



# The Citation

## Welcome New SBA Officers



(from left to right): Colby Longley (Secretary), Blake Greco (President-Elect), Leesa Bohler (President), and Paul Johnson (Treasurer).

The SBA Annual Cocktail Party, held at The Charles H. Morris Center at Trustees' Garden, was a great success. Members of the Savannah Bar Association took advantage of the opportunity to catch up with friends and colleagues. In addition to swearing-in our 2019-2020 officers, the SBA presented three awards: Judge Eugene H. Gadsden Memorial Scholarship, awarded to Savannah Arts Academy graduate Isabel Stafford, who will be attending Georgia Tech in the fall; Judge Phyllis Kravitch Scholarship awarded to Rachel Oliver, a third-year at Savannah Law School; and the Judge Frank S. Cheatham, Jr. Professionalism Award presented to Judge William T. Moore, Jr. Congratulations to our officers and award recipients, and a big thank you to our SBA members for making it such a great event!"

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## YLD Holds 14th Annual Charity Golf Tournament

On Friday, June 7th, the Savannah Young Lawyers Division held it's 14th Annual Savannah Guardian Ad Litem Charity Golf Tournament at The Landings' Palmetto Course. This event was made possible through the generous support of our sponsors:

Bergen & Bergen  
Brennan Wasden & Painter LLC  
Dozier Law Firm, LLC  
Ellis, Painter, Ratterree & Adams LLP  
Hunter Maclean

McCorkle & Johnson, LLP  
Queensborough Bank  
Truly Nolen of Savannah  
South State Bank  
ProLegal Discovery Solutions

Thank you to all who participated and helped to make this such a successful event. We hope to see you next year!

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## Delta Gamma Savannah Alumnae Founder's Day Luncheon

The Delta Gamma Savannah Alumnae Association celebrated their Founder's Day Luncheon on June 15th at Cohen's Retreat with a delicious anchor shaped cookie from Two Smart Cookies. Thank you to the President of the Association, Tammy Moseley Ray, for the wonderful photograph.

Delta Gamma Savannah Alumnae Association is collecting used prescription eyeglasses, reading glasses, sunglasses (both prescription and non-prescription), safety glasses and children's glasses for individuals in need. SBA members that would like to donate glasses may drop off donations in an envelope addressed to Francesca Macchiaverna at 200 East Saint Julian Street, Savannah, GA 31401. Thank you in advance for your support!



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## Office Space Available at Cornwell & Stevens, LLP

Office Space for Rent at Cornwell & Stevens, LLP, just across Montgomery St. from the Chatham Co. Courthouse. See Map at [www.cornwellstevens.com](http://www.cornwellstevens.com). Located at 317 W. York St., Savannah, GA 31401. Two Offices on First Floor; Reception Area staffed by Landlord; Access to Conference Room and Kitchen; Landlord provides Internet and Phone Lines; Access to Networked Copier/Printer/Scanner/Fax; Robinson Parking Garage across the street; Signage space available. Contact Sheila Hickman at 912-417-4597.





## Upcoming Educational & Training Opportunities

The Judicial Council/Administrative Office of the Courts is offering two upcoming seminars:

**July 17th** - Advanced Child Support Calculator Training - State Bar office in Atlanta.

6 hrs of CLE including 1 Professionalism and 1 Ethics hour.

Fee - \$33.46.

NOTE: This is the only time this training will be offered in 2019.

<https://www.eventbrite.com/e/advanced-child-support-calculator-training-registration-59047409391>

**Sept. 6th** - Understanding Support Calculator and Income Deduction Orders - State Bar office in Savannah.

3 hrs of CLE.

Fee - Free.

<https://www.eventbrite.com/e/state-bar-of-georgia-child-support-guidelines-calculator-and-ido-training-tickets-56045868702>

For further information, please contact Aimee R. Maxwell, Esq., Assistant Division Director at (404) 463-0044 or at [aimee.maxwell@georgiacourts.gov](mailto:aimee.maxwell@georgiacourts.gov).

