



The Citation

March YLD Update

The Savannah YLD is pleased to report that this month's combined Savannah YLD & Glynn County YLD social event was a huge success. The event was held at Skippers Fish House in Darien, GA and was made possible with the support of our generous sponsors, Tom Crites & Associates and Coastal Court Reporting. Schell & Hogan CPA Firm of Saint Simons Island also contributed to the event. A special thank you to all who attended.

YLD members volunteered at Second Harvest packing bags to be placed in students' backpacks for the weekend.

Keep an eye on your inbox for details on next month's April happy hour event, we hope to see you there!



SBA's Admiral Harvey Weitz Boat Ride

Join the Savannah Bar Association Friday, April 5, 2019 for the Admiral Harvey Weitz Boat Ride.

The boat leaves PROMPTLY at 10:00 a.m. from the dock directly in front of Spanky's on River Street and travels down the Savannah River to Daufuskie Island. Boarding starts at 9:30 a.m. for the Boat Ride. The boat should return to the dock on River Street at approximately 4:00 or 4:30 p.m.

Please note that online registration paid via credit card is the only way to guarantee a spot on the Boat Ride. Walk-up registrations on the morning of the event are subject to availability.

www.savannahbar.org/event-3046575



Kennesaw State University Summer Institute

The Center for Conflict Management in the School of Conflict Management, Peacebuilding and Development will be in Savannah Georgia for our Annual Summer Institute June 16-21, 2019. The two main training sessions are as follows:

28-Hour General Mediation Training

June 17, 2019: 1:00pm - 5:30pm
 June 18, 2019: 8:30am - 5:30pm
 June 19, 2019: 8:30am - 5:30pm
 June 20, 2019: 8:30am - 5:30pm

Restorative Justice Practices

June 17, 2019: 1:00pm - 5:30pm
 June 18, 2019: 8:30am - 5:30pm
 June 19, 2019: 8:30am - 5:30pm
 June 20, 2019: 8:30am - 1:00pm

Kennesaw State University, Center for Conflict Management is proud to offer our Summer Institute in Savannah, Georgia. The KSU rate of \$159.00 for the Holiday Inn Express ends on April 15, 2019 unless rooms sell out first.

SUMMER INSTITUTE
FOR CONFLICT MANAGEMENT PROFESSIONALS

WORKSHOPS

28-Hour General Mediation Training
 Monday, June 17 - Thursday, June 20, 2019

Restorative Justice Practices
 Monday, June 17 - Thursday, June 20, 2019

Ombuds Workshops
 Wednesday, June 19 - Friday, June 21, 2019

WHO SHOULD ATTEND?
 Professionals, Practitioners, and Scholars in:

- Mediation
- K-12 education
- Higher education
- Social work
- Counseling
- Legal and courts
- Restorative practices

Anyone who could benefit by learning conflict management skills in these rich, interactive sessions.

SCHEDULE AND PRICING

Workshop	Trainer / Leader	Early Bird / After 4/1/19	Dates
Mediation	Susan Raines, Ph.D.	\$800 / \$1000	6/17-6/20
Restorative	John Lash, MSCM	\$675 / \$875	6/17-6/20
Ombuds	Timothy Hedeen, Ph.D	W-Th: \$295 / Fri: \$50	6/19-6/21

HOTEL RESERVATIONS
 Participants will be responsible for booking their hotel stay during the Summer Institute for June 16 to June 20, 2019 using Kennesaw State University's discounted rate.

JUNE 17-21, 2019 SAVANNAH, GA
 Discounted KSU hotel rates available June 16-20

REGISTER TODAY
<https://bit.ly/2U1RWsQ>
 Deadline May 15, 2019

KENNESAW STATE UNIVERSITY
 School of Conflict Management
 Peacebuilding and Development

CONTACT: KENNESAW.EDU | EMAIL: CONFLICT@KENNESAW.EDU | PHONE: (404) 579-6116 | SOCIAL: @KSCONFLICT

** Please note the rates for the hotel are Sunday June 16-Thursday June 20, 2019. If you are planning on staying Friday June 21, 2019 and Saturday June 22, 2019, the rate goes to \$343.00 per night. KSU was unable to lock in our rate over the weekend. <https://chss.kennesaw.edu/ccm/training-workshops/summer-institute.php>



The Young Lawyers Division Presents
The Fourteenth Annual



Savannah Guardian Ad Litem Charity
Golf Tournament

Event Date: June 7th, 2019 (Friday)

Event Time: 1:30 shotgun start

Location: Palmetto Course @ The Landings Club (Plantation Clubhouse)

Entry Fee: \$112.50 per player paid individually or \$450.00 per team, which includes green fees, cart, range balls, lunch and beverages.

