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*State Bar of Georgia Young Lawyers Division*

# THE YLD REVIEW

Volume 67, Issue 1, October 2025

*Working for the Profession and the Public*

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## From the President

# Thankful, Celebrating and Looking Ahead: A Letter From the 79th President of the YLD



**Veronica Rogusky Cox**

**I write to you, first and foremost, with gratitude.** When I pause to reflect on what it means to lead the Young Lawyers Division of the State Bar of Georgia (YLD), one word comes to mind above all others: thankful.

I am thankful for the leaders who came before me, presidents who carried the YLD forward with vision and determination, building an organization with a commitment to service and leadership and preserving the YLD's legacy. I am thankful for the dedication of our officers, directors, committee chairs and leaders who keep the YLD running and allow us to continue serving our communities. I am thankful for the contributors to this very publication—the writers who pour their time and insight into articles, and the editors who polish and publish them into something both informative and inspiring. I am thankful for the tireless assistance of our Bar staff, without whom the YLD would not function.

But most of all, I am thankful for you—the thousands of young lawyers across Georgia who make up the YLD. You are the reason the YLD exists. You are the source of its energy and the spirit that propels it onward.

## Celebrating Where You Are

Gratitude is only the beginning. I also want to celebrate you—the members of

the YLD—because you deserve it. I want to recognize you and your accomplishments. Whether you are in your first year of practice, building your reputation as a seasoned litigator, navigating government service or exploring new opportunities in your career, congratulations. Whether you are just beginning your practice, studying for your first deposition or drafting your first appellate brief, congratulations. If you are building your reputation in a courtroom, counseling clients through complex transactions, or working to balance the demands of professional and personal life, congratulations. Wherever you are in your career, congratulations. The practice of law is not easy, and the early years can be especially challenging. You may face long hours, steep learning curves and the weight of responsibilities that sometimes feel overwhelming. But you have persevered, and that is an achievement worth celebrating.

## The YLD as a Partner in Your Journey

As we look ahead, the YLD is here to make the next chapter of your professional journey a little easier, a little more connected and a lot more rewarding. This year, the YLD will continue to consistently provide resources that matter to young lawyers in Georgia:

*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.*

- Continuing Legal Education programs that sharpen your skills and keep you informed.
- Networking events that help you build relationships to sustain a legal career.
- Community service opportunities that remind us why our profession matters beyond the courtroom.
- Social activities and celebrations that allow us to pause, connect and enjoy the company of our peers.

Through these resources, the YLD exists to be your partner. The YLD remains not only the service arm of the State Bar but also a professional home for young lawyers.

### A Year of Milestones and Traditions

This year is particularly special because it gives us the chance to celebrate two landmark anniversaries.

First, the Leadership Academy celebrates its 20th anniversary. Since its founding, the Leadership Academy has been a training ground for some of Georgia's finest legal leaders. Many of the Bar's most active and influential members trace their roots to this program. Alumni have gone on to become judges, Bar leaders, community advocates and mentors. Celebrating two decades of Leadership Academy means celebrating a legacy of investment in the future of our profession.

Second, the Legal Food Frenzy Competition celebrates its 15th anniversary. This partnership between the YLD and the Attorney General's Office has become one of our signature service projects, uniting lawyers across the state to fight food insecurity in Georgia. Over the past decade and a half, this program has raised millions of dollars and provided countless meals to families in need. Its impact has been profound, and this milestone gives us the chance to reflect on how lawyers can serve not just clients, but communities.

Beyond these anniversaries, our calendar will be filled with traditions that bring us together year after year. The YLD Leadership

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From the Editors

## Keep Moving



**T. Alec Chappell**



**Carlos Fernández**



**I was sitting outside in a plastic chair** when my grandmother told me this Cuban saying, it goes: "*Camarón que se duerme, se lo lleva la corriente.*" The shrimp that falls asleep gets carried away by the current. Like Bob Dylan's *a rolling stone gathers no moss*,<sup>1</sup> the saying is a picture of how we must keep moving, or risk being swept away.

By reading this newsletter, by contributing to the Young Lawyers Division, you are already in the right headspace. You are choosing to stay awake, engaged and ready to seize opportunities.

This year's publications are built on that spirit. Every article reflects their authors' creativity and drive. These young lawyers who share their ideas, experiences and perspectives are not drifting away in the rock and roll but are leading the guitar solos.

The boldness and effort deserve recognition and celebration, and we are proud to highlight it in these publications.

The Young Lawyers Division is a community and a platform for younger attorneys

who do not want to be box checkers. These publications are a place where voices can be amplified, where connections can be made, and where purpose can be put into action. Alec Chappell and I are committed to ensuring that each edition of this newsletter serves as both a showcase and an invitation, an invitation to grow, to contribute and to lead.

As you read, we encourage you to celebrate the authors who have stepped forward and to consider adding your voice in the future. This is your platform, your chance, *seize it!* <sup>YLD</sup>

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

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### Endnote

1. The editors are aware Bob Dylan did not create the euphemism, but he did popularize it, very well.



# Saved by the Bell? Recommendations on How Sole Practitioners and Law Firms, Big and Small, Can Protect Themselves From *Sua Sponte* Involuntary Dismissals Without Prejudice, Pursuant to O.C.G.A. § 9-11-41(b)



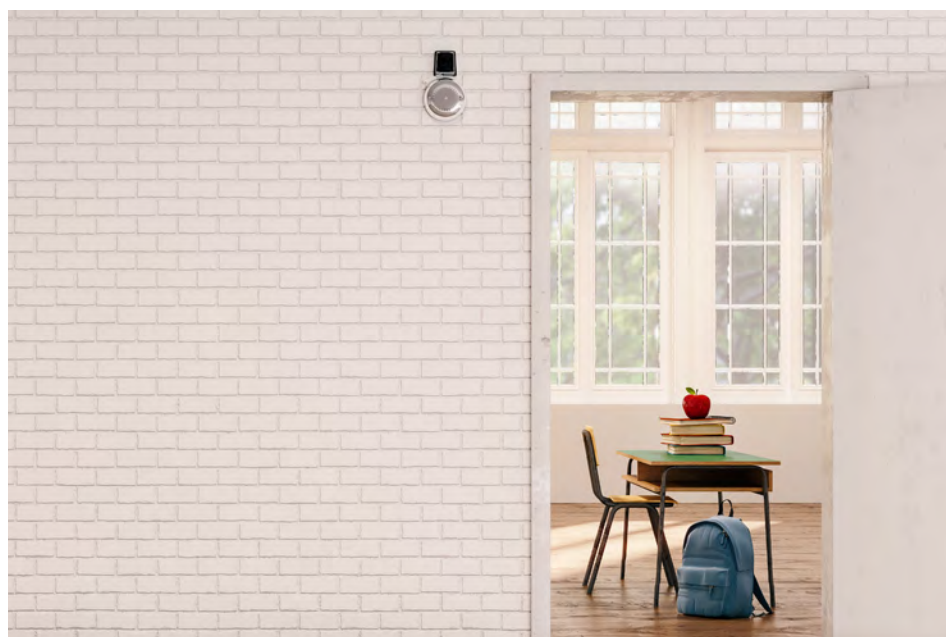
**Sikudhani  
Foster-McCray**

## Abstract

*This article will concisely lay out the contours of the law, based in statute and case law, concerning Georgia trial courts' authority to involuntarily dismiss civil cases pending before them, without prejudice. This article will then clearly note which actions allow trial courts to dismiss cases without prejudice. This tactical cheat sheet is necessary for plaintiff's counsel—to understand which actions to avoid—and is equally integral for defense's counsel to understand procedural actions activating their power to move the court to dismiss lingering cases or to sanction inactive counsel. Finally, this article will provide helpful suggestions on how to avoid such lasting sanctions, provided by O.C.G.A. § 9-11-41(b). These helpful hints aim to aid parties in efficiently pursuing cases and preventing counsel's actions from negatively impacting clients' interests.*

**Rrring! Remember the bell of your** grade school homeroom class beckoning you to be present for attendance, take a seat in your assigned seat, and be prepared enough to engage in the homeroom orientation checkpoints throughout the semester? If you thought homeroom never taught you anything useful, you might want to think again.

Preparing for appearances before trial courts is quite like preparing for homeroom and a day full of your substantive academic classes. The first and most important step for both? Attendance matters. You cannot



pass the class without showing up on time consistently, and without preparing to be called on in class. Comparably, you cannot move forward with advanced stages of litigation without adequate attendance at pretrial hearings and calendar calls,<sup>1</sup> adherence to all court orders,<sup>2</sup> action and leadership of the correct attorney of record at appearances,<sup>3</sup> and proper response to the call of the action for trial or other proceedings.<sup>4</sup> A case may be dismissed without prejudice, pursuant to O.C.G.A. § 9-11-41(b), based on a defendant's motion, when a plaintiff fails to prosecute a case or comply with a court order.<sup>5</sup> However, a trial court may, on its own motion, dismiss a civil action without prejudice, "upon the [plaintiff's] failure to properly respond to the call of the action for trial or other proceeding."<sup>6</sup> An attorney's "failure to

appear without legal excuse upon the call of any proceeding"<sup>7</sup> is one of the most direct actions rising to the threshold for *sua sponte* dismissals.

The calendar call is a form of civil procedural hearing to assess trial readiness and, whereat, absence could trigger an automatic dismissal-without-prejudice sanction.<sup>8</sup> Yet, as case law indicates, the calendar call is not the only hearing at which a case may be dismissed for failure to properly respond to the call of the action of the case.<sup>9</sup>

In *Ector v. Unison Ins. Co.*, the Court of Appeals of Georgia made it clear that a plaintiff may face an involuntary dismissal, by a trial court, for the traditional absence at a calendar call.<sup>10</sup> Further, the court has set forth involuntary-dismissal-without-prejudice discretion in trial courts for: 1) a

party's absence at any pretrial hearing even when a hearing notice includes scheduling errors;<sup>11</sup> and 2) presence at a final hearing or bench trial, when counsel has failed to "prepare adequately for trial."<sup>12</sup>

This article will succinctly review the current authority granted to trial courts for involuntary dismissals without prejudice, discuss which missteps could expose a party to the detention-like sanction of an involuntary dismissal, and finally, recommend methods to trial attorneys concerning how to avoid such a serious sanction and protect the true litigant—clients.

