

The Citation

A Monthly Publication of the Savannah Bar Association

Editors: Lindsey A. Lovingood and Denton C. Hill

Honorable Timothy Walmsley Appointed Chatham County's Newest Judge

By L. Lovingood

Spend a few minutes with newly-minted Chatham County Superior Court Judge Timothy Walmsley and you will quickly recognize that he is a person who understands the importance of the position, and is ready to serve Chatham County.

Taking the bench was a move Judge Walmsley always considered possible, but the recent Superior Court vacancy created by Judge Brannen's move to senior status presented itself as the right opportunity, at the right time. While he spent the past few years specializing in commercial and real estate litigation at Hunter, Maclean, Exley & Dunn, P.C., Judge Walmsley's time there was preceded by almost ten years of general civil practice and a stint as the General Counsel to the Chatham County Board of Tax Assessor. He feels his background provided him a unique perspective on many different practices that will help him shift into his new role as Chatham County's newest jurist.



The transition from practicing attorney to Superior Court Judge is not without some concerns. Judge Walmsley's trepidations currently include having enough time to get up to speed on his judicial duties, devoting sufficient attention to the constituents of Chatham County, addressing the litigants and issues within his Court, all while winding down his obligations to his former clients and practice. Such a list doesn't even address those concerns of his family, like Judge Walmsley's six year old son who worries whether his dart board will be moved to the new office at the Courthouse.

Dates to Remember:

- March 28, 2012
YLD Happy Hour
from 5:00 to 7:00
pm in the
courtyard at Cha
Bella
- April 20, 2012
SBA Boat Ride

Judge Walmsley admits to having some initial weaknesses in certain areas of practice and knows he will have to learn unfamiliar areas of law as well as stay current on those he routinely practiced in. Georgia Superior Court judges go through very little formal training before taking the bench, but Judge Walmsley believes that the thoroughness of the judicial vetting process in Georgia helps find candidates that possess the skill and knowledge necessary to take the bench almost immediately. He also knows that every area of law is of singular importance to the cases brought before him and the parties entering his courtroom, noting that domestic matters have day-to-day implications of the children and families involved just as a capital punishment case would to the accused and the public at large. Judge Walmsley inherited Judge Brannen's docket and began on the bench almost immediately. After such a quick turnaround from being appointed and then being sworn-in, he looks forward to settling in to the new position and getting a feel for the job. His main goal is to make sure, in all aspects, he does the job well. And not wanting to overlook any other important matters, he has already hung his son's dart board in his chambers.

Savannah YLD Update

The Savannah YLD March event will be held in conjunction with the Savannah Music Festival on **March 28, 2012**. It will all start with a Happy Hour from 5:00 to 7:00 pm in the courtyard at Cha Bella. There will be beer, wine, and a specialty cocktail as well as appetizers. A full bar is available inside the restaurant if someone wants to purchase a mixed drink on their own.

Following Happy Hour, we will head toward the Morris Center for one of the best jazz performances of this year's Savannah Music Festival. The performance, entitled *Hello Pops: a Celebration of Louis Armstrong*, features Wycliffe Gordon, a six-time "Trombonist of the Year" winner, and other stellar jazz musicians. The show starts at 7:30 pm.

Ticket prices for the show are \$31.50 provided we have a group of 15 or more. Otherwise, the ticket prices will be \$35.00. As usual, an Evite will be sent soon. Those who wish to attend the concert following the Happy Hour should email **Zach Thomas** directly at zhthomas@aol.com. The YLD must receive final RSVPs no later than Wednesday, March 21, 2012.

SBA Annual Boat Ride

Don't miss the boat! The **SBA Annual Boat Ride** will set sail on **Friday, April 20, 2012** down the Savannah River to Daufuskie Island. The boat leaves at **10:00 a.m.** from the dock directly in front of Spanky's Restaurant on River Street. The boat should return around 4:00/4:30 p.m. that afternoon. The cost is \$12.00 in advance and \$15.00 at the boat. Remember, you must have paid your 2011-2012 dues in full in order to board the boat! For further questions or to make payments, please contact **Catherine Bowman** at (912)401-0121, Catherine@TheBowmanLawOffice.com.

Quality vs. Quantity: The Art of Speaking Clearly

By Kim Neeson, Freelance Court Reporter

Recently, a law clerk called the office to discuss a transcript. She was concerned about the way a couple of undertakings had been expressed in the transcript. (Undertakings is a term in Ontario which brings legal effect to a promise to do something on the record during Examinations for Discovery or Cross-Examinations, which are akin to Depositions in the US context).

