notes again; and go through all your previous letters and memos. That way when you sit down and start asking questions, you know more or less what the claimant might say, and if they are being truthful.

2 Build Rapport and Be Friendly

The claimant might be your adversary in this process, but during the deposition they are your best friend. If you approach them with hostility, they're going to be uncomfortable and will not be as forthcoming. The more comfortable they feel, the more they will tell you.

3 Be Persistent And Diligent

Never forget that the deposition is a cross-examination, so you have to be per-

sistent and diligent. If you ask a question and only get a half answer, push them for a full and complete answer. Ask the same question in a different way. Ask them to clarify their testimony. If you aren't persistent about really nailing down the specific facts that are paramount to your defense of the claim, you're going to be out of luck in negotiations or during a hearing. You may technically be on a time crunch, but spending an extra 20 minutes in the deposition may cost less than a settlement where you have no impeachment evidence.

4 Be Curious

Always follow up and clarify. Claimants say the darndest things sometimes; you'll do yourself and your client a disservice if you just let it slide. Did the claimant just testify that they can no longer work? Ask them why. Ask them specifically what job duties they can no longer perform. Ask them why they can't do those job duties anymore. Ask them what job duties they might be able to do. Then ask them why they think they can perform those job duties. If they say something unexpected, follow up even if it doesn't seem related. If they answer in a way you expected, doesn't matter, follow up. Ask them to explain everything, even if you think you know what they mean.

5 Let Them Lie

You poured over hundreds of pages of medical records that show a clear pattern of a pre-existing condition—or an out-of-work accident—and now the claimant is testifying to you that they've never ever in their life had problems like that before? That's great news for you. Develop that testimony by following up and nailing it down. You don't have to call them out right then and there in the deposition. In fact, sometimes it's better to save that for later, like when you really want them to come down from their \$115,000 demand.



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6 Ask One Fewer Question

The infamous "gotcha question." You will never get the answer you want from the gotcha question. They will never admit that they're lying. Just don't bother asking the gotcha question. This is real life, after all. Instead, diligently ask every other question leading up to the gotcha question. Let them lie on the record and save it for the administrative law judge. You can take that line of questioning and connect the dots later in your closing arguments or in a mediation.

7 Frame Your Questions Independently

Frame your questions independently from each other so each individual question can stand alone. This is great for two reasons. When needed you can pull out just that one question, no additional context is needed. Second, there is very little opportunity for the claimant to back down from their answer later.

If you go to a hearing and want to impeach them with their prior testimony, you can do it much more easily if you start by framing your questions correctly at the deposition.

8 Use the Funnel Technique

Next, try the funnel technique for getting information about the actual accident. Yes, this is a cross-examination, but you can, and sometimes should, ask open-ended questions. Get a basic framework about the date, what was injured, prior injury, subsequent injury and then ask them, “Tell me exactly what happened on x date.” Let them give you their whole story. Then when they’re done start meticulously narrowing down your line of questioning until you have what you need.

9 Objections Happen

Don’t let objections get you flustered. They’re really not a big deal. When they come up, make sure opposing counsel specifies what they are objecting to. Maybe just rephrase your question. Maybe argue with opposing counsel because there’s a lot that you can ask in a deposition—most anything that is reasonably likely to lead to discoverable evidence. What you ask doesn’t have to be admissible. Just take it in stride and keep cruising through your questions.

10 Be Confident

Finally, be confident. You’re a human being, you’re going to forget something or make mistakes. Give yourself some grace and display confidence in yourself from the moment you walk through the door. Especially if you’re new, and even if you have to fake it.

As with everything else in life, also remember that practice makes perfect. YLD

Jessica Ashton is an associate attorney at Cuzdey, Ehrmann, Stine & Sansalone, LLC, in Atlanta.

Committee Spotlight

YLD Litigation Committee: What’s in Store for 2024–25



**Carlos
Fernández**



**Morgan
Lyndall**



**Holly
Stephens**

The Litigation Committee has big plans for the 2024-25 Bar year. Our committee meetings will take place on the second Friday of each month from 9-9:15 a.m.

On Oct. 17, the committee headed to Rome to hear from North Georgia judges about the role of ethics and professionalism in judicial decision-making. We were thrilled to host an in-person event in Rome this year and appreciate everyone that was able to make it.