## Georgia Trial Courts' Current Involuntary Dismissal Powers

### Statutory Basis

As stated previous, the seminal dismissal-without-prejudice-power for trial courts, in Georgia, arises from the language set forth in O.C.G.A. § 9-11-41(b).<sup>13</sup> However, the statute mainly considers defendant motions in dismissals without prejudice for failure to prosecute, while other codes directly bestow such a *sua sponte* power on trial courts. Namely, Georgia Uniform Superior Court Rule (U.S.C.R.) 14, allows courts to dismiss without prejudice any civil action or pleading, for failure to "properly respond to the call of the action for trial."<sup>14</sup> Such failures include counsel's "failure to appear without legal excuse upon the call of any proceeding."<sup>15</sup> This court-sanctioned power is echoed in other procedural codes, including in Georgia Procedure Verdict and Judgments § 2:27; bestowing upon courts involuntary dismissal powers, without a party's motion, "because the power to dismiss for want of prosecution is an inherent power of the court."<sup>16</sup>

Further, section 2:26 of the same code listed above, indicates the discretionary allowances of the courts more thoroughly.<sup>17</sup> First, courts may involuntarily dismiss cases when the plaintiff fails to appear either at a trial, calendar calls, or at any scheduled pretrial hearing wherein counsel fails to obtain a continuance.<sup>18</sup> Thus, courts may involuntarily dismiss cases in which the plaintiff's

counsel has merely announced his or her absence and where he or she has not requested that the case be placed on a later date.<sup>19</sup>

A court's calendar call or peremptory calendar is a commonly utilized and statutorily based method for checking in on the statuses of cases, possibly resulting in high volumes of involuntary dismissals without prejudice.<sup>20</sup> Section 2:26 specifies that, "failure to appear at the sounding of the calendar or otherwise to advise the judge or appropriate calendar clerk may result in dismissal without prejudice of the plaintiff's action or the defendant's answer, counterclaim, or cross-claim."<sup>21</sup> Defendants are also subject to the involuntary-dismissal-without-prejudice sanction.

The peremptory calendar is used to assess readiness for trial and is specific to superior courts.<sup>22</sup> Any pending civil cases on the docket, in which discovery has procedurally expired, may be added to the calendar and possibly dismissed without prejudice if either party fails to appear.<sup>23</sup>

Finally, parties may wage relevant defenses to any involuntary dismissal for failure to prosecute, based on a nonappearance at a calendar call, pretrial hearing, or trial, by alleging improper notice through mistake or the court's failure to provide notice.<sup>24</sup> Counsel may indicate the absence of the correct counsel's name on the calendar or some other defect on the record, or show that the notice was mailed to improper counsel.<sup>25</sup> Even still, "there is a presumption that the clerk gave proper notice of the calendar call."<sup>26</sup> Improper notices that may have reached the correct law firm, attorney of record, or client, with minor defects, may still be upheld by the court, as the "trial court has the power to determine sua sponte, whether the clerk properly sent notice of a trial to the [party]."<sup>27</sup> Ultimately, attendance matters and clear communication with the court is integral to properly pursue litigation; similar to how attendance and class participation are vital to advancing in school.

### Case Law Framework

Case law has set precedent for the nebulous areas and articulated scenarios upon

which courts have acted to involuntarily dismiss cases.

### Failure to Appear

In *Lam v. Allstate Indem. Co.*, the Court of Appeals considered the involuntary-dismissal-without-prejudice order of the Gwinnett Superior Court, dismissing the plaintiff's case.<sup>28</sup> On appeal, all justices agreed that the case should have been dismissed for failure to prosecute, pursuant to U.S.C.R. 14 and O.C.G.A. § 9-11-41(b).<sup>29</sup> Even in Judge McFadden's dissent, he supported the lower court's ruling, citing to the counsel's failure to appear at the scheduled hearing, although a *rule nisi* had been filed on record.<sup>30</sup> The Court of Appeals indicated that although plaintiff's counsel mentioned a scheduling conflict existed in a letter to the lower court, thus precluding counsel's appearance, the letter was not enough.<sup>31</sup> Plaintiff's counsel's letter failed to comply with U.S.C.R. 17.1, because the attorney did not resolve the scheduling conflict, propose a resolution to remain in compliance with the appearance requirement, and await an actual ruling granting counsel's request for a continuance.<sup>32</sup> It is clear that a simple conflict letter, filed on record, is not enough to save a case from an involuntary dismissal sanction for failure to appear.

On a larger scale, cases in which the discovery period has concluded may be placed on calendar calls, based on the relevant court's schedule.<sup>33</sup> Parties appearing on the calendar call are required to appear, unless otherwise excused.<sup>34</sup> Case law pertaining directly to absences at calendar calls indicates that involuntary dismissals without prejudice are a firmly justified sanction when parties (namely plaintiff's counsel) fail to communicate directly with the court concerning absences and neglect, and fail to be properly excused.<sup>35</sup> In *Ector v. Unison Ins. Co.*, an involuntary dismissal without prejudice was upheld when the parties were scheduled for a calendar call and the plaintiff believed the case was being properly continued, but failed to ensure such a continuance was granted by the court.<sup>36</sup> It is further noted in *Atlanta Bus. Video, LLC v. FanTrace, LLC*, that a single absence "at a proceeding, calendar

call, or the like<sup>37</sup> can cause a dismissal of the entire action, without prejudice, “after full consideration of all the circumstances.”<sup>38</sup> Finally, *Peachtree Winfrey Assocs. v. Gwinnett Cnty. Bd. of Tax Assessors*, affirmed that even when the notice for a court ordered meeting (in this case, a pretrial conference) included a scheduling error as to the day of the conference, a case may be dismissed without prejudice, expressly because there was no evidence that the plaintiff’s counsel engaged in due diligence to ensure their presence.<sup>39</sup>

#### Lack of Preparation for Hearing or Trial

Aside from the common failure to appear, a trial court may also dismiss (without prejudice) cases in which a plaintiff grossly fails to establish a right to relief, even when plaintiff’s counsel appears at a hearing.<sup>40</sup> In *Cramer, Inc. v. Se. Off. Furniture Wholesale Co.*, the lower court’s *sua sponte* involuntary dismissal without prejudice was affirmed on appeal, when the court dismissed the action against two defendants, due to willful neglect by plaintiff’s counsel.<sup>41</sup> The Court of Appeals affirmed the lower court’s reasoning, on the grounds that: 1) the counsel of record failed to appear at trial, although he sent another attorney from the same firm in his stead who had not participated in any of the pretrial activities; and 2) the substituted counsel failed to put on an adequate presentation of the plaintiff’s claim, because the proffered evidence was insufficient and counsel “was unable to answer the trial court’s queries.”<sup>42</sup>

#### Lingering Case

In *Chrysler Fin. Serv’s. Am., LLC v. Benjamin, et al.*, although the lower court erred in dismissing the case *with prejudice*, the Court of Appeals affirmed the grounds for involuntary dismissal, because the case had lingered for approximately three years, the time for discovery had lapsed with no discovery taking place, and the plaintiff failed to attend several calendar calls.<sup>43</sup> Although failure to appear at a court scheduled hearing is a clear trigger for an involuntary dismissal, pursuant to O.C.G.A. § 9-11-41(b), the court has discretion to consider other factors, like the time period of languishment and inactivity in the case.<sup>44</sup> Thus, a dismissal order can be filed in a case long after the court has inter-

nally made note of a party’s deficiencies in pursuing the case and without warning of an impending dismissal.<sup>45</sup>

#### Detention! A Hypothetical Sanction Involving a Sua Sponte Involuntary Dismissal

Reengaging the school rules analogy, the *sua sponte* involuntary dismissal is more like a trip to detention or a short-term suspension, than it is a complete expulsion, because it only works to temporarily dismiss the case and does not function as an adjudication on the merits of the case.<sup>46</sup> Nonetheless, the sanction is serious, and should be properly avoided, so as not to unduly complicate litigation, clog the court dockets, and unfairly impact clients. Consider the following hypothetical in assessing whether a *sua sponte* involuntary dismissal may be levied and upheld, on appeal.

#### Hypothetical

You are a partner at a firm representing a plaintiff in a civil litigation matter pending before a superior court two hours away from your office. Pretrial activities and an initial hearing have already occurred. Both parties have filed motions and supporting briefs and jointly requested a “motions hearing” to be placed on the court’s calendar. Months have passed, and your secretary reminds you of the upcoming hearing. However, you now realize you have a serious conflict and cannot make the hearing, with a roundtrip of four hours. Since the “motions hearing” will take up your entire day, you attempt to reach out to opposing counsel and the court, to request a continuance.

Opposing counsel objects to the continuance, citing the lateness of the notice and the importance of the hearing. The court rejects your request. As the partner in the case, you undersigned all the filed documents, led discovery, and were the main point of contact, although you had several associates assisting you in the pretrial activities. No singular associate who assisted you has the breadth of knowledge in the case necessary to prepare for oral arguments. The hearing is on, and you make an associate go to the hearing. Although the associate read over the files, he

or she was not able to hold their own against opposing counsel or answer pertinent questions posed by the court. Can the court involuntarily dismiss this case?

In short: yes. Here, you had a conflict and attempted to reach out to opposing counsel and the court, to obtain a continuance for the “motions hearing,” but the court did not grant your request. Unlike in *Lam v. Allstate Indem. Co.*, where plaintiff’s counsel failed to obtain a ruling on the request for continuance pursuant to U.S.C.R. 17.1<sup>47</sup>, you attempted to obtain a continuance. However, attendance at the hearing was still compulsory because your continuance request was not granted, pursuant to U.S.C.R. 17.1(C).<sup>48</sup> As applied to the holding in *Cramer, Inc. v. Se. Off. Furniture Wholesale Co.*, like plaintiff’s counsel in the case<sup>49</sup>, you were counsel of record, you sent another attorney from your firm in your stead, and although you conducted pretrial proceedings and provided the associate with relevant files, your associate was ill prepared and could not provide proper information to the court. Comparable to *Cramer, Inc. v. Se. Off. Furniture Wholesale Co.*, it is likely that the trial court would have the power to dismiss your case without prejudice, and that the Court of Appeals would uphold the sanction.<sup>50</sup>

#### Saved by the Bell: Recommendations on How to Save Your Clients From Involuntary Dismissals

This article has discussed trial courts’ powers and triggers for levying the *sua sponte* involuntary dismissal sanction against an offending party. The dismissal sanction is akin to a party serving time in detention and missing valuable class time. Unlike in school, where a poor grade would only impact the student, a dismissal setback would most negatively impact clients, not counsel. So, how can you protect your clients from this costly temporary setback?