After reviewing the portions of said examination, how the undertaking was marked and perceived by the court reporter, the law clerk sighed, "This transcript is just not well worded and the way the undertakings have been given are very hard to follow! Your court reporter should have stepped in."

In a perfect world court reporters would like nothing better than to turn to counsel and say, "You know, the way you are interrupting one another, the long questions and all the back-and-forth is creating a terrible record for you down the road!"

The reality is that such an interjection would go over like a lead balloon. As the law clerk and I discussed, it is up to counsel to create their record, and it is up to the court reporter to faithfully transcribe that record. The two are not, unfortunately, working hand-in-glove. If counsel's dialogue was confusing or complicated, it would be completely improper and unethical for the court reporter to make the transcript readable.

I then read with interest the words of the highly regarded Ontario litigator Harvey Strosberg, who has been recovering recently from a debilitating stroke where he lost his ability to speak. As you can imagine, relearning is a slow, painful and deliberate process that has taken many, many months. Harvey said this about speaking deliberately in a Globe and Mail article January 3rd, 2012 :

"Many lawyers speak too fast. They think they have a minute or two minutes, and they race to get the most words in a minute. That's wrong. You have to think about the concept of the judge being persuaded. If you take your time, he'll or she'll get the idea simpler and faster."

What Mr. Strosberg opines is very true. Having been a court reporter for 30 years, I have reported and transcribed hundreds of speakers over the years. The ones who speak deliberately, carefully, and thoughtfully always get their point across. Too often lawyers and speakers are trying to cram hours of speech into small time allotments, and the result may be this:

- No one can follow what is being said coherently, or can appreciate the nuances and subtleties of arguments and thoughts
- Long, rambling questions can confuse witnesses
- Not allowing one speaker to finish his or her thought and being interrupted by another creates a very choppy and hard-to-read transcript

This is a case where quantity is not better than quality.

It's time to rethink the "quantity v. quality" argument. I would suggest honing a speaking style that allows everyone to be heard without interruption, one that incorporates brevity but imports meaning into each statement, and speaking deliberately – in the moment, as it were, and not to the next three points – will produce an excellent transcript for future use.

In this time-squeezed world, it's easy to forget that the listener can only absorb so much. If you can remember speak deliberately, carefully, and thoughtfully; you can prevent them from losing the thread completely.

Announcements

Gray & Pannell LLP announces that Atlanta attorney **James R. Woodward** will become a partner in the firm and that the firm's name will change to **Gray Pannell & Woodward LLP** effective March 1, 2012. The firm is opening an Atlanta office, located at One Buckhead Plaza, 3060 Peachtree Road, N.W., Suite 730, Atlanta, Georgia 30305. A graduate of Stanford University and the University of Virginia School of Law, Mr. Woodward has practiced law in Atlanta since 1999 specializing in public financing. Gray Pannell & Woodward LLP specialized in municipal bonds, commercial real estate law and business law, with offices in Savannah and Atlanta, Georgia.

Ronald McDonald House Charities of the Coastal Empire will hold its **Red Shoes Run and Pop Tab Pandemonium** on April 14, 2012 at the Ronald McDonald House, 4710 Waters Avenue. The 5k run/walk and pop tab collection event is a family friendly fundraiser that will feature free activities including fun with Ronald McDonald, a ¼ mile kiddie run, live music, games, prizes and refreshments. Visit www.rmhcocoastalempire.org for more information and to register.

Jenni F. Swan is pleased to announce that the **Swan Law Firm, LLC** has moved and is now located in the downtown historic district. Her new contact information is: Swan Law Firm, LLC, 502 E. Broughton Street, Savannah, GA 31401. Tel: (912) 236-2009. Fax: (912) 233-0666. Jenni@swanlawfirm.net. Ms. Swan's firm continues to specialize in family law and collaborative practice.



Thomerson Macchiaverna & Smith P.C. hosted its Launch Party on February 23, 2012, in Greenville, SC celebrating its expansion into the Upstate region of South Carolina.

Just as a reminder, The Citation is always seeking submissions for the newsletter. We encourage you to submit your professional and personal announcements; law-related advertisements; and other written submissions. Articles or announcements about particular philanthropies you are involved in are welcome. Suggestions about ways to improve are always welcome. And, of course, we love to receive photographs to share with our readers! Bear in mind that our readers include not only current SBA members, but also many judges and law school students as well. Please contact us at SavannahBarNewsletter@gmail.com with submissions or questions. Thanks!