On Oct. 23, we teamed up with the YLD Criminal Law Committee and the Atlanta Bar Association’s Criminal Law Section for a Halloween-themed “Judges Aren’t So Scary” social hour at Arora Law Firm, where we had the opportunity to mingle with other young litigators and some of the state’s most esteemed judges and justices.

On Nov. 14, the Committee hosted a fun event exploring marketing strategies for

young lawyers where we learned from Noy Media Group and young lawyers in Georgia about marketing strategies for building your professional brand. This event was held in person at Noy Media Group’s office and was followed by a networking happy hour across the street at Culinary Dropout.

Our committee plans to host three or four virtual practical skills sessions for young litigators statewide over the course of the Bar year, starting in November. We hope to be able to offer CLE credit for these events and anticipate covering topics such as how to take an effective expert witness deposition, how to stand out as an associate, preserving the record for appeal and the road to the bench. We will provide the dates, topics and featured speakers as these events are confirmed.

Finally, the Litigation Committee plans to team up with the Business Law Committee to host an event focused on business litigation in the spring.

We are looking forward to a full and exciting year, and we hope you’ll join us in person and online.

Reach out to our committee chairs to ask any questions or to join our committee’s listserv: Carlos Fernández at cfernandez@attorneykennugent.com, Morgan Lyndall at ml@bflanlaw.com and Holly Stephens at hstephens@mcarthurlawfirm.com. YLD

Carlos Fernández is an associate attorney at Kenneth S. Nugent, P.C., in Atlanta.

Morgan E. Lyndall is a personal injury attorney at Flanagan Law, P.C. in Atlanta.

Holly K. Stephens is an associate attorney in the McArthur Law Firm’s Atlanta office. Stephens focuses on cases involving personal injury and wrongful death due to medical negligence, trucking and motor vehicle accidents, and negligent security.

NEW FEATURE

YLD Member Spotlight: Northern District

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

Nathan Miles

Tell us about yourself.

I grew up on the eastside of Athens and always questioned why—as a die-hard University of Georgia fan—my high school (Cedar Shoals) picked orange and blue as its colors. For undergrad, I went to Emory and walked-on to its soccer team as a goalie but made time to head back to Athens for game days whenever I could. Like almost all (D3 back-up) NCAA athletes, I knew I would go pro in something other than sports. My parents met at UGA as members of the football team and band respectively (and student debt is way too real), so I was happy to head home for law school.

I still play soccer a few nights a week around Atlanta while I try to postpone learning how to play golf.

What is your practice area?

I am an associate at Morris, Manning & Martin in Atlanta in their general commercial litigation group. I had a general interest in litigation from a young age from watching Jack McCoy on “Law & Order” with my dad and Uncle Phil on “Fresh Prince of Bel-Air.” My family members also always told me I should be a lawyer because I liked to argue as a kid (which is probably the nicest way you can tell a child they should probably say less).

My first real experience with law came after my sophomore year when I interned for the late Hon. Willie Lovett Jr. at the Fulton County Juvenile Court. While there, I saw how the adjudicative process—when applied compassionately and fairly—could bring just outcomes to tough circumstances. Judge Lovett encouraged me to go to law school and embodied how lawyers should handle the gravity of their responsibilities with the hard work and due care for the people involved in the process.

I wasn't sure what kind of litigation I wanted to practice as the second lawyer in my extended family but I have always been

open to trying something new. After interning for a few judges and working at a non-profit in D.C., I've been at my firm ever since handling various commercial disputes.

What is your involvement with the YLD?

I became involved with the YLD after being encouraged to join the YLD Leadership Academy by my good friend Blake Ogden (a.k.a. Appling County High School Class of 2009's Mr. Pirate). I was selected for the YLD Leadership Academy Class of 2024, and it was one of my favorite professional experiences.

Although I was the group's problem child when it came to scheduling, Jessica Oglesby, YLD director, and Jamie Goss, YLD coordinator, kept me straight. Our co-chairs Kindall Browning-Rickle, Samantha Mullis and James Banter also did a great job planning events for us. The Leadership Academy also introduced me to members of the YLD and State Bar from across the state and provided fantastic networking opportunities. The hospitality of so many of the YLD and State Bar members showed through, as they all gladly took time out of their schedules to introduce us to their communities and their work.

I am now chair of the YLD Business Litigation Subcommittee and a member of the State Bar's Lawyer Assistance Program Committee. I've only been in both roles for a couple months, but I'm looking forward to the work the committees can do this Bar year.

What advice do you have for other young lawyers?

