



# The Citation

## Letter From The President

“The time is always right to do right.” Martin Luther King Jr.

Have you been following the news during this unprecedented time in our country while asking yourself, what can I do? If so, I have an answer for you. Sign up today to handle at least one case on a pro bono basis through our Savannah office of Georgia Legal Services. The need is expected to be greater than ever as a result of this pandemic. Savannah Mayor Van Johnson specifically asked during his June 2, 2020 press conference for the members of the Savannah Bar to volunteer to help those being evicted from their homes. Your efforts as a volunteer attorney for those who cannot afford legal services will go a long way toward healing our community and our nation. Detailed instructions regarding how to sign up and what to expect are contained in the article written by Sarah J. Anderson below.

You should have more time than ever to volunteer since most of our SBA events had to be cancelled. The Executive Committee felt the only choice was to cancel our annual end-of-the-year June Cocktail party. We also decided not to reschedule our 2020 May Law Day luncheon and will simply celebrate twice as much in 2021. We are still holding out for a possible reset date for our annual Boat Ride in the late fall, but it will be dependent upon CDC guidelines at the time as well as hurricane season.

It has been my pleasure - at least during the first half of the 2019-20 bar year - to serve as your SBA President. My term expires June 30. I appreciate the invaluable assistance of President-Elect Blake Greco, Secretary Colby Longley, Treasurer Paul Johnson, and the Executive Committee members and Committee chairs. Our Nominating Committee has selected an outstanding slate of officers to be voted upon by active members by email by 5 p.m. on June 23. You should have received an email on June 19 with voting instructions. The new officers will be sworn in on June 25 in a small, physically-distanced ceremony with Chief Superior Court Judge Penny Freeseaman administering the oaths of office.

Last but not least, please be sure to review the announcement below regarding nominations for our annual Judge Frank S. Cheatham Professionalism Award. We will not be able to recognize the 2020 award recipient at our cocktail party as has been our custom, but the SBA will honor this year's winner in the future when we are able to gather together again as a group.

Until then, I remain virtually yours,

Leesa A. Bohler,  
SBA President





## Savannah Bar Association Slate of Officers for 2020-21 for election:

President-Elect: Colby Longley

Treasurer: Paul Johnson

Secretary: Richard Sanders

Current President-Elect Blake Greco automatically assumes the mantle as president for the following year per SBA by-laws.

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## Help Prevent Evictions

Submitted by Sarah J. Anderson

As the courts reopen, many people will feel the legal effects of COVID-19. Widespread unemployment has left many tenants unable to pay rent and fearing eviction. Prior to COVID-19, Chatham County Magistrate Court processed approximately one thousand dispossessory warrants each month. Although the number of filings has decreased because of the judicial emergency, we expect dispossessory filings to increase once the courts reopen on June 15th.

The dispossessory process moves quickly. Once served, tenants have only seven days to file their answer with the court. This leaves tenants with little time to understand the legal process, determine their options, or seek assistance from an attorney or social service agencies. Unfortunately, many tenants are unaware that they can avoid eviction, when the dispossessory is based on nonpayment, by using the tender defense. Georgia law requires the dismissal of a nonpayment dispossessory if the tenant pays the past due rent and court costs during the seven day answer period. The tenant can only use the tender defense with the same landlord once every twelve months. Tenants need legal counsel to understand their options, identify potential defenses, and to prepare to represent themselves in court. Sadly, the majority of tenants lack access to such legal advice and counsel.

Among the many types of cases it handles, the Georgia Legal Services Program (GLSP) provides legal representation to low-income Georgians with rental housing issues including dispossessory actions. But with only ten attorneys covering eleven counties, GLSP's Savannah Regional Office cannot help everyone who needs our assistance. We need members of the Savannah Bar to join us to provide legal services to tenants facing eviction.

There are two ways attorneys can help. First, by volunteering to provide legal advice or brief services virtually (over the phone or video link) from your office. Volunteer attorneys will explain the dispossessory process, help tenants prepare their answer, identify available defenses, and provide guidance on how to prepare for court. When warranted, the attorney may also contact the landlord to assist in negotiating a settlement. Second, we need volunteer attorneys to represent tenants in court when the tenant has a meritorious defense to the dispossessory action. Whichever way you choose to volunteer, we will provide training, support, and malpractice insurance for cases you handle.

For more information or to volunteer, contact Pro Bono Lawyer-Coordinator Sarah J. Anderson at [sjanderson@glsp.org](mailto:sjanderson@glsp.org).



## Judge Frank M. Cheatham Professionalism Award

Nominations are now being accepted through June 23, 2020 for this award presented annually to the attorney within our legal community who best exemplifies professionalism in the manner in which he or she engages clients and other members of the profession and the community as a whole. Submit nominations via email to [lbohler@mcd-r-law.com](mailto:lbohler@mcd-r-law.com) by midnight June 23, 2020, along with the reasons your nominee should be chosen. Prior award winners are listed under SBA Awards on our website: [savannahbar.org](http://savannahbar.org).

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## GLSP Asks: What's Your Superpower?

Georgia Bar Rule 6.1 states that lawyers should aspire to provide at least 50 hours a year of pro bono legal services. By partnering with GLSP, pro bono work by private attorneys like you can increase our capacity to serve Georgians of limited means. Volunteering to perform legal services provides an opportunity for you to make an impact in your community, close the justice gap, and meet that aspirational goal.

Providing pro bono legal services also develops professional skills. You can build and strengthen essential skills, such as mediation, negotiation, and courtroom skills. You can take on new challenges and learn a new set of competencies.

Whether you have an hour, a week, a Saturday, or all the time in the world, GLSP probably has a program to help you help others in need. Perhaps you're interested in providing direct representation to one individual. Maybe you can attend a clinic in your local area or are interested in one of our new, virtual clinics statewide. You can even help train your peers by partnering with us to develop CLE opportunities or signing up to be a mentor.

And don't forget that GLSP is a 501(c)3 nonprofit. Monetary donations help support our staff and pursuit of our mission in providing access to justice and opportunities out of poverty.

For more information or to volunteer, contact Pro Bono Lawyer-Coordinator Sarah J. Anderson at [sjanderson@glsp.org](mailto:sjanderson@glsp.org) or go to <https://www.surveymonkey.com/r/GAProBono> to sign up.



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[https://www.stus.com/Pro-Bono-Cartoons\\_c\\_205.html](https://www.stus.com/Pro-Bono-Cartoons_c_205.html)

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## Please Support State Bar Campaign For GLSP

Each year the State Bar of Georgia sponsors a campaign to support Georgia Legal Services. All funds raised are allocated to the office that serves the area in which the attorney resides. GLSP is able to use these funds to support the work of attorneys on staff as well as to sponsor the Pro Bono Program. The State Bar recommends \$350 for lawyers and \$100 for young lawyers. When you submit your bar dues for the current year, please add your contribution to support your local legal aid efforts.

Please support the work of our local office. It is one of which we can be proud, and we all know to have been responsive to the needs of low-income people in our community.



