



IN THIS ISSUE

The Director's Report.....1  
 Justice Fletcher.....2  
 Avoiding Claims.....3  
 Martha Phillips.....3  
 You've Got E-Mail.....4

# THE DIRECTOR'S REPORT

by Lawrence F. Jones

I have been with ICLE in Georgia for more than two decades. When I first came to the Institute, only a modest number of programs were offered. Now we conduct just under two hundred seminars, workshops, convocations and institutes every year. Our seminar topics range from Adoption Law to Zoning Law, literally from "A to Z," and everything in between. Though most of our events are presented live, our distance learning curriculum has grown rapidly since January 1, 2001, when the Commission on Continuing Lawyer Competency of the State Bar of Georgia changed the MCLE Rule to allow Georgia attorneys to obtain six hours of MCLE credit each year by self-study. This new opportunity has had a great impact on our operation.

This year over a dozen ICLE seminars will originate from the studios at Georgia Public Broadcasting (GPB) in Atlanta. Georgia attorneys, and attorneys across the nation, may register for these seminars at our web site ([www.iclega.org](http://www.iclega.org)) and watch the events live on the internet, or they can be seen at each of the numerous locations around the state which receive the live satellite feed from GPB. All of these seminars are rebroadcast the following Thursday over our satellite network, in order to give our Georgia attorneys another viewing option. Within ten days of the live event, each seminar that originates at GPB is archived and available on our web site for self-study. Attorneys who view a seminar on line have access to it for one month, which gives them better control over their schedule. Additionally, ICLE has acquired studio-quality cameras, sound and editing equipment. This allows us to record many of our most-popular live seminars. By recording

these seminars, we are able to add about thirty programs, in addition to the GPB events, to our distance learning curriculum each year. We replace older seminars with newer ones in order to keep our selections current. Our video rental curriculum continues to be another very popular part of ICLE's continuing legal education strategy.

The attorneys who volunteer to speak at our seminars are a tribute to the legal profession in Georgia. We also are grateful to those from other professions who speak at our programs, like CPA's, physicians, psychologists, environmentalists, bankers, and so many more. As I talk with other CLE organizations across the nation and in Canada, I am constantly reminded that without this selfless commitment by so many of our "best and brightest" Georgia colleagues, our programs would not be as informative, relevant and reasonably priced as they are. Just recently I received a seminar brochure from another CLE organization based outside of Georgia announcing a business law, one-day event with a registration fee of \$1,295.00.

I am proud that many of our seminars and institutes are developing national reputations and draw attendees from throughout the region and nation. Those of you who volunteer to chair our programs always seem to be able to recruit the most qualified and eminent attorneys to join your faculty. It is common for us here at ICLE to get calls from our busiest and most recognized sister and brother attorneys asking to participate as chairs and speakers. I assure you that we never take this condition for granted. We realize what a special privilege it is to work closely with the leaders of our profession.

We at ICLE also treasure our special relationship as the CLE provider for the State Bar of Georgia and its various sections. The continuing section co-sponsorship of seminars and institutes related to the specific practice areas represented by the sections ensures that these events are of the highest quality and relevance to section members and other interested attorneys. The relationship that the entire staff here at ICLE has developed with sections and section leaders over the years is most important to us. It goes beyond event planning and has evolved into many life-long friendships.

Georgia's legal community is great! My colleagues and I at ICLE are proud to serve you. I am always interested in your comments on how we are doing with this and all our efforts. Please share them with me at [icle@iclega.org](mailto:icle@iclega.org). Thank you for your continued support of ICLE.

Editor .....Niki Verrastro  
 Student Editor.....Shannon Kahlbaum  
 Supervising Attorney ..... Stephen J. Harper

*The ChronICLE is the newsletter of The Institute of Continuing Legal Education in Georgia.*

**ICLE Staff**

Executive Director..... Lawrence F. Jones  
 Director of Production..... E. Scott Coulter  
 Director of Programs ..... Stephen J. Harper  
 Associate Director ..... Daniel U. White  
 Assistant to the Director.....Martha R. Phillips  
 Sr. Administrative Secretary .....Lynn Carter  
 Administrative Secretary .....Rose Layher  
 Senior Secretary .....Jane Desso  
 Director of Info. Tech. .... Brian E. Davis  
 Seminar Registration ..... Myra Sellers  
 Registration Data Entry ..... Alisa Angel  
 CLE Credit.....Linda Howard  
 Accounting..... Karen Sorrells  
 Hotel Coordinator..... Laura Johnson  
 Video Rentals ..... Carrie Sullivan  
 Publications/Shipping ..... Sandra Osborn  
 Materials Production ..... Shannon Scott  
 Brochures and Publications .....Niki Verrastro