#### Keep an Organized and Updated Trial and Hearing Schedule

The best and most general advice available is to maintain a frequently updated *inter-*



nal trial and hearing schedule to account for changes in dates and miscommunication errors. A failure to appear is a surefire trigger for the discussed involuntary dismissals, and many of the excuses set forth have included mistakenly calendared dates or miscommunication.<sup>51</sup> Such excuses will not save a case from involuntary *sua sponte* dismissals<sup>52</sup> and these outcomes negatively impact plaintiff-clients, who must file costly appeals with new counsel.<sup>53</sup> It is advised to keep an internal log of all communications received from court staff regarding hearing and trial scheduling, and to use those communications to request clarifications as to dates. Case law indicates even errors<sup>54</sup> or omissions<sup>55</sup> in court communications do not protect parties from involuntary dismissals. Finally, keeping an organized and updated internal schedule with checkpoints and reminders for deadlines and hearing dates, will allow counsel to proactively lead matters, thus avoiding dismissals for forgotten or lingering cases.<sup>56</sup>

### Maintain Strong Team Players and Accountability

Do you recall in school when you were selected as the project leader and you had to choose your team to put together a presentation for class? It felt terrible when one person was unable to or failed to pull their weight, causing everyone to share the same poor grade. It is well established that if a party and its counsel are unable to “prepare adequately for a trial ... [an] involuntary dismissal ... will not be disturbed on appeal.”<sup>57</sup> You should ensure your entire team is fully capable of answering to the “call of the action for trial.”<sup>58</sup> *Cramer, Inc. v. Se. Off. Furniture Wholesale Co.*<sup>59</sup> is a good example of what not to do, wherein the lead counsel failed to properly prepare his substitute for answering to the call of the action, resulting in an involuntary dismissal sanction.<sup>60</sup> Preventatively, lead counsel should assume case accountability by imposing reasonable deadlines on supporting counsel and by ensuring that such counsel could pursue the action, as proficiently as the lead, in the case of an emergency or conflict.

► SEE BELL, PAGE 30

### Officers' Block

## Which fictional villain would you most want to represent?



**VERONICA ROGUSKY COX** | YLD President  
Delphi Diggory.



**VIRGINIA C. JOSEY** | YLD President-Elect  
Mr. Slugworth from “Charlie and the Chocolate Factory”!



**KINDALL BROWNING-RICKLE** | YLD Treasurer  
Megamind.



**CALEB RATLIFF** | YLD Secretary  
Harry Lyme and Marv Murchins from “Home Alone.” The civil claims resulting from their injuries sustained while in the McAllisters’ home are endless. As recently as 2025, the old McAllister home was listed for \$5.25 million. I like my chances for recovery, especially when you consider that Kevin didn’t have Instagram to livestream the whole thing.



**KENNETH MITCHELL JR.** | YLD Immediate Past President  
The Joker.



**T. ALEC CHAPPELL** | YLD Newsletter Co-Editor  
Instead of becoming the Southwest’s leading methamphetamine kingpin, Walter White could’ve just filed for bankruptcy to discharge his medical debts. Too bad Saul Goodman never thought of that.



**CARLOS FERNÁNDEZ** | YLD Newsletter Co-Editor  
Thanos.

# Behind the Plate, Behind the Bar: What Baseball Taught Me About Practicing Law



**Anthony Scott  
Perez**

**Before I was a trial attorney, I was a** collegiate catcher and finished my playing career with the Ramblin' Wreck of Georgia Tech. But long before I learned to file pleadings and argue objections, I learned to frame a pitch and manage a pitching staff.

Most days, it still feels like I'm suiting up, only now, the gear is a tie and a case file. The courtroom and the diamond aren't so different. Both demand preparation, presence and poise. Both reward anticipation over reaction. And both, if you're paying attention, teach you to expect adversity.

As a catcher, the game unfolds in front of you, pitch by pitch, always one mistake from disaster. You crouch behind the plate, absorbing foul tips and the weight of your pitcher's nerves. Your job isn't just calling strikes, it's managing tempo, reading batters and controlling chaos. Sound familiar?

Young lawyers often feel like rookies behind the plate: handed a file and a deadline, then told to "handle it." The good ones don't just react. They learn to read the signs. They study opposing counsel's tendencies like we studied slash lines. They anticipate strategy, set the tone and guide their team—often without being the loudest voice in the room.

I remember one game on a late summer evening that felt never-ending. Late innings, tying run on second. Our pitcher had lost his command. I walked out to the mound, not to lecture, but to slow the game down. To breathe. To be there by his side in a time of chaos. Sometimes leadership means saying nothing, just standing tall when everyone else is unraveling. The same applies when you're in court and nothing seems to be going in your favor. You can't control the judge, the jury or even the evi-



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dence. But you can control your emotions. Your body language. Your presence.

Baseball taught me to play the long game—to shake off strikeouts and bad calls and stay locked in across nine innings. Law is no different. Clients panic. Opposing counsel bluffs. Cases stretch for years. But like baseball, the practice of law is cumulative. You win not with flash, but by stringing together good at-bats: clean motions, thoughtful depositions, strategic settlements.

Within the practice of law, we face adversity daily. Often, it's not dramatic, it's subtle failures. A motion denied. A call was missed. A detail overlooked. Baseball is a game of failure. A .300 hitter fails seven times out of 10 and is still considered great. The game teaches resilience and so does life. It's the same in law. We chase perfection, but it's resilience that sets us apart. A mistrial or missed deadline doesn't define you unless you stop showing up. Life, baseball or in the practice of law, you have to learn from your shortcomings, put them behind you and gear up for the next at bat, next inning behind the dish, or next court hearing. In law, we obsess over perfection. But

real progress comes from showing up after you've been knocked down. A mistrial, a blown deadline, a motion denied. These don't define you unless you stop showing up. Resilience, not results, is what separates the veterans from the rookies.

Being a catcher also taught me to advocate for people who don't always have a voice. Pitchers, even the flame-throwing ones, are fragile. You learn to protect them, to see the human being behind the velocity. As a catcher, I had to know each pitcher personally to know what brings the best out of them. I do the same with clients. Like managing a pitching staff, good lawyering means knowing your client, protecting their dignity and absorbing the pressure so they don't have to. You become their backstop.

Catchers see the whole field. Lawyers see the whole case. We're trained to find patterns, bring order to conflict and see the law not as an obstacle, but as a tool for clarity. If you had told 18-year-old me, back in the bullpen or batting cage, gearing up for yet another game, that my most useful skill wouldn't be my arm, my catching or hitting,

► SEE BASEBALL, PAGE 22



# Musings of a Prior Public Defender



**Kindall  
Browning-Rickle**

**In July 2025, I wrapped up my years of** public service and moved into practice with Daniels Law, LLC. I learned so much during my time as a public defender and at Georgia Legal Services and I am so thankful for the skills and experiences that 10 years in public service gave me.

In these last weeks I have had time to ponder on the lessons I have learned and I took the time to put pen to paper to share my musings.

## **Follow the Golden Rule— Treat Others How You Want to be Treated**

I found out so quickly that it is easy to fall into bad habits when you are dealing with a high-volume caseload. People can become numbers so fast if you are not careful about how you approach it.

Very early in my time as a public defender, I made a promise to myself that I would try my best to treat people how I would want to be treated.

If I were in jail, whether I was innocent or not, I would not want my attorney to just “check the boxes” on my case. I would want someone who cares about me as a human. Ultimately, all my clients, regardless of what they were charged with, were humans and deserved to be treated with dignity and respect.

## **Trust but Verify**

People lie. I will admit that it took me longer than it should have for me to realize that just because I value honesty, does not mean that everyone I encounter holds those same values. It is always good to trust your clients when they give you information, but it is best to verify that information, if possible,



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before presenting it as a fact to opposing counsel or the court.

## **You Cannot Pour From an Empty Cup**

I used to hear people say this all the time and I never really understood what it meant until I experienced my first burnout. It sneaks up on you and then there you are, in a bad mood every day, being short with your clients and your coworkers, feeling like things never change. Honestly, the best remedy for me was regular therapy sessions and doing my best to find things outside of work that make me happy. I do not always succeed in doing those things, but I always try. Because my clients deserve the best version of me and so do I.

## **Approach Every Case With a Positive Attitude—It Sets the Tone for Your Attorney-Client Relationship**

This goes hand in hand with the Golden Rule. But it can be easy to forget that while

you are doing a job, your clients are living their lives. Most people I interacted with were coming to court and were probably having a really bad day for having to do so. The last thing they need is an attorney who has a bad attitude. There were plenty of times I had to give bad news or relay legal advice that a client did not particularly want to hear. But delivering with kindness and trying to find something positive about their situation almost always helped get through the process.

## **Learn From the People Around You**

One of the best things about being a public defender were the people I got to learn from. I got to experience defense attorneys, prosecutors and judges in a way that I could not have found elsewhere. Once I got over my fear of asking stupid questions I was able to learn so much by asking and simply observing. **YLD**

*Kindall Browning-Rickle, an associate at Daniels Law LLC in Eastman, serves as the treasurer of the Young Lawyers Division.*

# Boundaries and the Legal Profession: Honoring Mental Wellness Through the Legacy of Cheslie Kryst



**Chanel  
Chauvet-Maldonado**

The legal profession has long been revered for its intellectual rigor and societal impact, but behind the prestige lies a troubling norm: the silent glorification of overwork. Lawyers are trained to be zealous advocates for their clients but often fail to advocate for themselves. In a profession where boundaries are routinely pushed, the importance of preserving one's personal limits cannot be overstated. This issue takes on particular poignancy in the wake of the life and death of Cheslie Kryst, an accomplished attorney, Miss USA 2019 and outspoken mental health advocate, whose story has become a clarion call for systemic and personal change in the legal world.

Cheslie Kryst embodied professional excellence. She earned her Juris Doctor and MBA from Wake Forest University, practiced complex civil litigation, and worked pro bono for inmates seeking reduced sentences. As a television correspondent for *Extra*, she brought awareness to social justice issues, often blending her legal training with her media presence. Despite her visible success and radiant confidence, Kryst struggled privately with the immense pressures of modern professional life, a reality that tragically culminated in her death by suicide in January 2022 at the age of 30.

Kryst's story resonates powerfully with attorneys because it reveals the human cost of perfectionism and overachievement. In an *Allure* essay published months before her death, Kryst wrote, "I'm constantly told I don't look my age. It's the ageism that frustrates me the most ... I've fought this fight before and it's exhausting."<sup>1</sup> Her reflection captured the emotional labor required of



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many women and minority attorneys—labor that extends beyond legal work into the realm of image, identity and relentless social scrutiny.

In the legal field, the failure to maintain personal boundaries is often normalized, if not rewarded. Billable hours, client demands and the adversarial nature of legal practice can conspire to create environments where self-neglect is seen as a badge of honor. However, recent data from the American Bar Association underscores the consequences: lawyers report significantly higher rates of anxiety, depression and substance abuse compared to the general population.<sup>2</sup> These issues are not simply abstract data as they affect productivity, ethical judgment and retention in the profession.

Honoring one's boundaries is an essential counterbalance to the structural pressures within legal practice. Boundaries can include limiting work hours, declining emotionally taxing cases or carving out time for therapy, family or rest (a foreign concept for many attorneys). They are not signs of weakness, but of strategic resilience. A lawyer who not only recognizes but also advo-

cates for one's own limits is better equipped to think critically, counsel clients ethically and avoid burnout.