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## GLSP Selected By National Center For Victims Of Crime

Georgia Legal Services Program (GLSP) has been selected by the National Center for Victims of Crime (NCVC) to lead a training workshop at its annual National Training Institute (NTI) to be held on November 11-13, 2020 in Atlanta. Only a select number of applicants were chosen to present at the 2020 NTI, an event that spotlights projects across the nation that achieve safety and justice for crime victims through innovation. Kyle Gallenstein, an SBA member and Victims of Crime Staff Attorney with the Savannah Office, will be among the presenters of the workshop, which showcases GLSP's Victim Legal Assistance Network (VLAN).





VLAN is a referral-based project between GLSP and several partners to holistically meet the needs of crime survivors, including those harmed by domestic violence, stalking, sexual assault, and elder abuse. GLSP’s partners in the project are the Georgia Asylum and Immigration Network (GAIN), Atlanta Legal Aid Society (ALAS), Atlanta Volunteer Lawyers Foundation (AVLF), and, its research partner, Georgia State University (GSU).

The upcoming workshop, titled “Busting Silos to Serve Survivors: Georgia’s VLAN Collaboration”, will highlight the importance of building a partnership system like VLAN to connect underserved crime victims to comprehensive legal assistance, as well as other supports for housing, public benefits, immigration, and health. The workshop will demonstrate how these systems can lead to safer communities, which is more crucial now than ever in the wake of the COVID-19 crisis.



# Georgia Legal Services Program

## Certification Letter For The Savannah Bar Association, Inc. Results of the Judicial Qualification Survey for Contested Superior Court Race of the Eastern Judicial Circuit

Submitted by Stephen S. Leonard, CPA  
Hancock Askew & Co., LLP

We completed the tabulation of the May 2020 Judicial Qualification Survey for the Contested Superior Court Race of the Eastern Judicial Circuit as engaged by the Savannah Bar Association, Inc. This letter is to certify the results. As of May 18, 2020, we received a total of 165 survey responses via our Constant Contact electronic email invitations and submissions. The results are as follows:

Candidate	Opinion	No. of responses	Response Ratio
Judge Lisa Goldwire Colbert	Well-qualified	93	56.3%
	Qualified	30	18.2%
Not Qualified	12	7.3%	
	Do not know/ no opinion	30	18.2%
Tracy O’Connell	Well-qualified	98	59.4%
	Qualified	38	23.0%
	Not Qualified	3	1.8%
	Do not know/ no opinion	26	15.8%



## HunterMaclean Announces Retirement Of Andrew H. Ernst

HunterMaclean, a leading business law firm with offices in Savannah and St. Simons Island, congratulates Andrew H. “Drew” Ernst on his recent retirement. Drew had a stellar forty-three-year career, all of which he spent with HunterMaclean.

Drew started his HunterMaclean career four days after graduating from the University of Georgia School of Law in 1977, and he became a partner in 1981. Through the years, Drew developed his expertise in environmental law, commercial real estate, and industrial development, handling complex permitting applications and regulatory compliance with the EPA and USACE Regulations Laws of the Clean Water Act. A highlight of Drew’s career was on behalf of what is now known as Savannah Economic Development Authority (SEDA), when Drew was instrumental in the creation of a unique Section 404 Permit for the development of 1,800 acres, now Crossroads Business Park. This entailed developing a master plan for a multi-use/industrial park, which the Corps of Engineers had never done before for a tract of land over 200 acres. The permitting reconciled the many environmental and wetland concerns before the final uses of the park were identified. There was a press conference held in Washington, D.C., at which General Henry Hatch, then Chief of Engineers and Commander of the U.S. Army Corps of Engineers, personally issued the permit. This permitting concept has become the basis for large industrial developments across the nation.



Andrew H. Ernst

“Drew is a well-respected member of the community and highly regarded throughout the state. His extensive knowledge and experience in representing clients in wetland issues and coastal development have been invaluable, and his expertise has been greatly appreciated by his long-time clients and colleagues,” said HunterMaclean managing partner Brad Harmon. “He has been a dedicated and appreciated member of HunterMaclean, and his collegial good spirit will certainly be missed.”

HunterMaclean’s collaborative working model ensures that more than one attorney is familiar with client matters; therefore, the attorneys who have worked closely with Drew look forward to continuing to serve clients with environmental law needs.

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## Midtown Office Space Available - 315 Commercial Drive

Luxurious ground floor office space in highly desirable Regency Executive Plaza. Superb central location with easy access to all areas of Savannah. Banks, shopping and dining just blocks away. Features of this 2034 square foot space include reception office, 6 private offices, large conference room, 2 half baths, large storage filing room, nicely equipped kitchen. ALL UTILITIES ARE INCLUDED!! Rental Rate: \$2,900 per month, 12 month lease. For an appointment to view or any questions, please call 912.355.6562.





## Georgia Applicable State Immunity For COVID-19 Cases

Submitted by Stephanie R. Amiotte, Esq.

### Introduction

COVID-19 is a pandemic nobody was prepared for and nobody wanted to happen. This article explores new COVID-19 related immunities to healthcare providers recently enacted through executive orders issued by Georgia's governor Brian J. Kemp and federal legislation through the PREP Act and CARES Act. While these immunities are going to be tested through litigation with cases starting to trickle in, the teeth of these immunities provided to healthcare providers remains to be seen. However, they are immunity defenses worth asserting.

### COVID-19

The effects of COVID-19 are staggering. The Centers for Disease Control reports that in the United States as of May 28, 2020, there have been 1,698,523 COVID-19 diagnoses; with 100,446 COVID-19 related deaths. In Georgia alone, there have been 45,670 confirmed cases of COVID-19 resulting in 1,780 intensive care unit admissions, 7,852 hospitalizations and 1,974 deaths as of May 29, 2020. The American Medical Association and the Association of American Medical Colleges report that shortages abound for nurses, doctors, tests and supplies, creating additional stress on the United States healthcare system. All create a breeding ground for lawsuits.

In a rush to protect the nation's medical providers and encourage prompt response to the pandemic, emergency declarations and orders through governors and legislation have been enacted granting certain immunities and relaxing previously stringent regulations. The real world impact is that non-emergent, elective or otherwise non-critical procedures have come to a screeching halt but are slowly starting to re-emerge in the recovery phase from the pandemic. The anticipated legal outcome is likely not only going to be increased medical malpractice cases filed directly related to contraction of COVID-19, or its treatment or diagnosis in addition to the secondary or tertiary level of litigation related to delayed treatment or refusal of treatment for non-life threatening elective procedures or other negligence claims remotely caused or affected by COVID-19.

The medical profession as a whole has swiftly responded with guidance and calls for action asking for immunity, increased funding for supplies and closing loop-holes missed in first round of immunity legislation and emergency declarations. However, there are still more questions than answers which, like all new law, will create a ripe platform for increased litigation in the healthcare setting. While the assertion of governor conferred immunities to private medical actors as a substantive defense to claims filed in state and federal courts is likely going to be hotly contested, there is an existing basis to assert them. The United States Supreme Court has analyzed and permitted private party immunity previously based on state law, even if it was later determined to be unconstitutional, because of the important public interest in permitting ordinary citizens to rely on presumptively valid state laws, thus shielding such citizens from monetary damages and protecting them from liability where their role in any unconstitutional action was marginal. As such, healthcare providers who provide services during the time the available COVID-19 immunity laws are enacted, have a good faith argument to assert immunity.