**Veritext** will be hosting a free Ethics CLE Lunch Friday, **July 19th** from 12 pm - 1 pm at the State Bar of Georgia office in Savannah. This course is pre-approved for Ethics CLE Credit with Georgia, Florida and several other states. For space and catering purposes and to reserve one's seat, please RSVP to Lauren Berry at (770) 343-9696 or [lberry@veritext.com](mailto:lberry@veritext.com).

**The Mediation Center** will be holding a Domestic Mediation Training **Sept. 25th-28th** from 8:00 am - 5:00 pm, at their offices located at 5105 Paulsen Street #111-A, Savannah, GA 31405. The fee is \$1,600.00. TMC will provide you with opportunities to complete your observations/comediations, and administrative support to register with GODR. For more information or to register contact:

Lee Robbins: [lrobbins@mediationsavannah.com](mailto:lrobbins@mediationsavannah.com) ; 912-354-6686 Or

Trish Murphy, Esq.: [tmurphy@mediationsavannah.com](mailto:tmurphy@mediationsavannah.com); 912-354-2857

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## Excel Child Support Calculator Available

As you have probably heard, the Administrative Office of the Courts' computer network was attacked with ransomware. Many of their services are down temporarily, including the Online Child Support Calculator. The Excel version of the calculator has been updated and will be available until the Online Calculator has been restored. PLEASE HELP US SPREAD THE WORD TO ATTORNEYS WHO NEED THIS CALCULATOR.

The Georgia Child Support Calculator (Excel version 10.0) is available here:

<http://www.onlinechildsupport.com/frontend/web/index.php>

Thank you for your help during this difficult time!





## Paul Painter III Appointed to State Bar of Georgia Board of Governors

Paul W. Painter III of Bowen Painter Trial Lawyers has been appointed to the State Bar of Georgia's Board of Governors to fill the unexpired term of Sarah "Sally" Akins, who has been elected Secretary of the State Bar of Georgia.

The Board of Governors controls and administers the affairs of Georgia's State Bar. Painter takes over Akins's position as Eastern Circuit, Post 1 representative. State Bar of Georgia President-elect Darrell L. Sutton appointed Painter to the post.

"It is an honor to join the distinguished group of attorneys who shape both the present and future of legal practice in our state," Painter said. "I have always believed, as is stated in Georgia's Lawyer's Creed, that the practice of law is a calling, one that comes with a responsibility to serve others and should not be limited to self-interested pursuits. I congratulate my colleague, Ms. Akins for her successful campaign to become State Bar of Georgia Secretary and will carry on her commitment to representing the Eastern Judicial Circuit with dedication and distinction."

Painter and his law partner, W. Andrew Bowen, founded Bowen Painter Trial Lawyers with the purpose of building a personal and trusting relationship with clients and providing them with high-quality, aggressive, and ethical representation. Bowen Painter Trial Lawyers represents plaintiffs in catastrophic injury lawsuits, complex product liability claims, medical malpractice claims, premises liability actions, maritime accidents, business-to-business torts, and whistleblower actions in Georgia, South Carolina, and Florida.



Paul W. Painter III





## Harris Lowry Manton LLP, Recognized for Verdict

Harris Lowry Manton LLP, a full-service catastrophic and personal injury firm with offices in Savannah and Atlanta, was recently recognized by The Daily Report, Atlanta's top legal publication, for the *Simmons v. Southcoast Medical Group* verdict in which a woman was awarded \$18 million in medical malpractice damages. The jury verdict was named the #2 Medical Malpractice Verdict for 2018 in the Daily Report's Top Verdicts & Settlements special report, released earlier today.

Joan Simmons, a 58-year-old woman from Okatie, S.C., was admitted to a Savannah, Ga. hospital on July 20, 2014 with complaints of back pain and signs of an infection. An infectious disease doctor at Southcoast Medical Group failed to diagnose and treat her spinal epidural abscess, a serious complication of the infection. The untreated abscess put pressure on Simmons' spinal cord, causing paralysis in both legs. As a result of this medical negligence, Simmons was left permanently paraplegic.



