CARLOCK COPELAND
CIVIL LITIGATION

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News

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RECENT VICTORIES

Win at Georgia Supreme Court for Hotel Client

Michael Ruppersburg recently argued and won an appeal in which the Georgia Supreme Court held that a hotel does not have a legal duty to check on a guest's welfare.

A 76 year old man was staying at a hotel on a business trip. According to his wife, one evening she was unable to reach her husband despite multiple phone calls to his room. The wife called the hotel front desk several times and told hotel employees that her husband was on medication, that she was very worried about him and made multiple requests for someone check on him. Hotel employees denied receiving these phone calls. Around noon the next day, housekeepers found the man lying on the floor of his room in medical distress. Although the hotel immediately called for an ambulance, he died on the way to the hospital.

His wife sued the hotel for wrongful death. She claimed that, based on her telephone calls the night before, the hotel had a legal duty to check on her husband's welfare and summon medical aid if needed. Ruppersburg argued that Georgia law did not recognize this new legal duty, which conflicted with current premises liability law and that the hotel did not owe a legal duty to the man because it did not cause or contribute to his medical distress. In a 4-3 split decision, the Georgia Supreme Court agreed. The majority ruled that the hotel had no legal duty to check on the man's welfare and ruled in favor of Ruppersburg's client.

Eleventh Circuit Affirms Order Dismissing Audit Malpractice Case

John Bunyan, John Rogers, and Joe Kingma prevailed in the Eleventh Circuit Court of Appeals, which affirmed an order dismissing a multi-million dollar audit malpractice suit before discovery started. The case arose from the failure of a contractor that had provided asphalt for Georgia DOT projects. The trial court dismissed the case because a construction bonding company's complaint must be dismissed for failing to specifically describe the mistakes the audit firm allegedly made. Carlock Copeland emphasized the U.S. Supreme Court's decisions in Iqbal and Twombly and argued that the plaintiff bonding company had failed to articulate a specific error. On July 14, 2011, the Eleventh Circuit affirmed Carlock Copeland's win on behalf of a Georgia audit firm.

Defense Verdict for Police Officer in High-Profile Criminal Case

Michael Ruppersburg successfully defended a police officer in a high-profile criminal trial. The officer was working an off-duty job as a security guard at an apartment complex in a high-crime area. The officer saw a man leaving the apartment complex that he believed was acting suspicious and tried to stop and question him. Instead of stopping, the man got into his car and attempted to run from the officer. The man then reached under his seat and grabbed what the officer thought was a gun. Believing his life was in danger, the officer fired one shot in self-defense. [Unfortunately, the man had only a cell phone.] The officer was indicted for aggravated battery and aggravated assault and faced a prison sentence of up to 20 years if convicted.

After an eight day trial and two days of deliberations, the jury found the officer not guilty on all counts.

Medical Malpractice Defense Verdict for Surgeon

D. Gary Lovell, Jr. and Lee Weatherly obtained a defense verdict for a surgeon and his practice group, in a medical malpractice case filed in York County, South Carolina. In the trial, the Plaintiff claimed that the doctor failed to properly perform an open cholecystectomy (gall bladder removal) that had been converted from a laparoscopic procedure. Plaintiff's common bile duct was transected during the procedure necessitating two corrective surgeries to repair the injury. Nevertheless, the jury determined that the doctor met the standard of care and returned a unanimous verdict in favor of the physician after deliberating for approximately four hours.

Eleventh Circuit Affirms Judgment on the Pleadings for Guardian Ad Litem

On June 16, 2011, the Eleventh Circuit affirmed the dismissal of a lawsuit brought against a lawyer/guardian ad litem. John Bunyan, Shannon Sprinkle, and Joe Kingma successfully argued that the Plaintiff had not sufficiently alleged facts supporting the claim that the guardian had conspired with state actors and others to deprive the Plaintiff of his constitutional rights.