Any entries received after the May 17th deadline will incur an additional charge of \$25 per individual and will be subject to availability.

Registration Deadline: May 17, 2019

If you are interested in participating or sponsoring the event, please contact Taylor Dove at (912) 236-0261 or by email at tdove@huntermaclean.com.



Attorney Charles Bowen Honored by Georgia Senate Resolution and Outstanding Georgia Citizen Award

A resolution passed by the Georgia State Senate has recognized Savannah attorney Charles “Bo” Bowen for his services to both the state’s entertainment industry and to its legal profession. In addition, Georgia Secretary of State Brad Raffensperger honored Bowen as an “Outstanding Georgia Citizen.”

The Senate resolution was sponsored by State Sens. Lester Jackson (D-Savannah) and Ben Watson (R-Savannah) and praises Bowen’s role in promoting Savannah’s growing movie and television industry. The resolution cites, in part, the reasons for the recognition: “Bo founded the Savannah Film Alliance in 2015 to foster cooperation and collaboration within the local entertainment industry; he is also the founder and president of Southern Gateway Production Services, which provides support to all out-of-town productions coming to the region; and he is the co-founder of Aeroscope Studios, the author of three eBooks on business and entertainment law, and currently serves on numerous corporate boards and councils.”



(Left to Right): State Sen. Lester Jackson, State Rep. Craig Gordon, Alayna Bowen, Charles ‘Bo’ Bowen, State Sen. Ben Watson and Alexandra Bowen.

The resolution also recaps business honors Bowen has received. They include being named “Business Advocate of the Year” by the Savannah Morning News, winning the “Helen V. Head Business Leader of the Year Award” from the Savannah Area Chamber of Commerce and receiving additional accolades from the legal profession.

The full text of the resolution can be found here: <http://www.legis.ga.gov/Legislation/20192020/183638.pdf>. Bowen first met with Gov. Brian Kemp before heading to the Senate floor. Sen. Jackson then read the resolution aloud and invited Bowen to address the Senate. He was then named an Outstanding Georgia Citizen by the Georgia Secretary of State.

The recognition from the Secretary of State reads: “May this Outstanding Citizen be afforded every courtesy as a Goodwill Ambassador from Georgia in his travels to other states, to nations beyond the borders of the United States of America, or wherever he may hereafter travel or reside. Thank you for your service to our State.”

Bowen’s two daughters accompanied him to the Georgia State Capitol. In his remarks before the Senate, Bowen stated: “I am deeply honored, and I am very grateful that my two teenage daughters could be here today to see firsthand that working hard in your profession and trying to help others succeed does not go unnoticed. I know that is a lesson they will carry with them into adulthood. I also want to thank all of you, the leaders of the State of Georgia, for the tremendous work you have done in promoting the entertainment industry and helping ensure every year that Georgia remains the greatest place in the world to conduct business.”



HunterMaclean Announces New Partner Rebecca F. Clarkson

HunterMaclean, a leading business law firm with offices in Brunswick and Savannah, is pleased to announce that Rebecca F. Clarkson was recently elected as a partner by the voting shareholders of the firm. As an attorney within the firm's Real Estate Practice Group, Rebecca's practice focuses mainly on commercial finance and real estate litigation.

Rebecca received a Bachelor of Arts in History from the University of Georgia in 2008. She graduated cum laude from the University of Georgia School of Law in 2011, where she also served as executive notes editor of the Georgia Journal of International and Comparative Law. While in law school, she was a member of the Business Law Society and the Student Bar Association.