**Printing Department**

Print Shop Supervisor ..... Mike Holloway  
 Press Operator .....David Brooks  
 Press Operator ..... Tonya Cooper

P.O. Box 1885 • Athens, GA 30603-1885 (U.S. Mail)  
 248 Prince Avenue • Athens, GA 30601 (Shipping)  
[www.iclega.org](http://www.iclega.org) • [icle@iclega.org](mailto:icle@iclega.org)

# SUPREME COURT CHIEF JUSTICE NORMAN FLETCHER A HAPPY MAN!

by Shannon Kahlbaum



On a scorching hot July afternoon, Chief Justice Norman S. Fletcher talked about the “greatest accomplishment of his life”—the new public defender system in Georgia that goes into effect in January 2005. He said this has been a dream of many for 40 years, a dream that he has shared. Justice Fletcher smiled as he

spoke about how the new state-funded defense system will help guarantee fairness in Georgia courts, ensure uniform standards and provide accountability. Exclaims Justice Fletcher, “This has been the greatest thing that has happened while serving as Supreme Court Chief Justice, and when I step down next year I will feel just fine. I am a happy man!”

2 From working extensively on Supreme Court projects to being a loving “granddaddy,” Justice Fletcher is a man of intellect, passion and respect. He is grateful that he has been given the opportunity to make changes such as with the new public defender system. Justice Fletcher also is staying abreast of advances in technology in the legal profession. One of the present Supreme Court projects is to put technology into trial courts. With 159 counties in the state, we must supply our courts with state-of-the-art technology. This is one of the pressing issues facing the judicial system today. He explained how technology plays a greater role in civil filings and meeting the increasing demands of the legal profession while saving time and money.

During the meeting, Justice Fletcher talked extensively about CLE. He has been speaking at CLE events for many years and feels that volunteering to speak contributes greatly to the legal profession. He sees it as an opportunity to mentor, as well as give back to the profession. The most important benefits of the CLE process are to allow lawyers to continue refreshing

their talents, and to inform them of legal issues and answers that they might have otherwise missed. Overall, Justice Fletcher believes the CLE process is excellent for training attorneys. He believes CLE activities assist attorneys in staying abreast of current developments in the law.

When asked how Justice Fletcher views ICLE’s seminars and programs, he replied, “The programs in Georgia are great and effective.” He spoke about the planning involved, because it is very important to cover the right subjects at the right time. He enjoys well-prepared speakers, like Robert McCallum, Al Pearson, and Randy Evans. Appellate practice seminars and the professionalism requirement have been of most interest to Justice Fletcher. He believes that CLE and the professionalism requirement ultimately help attorneys to be more civil in their practice. He acknowledged that CLE benefits attorneys as well as the public, because the attorneys are better trained to serve society. Twenty years from now, Justice Fletcher sees ICLE continuing to flourish. He mentioned that as the law continues to get more and more specialized, timely and relevant CLE programs will be even more important.

Justice Fletcher discussed the Pilot Project for Family Courts, sentencing practices in Georgia and other topics. He thinks that the Fulton County pilot project is a very good thing. He observed that domestic courts have a difficult

### Justice Fletcher, wearing his ever-present bow tie, gives insightful advice to fresh new attorneys:

“Take advantage of CLE, seek a good mentor, have competency for each case, thoroughly prepare each case, remember you are fortunate to be in the law, with great opportunities to protect the rights of the less fortunate, and, hopefully, through our joint efforts, one day for everyone there will truly be equal justice under the law!”

challenge in that they can be very trying for judges over the long term. He believes that rotating judges would be an effective solution. He also reflected on Georgia developing business courts that will be able to handle disputes between large companies. As many know, Justice Fletcher is especially

concerned about sentencing practices in the state. He says, “The State of Georgia needs to re-think the sentencing system and do something different with non-violent crimes.” Trial judges need more flexibility in sentencing and we need to cut costs. The annual state prison costs are phenomenal, approaching one billion dollars. Lastly, he briefly spoke about another pressing issue facing the judicial system which is the difficulty in having timely trials because case loads themselves are pressing.