$250,000+ Recovered for Client in Fee Dispute

A prominent Atlanta law firm retained Tom Carlock and Pete Werdesheim about a fee dispute with a client. The firm had obtained a judgment worth over a half-million dollars for the client and successfully defended the award on appeal, all while working on a hourly basis. The client owed the firm a substantial sum of money and hired a new attorney, who raised allegations of overbilling and ethical violations in connection with certain interest charges. Tom and Pete were able to negotiate a resolution to the fee dispute without resorting to litigation, and their client received over $250,000, nearly 100 percent of the principal amount owed.

Dan McGrew and Kim Ruder Obtain Judgment For Pathologist In a Wrongful Death Case In Fulton County

Dan McGrew and Kim Ruder successfully defended a pathologist in a wrongful death action in Fulton County. The case involved allegations that the pathologist misdiagnosed breast cancer in a 27 year old woman who presented to the hospital with a breast mass and underwent a mastotomy and drainage of what was believed to be a breast abscess. The pathologist read the tissue slide as benign. Two years later, the patient was diagnosed with breast cancer in a different location in the same breast. Within a year from diagnosis, the patient died of breast cancer that had metastasized to her lungs. She was 30 years old at the time of her death. The case was tried over 4½ days. McGrew and Ruder successfully argued that the breast cancer that was diagnosed two years after the pathologist reviewed the tissue slide was a new and different cancer. Plaintiff sought damages in the nature of $5,000,000. McGrew and Ruder successfully obtained a judgment in favor of their pathology client.

Favorable Verdict in Head-on Motor Vehicle Accident

Molly Gillis successfully defended her client during a jury trial in Rockdale County State Court. Ms. Gillis' client hit the Plaintiff head-on after another defendant turned left in front of her vehicle. Ms. Gillis presented evidence that the co-defendant was not paying attention and caused the accident. The Plaintiff presented evidence that she suffered a traumatic brain injury and other injuries, requiring nearly a year of medical treatment. The Plaintiff asked for nearly $80,000 against the two defendants. The co-defendant blamed Ms. Gillis' client entirely for the accident, noting that the co-defendant's vehicle was not physically involved in the accident. Ms. Gillis successfully attacked the co-defendant's version of the accident. The jury returned a verdict attributing 70 percent negligence to the co-defendant and a total damages award of $16,750, of which Ms. Gillis' client only had to pay $5,025. The amount was less than the last offer prior to trial. from the suit.

South Carolina Supreme Court Overturns Crossmann Communities

By: Michael Ethridge

In a decision issued on August 22, 2011, the South Carolina Supreme Court withdrew its original opinion, Crossmann Communities (issued on January 7, 2011), and replaced it with the Crossmann Communities II opinion. To read more about the history of this case, please visit our Insurance Coverage Corner Blog at www.insurancecoveragecorner.com.

Tort Reform and Premises Security Litigation In Georgia and South Carolina

By:
Charles M. McDaniel, Renee Y. Little, Heather M. Miller, Broderick Harrell, and Jackson H. Daniel, III

Although the circumstances and scope differ, premises security litigation has been impacted by tort reform litigation in Georgia and South Carolina. This article addresses how the statutory provisions have somewhat changed the landscape in premises security litigation. Two significant aspects of premises security litigation - expert witnesses and apportionment - have been addressed by Georgia's legislature and courts, and the trend is favorable. Georgia's Tort Reform Act of 2005, included two statutory provisions that benefit the defense; O.C.G.A. § 24-9-67.1 addressed the qualification of expert witnesses, and O.C.G.A. § 51-12-33 addressed apportionment of liability.

Assessment of Fault and Apportionment of Damages - The Perpetrator's Conduct is Considered by the Jury:

Ever since O.C.G.A. § 51-12-33 was revised, the plaintiff's bar has mounted an assault on the statute, including constitutional challenges. While a constitutional challenge has not been addressed by the Georgia Supreme Court, a recent Court of Appeals' decision, *Pacheco v. Regal Cinemas, Inc.*, -- S.E.2d -- 2011 WL 2716556 dismissed one of the primary non-constitutional challenges to the statute. Plaintiffs consistently argued that "'it is not rationally possible to apportion fault between a premises owner and the criminal perpetrator that the owner was supposed to protect against.'" *Id*. at *4. The Court of Appeals put this argument to rest.