Cheslie Kryst's transparency about her mental health challenges should be a model for the profession. Her openness invites attorneys to move beyond outdated narratives of stoicism and adopt a more humane, sustainable vision of success. Legal employers must also shoulder responsibility by building environments that support psychological safety. That includes implementing flexible work policies (including work from home arrangements), normalizing mental health days, providing access to confidential support services, and cultivating leadership that models vulnerability and balance.

In addition, legal education must evolve. Law students are often socialized to suppress emotional needs in favor of academic and professional performance. Therefore, introducing a curriculum that addresses emotional intelligence, burnout prevention and boundary-setting could have a transformative effect. The same holds true for mentorship: experienced attorneys must lead by example, thereby emphasizing that

long-term success is rooted in wellbeing, not just endurance.

Some may argue that honoring personal boundaries conflicts with the traditional demands of legal practice. But this framing reflects a false dichotomy. Effective advocacy does not require self-sacrifice; in fact, it thrives when attorneys are mentally and emotionally grounded. As the legal landscape grows more diverse and inclusive, the definitions of professionalism and success must improve as well.

Cheslie Kryst's legacy extends far beyond her accolades. It is a legacy of courage, of confronting stigma, of challenging perfection and of urging others to prioritize their inner lives. To honor her, legal professionals must commit to changing a culture that too often equates burnout with commitment. By creating a profession that respects boundaries and supports mental health, we not only protect individuals but strengthen the integrity of the legal system itself.

In the words of Kryst's mother, April Simpkins, "Mental illness is real, and when we speak, we need to be heard."<sup>3</sup> So let us listen, not only with empathy, but also, with action. Let us redefine strength in law not as how much one can carry alone, but how well one knows when to pause, rest and ask for help. Boundaries are not the edge of our dedication; they are the foundation of our sustainability. <sup>YLD</sup>

*Chanel Chauvet-Maldonado is an international lawyer working within the Nuclear Nonproliferation Division of Oak Ridge National Laboratory (ORNL) as a Nuclear Nonproliferation Regulatory Specialist.*

## Endnotes

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# Crossing the Aisle: What I Learned Switching From Defense to Plaintiff's Work



Steven  
Grunberg

**After graduating from law school, I did** what many new attorneys do: I took a job at a national insurance defense firm. At the time, I felt like this was the safest and smartest move. The work was steady, the training was structured and the files just kept coming. I was able to get courtroom experience quickly and learn the mechanics of litigation from the ground up—motions, oral arguments, depositions, discovery disputes, you name it.

## Who Was I Helping?

This baptism by fire provided me with invaluable insight into how insurance companies think, how defense attorneys construct their cases, and how to manage a high-volume practice without sacrificing attention to detail. As time went on, however, I would catch myself asking the question: *Who was I helping?* Most of the time, the answer was "the carrier." Rarely did I talk to the person who was injured. Don't get me wrong, I enjoyed the work. I also enjoyed working with my fellow associates and mentors at the firm. They are a fantastic group; I consider myself fortunate to have had the opportunity to work with such a great group of attorneys, and, more importantly, great people. However, the question remained: *Who was I helping?*

I wish I could share a light bulb moment that triggered my move to the plaintiff's bar. It would certainly make for a more compelling article. But the truth is, there was none. I saw the move from defense to plaintiff's work as an opportunity to engage more directly with the individuals behind the

cases. While defense work sharpened my skills and taught me discipline, I realized I was interested in the different sort of advocacy that plaintiff's work demands—focusing on telling my client's story and navigating the case with their personal needs front and center.

## A Challenging Transition

The transition has been challenging, but my defense experience has made it both smoother and more rewarding. Beyond the privilege of getting to interact more closely with clients, I have also found that my background improves the way I interact with opposing counsel. Having worked for the "other side," I am now able to better sympathize with opposing counsel when issues or roadblocks inevitably arise in any given case because I know the pressures they face behind closed doors. This mindset matters.

We are all likely to be guilty of being sucked into tribalism in one way or another, especially in today's climate. In the personal injury world, it is natural for attorneys to view their side as "good" and the other side as "bad." It is, after all, an adversarial system.

However, the ability to empathize with opposing counsel benefits not only our personal and professional relationships but often leads to better results for our clients. This should be the goal no matter which side of the "v" you find yourself on. <sup>YLD</sup>

*Steven Grunberg is an associate at Kenneth S. Nugent PC in Duluth.*



## Member Spotlight | Northern District

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

# Morgan Lyndall

### *Tell us about yourself.*

I'm an Atlanta native but went up north for college. After college and some awful winters, I decided I was better suited for Georgia. I returned home and went to law school at Mercer. Outside of practicing law, I love going to Braves, Falcons, Hawks and Atlanta United games. If I'm not in the office, I'm probably at a game.

### *What is your practice area?*

I practice personal injury law, focusing on cases where people have been seriously hurt because of someone else's negligence. I knew I wanted to be a plaintiff's lawyer after seeing firsthand, from the defense side, how insurers can treat people. Early on, I realized how powerful the Seventh Amendment jury trial right is when an ordinary person stands up against a big corporation or insurance company. At the end of the day, what drives me is sticking up for the little guy—the person who otherwise wouldn't have a voice or a fair shot without someone in their corner.

### *What is your involvement with the YLD?*

I actually got involved with the YLD before I even passed the bar, through the Georgia Legal Food Frenzy. From there, I found

myself pulled into more events and projects, and it quickly became a place where I could build connections and feel part of the profession even as a brand-new lawyer. My favorite part of being in the YLD has been the friendships and community that come from working alongside other young lawyers—whether we're putting on a program, volunteering, or just swapping stories about figuring out this career together.

### *What advice do you have for young lawyers?*

The best advice I got early on was: "Don't be afraid to ask questions." Law can be intimidating, but the truth is that you don't have to figure it all out alone. Some of the most helpful things I've learned have come from text groups with other lawyers in my practice area—we're constantly bouncing ideas, venting and sharing strategies. On top of that, I've been lucky to have a great support system of friends, like our young lady lawyer golf group, K-BAM (Kelsie Speight, Blair Weatherly, Alex Clark and me). Having people you trust to laugh with, lean on and grow alongside makes the hard parts of being a young lawyer so much easier. At the end of the day, this job is a marathon, not a sprint—and community makes all the difference. YLD



PHOTO COURTESY OF MORGAN LYNDALL



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## Member Spotlight | Middle District

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

# Hannah Couch Hostetler

### *Tell us about yourself.*

I'm originally from Hopeulikit, Georgia, just outside of Statesboro. I attended the University of Georgia where I obtained business and journalism degrees, and I received my law degree from Mercer University. After graduating from law school, I was blessed to have been trained by some brilliant legal minds during my federal clerkship and my first advocacy role at Troutman Pepper (now Troutman Pepper Locke). I later joined the Criminal Division of the U.S. Attorney's Office for the Middle District of Georgia in Macon as an assistant U.S. Attorney.

### *What is your practice area?*

I'm currently in my dream role as an assistant U.S. Attorney where I prosecute a variety of federal crimes with my wonderful team of fellow AUSAs, support staff and selfless law enforcement agents. This became my dream career almost immediately after graduating from law school when I heard someone say that representing the United States was a wonderful way to serve our country. As a Type 1 diabetic, my original dream of serving my country by joining the military was deemed impossible after learning that my

condition is an automatic disqualifier for all military branches. When I heard someone say that becoming a government attorney was a different way of serving, along with watching the U.S. Attorney's Office in the courtroom as a clerk, I knew this was my specific call to serve.

### *What is your involvement with the YLD?*

I've been involved with the YLD since being admitted to the Georgia Bar. From serving as a committee chair to being elected a district representative, my involvement has always been rewarding. My favorite YLD experience to date, however, was watching one of my best friends from law school, Veronica Cox, being sworn in as YLD president. She has already proven herself to be a wonderful leader of this organization, and I look forward to seeing where she will lead us throughout the remainder of her term.

### *What advice do you have for young lawyers?*

Expect to be challenged every single day and gracefully learn from your inevitable mistakes. The practice of law is extremely challenging: Analyzing the law is challenging; managing your time is challenging; speaking



PHOTO COURTESY OF HANNAH COUCH HOSTETLER

kindly to opposing counsel who have not spoken kindly to you is challenging. Challenges lead to stress, and stress leads to inevitable mistakes. When this happens, give yourself some grace, and gracefully admit to those mistakes. You will gain respect from the legal community when you do so. YLD

## Ethics dilemma?

Lawyers who would like to discuss an ethics dilemma with a member of the Office of the General Counsel staff should log in to [www.gabar.org](http://www.gabar.org) and submit your question through the member portal under the "Submit and Ethics Question" link.



State Bar  
of Georgia



## Member Spotlight | Southern District

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

# Austin Bennett

### *Tell us about yourself.*

I spent most of my childhood in a small town in South Georgia called Douglas, the county seat of Coffee County. I also lived in Tallahassee, Florida, for a while when I was young. My family is typical of the area and has reflected the change that has occurred in my hometown. My maternal grandpa started his life as a farmer and later worked in manufacturing. The other side of my family has always been involved in public service and small business. I think that background molded me into what I am today; a graduate of Mercer Law School, who did an undergrad degree in Economics. I am a member of my local Lion's Club, currently serving as president. I am active in my church, serving in several different capacities there. I am involved in the YLD through the Representative Council and the Legislative Affairs Committee.

### *What is your practice area?*

I am a prosecutor. I work for the Waycross Circuit District Attorney's Office as an assistant district attorney. I have always wanted to do something that makes a difference and

improves the world around me. The DA's office gives me a chance to help ensure that justice is done and my community is a little safer. Even though I play a small part in the system, I am proud of the system we have. It is a great one, even considering its imperfections. I ardently believe that we have the best system in the world.

### *What is your involvement with the YLD?*

I started in the YLD as a member of the Representative Council and then in the 2024 Leadership Academy Class. Those two things got me started attending meetings and events, so I highly recommend both.

I enjoy being involved in the YLD because of the people I have had the opportunity to meet! There are so many good people here, and it is something I look forward to in meeting people from across the state who share this profession and getting to catch up with those who I have already gotten to know and build friendships with.

### *What advice do you have for young lawyers?*

It may sound a little biased, but I would say give the public service sector of our profes-



PHOTO COURTESY OF AUSTIN BENNETT

sion and the rural regions of our state a close look. I know that the big city and big law have a lot of shiny things, but there is so much opportunity for a lawyer down here. Both public service and these geographic areas need legal professionals. You will not regret building a life here. **YLD**

## ► PRESIDENT, FROM PAGE 3

Holiday Party returns and will once again offer a chance to celebrate the season with colleagues, friends and leaders. The Signature Fundraiser will continue to benefit our legal community, this year donating proceeds to Middle Georgia Justice. And, as always, our Fall, Midyear, Spring and Annual Meetings will give us time to learn, connect, and recharge. Beyond these events, the YLD Committees will host numerous events and functions throughout the Bar year.