Stephanie R. Amiotte, Esq.  
Hall Booth Smith, PC



## Immunities Applicable to COVID-19 Cases

Immunity, unlike some other defenses that require significant litigation before the goal of dismissal is achieved, allows an attorney to seek a swift and early dismissal through an immediate Motion to Dismiss or subsequent Motion for Summary Judgment if denied initially. There are multiple grounds upon which dismissal of COVID-19 related cases can be made in Georgia depending on whether filed in federal, state or superior court. First, immunity can be argued on the basis of Governor Kemp’s Emergency Declaration issued on March 14, 2020 which provides broad based immunity for medical providers. The second ground for immunity is on the basis of the federal PREP Act declaration issued by the Secretary of Health and Human Services, Alex Azar, which explicitly states that it applies to all federal and state law claims and provides immunities for losses sounding in contract or tort. Third, immunity can be argued under Governor Kemp’s second Emergency Declaration issued on April 14, 2020 which grants immunity for performing emergency management activities, except in cases of willful misconduct, gross negligence, or bad faith. Fourth, on May 12, 2020, Governor Kemp issued Executive Order 05.12.20.02, which expands the immunity provisions provided by Executive Orders 3.14.20.01 and 4.14.20.1 to all workers of healthcare facilities as defined by O.C.G.A. 31-6-2(17), as well as end stage renal disease facilities, reuse technicians, and other health care providers. Fifth, the federal PREP Act grants immunity related to covered medications, devices and treatments of COVID-19. Sixth, the federal CARES Act provides immunity for healthcare providers who are volunteering to provide services during COVID-19 if negligent acts are not willful, grossly negligent, or committed under the influence of intoxicating drugs or alcohol. Any or all could apply to a Georgia state case for medical malpractice. A thorough analysis of the facts should be made to determine each defenses’ application in the healthcare lawsuit filed.

### A. Immunity Defense Based on Governor’s Emergency Declarations.

Three Executive Orders issued by Governor Kemp confer immunity to healthcare providers. The first was issued on March 14, 2020, when Georgia’s Governor Kemp declared a statewide public health emergency. Executive Order 3.14.2020.01 mandates that all hospitals, healthcare facilities, clinics, and medical personnel “shall fully comply with Governor’s orders.” The Executive Order is broad and specifically authorizes and suspends certain regulations affecting medical malpractice claims. These include authorizing temporary licensing of physicians and nurses who are in good standing by equivalent boards; directing the Georgia Composite Medical Board immediately adopt emergency rules to provide telemedicine licenses; suspending enforcement of medical license inactivity or lapses if same occurred during five (5) years prior to the declaration; and authorizing graduate registered nurses and practical nurses to obtain temporary licenses who have yet to sit for an exam. Frequently, lawsuits allege improper training, inadequate staffing policy, or other inadequate credentialing of healthcare workers. Executive Order 3.14.2020.01 allows for the defense of immunity to these allegations if they arose after the Executive Order went into effect.

### B. Immunity Defense Based on Executive Order 04.20.01

Governor Kemp issued a second Executive Order on April 14, 2020 which broadened protections and further extended immunity to the medical field. This order deems all employees, staff, or contractors of “healthcare institutions” and “medical facilities” (as defined and regulated under O.C.G.A. § 31-7-1 et. seq.) “auxiliary emergency management workers” for the Georgia government, pursuant to Georgia Code Section 38-3-35. Under





current law in Georgia, emergency management workers are already immune from liability arising from actions related to performing emergency management activities, except in cases of willful misconduct, gross negligence, or bad faith. Now, however, Governor Kemp's order comprehensively expands the emergency management worker definition to all medical providers in Georgia during COVID-19 and it also expands the definition to include all medical care provided by healthcare institutions and medical facilities and not just emergency rooms with limited exception. Private practice physicians may not be covered under the existing definition of "healthcare institutions" and "medical facilities." These broadened immunities to medical providers will continue until the Governor declares the end of the COVID -19 state of emergency in Georgia.

C. Immunity Defense Based on Executive Order 5.12.20.02

On May 12, 2020, Governor Kemp issued Executive Order 05.12.20.02, which expands the immunity provisions provided by Executive Orders 3.14.20.01 and 4.14.20.1 to all workers of healthcare facilities as defined by O.C.G.A. 31-6-2(17), as well as end stage renal disease facilities, reuse technicians, and other health care providers. The Order also provides additional precautionary measures for healthcare providers while Executive Order 05.12.20.02 is in effect from May 13, 2020 to May 31, 2020.

D. Immunity Based on the PREP Act.

The federal PREP Act applies to all state and federal claims as well expressly and could be advanced as a defense if allegations are raised regarding administration of medications or use of medical devices to treat or diagnose COVID-19 whether filed in federal, state or superior court. On March 10, 2020, the Secretary of Health and Human Services, Alex Azar, issued a PREP Act declaration as authorized by The Public Readiness Emergency Preparedness Act Public Readiness and Emergency Preparedness Act. The PREP Act authorizes the Secretary of Health and Human Services (HHS) to declare that certain "covered persons" are immune from liability for lawsuits arising from a tort or contract claim arising from medications and devices used to treat COVID-19. The covered persons include manufacturers, distributors, program planners, and qualified persons, their official agents, and employees who prescribe or use covered countermeasures. "Covered countermeasures" are Food, Drug and Cosmetic (FD&C) approved qualified pandemic or epidemic products, security countermeasures, drugs, biological products or devices authorized for emergency use. In general, the PREP Act provides targeted liability protections for pandemic and epidemic products and security countermeasures. It also provides liability immunity for medical providers who are providing COVID-19 related treatments including their administrators with demonstrated causal relationship and extends to claims of death, personal injury, emotional injury, property damage, business interruption and fear of personal injury without regard to the date of the occurrence, presentation or discovery of the loss. Willful misconduct is not covered. The federal PREP Act, because it applies to both federal lawsuits and state lawsuits should not be discounted as a defense to state filed lawsuits in which COVID-19 is a factor either on an immediate level or even a more remote level when it involves the use of COVID-19 treatment medications, diagnostic tests, or devices. Much of the expected healthcare litigation anticipated probably will address whether an approved "countermeasure" was used or whether the healthcare provider was a "covered person" but when appropriately argued, the PREP Act can serve as an immunity defense related to treatment, medication and product-based negligence claims.

E. Volunteer Immunity Under the CARES ACT

The Coronavirus Aid, Relief, and Economic Security Act (CARES Act) went into effect on March 27, 2020 and is



federal legislation passed to provide financial support and resources to individuals and businesses affected by the COVID-19 pandemic. The \$2 trillion stimulus bill is the largest stimulus bill in U.S. history and Congress' third major piece of legislation to address the COVID-19 crisis. As recognized by the American Medical Association, (AMA) the CARES Act also provides much needed immunity for doctors, nurses, and healthcare professionals who volunteer their services to help those in need during the COVID-19 pandemic. It extends immunity related to diagnosis, prevention or treatment of COVID-19 or the assessment or care of a patient related to an actual or suspected case of COVID-19. Limited exceptions apply for gross negligence, criminal misconduct and providing care while intoxicated. These protections preempt state and local laws that are inconsistent with the CARES Act. However, state laws that provide greater liability protections are not preempted. Healthcare workers who have come out of retirement or taken on volunteer positions to assist the overstressed and overworked medical facilities will likely have the full benefit of the CARES Act immunities.