> *O.C.G.A. § 51-12-33(b) provides:*
>
> Where an action is brought against more than one person for injury to person or property, the trier of fact, in its determination of the total amount of damages to be awarded, if any, shall ask for a reduction of damages pursuant to Subsection (a) of this code section, if any, apportion its award of damages among the persons who are liable according to the percentage of fault of each person.
>
> *Subsection (c) provides:*
>
> In assessing percentages of fault, the trier of facts shall consider the fault of all persons or entities who contributed to the alleged injury or damages, regardless of whether the person or entity was, or could have been, named as a party to the suit.
>
> *Id.*, at *4

The Georgia General Assembly clearly intended - and the Court of Appeals agreed - that in cases involving personal injury arising out of the criminal conduct of a third party, the premises owner or occupier is afforded the opportunity to have the conduct of the perpetrator of the crime assessed as a portion of the overall liability analysis.[1] Consequently, in premises security litigation if the third-party criminal is not sued, it is imperative to ensure the verdict form includes the third-party criminal by following the provisions of O.C.G.A. § 51-12-33(D)(1).

Heightened Standard for Expert Witnesses: How Daubert Changes the Way State Courts Qualify Experts - A Bonus for Defense of Premises Security Litigation

Enacted as part of the Tort Reform Act of 2005, O.C.G.A. § 24-9-67.1 permits a trial court to admit expert testimony in a civil case only when the testimony "will assist the trier of fact in any cause of action to understand the evidence or to determine a fact in issue" and only to the extent that "[t]he testimony is the product of reliable principles and methods" and "[t]he witness has applied the principles and methods reliably to the facts of the case." O.C.G.A. § 24-9-67.1. In enacting this part of the Tort Reform Act, Georgia began following the Daubert standard, the standard followed by federal courts in determining expert qualifications.

> *"...experts that testify based simply on their education and experience (which often passed the test pre-Tort Reform) will likely not overcome Daubert challenges."*

Prior to the Tort Reform Act, State Courts had a more relaxed standard for determining who could be qualified as an "expert." Historically, professionals were qualified as experts if they had worked in a certain field, had been educated in a certain field, had written articles as an expert on certain subjects or in a certain field, or had simply testified as an "expert" numerous times before. In premises cases in Georgia, we have seen numerous individuals testifying as accident reconstruction experts, safety and security experts, and slip and fall experts, who may have had little to no qualifications to do so. With the enactment of the Daubert standard, we will likely see the qualifications of these types of experts being challenged at the summary judgment stage, pre-trial motion stage and trial. This portion of the Tort Reform Act will also greatly influence how defendants choose experts to help defend cases. More importantly, it will give defendants a road map for use in challenging a plaintiff's expert's abilities to testify without proper qualifications.

Guidelines for Determining Admissibility Under the Daubert Standard:

Applying the Daubert standard, expert testimony will be deemed admissible if it is both relevant and reliable. In determining if an expert's opinions are relevant and reliable, courts will evaluate whether the following criteria are met:

1. The testimony is based on sufficient facts or data which are or will be admitted into evidence at trial;
2. The testimony is the product of reliable principles or methods; and
3. The witness has applied the principles and methods reliably to the facts of the case.

Questions to ask an expert to determine if his/her opinions will be admissible or subject to challenge:

- Have the expert's opinion been tested by the expert or by other experts in the community?
- Has the opinion been subjected to peer review?
- Is the expert giving an opinion that is relevant or accepted by others in the field?
- What is the expert's actual experience in the field?
- What is the expert's actual training in the field?

- Is the expert's opinion based on subjective belief?
- Is the expert's opinion based in whole or in part on speculation?