Make a conscious effort to assess and take charge of your career path. The beginning of your career is largely dedicated to learning that you don't have any idea what you're doing. By that same token, you won't have much of an



PHOTO COURTESY OF NATHAN MILES

idea where your career is going either. However, there are opportunities in that ambiguity. Lean into gaining new experiences and take stock of what you enjoy and what you don't. Learn from your colleagues and other lawyers that have been through this same process before you. Take them to lunch or dinner, ask questions about what they do, and try to find a place where you enjoy what you do and the people you do it with.

Ultimately, nobody can know what you want better than you. So take the time to think it through and what kind of work you would like to do—and critically, who you want to do it with. That way, when you face obstacles or other struggles in your career, you can find resolve in knowing you have picked the right path or solace in recognizing that the path you're on is not the one that is right for you.

Life is too short to do something you hate with people you don't enjoy being around. Take the time to consider what role work is playing in your life and make sure the time and energy you spend working is worth it to you. YLD

Nathan Miles is an associate at Morris, Manning & Martin in Atlanta.

YLD Member Spotlight: Middle District Nyonnohweah Seekie

Tell us about yourself.

I was born in Washington, D.C., grew up in Northern Virginia, and regularly attended church in Maryland, so I am thoroughly a child of the DMV (D.C., Maryland and Virginia). My parents were from Liberia, West Africa, and immigrated to the United States, where they both attained citizenship.

Growing up, I did everything from being a Girl Scout, to band, chorus, playing soccer, running track and being elected to student government. My parents instilled the importance of education and that with God, I could do anything.

Some of the passions of my childhood are still present today as I sing in my church choir and serve on the board of directors for the Georgia Legal Services Program.

I am also the president of the Middle Georgia Chapter of the Georgia Association of Women Lawyers, area vice president of the Georgia Association of Black Women Attorneys, a steering committee member for Georgia Women and Those Who Stand With Us and a director for the State Bar of Georgia's Young Lawyers Division.

I attended undergrad at Georgia Southern University where I earned a bachelor's degree in psychology and criminal justice. While there I also met the man who would later become my husband and several lifelong friends as well.

I completed a year of service through AmeriCorp and continued to work at an alternative school.

Following that experience, I applied to Mercer Law School, where I earned my law degree and completed a semester abroad in Singapore.

This was a highlight during a difficult time that allowed me to learn while enjoying my favorite pastime of traveling and hiking which I still do today with my husband and our dogs.

What is your practice area?

I practice criminal, family and immigration law. I ended up in these areas because prior to law school, I worked at an alternative high school and several of my students were

adjudicated or involved in the criminal justice system. I had a great relationship with my students, and I felt that I could represent the youth and young adult population. After practicing for a few years at the public defender's office, I joined the Middle Georgia Justice incubator program where I had the help of senior attorneys as I hung my shingle. Aside from the program directors, I also reached out to a few local prominent attorneys for advice about opening a solo practice and all were willing to speak with me, for which I am eternally grateful. I have been in private practice for five years now and would not have achieved this milestone without the guidance from those mentors and well-wishers.

As to family and immigration law, I began to practice in those areas because people would contact me with a criminal matter and a coinciding immigration or family law issue. I wanted to be able to assist them with all of their related legal matters in one place. Also, having witnessed my mother's naturalization process, this was an area that was close to my heart.

What is your involvement with the YLD?

I became involved with the YLD by attending local events. In 2018, I applied and was accepted into the Leadership Academy. I graduated from the program in 2019, around the same time that I started my private practice.

During the program I met so many incredible attorneys throughout the state and got to take a trip to D.C. and cheered on those who were sworn in to the U.S. Supreme Court.

Since graduating, I have gone on to serve as the regional director for Middle Georgia and I am currently a member of the board of directors, serving as a liaison for committees.

What advice do you have for other young lawyers?

One piece of advice that I was given is that it is important to have more than one men-



PHOTO COURTESY OF NYONNOHWEAH SEEKIE

tor as each will be able to provide guidance according to their strengths.

It is also necessary to assist one's mentors whenever possible, so that it is not a one-way service. *YLD*

Nyonnohweah Seekie is owner of the Seekie Law Firm in Macon.

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Siena Gaddy &
Jena Emory.**

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YLD Member Spotlight: Southern District Anthony Burton

Tell us about yourself! Share a personal story.