### Conclusion

COVID-19 has created new immunity defenses for healthcare providers that is unprecedented. These immunities are likely going to be challenged as have other executive orders related to COVID-19 such as “safer at home” orders limiting movement as that asserted in Wisconsin. However, the existence of the immunities permitted create a viable defense and should be asserted in Georgia state healthcare claims related to COVID-19 care and treatment.

1. Georgia Governor Brian J. Kemp's Executive Orders 3.14.20.01, 4.14.20.01, and 5.12.20.02 (“Executive Orders”); O.C.G.A. § 38-3-51; the Public Readiness and Emergency Preparedness Act (PREP Act), 42 U.S.C. §§ 247d-6d, 247d-6e (West 2020); Declaration Under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID-19, 85 Fed. Reg. 15198 (Mar. 17, 2020), amended by 85 Fed. Reg. 21012 (Apr. 15, 2020), (herein referred to as “the Declaration”); and the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) H.R. 748; Pub.L. 116-136.
2. <https://www.cdc.gov/covid-data-tracker/>
3. <https://dph.georgia.gov/covid-19-daily-status-report>
4. <https://www.medpagetoday.com/infectiousdisease/covid19/85661>,  
<https://www.ama-assn.org/press-center/press-releases/ama-calls-administration-use-every-lever-covid-19-fight>  
<https://www.ama-assn.org/press-center/press-releases/ama-calls-administration-use-every-lever-covid-19-fight>
5. <https://www.ama-assn.org/press-center/press-releases/ama-calls-administration-use-every-lever-covid-19-fight>
6. *Dennis v. Sparks*, 449 US 24, 66 L Ed 2d 185, 101 S Ct 183 (1980), *Harlow v. Fitzgerald*, 457 US 800, 73 L Ed 396, 102 S Ct 2727 (1982). (Adopting a “functional,” rather than a “derivative,” approach to determining the availability of immunities).  
95 A.L.R. Fed. 82 (Originally published in 1989)
7. “Immunity” is defined as, “An exemption from ... performing duties which the law generally requires other citizens to perform.” <https://thelawdictionary.org/immunity/>. See, O.C.G.A. § 9-11-12 and 9-11-56;
8. Georgia Governor Kemp Executive Orders 3.14.20.01, 4.14.20.01, and 5.12.20.02.
9. On March 10, 2020, the Secretary of Health and Human Services, Alex Azar, issued PREP Act declaration as authorized by The Public Readiness Emergency Preparedness Act Public Readiness and Emergency Preparedness Act, 42 U.S.C. §§ 247d-6d, 247d-6e (2006). See, Preparedness Act for Medical Countermeasures Against COVID-19, 85 Fed. Reg. 15198 (Mar. 17, 2020).
10. Georgia Governor Kemp Executive Order 4.14.20.01.
11. Executive Order 05.12.20.02; O.C.G.A. 31-6-2(17); O.C.G.A. § 31-33-1(4), (6). The Order also provides additional precautionary measures for healthcare providers while Executive Order 05.12.20.02 is in effect from May 13, 2020 to May 31, 2020.
12. See, the Public Readiness and Emergency Preparedness Act (PREP Act), 42 U.S.C. §§ 247d-6d, 247d-6e (West 2020); Declaration Under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID-19, 85 Fed. Reg. 15198 (Mar. 17, 2020), amended by 85 Fed. Reg. 21012 (Apr. 15, 2020), (herein referred to as “the Declaration”);
13. The CARES Act provision related to medical provider immunity reads, in pertinent part, “a health care professional shall not be liable under Federal or State law for any harm caused by an act or omission of the professional in the provision of health care services during the public health emergency with respect to COVID-19 ... if — (1) the professional is providing health care services in response to such public health emergency, as a volunteer; and (2) the act or omission occurs — (A) in the course of providing health care services; (B) in the health care professional's capacity as a volunteer; (C) in the course of providing health care services that — (i) are within the scope of the license, registration, or certification of the volunteer, as defined by the State of licensure, registration, or certification; and (ii) do not exceed the scope of license, registration, or certification of a substantially similar health professional in the State in which such act or omission occurs; and (D) in a good faith belief that the individual being treated is in need of health care services. (b) EXCEPTIONS. — Subsection (a) does not apply if — (1) the harm was caused by an act or omission constituting willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious flagrant indifference to the rights or safety of the individual harmed by the health care professional; or (2) the health care professional rendered the health care services under the influence (as determined pursuant to applicable State law) of alcohol or an intoxicating drug.
14. <https://gov.georgia.gov/press-releases/2020-03-16/kemp-declares-public-health-state-emergency>
15. Georgia Governor Kemp Executive Order 3.14.20.01.
16. *Id.*
17. Governor Kemp Executive Order 04.14.20.01.