When an expert's opinions are based on speculation, personal beliefs or assertions, they most likely will not meet the Daubert standard. Further, experts that testify based simply on their education and experience (which often passed the test pre-Tort Reform) will likely not overcome Daubert challenges. When an expert renders opinions that are based on their own assertions or "judgment," those opinions are open to challenge and likely will be excluded by the trial court.

How Does The Daubert Standard Impact How We Litigate Cases?

Do your homework!

In light of the new heightened standards, extensive background research on plaintiff's experts should be done prior to the deposition. In the deposition, questions should be tailored for potential Daubert challenges. Expert depositions will become more than just a fact-finding tool. When taking the deposition, think about whether this expert's opinions are truly "relevant" and "reliable".

Motion for Summary Judgment

After an expert has been deposed, and there is a legitimate question as to whether the expert's opinions are relevant and reliable, a motion for summary judgment can be considered if those expert opinions are required for plaintiff's case. If a plaintiff's expert's opinions are excluded, summary judgment could be granted as a matter of law. Alternatively, plaintiff's claims could be greatly limited.

Motion to Exclude/Motion in Limine

Daubert challenges can also be made prior to trial in Motions to Exclude or Limit an expert's testimony. While these motions were always available prior to the Tort Reform Act of 2005, we now have a more specific and heightened standard that an expert must overcome. Going forward, anticipate that the testimony of many experts to be limited, if not excluded altogether, prior to trial.

When preparing to levy or defend a Daubert challenge, it is important to keep in mind that, though the new statute sets forth fairly specific criteria in determining expert qualifications, the trial judge in each case will act as the gatekeeper in allowing or excluding expert testimony. It will be within the discretion of the trial judge to determine how to apply this heightened standard. The appellate court will only overturn a trial court judge's decision in the event that an "abuse of discretion" is shown. Accordingly, consider your judge and your judge's prior rulings when planning your Daubert challenges.

South Carolina Post 2005:

In 2005, South Carolina passed expansive tort reform that resulted in significant changes to civil litigation. One of the primary changes was to discard traditional joint and several liability. Under the traditional rules of joint and several liability a defendant found to be only partially responsible for a plaintiff's injuries could be required to pay the entire damages award or verdict. In cases involving comparative negligence or multiple defendants, South Carolina courts now apply a "50% or greater" standard for joint and several liability.

If a defendant is found to be fifty percent or more at fault for plaintiff's injuries, he can be required to pay the total damages amount awarded in the case. On the other hand, if a defendant is found to be less than fifty percent at fault for plaintiff's injuries, then he is only responsible for his respective percentage of the damages. Although this concept is fairly simple, the more confusing question in South Carolina involves apportionment and allocation of fault in cases when a nonparty may share in some percentage of the liability.

Issues with Apportioning or Assigning Nonparty Fault

Unfortunately, the South Carolina Legislature took a selective approach in adopting modern tort law principles. As a result, the new law has an inherent procedural flaw. Similar statutes in other jurisdictions allow juries to allocate fault to nonparties. After the 2005 reform, the rules in South Carolina are unclear. The new law specifically states that "a defendant shall retain the right to assert that another potential tortfeasor, whether or not a party, contributed to the alleged injury or damages and/or may be liable for any or all of the damages alleged[.]" See §15-38-15(d) S.C. Code Ann. (emphasis added).

While the language is clearly meant to preserve the traditional "empty chair" argument, this section of the statute also seems to indicate that a defendant is allowed to argue that a plaintiff was injured by a nonparty. If a defendant is allowed to argue nonparty fault it would also make sense to permit the jury to assign some percentage of the fault to a nonparty. Although this section of the code appears to logically allow for the consideration of nonparty fault, there is another section of the same statute that appears to be in direct conflict.

Section 15-38-15(c)(3) states the jury must allocate fault such that "the total of the percentages of fault attributed to the plaintiff and to the defendants must be 100%." The literal interpretation of this section appears to prohibit the inclusion of a nonparty on the verdict form when damages are allocated. The section clearly indicates that fault must be apportioned such that the total liability amounts to one hundred percent (100%). The clear implication is that any potential tortfeasor that is not a party to the litigation cannot be consider in damages apportionment by the jury.