When asked how he feels about his tenure on the Supreme Court, he humbly said “it has been a great privilege.” It was an immense honor talking with Chief Justice Fletcher. Thank you for sharing your thoughts!

# MARTHA PHILLIPS WORDS CANNOT SAY ENOUGH

by Shannon Kahlbaum

When she retires from ICLE on May 1, 2005, Martha Phillips will be greatly missed because she is an incredible individual. By contributing to charities, painting art, writing poetry, helping people in mourning and so much more, it is no wonder why Martha Phillips has gained the respect and praise of her colleagues on the ICLE staff.

Martha characterizes the ideals so many hold dear and excels in a wide range of areas, from her art to her compassion for others. After reading samples of her poetry, it is evident that this woman understands life. Martha has persevered through heartache, from which she has learned greatly. After losing her youngest son Eric to a work-related accident in 2001, she heard her calling to help others learn how to value life and deal with grief. She has been motivated by her son's death to help others. Martha's eldest son, Phil, is just as caring and loving as his mother.

Each year for Martha's birthday, Phil plans a trip for the two of them. This is a way for both of them to deal with Eric's death. It is no surprise that Phil, or as she said "her political son," brings immense joy to her life. Currently, he works with a political lobby group in Atlanta and routinely brings his mom up-to-speed on political issues.

Martha's family and friends represent only a few of the lives she has touched. She has brought much joy to the ICLE staff and many Georgia attorneys for almost twenty-two years—she is totally committed to ICLE. After years of working at the University of Georgia Law School, she made the transition from the law school to ICLE on April 1, 1983. Martha talked about how she began working at ICLE on April Fool's Day and chuckled when reflecting back on how she made jokes about that for many years. This exemplifies her light-hearted nature and enjoyable personality. When Martha began work at ICLE, she served as the Administrative Coordinator for almost three years. On February 1, 1986, her title was changed to the Assistant to the Executive Director and she continues to hold this

— continued on page 4 —

# AVOIDING CLAIMS FOR LEGAL MALPRACTICE: SETTING REALISTIC EXPECTATIONS

by David Lefkowitz

Preparing quality documents, meeting deadlines and understanding the law are obvious ways to avoid malpractice claims. In certain areas of law, however, it is inevitable that a client will be disappointed from time-to-time. This is particularly true in cases in which there is a trial: one party is going to lose. In addition, legal matters such as divorce and criminal cases are rife with emotion and disappointment, sometimes misdirected at the attorney. It is important that the client understand the difference between losing and substandard representation. This potential for confusion on the part of the client should be addressed from the beginning of an attorney-client relationship through its conclusion.

One important way for an attorney to avoid having a disappointed client (and thus one who might pursue a legal malpractice claim) is to set realistic expectations. Many clients will have some expectations upon entering the attorney-client relationship. However, most clients form their expectations regarding the outcome of a legal matter based on conversations with their lawyer. An attorney should avoid the temptation to set unreasonably high expectations during the initial interview process (when the lawyer knows that the prospective client may be

choosing between several attorneys). Of course, you should never give the client the idea that you are guaranteeing a successful result.

An attorney who has had no experience with legal malpractice might be surprised to learn that many clients who call the State Bar for a consultation with regard to a prospective legal malpractice claim think that their attorney was "paid off" by the opposing attorney or party. Why would a client feel like he has been "sold out?" This feeling is often caused by the failure of the attorney to meet the expectations he has helped set. If you tell your client (or prospective client) that his claim is worth \$100,000, and it ultimately settles for \$5,000, you have some explaining to do. However, if you keep the client informed as to the status of the matter you are handling, and you promptly let the client know of any important developments, you can continue to manage the expectations of your client throughout the representation. By doing so, the chances of surprise and bitter disappointment are reduced.

David Lefkowitz practices law in Atlanta, Georgia. The Lefkowitz Firm, LLC, represents plaintiffs and attorneys (primarily plaintiffs) in claims for legal malpractice. David Lefkowitz frequently writes and speaks on the topics of legal malpractice and ethics. He is a regular speaker with ICLE.



position. Among the staff of twenty-two, Martha is considered the one who keeps things focused and organized. She also travels regularly to ICLE seminars.