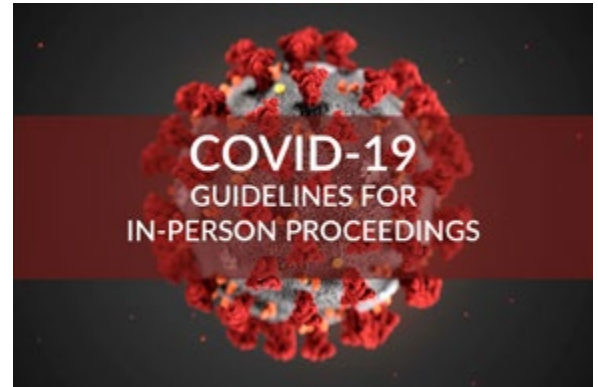
18. O.C.G.A. § 38-3-35.
19. Governor Kemp's recent Order also declares that "services provided or performed by healthcare institutions and medical facilities as defined by Code Sections 31-7-1(4)(A), 31-7-1(4)(C)-(G), and 31-7-1(5) shall be considered emergency management activities pursuant to Code Section 38-3-35." Governor Kemp's Executive Order 4.14.2020.01.
20. The provisions of Executive Order 04.14.20.01 become effective on April 14, 2020 and expire at the conclusion of the Public Health State of Emergency declared as follows: ACCORDINGLY, as designated auxiliary emergency management workers, covered Georgia healthcare providers who "reasonably attempt to comply" with the Executive Order 04.14.20.01 are immune from civil liability arising from performing emergency management activities during the COVID-19 pandemic. *Id.*
21. Those who are not covered leaves a wide swath for litigation under definitions found in OCGA § 31-7-1 (4), which would seemingly exclude from any immunity almost all private medical practice visits. It reads: (4) "Institution" means:(A) Any building, facility, or place in which are provided two or more beds and other facilities and services that are used for persons received for examination, diagnosis, treatment, surgery, maternity care, nursing care, assisted living care, or personal care for periods continuing for 24 hours or longer and which is classified by the department, as provided for in this chapter, as either a hospital, nursing home, assisted living community, or personal care home; The term "institution" shall exclude all physicians' and dentists' private offices and treatment rooms in which such physicians or dentists primarily see, consult with, and treat patients.
22. *Id.*
23. Executive Order 05.12.20.02; O.C.G.A. 31-6-2(17); O.C.G.A. § 31-33-1(4), (6).
24. Specifically, Executive Order 05.12.20.02 requires healthcare facilities providing services from May 13, 2020 to May 31, 2020 to adhere to guidelines for Critical Infrastructure and Healthcare Guidelines established within the Order. For example, the Healthcare Guidelines for Ambulatory Surgical Centers established in Executive Order 05.12.20.02 include (1) screening patients before visits and monitoring their health prior to starting surgery as part of the pre-operative procedure, (2) requiring workers to self-monitor and screen for viral symptoms daily, continue to use Personal Protective Equipment in accordance with the latest Centers for Disease Control and Prevention recommendations for all procedures. Defendants adhered to the guidelines identified Executive Order 05.12.20.02 as evidenced by Defendants' policies and procedures in effect during COVID-19. (Policies and Procedures). To the extent this limits immunity conferred is yet to be seen.
25. A "Covered Countermeasure" as it relates to this declaration must be a "qualified pandemic or epidemic product", a "security countermeasure", or a drug, biological product or device authorized for emergency use. 2 U.S.C. §§ 247d-6d, 247d-6e (2006). Preparedness Act for Medical Countermeasures Against COVID-19, 85 Fed. Reg. 15198 (Mar. 17, 2020).
26. *Id.*
27. *Id.*
28. *Id.*
29. *Id.*
30. *Id.*
31. *Id.*
32. *Id.*
33. The U.S. Food and Drug Administration stood up a new program to expedite the development of potentially safe and effective life-saving treatments called the Coronavirus Treatment Acceleration Program (CTAP).<https://www.fda.gov/news-events/press-announcements/coronavirus-covid-19-update-fda-continues-accelerate-development-novel-therapies-covid-19>
34. H.R. 748; Pub.L. 116-136.
35. <https://www.ama-assn.org/practice-management/sustainability/liability-protections-health-care-professionals-during-covid-19>
36. H.R. 748; Pub.L. 116-136.
37. *Id.*
38. *Id.*
39. The Wisconsin Supreme Court held, "[Governor] Palm's order confining all people to their homes, forbidding travel and closing businesses exceeded the statutory authority of Wis. Stat. § 252.02 upon which Palm claims to rely." Wisconsin Legislature v. Palm, 2020 WL 2465677; 2020 WI 42, ¶ 4.



# Order Establishing Guidelines For In-Person Court Proceedings Eastern Judicial Circuit

Declaration of Judicial Emergency:  
Guidelines for In-Person Court Proceedings

On May 11, 2020, the Honorable Chief Justice Harold D. Melton of the Supreme Court of Georgia issued the Second Order Extending Declaration of Statewide Judicial Emergency addressing continuation of essential court services and the re-opening of non-essential court services. This Order is directed in pertinent part at paragraph 4 as follows:



Except for jury and grand jury proceedings as discussed in Section 2 above, courts have discretion to conduct essential and non-essential in person judicial proceedings, but only in compliance with public health guidance and with the requirements of the United States and Georgia constitutions and applicable statutes ad court rules, including the public’s right of access to judicial proceedings and a criminal defendant’s rights to confrontation and open courtrooms.

Before conducting extensive in-person proceedings, particularly in nonessential matters, each court should develop written guidelines as to how in-court proceedings generally and particular types of proceedings will be conducted to protect the health of litigants, lawyers, judges, court personnel, and the public. Guidelines should specify who should be admitted to the courthouse and courtroom and how public health guidance will be followed regarding such matters as health screening of court personnel and visitors, social distancing (including by capping the occupancy of courthouses, interior areas, and courtrooms based on their size), availability and use of personal protective equipment (PPE) by court personnel and visitors, and sanitization practices. Guidelines should provide for accommodations for high-risk individuals. Courts should consider the use of staggered, smaller proceedings to conduct proceedings involving many cases or participants, such as calendar calls and arraignments. Guidelines should be prominently posted at courthouse entrances and on court and government websites to provide advance notice to litigants, lawyers, and the public.

Support for the development of guidelines will be provided by the Judicial Counsel COVTD-19 Task Force discussed in Section 7 below, as well as by the councils for each class of court. Courts of different classes that share courthouse facilities or operate in the same county should seek to coordinate their guidelines.

The Chatham County Courthouse remains open to serve the public. Nevertheless, given the current emergency and in the interest of public safety, certain limitations and changes in court practices are necessary. Therefore based upon the authority granted to the Superior Courts of the Eastern Judicial Circuit of Georgia and in the exercise





of judicial discretion, this Court issues the following Order Establishing Guidelines for In-Person Proceedings<sup>1</sup>. It is the purpose of this Order to continue the work of the Court and maintain the integrity of the judicial process through the ensuing COVID-19 Pandemic and Judicial Emergency while, at the same time, protecting the health of litigants, lawyers, judges, court personnel, and the public who may be required to appear for in-person court proceedings. Because the environment of the Courthouse as a whole will have an effect on the health and safety of the afore described individuals, many of these guidelines will center on areas beyond the In-Person proceedings themselves.

**1. USE OF TECHNOLOGY**

In keeping with the mandates of the Georgia Supreme Court, it is the intention of this Order to emphasize that all Courts located within the Chatham County Courthouse should continue to use and increase the use of technology to conduct remote judicial proceedings as the preferred alternative to in- person proceedings. Because the courthouse environment as a whole has an effect on individuals who must attend in-person proceedings there, this focus on the use of remote technology should also apply to all other occupants of the Courthouse, and should include court filings, meetings, and other court or daily business to the extent possible and allowable by law, as well as the expansion as much as possible into areas of virtual court hearings, e-filing, and virtual meetings. It is also essential that, aside from individuals coming to the courthouse for an in-person hearing, all others with business at the courthouse should be strongly encouraged to (a) call ahead to determine whether their business can be handled by a phone call or (b) if they need to come in person, to make an appointment.

**2. INDIVIDUAL RESPONSIBILITY**

The health of each litigant, lawyer, judge, court personnel, and the public is first and foremost the responsibility of the individual person. All individuals utilizing the Courthouse facilities should consider the most specific current guidance provided by the federal Centers for Disease Control and Prevention (CDC), the Georgia Department of Health {DPH), the local health department and, of course, his/her own physician.

**3. ADMITTANCE TO COURTHOUSE**

Admittance to the Chatham County Courthouse shall be under the direction and discretion of the Sheriff of Chatham County and/or his designees, consistent with public health guidelines, courthouse safety plan, the guidelines established by varying occupants of the courthouse, and other relevant factors, and with the following to also apply:

- a. Health Screening. For the protection of others around them, all individuals entering the Chatham County Courthouse must undergo a health screen as outlined in the March 24, 2020 Order of the Honorable Penny Haas Freesemann, Chief Judge of the Superior Court of the Eastern Judicial Circuit of Georgia, a copy of which is incorporated herein and included as Attachment A. This Order shall remain in full force and effect until further Order of the Court. In this regard, litigants, lawyers, judges, court personnel, and the public

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<sup>1</sup>The different classes of courts occupying the Chatham County Courthouse have discussed the varying requirements for each Court. These discussions shall continue and, as each Court develops its guidelines unique to their particular situation, and in conformity with this Order, it shall share same with the others.



are reminded that the health screening personnel are not trained medical professionals. If anyone has any questions or concerns about his or her health or potential COVID-19 exposure, such person should contact his or her personal physician, the Georgia Department of Public Health, or other qualified medical personnel.