The confusion caused by the conflicting language is especially problematic in

the premises security litigation context. Business owners are often sued as a result of a third-party criminal attack. In many cases, the plaintiff will elect not to sue the third-party, who actually caused the injury, due to collectability issues or other concerns. If judges in South Carolina interpret both sections of the statute literally, a defendant may actually be allowed to argue that a nonparty is responsible for the plaintiffs injury only to have the judge prohibit the jury from assigning any percentage of fault to the nonparty.

A primary example of the problem inherent in the statute was highlighted by litigation involving a tragic fire in Charleston, South Carolina. In 2007, nine firefighters employed by the City died while trying to put out a furniture store fire. Several lawsuits were filed by the families of the firefighters against a number of defendants, including the furniture store. (Captioned - *Charleston Firefighter Litigation v. Sofa Super Store, Inc., et al.*). The firefighters' families were barred from suing the City in tort because the City paid the families via worker's compensation.

There were several arguments and theories, however, under which the City was viewed as being responsible, or, at least, potentially responsible for the firefighters' deaths. The furniture store filed a motion attempting to bring the City of Charleston into the case as an indispensable party. The attorneys for the furniture store argued that using a strict interpretation of § 15-38-15, unless the City was a named party, the trial judge would be precluded from including the City on a special verdict form for purposes of assigning liability. Given the various theories of liability against the City, all defendants in the litigation argued that it would be fundamentally unfair to allow a jury to assign liability without the option of considering the City as a responsible party. The trial judge would not allow the furniture store to add the City based on other legal principles and the issue was directly appealed. The case settled while the appeal was pending. As it stands, there is no clear procedural rule or precedent for parties or judges to follow with respect to nonparty fault and apportionment.

Insurance carriers and defendants handling claims and litigation that involve multiparty fault in South Carolina should be aware of the current uncertainty in the law caused by § 15-38-15. Under South Carolina procedural rules, a defendant can seek to enjoin an at-fault nonparty. However, courts typically disapprove of the practice because a plaintiff is considered "the master of the case" and is permitted to choose whom to file suit against when multiple parties may be involved. *Chester v. S.C. Dept. of Public Safety,* 388 S.C. 343, 698 S.E.2d 559 (2010). If a case involving nonparty fault is brought, the defendant or insurance adjuster involved in the matter should confer with defense counsel early in the process as to how the issue of nonparty fault will be addressed. Defense counsel should develop a plan for presenting nonparty fault as argument as early as possible. At minimum, defense counsel should make the argument that the at-fault nonparty or nonparties should be placed on a special verdict form and considered by the jury.

It is both our experience and understanding that South Carolina trial judges have inconsistent views on this issue - some members of the bench interpret § 15-38-15 to mean that a nonparty should be included on a verdict form for the purposes of equitably apportioning fault, while others view it as only allowing named defendants to be included in fault apportionment. With the firefighter case settled, this procedural question may remain unanswered for the significant future. Insurance carriers that provide premises liability coverage should be fully aware of this problem, so that the potential exposure in each case can be properly evaluated. Under the current law in South Carolina, defendants face the possibility of being denied the opportunity to effectively argue nonparty fault even if it is there strongest and most compelling argument in the case. In these situations, defense counsel should provide a sound plan to address the nonparty liability issue early in the litigation.

[1] *Upholding Cavalier Convenience v. Sarvis,* 305 Ga. App. 141, 699 S.E.2d 104 (2010).

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Why Anna Nicole Smith Matters to Accountants and Lawyers

By: John Rogers and John Bunyan

For those who *really* don't know, the late Anna Nicole Smith was a model, actress, and Playboy playmate. She appeared in a few movies and had her own reality TV show. In 1994, she married Texas billionaire J. Howard Marshall, 73 years her senior. Tragically, Anna Nicole Smith died at the age of 39 in 2007.