I've always lived in Georgia. I grew up in Cherokee County. I went to undergrad at Kennesaw State University and to Atlanta's John Marshall Law School. My first job was in Douglas County as a prosecutor. After a year, I moved down to Chatham County and worked in the district attorney's office for eight years. Now I'm in private practice doing criminal defense.

What is your practice area? How did you end up in that area? Share a brief story about a mentor or personal experience that impacted your journey as a young attorney.

I always wanted to be an attorney since I was young. I've joked that what made me want to become an attorney is that my parents had a long, drawn-out divorce when I was young, and all I ever heard them talk about was how much money they were giving their attorneys and how their attorneys weren't doing anything. Being a kid, I thought, "This sounds like an excellent job, why aren't more people attorneys?" Obviously, I learned going through law school and practice that you end up having to do a lot of work. Once I got into law school, I found out that civil law is boring, and the

real action is on the criminal side, so I went into criminal law. Probably the best mentor I had was the first prosecutor I worked with in Douglas County, Lynne Voelker. She has forgotten more about the law than I will ever know. I always try to get to the point she did.

What is your involvement with the YLD? Share a brief story about how you became involved in the YLD and what your favorite aspects of being a YLD member.

I got involved with the Savannah YLD because back then not many people were on the executive committee, and they asked me to join even though I didn't know anything about it.

I've held several positions since I joined including editor of the newsletter and social chair. Currently I act as treasurer and will do that until I age out next year.

My favorite thing about the Savannah YLD is our annual haunted trolley ride—I love scary stories and ghosts.

What advice do you have for other young lawyers?

Even though the law is adversarial, there's no reason that we have to be adversarial in ev-



PHOTO COURTESY OF ANTHONY BURTON

everything. In all aspects of life, including the courtroom, you get a lot further with honey than you do with vinegar. If the state wants to put your client in prison and your client doesn't want to go, you agree to put him on probation.

You'll occasionally come across someone you can only deal with by going scorched earth, but usually both sides just want to close out the case and make their clients as happy as possible. **YLD**

Anthony Burton is the owner of Burton Law Offices in Savannah, Georgia.

The 2025 LOCAL & VOLUNTARY BAR ACTIVITIES AWARDS

Deadline to enter: Friday, March 28

For more information, contact Ashley Stollar at 404-527-8972 or ashleys@gabar.org



YLD Fall Events

1. The YLD Criminal Law Committee, the YLD Litigation Committee and the Atlanta Bar Association's Criminal Law Section hosted the "Judges Aren't So Scary | A Haunted Social Hour" with some honorable guests at Arora Law Firm on Wednesday, Oct. 23. (L-R) Kelsie Speight, YLD Leadership Academy Co-Chair, Carlos Fernández, YLD Litigation Committee Co-Chair, and Morgan Lyndall, YLD Litigation Committee Co-Chair.



2. Holly Stephens, YLD Litigation Committee Co-Chair, at the "Judges Aren't So Scary | A Haunted Social Hour."

3. (L-R) Judge Stacey Hydrick, Superior Court, Stone Mountain Judicial Circuit, and Kenneth Mitchell Jr., YLD President, at the "Judges Aren't So Scary | A Haunted Social Hour."



4. The YLD Litigation Committee Hosted "When in Rome" on Oct. 21 in Rome, GA. Panelists discussed ethics and professionalism in the profession. (L-R) Carlos Fernández, Judge John E. Niedrach, Superior Court, Rome Judicial Circuit, Judge Jeff Watkins, Court of Appeals of Georgia, Justice Verda Colvin, Supreme Court of Georgia, and Caleb Ratliff.



5. (L-R) Lina Khan, Justice Carla Wong McMillian, Supreme Court of Georgia, Judge Kristen Warren Harris, Probate Court of Houston County, Kevin B. Hicks and Eric Z. Edwards at the the YLD Law School Outreach Committee's "Spooktacular Strategies: Navigating the Law Without Fear" on Oct. 24 at Mercer Law.



6. YLD Judicial Law Clerk Committee and Wellness Committee got outside in this Fall weather and took a hike at Sweetwater Creek State Park on Oct. 5.