- b. **Face Coverings.** For the protection of others around them, all individuals entering the Chatham County Courthouse must wear a mask (paper or cloth) covering their nose and mouth as outlined in the May 22, 2020 Order of the Honorable Penny Haas Freesemann, Chief Judge of the Superior Court of the Eastern Judicial Circuit of Georgia, a copy of which is incorporated herein and included as Attachment B. This Order shall remain in full force and effect until further Order of the Court.
- c. **Individuals not allowed into Courthouse.** As outlined in the, aforescribed Orders, any individual not allowed into the Courthouse because of issues either with health screening or face coverings shall contact the office they were attempting to access to determine how they might conduct their business without physically entering the building. If they are a witness or litigant attempting to enter for a court appearance, they shall so advise the security screening personnel, in which case the security screening personnel shall notify the court (presiding judge or staff) that the person was not being admitted. Any employee or other individual working in the courthouse who is not admitted should, of course, contact their office or, if appropriate their supervisor, by phone.

#### 4. OCCUPANCY OF COURTHOUSE

The Chatham County Courthouse consists of a basement and six floors of courtrooms/offices. There are separate classes of courts doing business in the building, along with 5 clerk's offices (including the property record room), the District Attorney's Office, and other offices. There are a grand total of four elevators, each with a very limited capacity of no more than 4 people if health department social distancing guidelines are followed. During normal business times, an average of 32-36,000 individuals pass through the front doors of the courthouse every month. This number was reduced to around 7,000 in April 2020. This number is expected to rise again as in-persons hearings slowly increase. Based on these immutable facts, business-as usual at the courthouse will have to change. According, the following will apply until further notice:

As many court functions as possible shall be conducted remotely.

All Courts, clerks offices, and other offices should highly encourage the public to make advance appointments before handling their business in the courthouse.

All constitutional officers, other judges, court clerks and other occupants of the Chatham County Courthouse should develop and abide by occupancy guidelines for their respective courts and offices, consistent with public health guidelines, courthouse safety plans and other relevant factors.

For the safety of all involved, including litigants, visitors and employees, there will be no other waiting areas allowed in hallways, law library, inner rooms or offices, or other areas of the courthouse.



The County Risk Management Office is directed to determine the number of individuals who can be in the lobby and in the elevators. They are further directed to place markings as may be appropriate on the floors of the lobby and elevators to ensure correct social distancing.

The Sheriff is directed to assist in these occupancy guidelines, as well as in the supervision of the individuals accessing the elevators, to ensure that social distancing is in effect in the elevators themselves.

### 5. COURTROOMS

The term “courtroom” shall include, but not be limited to, the common areas of the courthouse immediately adjacent to the courtroom, and any other room regularly used when court is in session. Admittance to the courtroom shall be governed by public health guidelines, specifically but not by way of limitation, social distancing guidelines.

All courts within the Chatham County courthouse are directed to develop guidelines as to the number of persons who can be in the visitor sections of their respective courtrooms while exercising social distancing and other public health guidelines.

In each courtroom, the number of persons allowed in the visitor section shall not exceed the number that can be admitted in the visitor section while exercising social distancing guidelines.

The Sheriff or his designee shall place a marker designating where a person may be seated in accordance with social distancing guidelines. A person may be seated only on a marker; EXCEPT if persons in the visitor section reside in the same household, they may be allowed to sit together. Once the visitor section is fully occupied using such social distancing guidelines, then no additional persons may enter a courtroom. Because of the ever-present and overriding need to provide public access to the courts, if the visitor section becomes fully occupied, the visitor space will be re-prioritized to accommodate those individuals who need to be present for the particular hearing in progress.

In the furtherance of social distancing mandates, at any point in time the Sheriff can ask people to wait outside the courtroom or in lobby.

In the front of the courtroom where the hearing/trial is being conducted, all persons, including but not limited to the judge, court reporter, clerk, attorneys, and litigants shall exercise social distancing guidelines. If an attorney and client need closer contact for confidential matters, they shall request to be excused from the courtroom for such contact. Sequestered witnesses shall observe social distancing guidelines, and the Sheriff is ordered to find sufficient rooms to sequester witnesses while maintaining social distancing guidelines. Furthermore, while court is in session, the Sheriff or his designee shall assure that social distancing is being followed by all persons in the courtroom, as the term courtroom is defined above.

Because of social distancing requirements, there will be no bench conferences.

### 6. SCHEDULING

Because space will be limited for in-person court appearances, all classes of courts within the Chatham County



Courthouse are strongly encouraged:

- a. to hold smaller, more frequent dockets than was the old norm, with appearance times staggered in keeping with the capacity of their individual courtrooms;
- b. to share information about any particular events or circumstances that might bring a larger than ordinary group of individuals to the courthouse, giving the other Courts as much notice as possible so that everyone can adjust their schedules to accommodate the influx into the courthouse; and
- c. to develop written protocols to assist lawyers and self-represented individuals in scheduling court appearances.
- d. Superior Court Protocols: The Superior Court judges have created protocols for each main area of jurisprudence. These protocols, copies of which are attached to this Order as Attachments C-E, are incorporated herein and made the Order of this Court. They, along with any other Protocols that may be subsequently developed will be available to attorneys and litigants on the Superior Court’s website at [chathamcourts.org](http://chathamcourts.org) and will be available from the administrative assistants by mail:
  - i. Attachment C. The Criminal Case Protocol and Scheduling Order sets for the process for obtaining a plea hearing during the emergency period and its aftermath. Lawyers should pay particular attention to the Criminal Status Report required by the Order, which will become effective on June 15, 2020.
  - ii. Attachment D. The Domestic and Civil Case Protocol contemplates hearings via videoconferencing and explains how to obtain a hearing. Additional instructions will be forthcoming regarding the use of Web Ex as the hearing platform. The Domestic Pretrial Order is required for all temporary and final hearings and must be submitted in order to obtain a hearing. Uncontested cases may be presented by using the form for Judgment on the Pleadings.
  - iii. Attachment E. The Motion and Order for Judgment on the Pleadings is designed for use in a variety of uncontested matters, including as a substitute for a signed Stipulation of Waiver of a hearing. The motion cannot be considered until it, the proposed order and the required documents have been Efiled.

**7. PERSONAL PROTECTIVE EQUIPMENT**

For the protection of others around them, Personal Protective Equipment {PPE}, including masks (paper or cloth) shall be worn not only upon entering the courthouse as described above, but also in all elevators, courtrooms, common areas, or public areas of the courthouse. Within the confines of private workspaces or offices, the individual courts or department heads can develop their own policies to allow no masks, provided social distancing can be observed and the public or other unrelated employee is not placed at risk.