### Looking Ahead

As I begin my term as the 79th president of the Young Lawyers Division, I

am filled with both gratitude and excitement. Gratitude for the legacy we inherit, and excitement for the opportunities that lie ahead. Gratitude for the people who make the YLD possible, and excitement for the ways we will serve and grow this year.

Finally, I invite you to join us at our future meetings and events. Your presence, your voice and your energy fuel the work we do at the YLD.

For more information on meeting and event dates, committees or the YLD, generally, please visit our website at [georgiayld.org](http://georgiayld.org) or our social media pages on Instagram, LinkedIn and Facebook.

I look forward to celebrating with you, working alongside you and building another year of success together. **YLD**

Veronica Rogusky Cox is an attorney at the U.S. Equal Employment Opportunity Commission in Atlanta.



YOUNG LAWYERS DIVISION  
STATE BAR OF GEORGIA

## JOIN A YLD COMMITTEE

The YLD has 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.



# Watch What You Modify: Eleventh Circuit Bankruptcy Decision Offers Guidance on Statutory Drafting and Interpretation



T. Alec Chappell

## The Small Business Reorganization

Act of 2019, which added Subchapter V to Chapter 11 of the Bankruptcy Code, created an expeditious and economical bankruptcy process for small business debtors.<sup>1</sup> The results so far have been promising.<sup>2</sup> But one feature of Subchapter V has vexed the federal courts: whether a corporate debtor in a Subchapter V case may discharge debts listed in § 523(a) of the Bankruptcy Code, which generally are nondischargeable in bankruptcy. On one hand, § 1192(2) provides that a Subchapter V debtor whose reorganization plan is confirmed non-consensually,<sup>3</sup> and who completes all plan payments, will receive a discharge of all debts “except any debt—of the kind specified in section 523(a) [.]”<sup>4</sup> On the other hand, § 523(a) states that “[a] discharge under section ... 1192 ... does not discharge an *individual* debtor” from the debts listed there.<sup>5</sup> Since § 1192 doesn’t distinguish between individual and corporate Subchapter V debtors, does that mean that neither can discharge the debts listed in § 523(a)? Or, because § 523(a) explicitly applies only to individual debtors, can corporate Subchapter V debtors discharge those kinds of debts?

In the recent case *BenShot, LLC v. 2 Monkey Trading, LLC* (*In re 2 Monkey Trading, LLC*),<sup>6</sup> the Eleventh Circuit Court of Appeals weighed in on that issue. The Eleventh Circuit’s decision is binding on bankruptcy courts in Georgia, and thus bankruptcy practitioners should familiarize themselves with it. And despite its esoteric subject matter, *2 Monkey Trading* contains lessons for anyone interested in statutory drafting and interpretation.



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The facts were straightforward. The creditor, BenShot, sold a unique drinking glass featuring a bullet penetrating the side. The debtors, 2 Monkey Trading and Lucky Shot USA, LLC, sold similar glasses. BenShot sued the debtors in federal court in Wisconsin for, among other things, trademark infringement under the Lanham Act. Issuing a verdict in favor of BenShot, the jury specifically found that the debtors acted maliciously or in intentional disregard of BenShot’s rights. When the debtors filed for bankruptcy under Subchapter V, BenShot filed an adversary proceeding to have the Wisconsin jury award declared nondischargeable under § 523(a)(6), which excepts from discharge “willful and malicious injury by the debtor to another entity[.]”<sup>7</sup> The debtors moved to dismiss the complaint, arguing that § 523(a)(6) applies only to individual debtors, not to corporate debtors, and the bankruptcy court, finding their arguments persuasive, dismissed the complaint.<sup>8</sup> BenShot appealed directly to the Eleventh Circuit.<sup>9</sup>

While acknowledging that the question was a “close call,” the Eleventh Circuit sided with BenShot and held that § 1192(2) excepts both individual and corporate debtors from discharging the debts listed in

§ 523(a).<sup>10</sup> As a starting point, the court observed that § 1192 states that “[i]f the plan of the *debtor* is confirmed” non-consensually, and the debtor completes plan payments, then “the court shall grant the *debtor* a discharge of all *debts*” except those listed in § 523(a). The Bankruptcy Code defines the term “debtor” to mean a “person or municipality concerning which a case under this title has been commenced,” and, in turn, defines the term “person” to include an “individual, partnership, and corporation[.]”<sup>11</sup> For that reason, the court found § 1192 unambiguous—its “discharge exception applies to both corporate and individual debtors.”<sup>12</sup>

The Eleventh Circuit then turned from the term “debtor” to the term “debt,” which the Code defines as “liability on a claim.”<sup>13</sup> And a claim is a “right to payment.”<sup>14</sup> Nothing in that definition distinguishes between corporate and individual debts, so, in the court’s view, the Bankruptcy Code is “agnostic to who the holder [of the debt] is.”<sup>15</sup> For the court, that was dispositive: § 1192(2) renders nondischargeable “any debt ... of the kind specified in section 523(a),” and the prepositional phrase “of the kind” modifies that agnostic term “debt.” Thus, “taken all together,”

► SEE MODIFY, PAGE 25

# Last Chance Lawyers: Mercer's Habeas Project and Lessons Learned From a New Generation of Service Learners



**Meagan R.  
Hurley**

Late on a Sunday night, the conference table in Mercer Law's Habeas Project classroom was buried under transcripts, cases and drafts of a soon-to-be finished appellate brief. Third-year law students Chyna Carter and Valerie Pallos sat shoulder-to-shoulder, tightening arguments, double-checking citations and calculating word counts yet again. They'd spent weeks working with classmates, meticulously researching their client's case and poring over a voluminous record, in preparation of filing a habeas appeal with the Supreme Court of Georgia.

"We thought we had a convincing argument and just needed to get it reflected on paper," Carter, now an associate at McLain & Merritt, P.C., remembered. "We were there all day, working and writing and laughing. A few months later, we learned that the court had granted exactly what we'd asked for. In the middle of bar prep, learning that our client had obtained relief and that it was because of work we had done—that was motivation."

As a professor in my third year leading the Mercer Habeas Project, and a former student practitioner in the clinic, myself, I can share that this experience captures the essence of what the clinic does: focusing on real cases, real clients and real consequences. Students discover that law is not just an academic exercise, it is advocacy on behalf of people who may have nowhere else to turn. And in those moments, they begin to transform from students into lawyers, while standing beside Georgians fighting for their freedom.

## Filling a Critical Gap

In Georgia, indigent defendants have no right to appointed counsel once their di-



(L-R) Prof. Meagan Hurley, Cire Foston, Lexi Skowranek, Marissa Deall, Kaitlin Hunter, Kimberly Marroquin, Madison Schumm, Valerie Pallos and Chyna Carter.

rect appeal is exhausted. For the wrongfully convicted and people with legitimate constitutional claims—ineffective assistance of counsel, official misconduct and more—that often means navigating the labyrinth of post-conviction litigation alone. In a state that imprisons some 50,000 people, the consequences are significant.<sup>1</sup>

The Mercer Habeas Project (the Habeas Project) is one of a select few entities that steps into that void.<sup>2</sup> Founded in 2006, the clinic enrolls up to eight third-year law students each year who, under the supervision of the clinic professor, litigate a variety of post-conviction matters before Georgia's trial and appellate courts, in addition to engaging in parole advocacy. Students interview clients, analyze court documents, investigate facts, draft motions and briefs, and deliver oral arguments. In its 19 years, the clinic has represented more than 90 clients, handling dozens of appellate oral arguments, evidentiary hear-

ings, petitions and briefs (sometimes all in a single case, spanning years). In September 2023, the Habeas Project even helped achieve an actual innocence exoneration for a client who spent more than 22 years wrongfully convicted, along with co-counsel at Georgia Innocence Project and pro bono attorneys Ben Goldberg and Noah Pines.<sup>3</sup>

That case—and many others—remind me daily that this clinic is not just a pedagogical exercise. It is a service to the state of Georgia, where structural gaps in post-conviction representation can leave people vulnerable to spending years, even decades, behind bars without their claims ever being heard.

It's demanding work. But it's also formative, shaping not only lawyering skills but also professional identity. As recent clinic graduate Madison Schumm, now a staff attorney for the Augusta Richmond County Superior Court, reflected: "Working with real clients changed my understanding of





PHOTO COURTESY OF MERCER LAW SCHOOL

2024-25 Habeas Project students were sworn in under the Student Practice Rule by Chief Judge Philip T. Raymond III, Superior Court, Macon Judicial Circuit, in the Bibb County Courthouse.

justice. It wasn't just a hypothetical in a book—it was someone's life, and that made me fight even harder."

### "I Wasn't Just a Student Anymore"

For many students, the Habeas Project marks the moment they stop seeing themselves as students and start seeing themselves as lawyers.

"During my time in the Habeas Project, I learned that the law is not just about statutes and precedent—it's about people," said Cire Foston, now an assistant public defender in the Augusta Judicial Circuit. "Sitting across from someone who had spent years navigating the system without a voice, I realized I wasn't just a law student anymore. I was becoming an advocate."

Kimberly Marroquin echoed that shift: "Preparing my first habeas petition was the moment I realized I was becoming a real lawyer. Knowing that someone's freedom could hinge on the words I chose left a lasting impact on me."

What strikes me most as their professor is the way these moments of recognition stick with graduates long after the semester's end. When they enter courtrooms as

public defenders, prosecutors, clerks or civil litigators, they carry with them the memory of having once held someone's future in their hands. That sense of responsibility shapes the kind of lawyer they become.

### The Person Behind the File

Again and again, former and current clinic students talk about the human dimension of post-conviction practice—and the lasting impression that humanity leaves on them as public servants.

"Every single person who comes before the Court is a human being deserving of our time and consideration," said Schumm. She recalls her first prison visit, vividly: "Instead of fear, what struck me was how polite and kind everyone was. It reminded me that mistakes don't define us."

As someone who has sat across from dozens of clients in prison visitation rooms, I know how transformative these encounters can be. For students, the abstract principles of criminal procedure and constitutional law suddenly have a human face. For clients, the presence of an advocate—even a student advocate—can be the first time in years that someone truly listens.

### Skills That Stick

In addition to helping students step into the role of an attorney while building a commitment to public service, the clinic also teaches the nuts-and-bolts skills that graduates carry into practice across disciplines.

Valerie Pallos, now a civil litigator with Horst Shewmaker, LLC, credits the Habeas Project with instilling "compassion, resilience, and tenacity—qualities I'll carry indefinitely, no matter the field." Carter points to the practical lessons she learned: keeping time, managing deadlines and writing under pressure. Schumm emphasizes the research and writing skills she now uses "every single day."