Book Review

Professors Hope to Integrate Law and Social Science



T. Alec
Chappell

In “*The Behavioral Code: The Hidden Ways the Law Makes Us Better ... Or Worse*,” Professor Benjamin Van Rooij, professor of law and society and director of research at the School of Law of the University of Amsterdam and Global Professor of Law at the University of California, Irvine, and Professor Adam Fine, assistant professor of criminology and criminal justice and of law and behavioral sciences at Arizona State University, argue that the study of law has fallen behind economics and other fields that integrate empirical research from the social sciences. Law schools train lawyers to understand the legal code lurking behind every aspect of our lives, from automobile seat belt laws to securities regulations. What lawyers do not learn, however, is the behavioral code—how people actually respond to laws in the real world. Too often, they say, lawyers and lawmakers rely on their gut intuition about how laws will shape human behavior. But empirical studies show that our intuition is often wrong. Three examples illustrate their point.

Punishment as Deterrence

First, law students learn in first-year criminal law that criminal punishment not only serves to remove offenders from society but also deters people from committing similar misconduct in the future. As early as 1764, Cesare Beccaria theorized that “the core function of punishment was to prevent crime” through deterrence.¹ Our guts tell us that as the severity of punishment increases, so too does the deterrent effect, hence the adoption of habitual offender (e.g. “three-strikes”) laws carrying lengthy mandatory sentences. But studies of these laws provide “no conclusive evidence that stricter

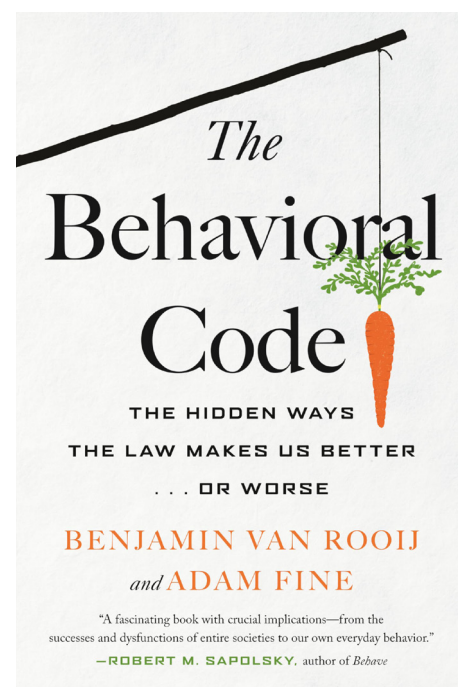
punishments do or do not deter criminal behavior.”² Although researchers have been unable to establish a causal link between the severity of punishment and deterrence, the same is not true of the certainty of punishment: “[s]tudy after study finds that ... [t]he more certain the punishment ... the likelier punishment will deter.”³ And to that end authorities must take into account people’s perceptions of certainty by “communicating enforcement actions to the general public.”⁴

Tort Liability

Second, deterrence also plays a role in tort liability. Of course, tort liability primarily serves to compensate people for injuries. “But for some legal scholars and many economists, tort [law] is even more ambitious than being merely restorative; it is also supposed to help prevent damaging behavior in the future.”⁵ Unfortunately, as with the severity of criminal punishment, research shows “no conclusive evidence that tort liability acts as a disincentive” for negligent behavior.⁶ For example, researchers have not conclusively established that no-fault insurance states have more traffic accidents than at-fault states.⁷ Thus, Van Rooij and Fine say, “[w]e should no longer assume that stricter tort [liability] in and of itself deters damaging behavior” and, as with criminal punishment, we should focus instead on certainty—“toward easier access for plaintiffs to sue for damages that actually occurred and away from punitive damages.”⁸

Corporate Compliance

Third, Van Rooij and Fine discuss corporate compliance, which matters a great



deal to lawyers and law schools because “the market for compliance work globally was valued at \$31.27 billion in 2019” and “is estimated to grow to \$88 billion by 2027.”⁹ The empirical evidence shows that, contrary to expectations, many compliance management system elements don’t work, although written compliance policies and systems for handling complaints show some promise.¹⁰ Case studies are cited evidencing that toxic organizational cultures lead to harmful and illegal behavior, including Volkswagen’s use of a device to lower vehicle emissions during laboratory testing and Wells Fargo’s fraudulent opening of customer bank accounts.¹¹ These companies pressured employees to achieve unrealistic goals, punished employees who provided critical feedback, and normalized rules violations.¹² To fix these issues, organizations should “hire anthropologists and cultural criminologists” to conduct forensic ethnographies “to assess the deeper cultural origins of their transgressions.”¹³

Based on these examples and others in which lawyers' and lawmakers' gut intuition fails us, Van Rooij and Fine call for law schools to "bring more social scientists into the fold and blend them into the core curricula[.]"¹⁴ Economists in the field of behavioral economics have already done just that, drawing on "cognitive and behavioral science insights to ... sway people to make better decisions[.]"¹⁵ Van Rooij and Fine propose a behavioral jurisprudence focusing on "whether people know the law, why they comply with laws, and why they break the law[.]"¹⁶ To be sure, they do not purport to have all the answers, as much behavioral research remains to be done. But their book represents an important first step in the process of integrating the study of law and social science. YLD

T. Alec Chappell is career law clerk for Chief Judge Edward J. Coleman III, U.S. Bankruptcy Court for the Southern District of Georgia, and an adjunct professor at Mercer University School of Law.