The Court recognizes that masks (paper or cloth) are an inconvenient and uncomfortable matter. However it needs to be emphasized that you wear a mask for the protection, not of yourself, but for the protection of the persons with whom you come in contact. There will be vulnerable individuals at the courthouse, and you can be carrying the COVID-19 virus although you are not showing symptoms.

In order for the Courts to remain open, the County will have to provide the necessary PPE. Courthouse personnel will be provided PPE. If a visitor does not have access to his/her own PPE, it shall be provided, so long as limited supplies last.





## 8. SANITATION PRACTICES

The Superior Court has arranged for the Army National Guard to deep clean the Chatham County Courthouse as part of the Courthouse return to in-person hearings. This is presently scheduled to occur on June 6, 2020 (June 7, 2020 for the Juvenile Court building). This is a joint effort of the Superior Court, the Army National Guard, Chatham County, and all stakeholders in the judicial system, and is aimed at both sanitizing the building, as well as instilling confidence on the part of the public in the safety of coming to their county courthouse.

In this same regard, the county commissioners shall ensure that custodial or other personnel are sufficiently trained in the method and manner for sanitizing a courtroom, as the term courtroom is defined herein, as well as the bathrooms and other areas of the courthouse. Persons tasked with sanitization practices shall follow guidelines established by the United States Centers for Disease Control {CDC}, the Georgia Department of Public Health, and/or the county health department. To the extent possible, these sanitation practices shall be frequent and highly visible, again with the aim toward instilling confidence in the public who utilize the building.

Courtrooms, as the term is defined herein, shall be cleaned and disinfected after each use. To provide as much time after cleaning and disinfecting prior to the next use, such cleaning and disinfecting shall take place as soon after use as is practically and reasonably possible. Certain high traffic areas in the courtroom may need cleaning more often (e.g. between hearings or witnesses), in accordance with public health guidelines.

The county has already placed hand sanitizer wall units throughout the courthouse. The county shall keep these units functional and supplied. To the extent it has not already done so, the County shall also supply hand sanitizer for use in the courtroom, which shall be available for use by court personnel.

Writing instruments shall be personal, disposable, or sanitized after each use and before use by another person in the courtroom.

## 9. ACCOMODATIONS FOR HIGH RISK INDIVIDUALS

If any lawyer, litigant, or witness falls into the category of High Risk for Severe Illness as defined by the CDC and outlined in Georgia Governor Brian Kemp's May 12, 2020 Executive Order, then the lawyer, or the lawyer who represents the litigant, or the lawyer who subpoenaed the witness shall notify the Court of such condition as least three days prior to the scheduled court proceeding, or as soon as is practicable, and shall accompany such notification with a proposed accommodation for such lawyer, party, or witness. If the party is self-represented, then such party shall follow the same procedure as an attorney for the party. The Court will consider the request and, in its discretion, rule as to which accommodation is appropriate.

## 10. IMPLEMENTATION

Except as otherwise specified herein, the Sheriff, in his exercise of his discretion, shall be responsible for implementation of these guidelines.

## 11. PUBLICATION AND DISSEMINATION OF GUIDELINES

This Order Establishing Guidelines shall be published at <https://courts.chathamcountyga.gov/> and on the websites of each of the respective Courts and Court Clerk's Offices with a presence in the Chatham County Courthouse,



as well as the website for the Superior Courts of the Georgia First Administrative District, and at the entrance of the courthouse. Copies shall be available at the Office of the Clerk of the Superior Court and shall be prominently posted in the courthouse where similar public announcements are posted. A digital notice that these guidelines exist shall be posted on the Superior Court Clerk's digital signs located throughout the courthouse, along with the information that a copy can be obtained through the Superior Court Clerk's Office. A copy shall also be disseminated to the Chatham County Public Information for dissemination the various local news outlets.

## 12. DURATION

This Order Establishing Guidelines shall be effective until further order of this Court.

SO ORDERED this 3rd day of June 2020.

A handwritten signature in black ink, appearing to read "Penny Haas Freeseemann", written over a horizontal line.

Penny Haas Freeseemann, Chief Judge  
Superior Court, E.J.C. of Georgia

cc: Chief Judge, Georgia Supreme Court  
Richard Denney, First District Court Administrator  
Crystal Cooper, Eastern Judicial Circuit Administrator  
Tammie Mosley, Superior Court Clerk, Eastern Judicial Circuit  
All Judges, Superior Court, Eastern Judicial Circuit of Georgia  
All Chatham County Judges and Clerks of Court  
District Attorney  
Circuit Public Defender  
Chief Probation Officer  
Chairman, Chatham County Commission  
Chatham County Sheriff's Office  
Chatham County Public Information Officer  
President, Savannah Bar Association  
Chatham County Public Health Department

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## A History Note

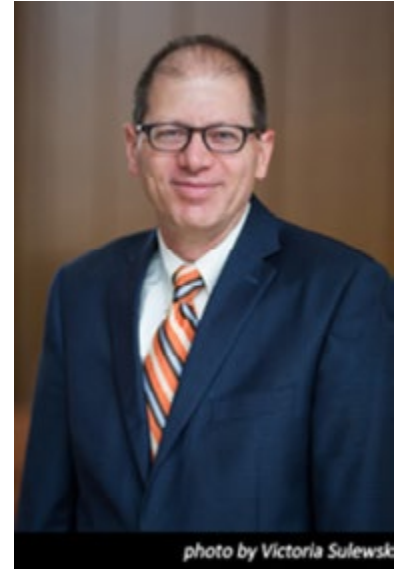
### Stella Akins: The First Female Lawyer In Savannah

Submitted by Wade Herring

Author: Daniel R. Ernst  
Carmack Waterhouse Professor of Legal History  
Friday, May 22, 2020

#### Stella Akin (1897-1972)

[My annual exam in American Legal History also includes a biographical essay. Last year's was on the father-daughter duo Gaius and Jane Bolin; otherwise, I just have my students consider a single person (as here and here). With the help of Hannah Kim-Miller, Special Collections Librarian at the Georgetown University Law Library, I did pretty well on this year's subject--an unsung member of "Portia's Deal"--but, as you'll see, holes remain that require presently inaccessible sources to fill. DRE]



**Stella Akin (1897-1972)** was the first of four daughters born to a businessman and his wife (both white) in Savannah, Georgia, a coastal city located across the Savannah River from South Carolina. She attended public schools and attended a local business college for a year to learn stenography. In 1914, at age 17, Akin took a job in the law office of D.H. Clark, whom she recalled as "a nice old codger." When Clark learned she intended to prepare for the bar by reading law in his office after hours, he voiced his disapproval "with amazing strength and frequency." In time, however, he came around. First, he told her she was reading the wrong books and pointed out the right ones. Next, he started quizzing her on her reading. At last, he mapped out a complete course of study for her.