"The Habeas Project gave me a head start on learning how to manage responsibility and uncertainty," Marroquin added. "I had to take initiative, work through ambiguity and advocate even when the odds weren't in our favor. That's what real lawyering is."

These reflections remind me of something I tell students on the first day: this clinic will challenge you, but it will also make you practice-ready. The lessons students learn under pressure—meeting deadlines, balancing compassion with rigor and persevering in the face of setbacks—are the same lessons that define effective lawyering in any field.

### Heartbreak, Outrage and Hope

Working on post-conviction cases is sobering. Students not only see systemic failures up close, but they are charged with challenging them and working to improve the legal system while they do it.

"My clinic experiences provided me with hope, disappointment and outrage all at once," Schumm reflected. "It gave me hope to see classmates dedicated to change."

Marroquin was struck by how much outcomes depend on resources: "Fairness is often aspirational in our system. Outcomes can depend on who your lawyer is, or whether someone is willing to fight."

For Foston, the lessons were equally sharp: "Post-conviction work exposes the blind spots and inequities of the system. Habeas petitions may look like dense legal documents, but they represent real people who deserve dignity and the chance to be heard."



I see these insights as central to what clinical education can do: it equips the next generation not only with skills but with eyes wide open to the flaws of our legal system. They graduate more willing to confront injustice—and more hopeful that change is possible.

### Lessons for the Profession

Recent Mercer Habeas Project graduates' advice to young lawyers is unanimous: take on pro bono projects and engage in post-conviction work if possible.

"Do it," Foston urges. "It will sharpen your skills, deepen your compassion and remind you why you chose this profession."

For Hunter, the takeaway is deeply personal: "The greatest reward I received was a sense of purpose, which came from advocating for others while expecting nothing in return."

"I wholeheartedly believe that every young lawyer should experience pro bono and post-conviction work. It teaches us not only how the system is broken, but also how we can be a part of its transformation. For me, this experience has been life defining. It has shown me the kind of attorney I want to be, one driven by passion, compassion and unwavering commitment to justice," said Lexi Skowranek.

And Marissa Deall offers a broader perspective: "To any law student or new lawyer unsure if they have the time or energy for this kind of work, I would say this: yes, it can be challenging, and the hours can be long, but the reward is immeasurable."

For the profession, these lessons are urgent. Our legal system depends on lawyers who are willing to step into the gaps, even when the work is unpaid or unglamorous. Clinics like the Mercer Habeas Project don't just teach skills; they cultivate lawyers who see service as part of their professional identity.

### An Invitation

Back at that long conference table, Carter remembered realizing that, even in the grind of edits and rewrites, the stakes were high and human. Somewhere, a client was sitting in a prison cell waiting—someone who had already been failed by the system but still chose to trust in a handful of law students. This was a lesson learned by all clinic members.

"The clinic taught me that behind every case file is a person," said Foston. "And that every decision we make as attorneys carries immense weight, because it touches a real human life."

For me, that is the enduring message of the Habeas Project: in every pleading, every visit, every argument, there is a life at stake. For our graduates, it's a lesson that shapes their careers. For the bar, it is an invitation—to mentor, to co-counsel, to volunteer and to see that the pursuit of justice requires all of us. *YLD*

*Meagan R. Hurley, an assistant professor of law at Mercer University School of Law in Macon, Georgia, serves on the YLD Representative Council.*

### Endnotes

1. According to the Georgia Department of Corrections' Inmate Statistical Profile, 51,776 people were incarcerated in state prison facilities in February 2025.
2. In addition to the Mercer Habeas Project, legal nonprofits including the Georgia Innocence Project, the Georgia Resource Center, and the Southern Center for Human Rights handle the bulk of state post-conviction litigation.
3. See Andrea Honaker, Mercer Law professor, students help exonerate Georgia man of murder charges, *The Den* (Oct. 9, 2023) <https://den.mercer.edu/mercer-law-professor-students-help-exonerate-georgia-man-of-murder-charges/>.





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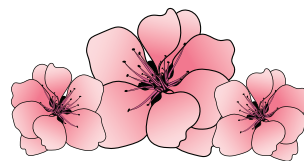
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*Questions?* Email [yldsponsors@gabar.org](mailto:yldsponsors@gabar.org).



# AI in eDiscovery: What Young Litigators Need to Know



**Shannon  
Schoultz**

**Electronic discovery has never been** neutral ground. It tends to inspire either fascination or avoidance. For many young litigators, it can feel overwhelming, technical and far removed from the courtroom skills they recently trained for.

Yet, eDiscovery is unavoidable in modern litigation, and for young lawyers in particular, understanding it is no longer optional. The rise of artificial intelligence is transforming the discovery process, creating both powerful opportunities and new risks.

Over the past decade, the volume and complexity of electronically stored information (ESI) have exploded. Mobile devices, cloud-based collaboration tools like Slack and Teams, remote work environments and ephemeral messaging apps like WhatsApp have multiplied the sources of potentially discoverable data. Now, Artificial Intelligence (AI) adds another layer: from AI-assisted review tools that streamline document analysis, to AI-generated content that raises novel questions about preservation, authentication and admissibility. Courts are beginning to scrutinize how parties handle these emerging sources, making technological competence and proactive risk assessment essential skills for litigators at every level.

For young litigators, the key is to learn enough to separate what is essential from the noise, leverage AI tools strategically and develop a defensible plan that balances cost, efficiency and fairness. This article offers practical guidance to help you navigate AI in eDiscovery, understand the evolving landscape and approach discovery not as a burden, but as an opportunity to advocate effectively for your client.

## How AI Shows Up in Discovery

Artificial intelligence is already woven into the modern eDiscovery process, even if it's not always labeled that way. Technology-Assisted Review (TAR) and Continuous Active Learning (CAL) have become staples in large-scale reviews, allowing systems to "learn" from attorney coding decisions and prioritize documents most likely to be relevant. This dramatically cuts down the volume of documents requiring human eyes, while improving accuracy.

Generative AI is the next evolution. Instead of just ranking documents, these tools can help draft privilege logs, summarize lengthy records or flag potential patterns across large datasets that human reviewers might miss. Combined with advanced analytics, AI can identify anomalies, clusters or communication trends that help litigators focus their strategy.

For young lawyers, this means AI is less of a futuristic concept and more of a practical tool you'll likely encounter in your first few years of practice either through your firm, an eDiscovery vendor or opposing counsel. Understanding how these tools work at a high level will help you spot both their strengths and limitations.

## The Pros

AI brings tangible benefits to the discovery process, which is why so many firms, vendors and even courts are increasingly embracing its use. For young litigators, understanding these benefits is critical, not just for handling large-scale document productions, but also for positioning yourself as a lawyer who can bridge the gap between technology and advocacy. When deployed thoughtfully, AI can streamline review, uncover meaningful insights and give you an edge in both efficiency and strategy.

### Efficiency

AI tools can dramatically reduce the time and cost associated with discovery. What

once required teams of junior associates or contract attorneys sifting through millions of documents can now be narrowed to a fraction of that set.

### Consistency

Human reviewers are naturally subjective: two people can look at the same email and disagree on relevance. AI models, while not perfect, can help minimize this variability by applying the same standard across the dataset.

### Insight

AI can reveal connections or trends that would be impossible to see through linear review alone. From mapping communication patterns to highlighting unusual document clusters, these insights can strengthen case strategy.

### Early Career Advantage

For young litigators, fluency in AI is a differentiator. Knowing how to talk about TAR protocols, proportionality arguments involving analytics or risks tied to generative AI will make you more valuable in team discussions and more competitive in the marketplace.

But with every new technology comes new risks. The same qualities that make AI powerful in eDiscovery also create challenges and potential pitfalls if not managed carefully.

## The Cons

AI is not a silver bullet. While it can reduce costs, increase consistency and uncover insights that humans might overlook, it also introduces risks that every litigator must be prepared to navigate. Overreliance on algorithms, uncertainty about how tools actually work, and heightened ethical considerations all mean that AI must be approached with both enthusiasm and caution. For young lawyers in particular, recognizing these challenges early can help you avoid missteps



and build credibility as someone who uses technology responsibly.

### Over-reliance

AI is powerful, but it's not magic. Models can misclassify documents, miss nuance or replicate human bias. Young lawyers should caution from assuming "the system is always right."

### Transparency

Courts and opposing counsel increasingly ask how AI tools are being used. Explaining a TAR process or justifying generative AI outputs requires comfort with both the technology and the legal framework.

### Privilege and Confidentiality Risks

Generative AI tools, if not properly vetted, can raise risks about sensitive client data being exposed to third-party platforms. Lawyers must ensure any AI used in discovery complies with confidentiality and data security obligations.

### Ethical Obligations

Model Rules of Professional Conduct are clear: attorneys must maintain competence (Rule 1.1), protect client confidences (Rule 1.6) and communicate material decisions with clients (Rule 1.4). Using AI without understanding its implications could run afoul of these duties.

### Court Skepticism

Different jurisdictions have varying levels of comfort with AI-assisted discovery. Some judges encourage TAR and analytics; others remain cautious. Being prepared to explain and defend your approach is essential.

### Practical Tips for Young Lawyers

AI in eDiscovery is only as effective as the lawyers who guide its use. For young litigators, this means leaning in—not shying away from the technology, but also not blindly trusting it. The best approach is to stay engaged, ask questions and treat AI as a tool that supports, rather than replaces, attorney judgment. By developing good habits early, you

can build confidence in your ability to manage discovery defensibly and strategically.

### Ask questions

If your firm or vendor is using AI tools, don't be afraid to ask how they work, what safeguards are in place and what role attorneys play in validating results.

### Stay Involved

AI should inform, not replace, attorney judgment. Be ready to review edge cases, calibrate results and explain decisions.

### Understand Client Data

Know what types of data your client generates (Slack, Teams, ephemeral messages, structured databases) and how AI might interact with those sources.

### Document the Process

A defensible discovery plan includes records of decisions, protocols, and validation steps. This protects you if challenges arise later.

### Stay Current

Case law and ethics opinions around AI in discovery are evolving quickly. Make continuing education a priority, whether through CLEs, bar association resources, or vendor briefings.

AI in eDiscovery is not a passing trend; it's becoming the standard. For young litigators, this presents both a challenge and an opportunity. Those who learn how to harness AI effectively, while remaining mindful of its pitfalls, will be better positioned to lead discovery efforts and advise clients with confidence.

The key is balance: embrace the efficiency and insight AI can provide, but ground your approach in legal judgment, ethical obligations and defensible process. In doing so, you'll not only keep pace with technological change, you'll stand out as a lawyer prepared for the future of litigation. *YLD*

*Shannon Schoultz is an associate at Shook Hardy & Bacon LLP in Atlanta and serves on the Young Lawyers Division Board of Directors.*

# ATTORNEY COACHES NEEDED

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State Bar of Georgia



# 2025 Annual Meeting Recap



**Alex  
Clark**

## The YLD wrapped up another successful

Bar year at the 2025 State Bar Annual Meeting at the Sawgrass Marriott Golf Resort & Spa in Ponte Vedra Beach, Florida, in June. The YLD enjoyed a weekend filled with networking, continuing legal education and celebrations of the work of the previous year, and we welcomed in a new class of leadership as we begin the 2025-26 year.