Endnotes

1. Benjamin Van Rooij and Adam Fine, *The Behavioral Code: The Hidden Ways the Law Makes Us Better ... Or Worse*, 18 (2021).
2. *Id.* at 31.
3. *Id.* at 32.
4. *Id.* at 40.
5. *Id.* at 50.
6. *Id.* at 53.
7. *Id.* at 51.
8. *Id.* at 55.
9. *Id.* at 226.
10. *Id.* at 191.
11. *Id.* at 202-03.
12. *Id.* at 204-06.
13. *Id.* at 210.
14. *Id.* at 226.
15. *Id.* at 74.
16. *Id.* at 226.



Welcome to the 2025 Leadership Academy Members

Colin Ayobami Adebayo
Thomas Daniel Cedron Church
Alexandria Harper Clark
Keith Andre Collins
Douglas Edward Comin
Alexa Lee Dato
Mercedes Lorine Dickerson
Bubba Ben-Allen Dunn
Jayla Chiana Grant
Erika Janae Harris Fritz
Victoria Taylor Hicks
Kristen Ann Holder
Meagan Rena Hurley
Alexandria Danielle Isom
Caroline Key Lamberth
Forrest Edward Lind III
Bailey Katherine Marshall
Mary Margaret Martin
Jeffrey Bryce McCarter

Megan McCulloch
Olivia Spradley Mercer
William Daniel Ortiz
Sarah Meghan Pittman
Jordan Lindsay Reab
Furhawn Saeed Shah
Henry Thomas Shaw
Georgia Gail Simpson
Iyana Yvonne Smith
Nicholas Kelly Smith
Lauren Ashley Smith
Benjamin Douglas Walker
Michael Chas Whitehead

Co-Chairs

James Forrest Banter
Samantha Marie Mullis
Kelsie Mattox Speight

A Generational Shift



**Bryce
McCarter**

I was a junior in high school when I set my sights on a career as an attorney. I envisaged a career that would be financially secure, intellectually challenging and, yes, lucrative. In the small town in which I grew up, lawyers were viewed as prestigious and had financial security to last a lifetime. What more could a guy ask for in a future profession?

In my college years, I didn't waiver in my career choice, no matter how many times I was shown that catchy YouTube video about not becoming a lawyer.¹ I did my due diligence and researched what a day in the life of an attorney is like. I was met with the familiar boogeymen of billable hours, constant stress and cutthroat colleagues. However, I still thought this was the career path for me, despite learning of the many examples of how the legal profession remains constant—seemingly impervious to change.

It wasn't until my years in law school that I really started to consider the many changes that had already and were currently taking place in the legal profession. It is thanks to a new generation of lawyers that these changes are taking place. Millennials (like myself) and Gen. Z attorneys are setting into motion a shift in the legal industry, and it doesn't seem to be a passing fad.

It was no big secret that attorneys had some of the worst mental health issues of any profession; however, the next generation of attorneys hasn't avoided the profession all together. On the contrary, new attorneys entering the workforce have made mental health a top priority, up there with compensation.² In my personal experience, I've transitioned from employment where I was objectively earning a high salary but at the cost of my mental and physical well-being. When leaving this high stress employment, one of my last communications



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with my former team included the phrase “we think you were treated very well here; you even took all of your vacation days,” and that was the phrase that convinced me that I had made the right decision. Vacation days are marketed to employees as a benefit, but on the back end of employment, they can be used against employees. Sometimes, the system punishes employees for taking the vacation days they've earned. Younger lawyers are increasingly deciding that sacrificing their wellbeing and health for the good of the job is no longer a tradeoff they are willing to go along with.