The law was far from an obvious career choice for a female Georgia teenager in 1914. In 1911, Atlanta newspapers that local courts had refused the admission of a female graduate of the local law school. In the same year, an attempt to overturn the ban in the state legislature failed. When, in 1912, the Georgia State Bar Association put the issue on the agenda for its annual meeting, the result was a vote in the negative. One lawyer opined:

We must rally, men of the Bar of Georgia. In this State at least, we have kept our profession as a refuge.... In it, we daily strive in forensic combat to settle causes by reason and precedent. Shall it come to pass that they shall be won by curves and complexions, and lost by our lack of pulchritude? Jury trials now have their grave faults, yet [they] cannot approach in fundamental catastrophe the grievous hour when languorous eye and scarlet lip shall deprive of liberty and property, or open-work stockings interpret the Constitution.

Not until August 1916, well after Akin commenced her studies, was a bill allowing women to be lawyers enacted. Georgia women would not get the vote until the ratification of the Nineteenth Amendment in 1920. They would not serve as jurors until 1954. Still, in December 1917, the day before her twentieth birthday, Akin was admitted to the Georgia bar, the first woman to do so in Savannah.



Akin continued in Clark's office for two years before opening an office of her own. She was said to have tried a case two weeks after her admission to the bar. Her cases included divorce proceedings and the defense of African Americans and whites for crimes ranging from theft to murder. She also organized the Georgia Equal Suffrage Association and, in 1919, Georgia's chapter of the Federation of Business and Professional Women. (She would become a vice president of the national FBPW.) In 1922, as a representative of the Georgia FBPW, she spoke in favor of a maximum hours law for female industrial workers. She was an organizer and the first secretary of the Georgia League of Woman Voters.

In May 1923, Akin became the first female member of the Georgia State Bar Association to deliver an address at its annual meeting. "After practicing law for five and a half years," she remarked at the outset, "I have been accustomed to hearing clients say almost anything, but I am always glad to hear them say that I am just like a man lawyer." She also related what she and her male audience evidently thought was a comical story about the misapprehension of one of her African American clients and included another demeaning joke in the talk itself. She finally reached her topic-"Women's Participation in Public Life"-with a quotation from a famous suffragette: "If men know all there is to know about some things, and women know all there is to know about other things, then men and women together know everything there is to know." Akin added that women had joined public life "as a unit with men in common citizenship" and that together they would make "this great government of ours a masterpiece." Woman's contribution to that project was pacifism and a harmonious approach to social life. "War is a crime," she declared, "and the women of the world intend to see it banished." Americans could not "stand alone; we must share in the sorrows of the world." Later, writing in the journal of the National Association of Woman Lawyers, she urged

In September 1922, she became an associate in Savannah's Hitch, Denmark & Lovett, a "well-known firm of corporation lawyers," consisting of three partners and four associates. She joined a national bar association for commercial lawyers and developed a substantial practice in insurance, shipping, and other business matters. Starting in 1928, however, she no longer appeared in the firm's entry in legal directories. She continued practicing law in Savannah, however, including the defense of judgments in worker's compensation cases appealed into state court.

Perhaps she wanted to spend more time on another activity than her position at the firm would allow. Akin once said, "My only hobby is politics, which I have practiced since I was a little girl in Savannah." In her address to the Georgia State Bar Association in 1923, she scolded her audience of male lawyers, for making only sham nominations of female candidates whom they never intended to support. "That is not real American sportsmanship," she charged. "If you depend on the women to elect you to office today-and every candidate knows he must have the woman's support to win-then you must be big enough to elect her when she runs for office."

In the Thirties, a publication of the Democratic party claimed that Akin had "plunged headlong into every Democratic presidential campaign since 1924." In the 1928 presidential election, for example, she urged Georgia Democrats to vote for Al Smith, even though he was a Catholic, because the Republican Herbert Hoover had, as Secretary of Commerce, ended segregation in the US Census office. In 1931 she campaigned for Richard Russell, Jr., for governor. After Russell prevailed, he had Akin named secretary of the state Democratic party. "An enthusiastic supporter" of Franklin D. Roosevelt, Akin campaigned for the New York governor and sometime resident of Warm Springs, Georgia, in the state's presidential primary in 1932. She was a floor leader for Roosevelt forces in the Democratic national convention in Chicago that summer, where she worked closely with Molly





Dewson, FDR's principal organizer of the woman's vote and later head of the Women's Division of the Democratic National Committee, with Russell, who chaired the Georgia delegation, and with FDR's campaign manager James Farley.

After Roosevelt won the nomination and then the election and Russell won election to the U.S. Senate, the Atlanta Constitution reported that Akin was slated for "an important position in the Department of Justice." This turned out to be that of Attorney in the Claims Division. A reporter who turned up at her swearing in noted that she wore a jade green hat to set off her "curly red hair," held a matching green purse, wore "a smart, black and white figured crepe dress," and spoke "in a low voice, softly southern in its accent." A photograph of the occasion pictured her between Attorney General Homer Cummings and James Farley, now Postmaster General and FDR's chief patronage manager. "No doubt," the reporter wrote, Farley "remembered the way Miss Akin tramped up and down Ohio, Michigan and West Virginia during the last campaign and the long hot days and nights at the Chicago convention when Miss Akin worked around the clock." Throughout the Thirties, Akin spoke under the auspices of the Democratic National Committee. She even barnstormed for Roosevelt by plane with a female pilot in the 1936 election.

Akin never married. "While the other girls in Savannah were entertaining beaux on star-lit verandas," a profile stated, "Stella was buried deep in law books every night." In Savannah, she lived with her mother; in Washington she shared an apartment near Dupont Circle with a sister. As a lawyer in the Claims Division, she defended the government in suits brought by military officers and enlisted men before the Court of Claims, a five-person, Article I, "legislative court," created in the nineteenth century to handle private bills seeking compensation that were overwhelming Congress. It sat without juries and with a procedure modeled on equity rather than common-law courts. Although she served into the 1940s and claimed not to have experience prejudice in her government career, she was never promoted to Assistant Attorney General for the Claims Division or appointed to the Court of Claims. In 1934, she did say that women lawyers needed "unfailing industry, perseverance and courage, including the courage of losing a battle gracefully and of waiting months and perhaps years for clients."

Just when and why Akin returned to Savannah and her activities after she did are unclear, but in 1957 she was appointed to fill an unexpired portion of a term as chief judge of the city's municipal court. Asked her opinion of women lawyers, she complained that some evidently could not "forget that they are women and their careers suffer." She added, "All we ask ... is an equal partnership, based on ability." She was reelected twice, but in 1967 a grand jury indicted her for failing to perform her duties, after illness kept her from the bench for much of the year. She was not tried and retired at the end of her term in 1968.

*Sources:* Virginia Lee Warren, *Pioneering is the Specialty of Stella Akin*, *Washington Post*, Oct. 29, 1934, 10; "Women Told of Work in U.S. Offices," *Washington Post*, Mar 3, 1938; Virginia Rishel, "Twentieth Century Minervas," *Democratic Digest* 15 (January 1938), 22-24; Stella Akin, "Not Guilty Your Honor," *National Business Woman* 6 (January 1923): 9; Stella Akin, "Women in the Legal Profession," *Women Lawyers' Journal* 21 (November 1934): 27-28; Rebecca Davis, "Overcoming the 'Defect of Sex': Georgia Women's Fight for Access to Jury Service," *Georgia Historical Quarterly* 91 (Spring 2007): 49-69; *History of Georgia* (1926), 3: 118-121



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