Most lawyers never get to argue in the

Supreme Court, but a case involving Anna Nicole Smith made it to the highest court in the land—twice. Shortly before her husband died, Smith sued his son, Pierce Marshall, in a Texas probate court. J. Howard Marshall omitted Smith from his will. Smith claimed her husband intended to set up a trust for her and that Pierce Marshall had tortiously interfered with that trust by altering it without his father's knowledge or consent.[1]

"...because of the Anna Nicole Smith precedent, bankruptcy courts can no longer enter final judgments in these cases..."

Smith eventually filed for bankruptcy. Pierce Marshall filed a proof of claim in the bankruptcy, alleging that Smith defamed him. Smith then counter-sued her stepson in bankruptcy court, again alleging that he had tortiously interfered with her trust. On the first appearance of the case, a unanimous Supreme Court held that the Texas probate court did not have exclusive jurisdiction.[2]

The bankruptcy court ultimately dismissed Pierce Marshall's defamation claim and awarded Smith over $400 million, along with punitive damages. But the Supreme Court threw out the award, holding that the bankruptcy court had no jurisdiction to hear Smith's counterclaim.[3]

Why does this matter to accountants, lawyers, and other professionals? When businesses fail, bankruptcy trustees and creditors often sue the debtor's lawyers, accountants, and other advisors, as their insurance policies are seen as a major source (maybe even the only source) of assets for distribution to creditors. These suits are often brought in bankruptcy courts. Now, because of the Anna Nicole Smith precedent, bankruptcy courts can no longer enter final judgments in these cases—and may not have power to preside over these trials at all.

The Supreme Court's ruling leaves various questions unanswered. The Court did not decide whether bankruptcy judges can conduct pre-trial proceedings or rule on pre-trial motions. Nor did it decide whether professionals waive jury trial rights if they file a proof of claim for unpaid fees. These and many other questions will be decided in the years to come in the lower federal courts. But for now, every lawyer litigating professional malpractice claims in a bankruptcy court needs to know about Anna Nicole Smith and her two appearances in the Supreme Court.

[1] *Marshall v. Marshall (In re Marshall)*, 392 F.3d 1118, 1122-23 (9th Cir. 2004). Anna Nicole Smith's legal name was Vickie Lynn Marshall. The courts did not refer to her as "Anna Nicole Smith," the name by which she is popularly known.
[2] *Marshall v. Marshall*, 547 U.S. 293, 311-314, 126 S. Ct. 1735, 1748-50 (2006).
[3] Stern v. Marshall, 131 S. Ct. 2594, 2608 (2011).

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2011 Georgia Workers' Compensation Update

By: Amy J. Urban

Legislative Update:

There was not a workers' compensation bill presented from the State Board of Workers' Compensation this year, as Governor Deal requested that all state agencies limit legislative initiatives to only those items that were absolutely necessary.

Fee Schedule Update:

Some notable changes to the 2011 fee schedule are as follows:

- Maximum allowable reimbursements (MAR) have all been recalculated.
- CPT codes were updated with code additions, deletions and revisions in accordance with the AMA.
- IME rates remain unchanged from April 1, 2010 reimbursement: $600.00 for the first hour and $150.00 for each additional 15 minutes. For a no-show at an IME, reimbursement shall be at $150.00.
- Physician testimony/deposition reimbursement remain unchanged from April 1, 2010 reimbursement: $600.00 for the first hour and $150.00 for each additional 15 minutes.
- Emergent and non-emergent transportation reimbursement rates have increased.
- Anesthesia rates have increased.
- Home health services hourly rates have increased.
- Medical records copy charges shall be billed at $30.00 now instead of $25.00, sales tax (if applicable), and actual cost for postage. This fee shall cover any request of up to 150 copied pages, and includes any costs associated with research, retrieval, and certification of the records or information requests. Any request that is for more than 150 copied pages shall be billed at twenty cents ($0.20) per page.
- Reimbursement for both brand name and generic pharmaceuticals must be at the current average wholesale price (AWP) as published by the Medi-Span Directory.
- Supplies, DME, prosthetics and orthotics, and rental equipment reimbursement is unchanged from 2010.