In addition, Harris Lowry Manton LLP was recently named the Litigation Department of the Year in the small firm category by the 2019 Georgia Legal Awards, the only plaintiff's litigation firm in the state to be so honored. Sponsored by the Daily Report, the Georgia Legal Awards recognizes the state's finest attorneys for their contribution to the Georgia legal community and excellence in a variety of practice areas.

Earlier this year, Harris Lowry Manton LLP partners Jeff Harris and Steve Lowry were named to Georgia Super Lawyers' prestigious Top 100 list of attorneys for the second consecutive year. Harris and Lowry have also been honored in Georgia Trend's "Legal Elite" issue, which recognizes top attorneys in the state of Georgia.





## The College of Labor and Employment Lawyers Announces Wade W. Herring, II Inducted as Fellow

HunterMaclean, a leading business law firm with offices in Savannah and Brunswick, is pleased to announce that the College of Labor and Employment Lawyers recently elected Wade W. Herring, II as a new Fellow. Election as a Fellow is the highest recognition by one's colleagues of sustained outstanding performance in the profession, exemplifying integrity, dedication, and excellence. The twenty-fourth installation of Fellows will be held November 9, 2019 in New Orleans, Louisiana, coincident with the American Bar Association's Labor and Employment Law Section's Continuing Legal Education Conference.

Wade Herring is a partner in the Savannah office and has been with HunterMaclean for thirty-four years. Wade's practice focuses on all aspects of employment problems and issues, including internal employment practices, wage/hour issues, drug testing, sexual harassment, equal employment opportunity, the Americans with Disabilities Act, and employee benefits. Wade is an active member of

the community and has served with multiple civic and charitable organizations. He is the past president of the Savannah Bar Association, a past president of the Savannah East Rotary, and past chair of the board of trustees at Savannah Country Day School. He also previously served on the Chatham-Savannah Citizen Advocacy board as chair of the Ways and Means Committee and still remains involved with this organization.

Wade received his B.A., magna cum laude, from Dartmouth College in 1980 and his J.D., cum laude, from the University of Georgia in 1983. He was a Woodruff Scholar and a member of the Order of the Coif at the University of Georgia. Wade served a three-year term on the Dartmouth Alumni Council and continues to serve as the Dartmouth Class of 1980 secretary.

The College of Labor and Employment Lawyers was established in 1995 through an initiative of the Council of The Section of Labor and Employment Law of the American Bar Association. The idea was to further this profession in all its aspects as one uniquely important to the world of labor and employment law, individual rights, collective bargaining, and dispute resolution. It operates as a freestanding organization recognizing those who, by long and outstanding service, have distinguished themselves as leaders in the field. With the current installation, the College is represented by more than fourteen hundred members in forty-six states, the District of Columbia, Puerto Rico, and eight Canadian provinces.



Wade W. Herring, II





# Supreme Court Review with Competition Corner

By: Charles M. Dalziel, Jr., Dalziel Law Firm, Marietta GA

Members of this Bar may have heard or read that one of Justice Kavanaugh's first opinions was in an antitrust case involving Apple. The case is *Apple Inc. v. Pepper*, 587 U.S. \_\_\_\_ (2019). What has been touted in the media and otherwise is that Justice Kavanaugh's opinion overturned a long-standing Antitrust Law precedent, *Illinois Brick Co. v. Illinois*, 431 U.S. 720 (1977). The decision was 5-4. Justice Gorsuch wrote a dissenting opinion joined by Justices Thomas and Alito. How the media has characterized the majority opinion is incorrect. Justice Gorsuch in the dissent specifically recognizes *Illinois Brick* was not overruled.