In addition, mental health issues have come out of the darkness and stepped to the forefront of discussions that lawyers have with each other. In the not-so-distant past, it was seriously frowned upon to tell your peers or your superiors that you were struggling with the weight of stress you were under. If you confided in someone, you ran the risk of showing that you weren't capable of moving up in the leadership structure. Nowadays, mental health issues seem to have permeated every facet of the legal profession. Law schools have normalized programming for incoming law students,

law firms are following suit by devoting task forces inside their organizations and bar associations are offering a myriad of mental health services and resources.³ Perhaps the legal profession's biggest step in the right direction when it comes to mental health has been breaking the stigma and finally getting people talking about it.

Not just selling widgets anymore

As I was learning about my future profession in my high school and undergraduate life, it seemed as though I would need to be a specialist at my job: identifying problems and proposing solutions would be my trade. Certainly, I was concerned with a myriad of issues outside of any employment, topics such as climate change, social justice and LGBTQIA+ issues, just to name a few. I thought for myself and my soon-to-be colleagues these issues would be on the periphery, something we voted for every few years, not something linked to our day-to-day lives.

As I've progressed through my career, I've noticed that my generation and the next are expecting more from their poten-

tial employers. Clocking in and exchanging our time for a paycheck and nothing more seems to be becoming a relic of the past. Increasingly, younger attorneys are looking for fulfillment and meaning in their work lives.

In addition, younger attorneys are expecting their employers to be as socially conscious and diverse as they are.

To be sure, all this change in how we view our profession and what we get out of it has not been frictionless. Older generations maintain their position at the top of the professional food chain and do not share the same priorities that drive the new generations.

This leads to conflict between the age groups and increasingly leads to high rates of job hopping for younger attorneys searching for workplaces that share their vision for a personally rewarding work life, not just a financially rewarding work life.

Clearly the times are changing in a field that I previously believed to be impervious to change. Combine these changes in discussions around mental health, and finding meaning in your everyday work life with the technological advances artificial intelligence will bring to the profession, and it all adds up to a profession that is quickly evolving.

Yes, these changes have encountered conflict with established legal traditions, but as the pace of change quickens I believe these new trends in the profession will soon be the established tradition. YLD

Bryce McCarter is a staff attorney at the State Ethics Commission of Georgia in Atlanta.

Endnotes

1. racheldoesstuff, *Don't Be A Lawyer – feat. Burl Moseley – "Crazy Ex-Girlfriend"*, YouTube (Oct. 26, 2018), <https://www.youtube.com/watch?v=Xs-UEqJ85KE>.
2. *The legal profession in 2024: The wider view*, Harvard Law Today, Feb. 21, 2024, <https://hls.harvard.edu/today/the-legal-profession-in-2024-democracy-salary-and-hiring-general-counsels-and-legal-education/>.
3. <https://www.gabar.org/docs/default-source/wellness/use-your-6.pdf> (Oct. 22, 2024).



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Those Dam Fish: A Poem



**Lane E.
Cannon**

Once upon a time, near an unfinished dam,
 An undiscovered species happily swam.
 Enjoined by a court, dam construction had ceased
 ‘Til NEPA impact statements could be released.
 Meanwhile a professor, conducting research,
 Happened upon a new species of perch:
Percina tanasi, or the snail darter,
 Thought only to live in that Tennessee water.
 A couple months after the snail darter find,
 An act to protect threatened species was signed.
 Then Tennessee 2L, Hiram “Hank” Hill,
 Who’d heard of the fish and the newly-signed bill,
 Pitched the petite perch to Professor Plater
 As a topic for his ten-page term paper.
 Pursuant to their Fish and Wildlife petition,
 Snail darters received their due recognition:
 The species was placed on the endangered list,
 To the great relief of ichthyologists.
 Now known but endangered, their habitat small,
 Completing the dam could surely kill them all.
 Claiming violations of the ESA,
 In federal court, Hill sued the TVA.
 A lawsuit was filed for another injunction—
 The Tellico Project had still yet to function.
 The TVA argued courts shouldn’t apply
 The ESA when the sunk costs were too high.
 Work began long before the law was enacted,
 Though critical habitats would be impacted.
 But Congress had granted the TVA’s funds,