In Martha's spare time, she enjoys creating rhymes, which is her favorite type of poetry. One of her rhymes from her childhood, about a Chinaberry tree, won a poetry contest! Martha also is passionate about giving her time and energy to charities. She enjoys giving to Kids' Chance, a charity created by the Worker's Compensation Law Section of the State Bar of Georgia. Contributions made to Kids' Chance help needy children finish school and attend college. She donates some of her paintings to Kids' Chance as well. For over two years now, Martha has been donating framed prints from her paintings and art work to a second charity called Project Safe. She participates in this charity's annual auction and believes it is for a great cause. Martha shares her art with family and friends as well. She has served as Art Chair for the Athens Woman's Club for a total of 6 years. She currently is the Art Chair at the Woman's Art Club and calls it "a lot of fun!" Martha donates yearly to a children's scholarship at the YMCA, where her son Eric attended when he was eight and nine years old. The scholarship is made available for children's memberships to participate in YMCA activities.

4 When asking Martha what she plans to do once she retires, she is not one to say "relax." Martha is planning to become more involved with the Tutorial Program, which is a charity that does great things for the children of Clarke County. She began helping with the Tutorial Program in August 2004. Upon her retirement, she will also spend a great deal of time with her dear friend Weaver Lineberry. In addition to all this, she still will find time to enjoy water aerobics twice a week, travel, make beautiful art and spend time with her family. Martha will continue to live a fun-filled and enjoyable life.

Martha says to all of those at ICLE as she prepares to retire: "Every person comes into a job with strengths and weaknesses;" she thanks "everyone for helping her develop her strengths and putting up with her weaknesses." She knows her replacement will come with strengths and weaknesses different from hers. She thinks the ICLE staff works very hard and that each employee is a great person. Since the 1980's, Martha has watched as ICLE has grown considerably. From the moment she came to work in 1983 to retiring 22 years later, after doing an incredible job, she leaves footprints behind.

ICLE and Georgia attorneys will miss you, Martha. Thanks for everything and enjoy your retirement! You deserve it!

*ICLE wishes to express gratitude to Shannon Kahlbaum, student editor, for her time and contribution to the ChronICLE. Shannon is a graduate student at The University of Georgia, Grady College and will graduate in December with a Master's degree in Mass Communication.*

## YOU'VE GOT E-MAIL

by Brian E. Davis

The new ICLE electronic notification system will be coming to an inbox near you. We will be offering members of the State Bar of Georgia the opportunity to "opt-in" to a program where all of our seminar correspondence will be handled electronically via e-mail.

Over the years, we have had many requests from attorneys asking us to e-mail our seminar announcements. You asked, and we listened. ICLE will begin collecting e-mail addresses from attorneys requesting to be added to the electronic notification list. We will handle this in several different ways. First and foremost, our on-site seminar staff will be educating seminar attendees about this initiative at all of our upcoming seminars and handing out flyers that will allow attendees to sign up for this program. Also, attorneys wishing to enroll in the program can simply go to our website ([www.iclega.org](http://www.iclega.org)) and sign up there. Thirdly, and quite possibly the easiest way to enroll is to simply send an e-mail to [subscribe@iclega.org](mailto:subscribe@iclega.org) and include "Subscribe" in the subject line along with your Name, Georgia Bar Number and Telephone Number in the body of the message. This will enroll you in the electronic notification system and you will no longer receive paper seminar notifications. You can also receive your Registration Confirmation via e-mail by indicating that you would like to receive them electronically.

Our staff will take the requests we receive and enter the names and addresses into a "listserv" hosted by ICLE. The only information that will be posted to this listserv is ICLE sponsored seminar announcements. A typical announcement will include a brief summary of the program, with the Seminar Title, Date, Location and CLE Hours. Each seminar on the announcement (usually 3 per announcement) will include a hyperlink to the ICLE website where you will be able to see the complete program agenda, as well as register for the program on-line. If you decide you would like to "opt-out" of the electronic notification system and start receiving paper mailings again, all you need to do is send an e-mail to [unsubscribe@iclega.org](mailto:unsubscribe@iclega.org) and include "Unsubscribe" in the subject line.

We hope this will simplify the announcement process for our seminar attendees. Please contact ICLE should you have any questions regarding this new process.

### Life Circles

*We all share  
in some way  
as do the stars  
of night  
and the sun  
of day.  
We share  
the earth  
and all  
the sky.  
We have a  
date to birth  
and a date  
to die.  
Life circles  
in and out  
taking us on  
without a doubt.  
It leaves us  
behind and  
then goes on  
to form a  
pattern of  
its own.*

Martha Phillips  
2003