Very briefly, in *Pepper*, the case was on appeal from the granting by the District Court of an early motion to dismiss, and a reversal by the Ninth Circuit. The *Pepper* plaintiffs complain Apple has monopoly power in the sale of Apps through its store. Apps are created by independent developers, who choose their prices under a scheme developed by Apple, which requires the price to end in ".99." Apple takes a 30% commission on each sale and pays the creator the other 70%. But there is no question in the facts as recited by Justice Kavanaugh that Apple is the seller to the plaintiffs.

To these facts *Illinois Brick* does not even apply. There it was held the State of Illinois, who had paid a general contractor for a large construction project--who had used masonry subcontractors the general contractor paid--who had bought concrete blocks from the defendant which the State claimed were overpriced--could not sue the block manufacturer. The overcharge on the blocks had passed through two other entities before allegedly damaging the State. The Court rule indirect purchasers two or more steps removed from the initial overcharge could not sue. Justice Kavanaugh subtly shows *Illinois Brick* is in its own way aberrant, as the Court injected its own "proximate cause" element, not written into

the statute, to deem the State not a party "injured" who could sue under Section 4 of the Clayton Act. The *Pepper* plaintiffs no doubt were giving Apple their credit card, so the injury suffered by them because of the monopoly increase in price was indisputably direct.

Both the majority opinion and the dissent are about 14 pages long, given how Supreme Court opinions are printed--so they are very quick reading. Justice Gorsuch's opinion just represents a different interpretation of the facts, his interpretation being contrary to the plaintiffs', on motion to dismiss. The legal conclusions in his opinion, with the case being considered on early motion to dismiss, are truly out of whole cloth. He does not consider the language of the statute, and instead injects his personal interpretation of how proximate cause should apply in *Pepper* to his interpretation of the facts. Justice Gorsuch writing the opinion, and Thomas and Alito joining him, do not appear to be strict constructionists, but instead the kind of Justices certain people complain about who disregard the language of the statute, in favor of their interpretation of what the statute should say. Justice Gorsuch uses informal language, including several contractions, and throws the gloves off with this quote: "After all, the Court not only displaces a sensible rule in favor of a senseless one;" Gorsuch's dissent overall is rather jarring--confirming a New York Times article that deemed his writing "flashy." His attitude is a bit less "folksy" than the demeanor he portrayed at the confirmation hearing.

We all need to be at least somewhat cognizant of what the Supreme Court is doing and who these Justices really are, even if just to be able to convey truthful information about them to our friends and associates when the Court comes up in conversation. Reading *Pepper* will give you some significant insight concerning Justice Kavanaugh and Justice Gorsuch.



## Schell & Hogan, LLP Announces Certified Valuation Services

St. Simons Island, GA. – The Certified Public Accounting firm of Schell & Hogan, LLP announces that forensic specialist Stephen C. Rowland has received certification from the National Association of Certified Valuators & Analysts as a Certified Valuation Analyst (CVA). This credential qualifies Stephen to perform business valuations as well as testify to such results. Stephen is also credentialed as a Certified Fraud Examiner and Master Analyst in Financial Forensics. Stephen is currently earning a Master of Accountancy from the University of Illinois.

We are pleased to offer Stephen's expertise in business valuations and forensic analysis as additional services provided by our firm. Schell & Hogan, LLP will continue to provide services such as tax management & preparation, estate & trust planning, IRS representation, accounting, financial & retirement planning, bookkeeping, payroll, audit, review, compilation, 1031 exchange intermediary services and other accounting services.

Schell & Hogan, LLP  
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Saint Simons Island 31522  
912.638.9031



Stephen C. Rowland





## Now Open for Submissions

The Savannah Bar Association is always seeking content for upcoming editions of The Citation. Members are encouraged to submit:

- Your professional and personal announcements
- Law-related advertisements,
- Articles or announcements regarding your preferred philanthropies
- Other written submissions.

Suggestions for improving The Citation are also always welcome.

Finally, we love to receive photographs and video 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.

Please contact us at [SBACitation@gmail.com](mailto:SBACitation@gmail.com) with submissions or inquiries.