Should those instances of approval be shunned?
 Or might they be partial, implied repeals?
 The Supreme Court took the case up on appeal.
 The meaning was plain, so was the intent.
 No matter how many millions were spent,
 No matter how much the builders had labored,
 Repeals by implication are strongly disfavored.
 Though some thought it absurd, the TVA lost;
 The fish were protected—whatever the cost.
 Undeterred, TVA sought an exemption
 From the new God committee’s debut convention.
 But the team found the project so poorly planned,
 They refused to exempt the Tellico dam.
 Busy as beavers, dam supporters pressed on,
 Writing a rider to get the job done.
 Tacked onto a bill over budgets and water,
 It rode its way over to President Carter.
 Signing the bill, though with hesitant hand,
 He acquiesced to the TVA’s demands.
 With the dam approval finally granted,
 Hundreds of fish were hastily transplanted.
 The species recovered, though that first school is gone
 The dam was completed—the darters lived on. YLD

A brief poem on *Tenn. Valley Auth. v. Hill*, 437 U.S. 153, 98 S. Ct. 2279 (1978), celebrating the 50th anniversary of the Endangered Species Act of 1973 and the recent removal of the snail darter from the Federal List of Endangered and Threatened Wildlife.

Lane E. Cannon is a rising 3L at Emory School of Law and a student member of the State Bar of Georgia.

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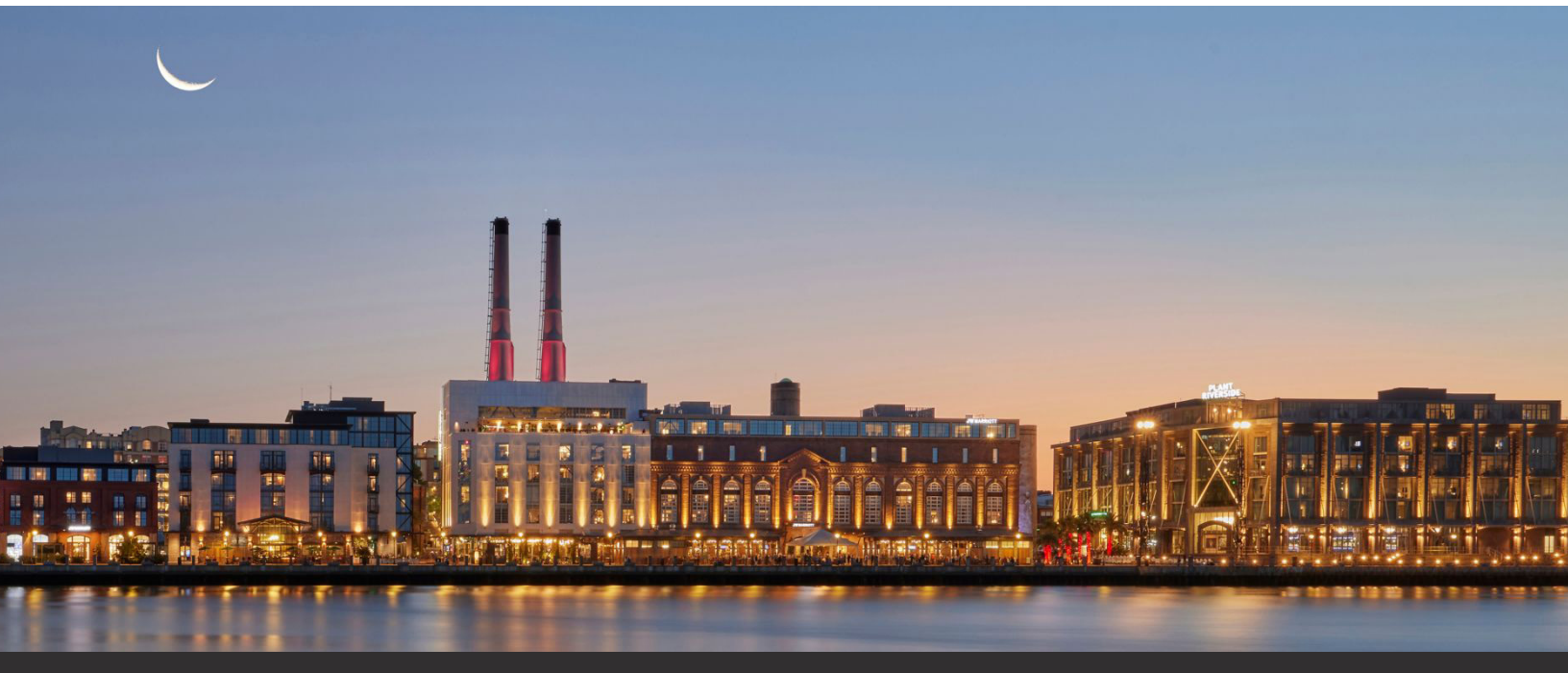
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