Thursday afternoon was full of learning through various CLEs in topic areas including torts in real estate, lawyer well-being and Georgia evidence. Following the afternoon CLEs, the meeting kicked off with the Opening Night Festival at The Yards, a lively off-site venue near the resort. We enjoyed food from caterers and food trucks, listened to live music and competed in a golf chipping contest for a perfect welcome to Ponte Vedra Beach and a great start to the weekend.

Our work began early Friday morning with a YLD Fitness Hour. Some walked, some ran and some biked through the stunningly beautiful grounds of the resort, while others took a Zumba class (I'm still looking for footage of Jessica Oglesby dancing) as a perfect start to a busy YLD Day. During the Friday morning Board of Governors Meeting, Ivy Cadle concluded his year as State Bar president. Following that meeting, the YLD met for its General Session, during which we congratulated Kenneth Mitchell on his successful year as YLD president, and members of the YLD Executive Council gave reports and shared updates on the numerous events and projects our YLD members engaged in. Additionally, the YLD Leadership Academy Class of 2025 received their graduation plaques. Later that afternoon, the Leadership Academy hosted a mixer with fellow Academy alumni and attendees put those line dancing lessons from Nashville's Spring Meeting to the test in Ponte Vedra Beach. While some YLD

members attended an Ethics CLE, others took a work break to relax by the pool in between rain showers before getting ready for the night. That evening the law schools from John Marshall, Charleston, Mercer, University of Georgia, Emory and Georgia State's law schools all hosted alumni receptions. There were reports that each school had a great showing, and YLD members had lots of fun showing off their school pride.<sup>1</sup>

The night concluded with the YLD Dinner, which included an awards ceremony highlighting the incredible work our members did throughout the year and the swearing in of our 2025-26 officers. Incoming YLD President Veronica Cox welcomed us into the new Bar Year and highlighted the plans for her time as president. After dinner, although it was not on the official itinerary, Friday night concluded with many members of the YLD shutting down the hotel's pub after spending hours competing with locals at the hotel's seemingly impossible golf chipping practice area (and there is only one injury to note from this gathering).

Saturday morning began with the first Board of Governors Meeting of the 2025-26 Bar year, led by State Bar President Christopher P. Twyman. Members rushed out of the meeting at its conclusion to make it over to the Ponte Vedra Inn & Club Ocean Course for the President's Cup Scramble Golf Tournament, sponsored by Avalon.<sup>2</sup> Following the tournament, the Bar hosted a reception honoring Supreme Court justices and Court of Appeals judges prior to the swearing-in of Twyman as president.

Saturday night concluded with one of the best Presidential Inaugural Galas of this century as we enjoyed a lovely plated dinner, music from I Love This Band! and a late-night DJ, a Bourbon, Scotch and Cigar Lounge, games at the Monte Carlo Casino, and all sorts of live entertainment that made the 2025 State Bar Annual Meeting *the Party of the Year*.

From wellness to networking, and from educational programming to unforget-

table celebrations, the 2025 Annual Meeting highlighted the best of the State Bar of Georgia community. We'd like to give one final shoutout to Kenny Mitchell for such a fantastic year with the YLD, and we look forward to having another exciting and successful year with Veronica Cox leading the way. YLD

*Alex Clark, a 2025 Law Academy alumn, serves as chair of the YLD Leadership Academy Alumni Subcommittee. Clark currently clerks for the Supreme Court of Georgia.*

## Endnotes

1. The writer of this article would bet that the UGA reception where YLD members "Called the Dawgs" alongside incoming State Bar President Chris Twyman and Supreme Court of Georgia Justice John J. Ellington was the best alumni reception out of all of the law schools.
2. There are various reports of who the actual winner of the tournament was. Please direct all inquiries to Immediate Past President Ivy Cadle. (There is only one report of a participant being hit by another participant's approach shot. Please do not direct your inquiries about this incident to anyone, I promise the person is probably okay).

## ► BASEBALL, FROM PAGE 8

but my ability to listen, to observe, to manage personalities—I would've laughed. But now, I know better.

Some days, I still miss the cleats. But I've traded the mask for a mic, the glove for a legal pad. And I still call the game from behind the plate—only now, it's the well of a courtroom. Because whether it's a 2-1 count in the bottom of the ninth or a high stakes hearing in DeKalb County, the job is the same: Keep your composure. Call your pitch. Trust your team. And always, always, keep your eye on the ball. YLD

*Anthony Scott Perez is an associate at Kenneth S. Nugent PC in Duluth.*





The Opening Night festivities were enjoyed by all.



(L-R) Sandra Kate and Justice John J. Ellington.

PHOTOS BY ENVISIONING FREEDOM PRODUCTIONS



2025-26 YLD President Veronica R. Cox.



(L-R) Hon. Sonja N. Brown, Hon. Eric K. Dunaway, 2024-25 YLD President Kenneth Mitchell Jr. and Hon. Ashley Palmer accepted awards at the YLD Dinner Swearing-In and Award Ceremony.



The YLD Leadership Academy Class of 2025 at the Gala.



Alex Clark at the golf tournament.



## Affiliate Spotlight

# Macon YLD: 2025 Retrospective



**Mallory  
Fleming**

**Like all good (Mercer) bears, the Macon YLD (MYLD) went on a brief hiatus in the fall and winter of 2024 before coming back with a bang in the spring of 2025. The MYLD executive board, led by President James Banter, presented four major events throughout the spring.**

We kicked off the spring with a happy hour at Kinjo Kitchen & Cocktails on Feb. 19. It was a rainy night, but we ate some delicious appetizers and met several new friends.

In March, the MYLD held a “Stock the Community Fridge” event in collaboration with our future colleagues at Mercer Law School. The community fridge is a mutual aid effort in Macon that provides refrigerated and shelf-stable food for our friends and neighbors who need something to eat. Anyone can donate food or money to this

effort (for more information, follow them on Instagram @maconcommunityfridge). As we chatted and laughed with each other, we made more than 100 sandwiches for the community fridge! It was great to connect and give back to our community in this small but meaningful way.

We followed up our community service event with a happy hour at Just Tap’d on April 15. We celebrated Tax Day by connecting with each other (and not thinking about our income tax returns).



The Macon YLD “Meet the Judiciary” event was well attended by Macon YLD members and the judiciary.

## ► MODIFY, FROM PAGE 15

Finally, we ended our Spring 2025 whirlwind tour with a “Meet the Judiciary” networking event on May 15, in the atrium of James Bates Brannan Groover LLP. We hosted judges from all levels of Georgia’s state courts, including Judge Stephen Dillard of the Court of Appeals of Georgia; Judges Jeffery Monroe, Connie Williford and Ken Smith of the Superior Court of Bibb County; Chief Judge Pamela White-Colbert of the Bibb County Civil and Magistrate Court; Chief Judge Ché Young of the Bibb County Juvenile Court; and former Judge Bill Adams of the Bibb County State Court. The young lawyers in attendance had the opportunity to network with these incredible judges over delicious appetizers. At the end of the night, the judges spoke to the group as a whole about their path to the judiciary and how to be more professional young lawyers when appearing in their courtrooms.

The officers of the MYLD for spring 2025 were James Banter (president), E. Tate Crymes (treasurer), Mallory Fleming (secretary), Bianca Nawrocki (compliance officer), Mark Wheeler (law school liaison) and Megan Tuttle (immediate past president). We also expanded the executive board by adding two at-large board members: Kimberly Pen-dragon and Travis Lynes.

The officers of the MYLD for the 2025-26 Bar year are Mallory Fleming (president), E. Tate Crymes (treasurer), Kimberly Pen-dragon (secretary), Mark Wheeler (law school liaison), Bianca Nawrocki (compliance officer), James Banter (immediate past president) and Travis Lynes (board member at-large). We plan to expand the board by adding more members-at-large to help with our grand plans for this Bar year.

If you live and work in Macon or Middle Georgia and you’re interested in joining us, please email [yldmacon@gmail.com](mailto:yldmacon@gmail.com) to find out how to join. <sup>YLD</sup>

*Mallory Fleming is an associate attorney at Martin Snow, LLP, in Macon. Fleming serves on the YLD Board of Directors and as president of the Macon YLD.*

§ 1192(2) means that “the court will grant the ‘debtor’—which includes individual and corporate debtors—a discharge of its debts except for the ... kinds of debt found in § 523(a).”<sup>16</sup> Through that lens, § 523(a)’s reference to an “individual debtor” is irrelevant, because “§ 1192(2)’s cross-reference to § 523(a) does not refer to *any kind of debtor* addressed by § 523(a) but rather to a *kind of debt* listed in § 523(a).”<sup>17</sup>

The debtors offered arguments in support of the contrary reading, but the court found them unavailing and ultimately reversed the bankruptcy court’s decision. In the Eleventh Circuit, then, neither an individual nor a corporate debtor whose Subchapter V plan is confirmed non-consensually receives a discharge of the debts listed in § 523(a). And *2 Monkey Trading* teaches that attorneys—and legislators drafting statutes—must attend carefully to modifiers and their referents. Had Congress written the phrase “of the kind” to modify the term “debtor” as used in § 523(a), rather than the term “debt,” the case’s outcome likely would have been different. For anyone seeking a refresher on principles of statutory interpretation, *2 Monkey Trading* is worth a read. <sup>YLD</sup>

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

## Endnotes

1. Pub. L. No. 116-54.
2. Colleen Restel, *The ABCs of Subchapter V*, 43-JUL Am. Bankr. Inst. J. 32 (July 2024).
3. The particulars are beyond the scope of this article, but a Subchapter V plan can be confirmed consensually under § 1191(a) or non-consensually under § 1191(b).
4. 11 U.S.C. § 1192(2).
5. 11 U.S.C. § 523(a) (emphasis added).
6. 142 F.4th 1323 (11th Cir. 2025).
7. 11 U.S.C. § 523(a)(6).
8. *BenShot, LLC v. 2 Monkey Trading, LLC* (*In re 2 Monkey Trading, LLC*), 650 B.R. 521 (Bankr. M.D. Fla. 2023).
9. *BenShot, LLC v. 2 Monkey Trading, LLC* (*In re 2 Monkey Trading, LLC*), Case No. 6:22-bk-04099-TPG, Adversary No. 6:23-ap-00007-TPG, 2023 WL 3947494 (Bankr. M.D. Fla. June 12, 2023).
10. 142 F.4th at 1335-36.
11. 11 U.S.C. § 101(13), (41).
12. 142 F.4th at 1330.
13. 11 U.S.C. § 101(12).
14. 11 U.S.C. § 101(5).
15. 142 F.4th at 1330.
16. *Id.* at 1331.
17. *Id.*

## UPCOMING YLD MEETINGS

**Midyear** | Jan. 15-17, 2026

Omni Hotel at the Battery Atlanta  
Atlanta, Georgia

**Annual** | June 11-14, 2026

Omni Amelia Island Resort & Spa  
Fernandina Beach, Florida

**Spring** | April 23-25, 2026

Kimpton Hotel Arras  
Asheville, North Carolina



For more information, visit [www.gabar.org/yld-meetings](http://www.gabar.org/yld-meetings).