The April 1, 2011 Medical Fee Schedule Binder & CD may be purchased by calling Ingenix at 1-800-464-3649.

New Board Forms:
2011 Board Forms are now available at the Georgia State Board of Workers' Compensation website. You have until October 1st to start using the new forms. After October 1st, all other forms will be returned. To request copies of forms or to order Board forms on disk, please call (404) 656-3870.

Several forms were revised in 2011, and the State Board created a new form for the purpose of objecting to rehabiliation requests, including requests for catastrophic designation. This new form is titled WC-Rehab Objection and should be used for responding to WC-R1CATEE, WC-R1, WC-R2A, and WC-R3 forms.

Published Awards:
The Georgia State Board of Workers' Compensation has a new link on their website to search published awards, which consists of a database of Appellate decisions and corresponding ALJ awards dating back to October 1, 2009. While these decisions are not binding, they provide insight into the rationale used by the current Board. To search awards visit the State Board at http://sbwc.ga.gov and click on the "Published Awards" link on the left.

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PUBLICATIONS & PRESENTATIONS

Partner Amy Urban will present "Do you have a case of 'Would've, Should've, Could've'?" at the Georgia Occupational Health Nurses Conference on October 7, 2011.

Partner Dave Root and Associate Marquetta Bryan presented an employment seminar to a medical facility client. Bryan presented "Workplace Harassment and Internal Investigations" and "Navigating the Family and Medical Leave Act." Root provided information on "What Drives Employment Claims, Trends in Employment Claims, Retaliation Claims, and the Top Ways to Stay Out of Trouble."

Partner Pete Werdesheim will present "Ethics and Malpractice Issues" to private practice attorneys at the 2011 Legal Strategies Beasley Allen Conference on September 15th, 2011.

Joe Kingma was interviewed by Meredith Hobbs of the Daily Report to comment on his experience with malpractice claims being driven by real estate deals. The article, "Failed real estate deals driving malpractice claims," was published in the July 19, 2011 Daily Report.

Sarah Wetmore is scheduled to participate in a Professionalism Panel at the Charleston School of Law and South Carolina Women Lawyers Association Presentation on October 14th, 2011.

Pete Werdesheim chaired a subcommittee of the Professional Liability Section of the State Bar of Georgia, the Newell Committee, which submitted a report to the State Bar's Executive Committee on the status of the statute of limitations governing malpractice claims against lawyers.

Tom Cox authored an opinion article in the Atlanta Journal-Constitution on July 18, 2011 titled "Court decision not fatal to charters." The article addressed some concerns and issues regarding the recent Supreme Court Decision on the Georgia law that had allowed the State to bypass local school boards and approve the creation of state charter schools funded by contributions from local school systems.

EVENTS

Our Annual Risk Management Seminar for Design Professionals is scheduled for Tuesday, October 25, at the Cobb Galleria Centre in Atlanta, GA.

Carlock, Copeland & Stair was a silver sponsor at the Fall 2011 National Legal Malpractice Conference on September 14-16, 2011 at the Palace Hotel in San Francisco, California. This conference is presented by the ABA Standing Committee on Lawyers' Professional Liability.

Carlock, Copeland & Stair will be a sponsor at the 19th Annual Trucking Industry Defense Association (TIDA) Industry Seminar on October 12-14, 2011 at the Paris Hotel in Las Vegas, Nevada. For more information on the seminar or to register for this event, please visit the TIDA website.

CARLOCK, COPELAND & STAIR ACTIVITIES

Carlock, Copeland & Stair donated school supplies to the Brookhaven Boys & Girls Club. The Boys & Girls Club rely heavily on donations for their programs to help children achieve success in school.

Partner Eric Frisch reaches the summit of Kala Patthar during a trek to Everest Base Camp in Nepal. Mt. Everest is on the left and Mt. Nuptse is on the right.

Please visit www.CarlockCopeland.com to obtain more information on our recent victories, publications and presentations, attorney profiles and practice areas.

quarterly newsletter

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