# YLD Leadership Academy | 2006–2025

*The YLD Leadership Academy is a six-month program that begins each January. The 2026 class marks the 20th anniversary of this cornerstone YLD initiative. Congratulations to the incoming class, who join more than 800 alumni who continue to lead in the profession, their families and communities.*

## 2026 Class

Dymond Anthony	Sara Lim
Fredrick Bergen Jr.	Jessica Luegering
Derek Centola	Alexander Melnick
David Cromer	Simran Modi
Peyton Edelson	Alessandro Pacheco
Vanessa Francois	Maria Rodriguez
Mikah Fuller	Courtne Russell
Ezra Gantt	Lillian-Sconiers-Stephens
Seth Golden	Matthew Sellers
Cole Harper	Eliza Taylor
Keimani Harvey	Javion Thomas
Chelsey Boatman Haun	Zipporah Tillman
Marly Jansen Killian	Javier Trego
Olivia Landrum	Lindsey Vinson
Joseph Lenoff	Andrew Williamson



## Alumni

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Corey Aitken	Alexandra Garrison Barnett	John Connors Boyd	Carolyn Cain Burch
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Nancy Lee Anderson	Terri Keneshia Benton	Christina Kae Brosche	Jared Matthew Campbell
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Kelli Smith Arman	Audrey Biggerstaff Bergeson	Janene Depreanna Browder	Adriana Isabelle Sola Capifali
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**Become Familiar With Judges' Leniency Styles**

Finally, achieving an A grade in a class and gaining a favorable ruling in a case are similar in that they are contingent upon the individual's knowledge of the rules and a familiarity with the final decisionmaker's discretionary style. Law and rules withstanding, "trial judges wield an enormous amount of power."<sup>61</sup> In *Denney et al. v. Crenshaw*,<sup>62</sup> Judge Dillard expressed his disagreement with the trial court's decision to involuntarily dismiss the case,<sup>63</sup> but highlighted that he was not the trial judge and was "not at liberty to second guess the trial court's dismissal."<sup>64</sup> You should become knowledgeable about presiding judges' limits for discretionary leniency, to protect your clients from surprise sanctions.

**Conclusion**

Overall, a breadth of procedural knowledge concerning sanction triggers and intentional preparation will save you from last-minute emergencies, which could result in unfortunate temporary case setbacks. Strive to protect yourself and your clients early, rather than hoping to be saved by the bell, or by the court. YLD


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**Endnotes**


1. See *Hammonds v. Sherman*, 277 Ga.App. 498, 627 S.E.2d 110 (2006) (stating "A trial court may dismiss a civil action without prejudice for failure to appear at a peremptory calendar call").
2. O.C.G.A. § 9-11-41(b) (2025).
3. See *Cramer, Inc. v. Se. Off. Furniture Wholesale Co.*, 171 Ga.App. 514, 320 S.E.2d 223 (1984).
4. See Ga. R. Unif. Super. Ct. Rule 14 (2025).
5. O.C.G.A. § 9-11-41(b) (2025).
6. Ga. R. Unif. Super. Ct. Rule 14 (2025).
7. *Id.*
8. Ga. R. Unif. Super. Ct. Rule 20 (2025).
9. See, e.g., *Cramer Inc.*, 171 Ga.App. 514, 320 S.E.2d 223 (dismissing case at a bench trial); *Chrysler Fin. Serv's. Am., LLC v. Benjamin, et al.*, 325 Ga.App. 579, 579-80, 754 S.E.2d 157, 157-60 (2014) (dismissing lingering case without a hearing); *Lam v. Allstate Indem. Co.*, 327 Ga.App. 151, 151-55, 755 S.E.2d 544, 544-47 (2014) (dismissing case for failure to appear at a scheduled pretrial hearing).
10. *Ector v. Unison Ins. Co.*, 228 Ga.App. 520, 521, 492 S.E.2d 287, 288 (1997).
11. E.g., *Peachtree Winfrey Assocs. v. Gwinnett Cnty. Bd. of Tax Assessors*, 197 Ga.App. 226, 398 S.E.2d 253 (1990). Although this judgment was reversed, it was only due to the trial court's erroneous dismissal *with prejudice*.
12. E.g., *Cramer Inc.*, 171 Ga.App. 514, at 514, 320 S.E.2d 223, at 223.
13. See O.C.G.A. § 9-11-41(b) (2025).
14. Ga. R. Unif. Super. Ct. Rule 14 (2025).
15. *Id.*
16. See 5 Ga. Proc. Verdict and Judgments § 2:27 (2025).
17. See 5 Ga. Proc. Verdict and Judgments § 2:26 (2025).
18. *Id.*
19. *Id.* (stating that a case may be dismissed if the attorney has failed to obtain a continuance).
20. Ga. R. Unif. Super. Ct. Rule 20 (2025).
21. See 5 Ga. Proc. Verdict and Judgments § 2:26 (2025) (emphasis added).
22. Ga. R. Unif. Super. Ct. Rule 20 (2025).
23. *Id.*
24. See 5 Ga. Proc. Verdict and Judgments § 2:29, 1 (2025).
25. *Id.* at 1-2 (citation omitted).
26. *Id.* at 2 (citation omitted).
27. *Id.* (emphasis added).
28. See generally *Lam*, 327 Ga.App. 151, at 151-55, 755 S.E.2d 544, at 544-47.
29. See generally *id.*
30. *Id.* at 154-55, at 546-47 (McFadden, J., dissenting).
31. *Id.*
32. *Id.*
33. Ga. R. Unif. Super. Ct. Rule 20 (2025).
34. See, e.g., *McKnight v. Wyrick*, 247 Ga.App. 584, 584-85, 544 S.E.2d 507, 507-8 (2001) (affirming a dismissal when appellant's attorney submitted a conflict notice on the same day of the calendar call and was absent without awaiting an excusal by the trial court).
35. See generally *Ector v. Unison Ins. Co.*, 228 Ga.App. 520, 521, 492 S.E.2d 287, 288; *Atlanta Bus. Video, LLC v. FanTrace, LLC*, 324 Ga.App. 559, 561, 751 S.E.2d 169, 170 (2013); *Peachtree Winfrey Assocs., v. Gwinnett Cty. Bd. of Tax Assessors*, 197 Ga.App. 226, 398 S.E.2d 253, at 253.
36. *Ector*, *supra* note 10, at 521, at 288 (stating "Thus, the remaining question for decision is whether the trial court abused its discretion in dismissing the plaintiff's suit, without prejudice, for failure to appear at the calendar call. We conclude it did not. Although the circumstances of this case understandably gave rise to some confusion, it was plaintiff's responsibility to appear at the call or contact the court to clarify the status of the case in the absence of a continuation order").
37. *Atlanta Bus. Video, LLC*, *supra* note 35, at 559, 561, at 169, 170.
38. *Id.*
39. *Peachtree Winfrey Assocs.*, *supra* note 35, at 226, at 253.
40. See, e.g., *Cramer, Inc.*, *supra* note 3, at 514, at 223.
41. *Id.*
42. *Id.*
43. See *Chrysler Fin. Serv's. Am., LLC*, *supra* note 9, at 579-80, at 157-60.
44. *Id.* at 80, at 60.
45. *Id.* (affirming the dismissal decision of the lower court when there was no prior notice or hearing held to dismiss).
46. O.C.G.A. § 9-11-41(b)(1) (2025) ("A dismissal for failure of the plaintiff to prosecute does not operate as an adjudication upon the merits").
47. See *Lam*, *supra* note 9, at 155, at 547 (McFadden, J., dissenting).
48. See U.S.C.R. 17.1(C) (2017) ("Conflict resolution shall not require the continuance of the other matters or matters not having priority").
49. Ga. R. Unif. Super. Ct. Rule 17.1(C) (2017).
50. *Cramer Inc.*, *supra* note 3, at 515, at 225 ("This evidence of Lamb's failure to prepare adequately for a trial which he demanded and of which he has ample notice supplied a basis for the trial court's determination that the involuntary dismissal of appellant's case was due to the willful neglect or misconduct of Lamb").
51. Compare *McKnight v. Wyrick*, 247 Ga.App. 584, 585, 544 S.E.2d 507, 508 (2001) (discussing attorney's own confusion of calendar trial causing the involuntary dismissal); with *Denney et al. v. Crenshaw*,

- 355 Ga.App. 648, 649, 845 S.E.2d 401, 402 (2020) (“Specifically, Denney’s counsel claimed that he missed the hearing because it had ‘not been entered on [his] calendar after receipt of the... rule nisi’”).
52. See *McKnight*, *supra* note 51, at 585, at 508.
53. Compare *McKnight*, *supra* note 51, at 585, at 508; with *Denney*, *supra* note 51, at 649, at 402 (indicating that the lower court dismissed Denney’s case, forcing Denney to file an appeal, wherein the dismissal was overturned, but avoidable).
54. See *Ector*, *supra* note 10, at 521, at 288 (“Although the circumstances of this case understandably gave rise to some confusion, it was plaintiff’s responsibility to appear at the call or contact the court to clarify the status of the case”); *Peachtree Winfrey Assocs.*, *supra* note 11, at 226, at 253.
55. *Atlanta Bus. Video, LLC*, *supra* note 35, at 561, at 170 (“And even if ABV’s counsel had filed an affidavit with the trial court averring that he did not receive written notification, of the April 2012 calendar, it nevertheless strain credulity to suggest he was not already on notice of this proceeding”).
56. See generally, *Chrysler Fin. Serv’s. Am., LLC*, *supra* note 9, at 579-80, at 157-60.
57. See, e.g., *Cramer Inc.*, *supra* note 3, at 515, at 225.
58. See Ga. R. Unif. Super. Ct. Rule 14 (2025).
59. *Cramer Inc.*, *supra* note 3, at 515, at 225.
60. *Id.*
61. *Denney*, *supra* note 51, at 650, at 403 (Dillard, J, dissenting).
62. See generally *Denney*, *supra* note 51, at 648, 650, at 401, 402-3.
63. *Denney*, *supra* note 51, at 650, at 402-3 (Dillard, J, dissenting).
64. *Id.*



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