Rebecca has served on the Executive Committee and Board of Directors of the Small Business Assistance Corporation. She has also served on the Board of Directors for the Ronald McDonald House Charities of the Coastal Empire and volunteered as a high school Mock Trial competition judge. She is a member of the State Bar of Georgia Young Lawyers Division Leadership Academy, the Georgia Association of Women Lawyers, and the Historic Savannah Foundation. Rebecca was recognized as a Georgia Super Lawyers Rising Star for Corporate Law in 2018 and 2019.



Rebecca F. Clarkson

Attorney Taylor Dove Joins HunterMaclean

HunterMaclean recently welcomed Taylor Dove as an associate in the firm's litigation practice group. Taylor has experience representing a variety of clients in business litigation, specifically relating to insurance coverage and defense.

Taylor received his bachelor's degree in investment finance from the University of South Carolina and graduated cum laude from Georgia State University College of Law. Following law school, he clerked for the Honorable Edward J. Coleman, III, in the U.S. Bankruptcy Court for the Southern District of Georgia. Taylor currently serves as a board member on the Savannah Bar Association's Young Lawyers Division.



Taylor Dove



Professional Office Space Available

Small law firm on Wilmington Island has an office available at its office suite in Islands Professional Park. Office will include use of conference room. Contact Susan Walters at (912) 704-7474 for more information.

Office Space for Rent 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. 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.



7th Annual Lawyers, Guns & Money Clay Shoot & After Party

Please mark your calendars for the 7th Annual Lawyers, Guns & Money Clay Shoot and After Party, which will be held on Friday May 10th at the Forest City Gun Club. Sponsorships are available, and law firms are encouraged to field teams in support of this great cause. Even if you can't make the shoot, come out to the After Party for BBQ, libations and live music by local lawyer duo Connellis. This event is always a great time. Please contact Robert Hughes at (912) 247-3568 or rhughes@rhp-law.com for more information.



All funds raised during this event benefit Abilities Unlimited, a local 501(c)(3) charity that provides progressive exercise programs for individuals in Chatham County with varying disabilities (Birth Defects, Cerebral Palsy, Spinal Cord Injuries and Neurological Injuries, etc.).

GLSP to Offer CLE class: Guardianship and Conservatorship:

The class will be offered at no cost to attorneys who wish to attend. There is also no charge for fees associated with obtaining CLE credit. GLSP will pay the Ga. Bar directly for your CLE credits. If interested in attending, contact Ruth Ann Dutton at 912-651-2283 ext. 2184 or rdutton@glsp.org. Pre-registration is requested.

Additional details are as follows:

Date: Friday, April 26, 2019

Time: 9:00 am-12:00 pm

Location: GLSP Conference Room, 6602 Abercorn Street, Suite 203, Savannah

*CLE's (pending approval)

1 CLE in Ethics

1 CLE in Professionalism

1 CLE in General



COMPETITION CORNER

by Charles M. Dalziel, Jr., Dalziel Law Firm, Atlanta GA

We celebrate spring and the birth of Dalziel Law Firm today by discussing the relevance of *FDIC v. Loudermilk*, (March 13, 2019, Supreme Court of Georgia, Warren, J.) to (unfair) competition, employee restrictive covenant and trade secrets cases. You'll remember that this is the case where the Supreme Court held unanimously that the principles of apportionment codified in OCGA 51-12-33 apply to tort claims for purely pecuniary losses—rejecting the argument that the apportionment statute applicable to actions for injury to property is limited to actions for injury to tangible property. Also, where concerted action is present, joint and several liability continues to apply despite the enactment of the apportionment statute.

The former emphasis on “indivisible injury” for joint and several liability has been supplanted by OCGA 51-12-33, and the correct touchstone for apportionment now is the percentage of fault attributed to each defendant. The key determinations are can fault be divided, and if so what percentage of fault is assigned to each party and possibly third parties. In cases of concerted action, the fault cannot be divided legally. While we all know the law that conspiracy is not a separate tort, the Court's opinion suggests the plaintiff in competition cases should plead it to cement the case of concerted action-- if the plaintiff wants joint and several liability. The hot phrase for conspiracy is “common design”—the defendants acting independently, but in furtherance of their common design. In the case of actions by common design, fault is indivisible and apportionment does not apply.

So, covenant/ trade secret enforcers, you should beef up allegations of concerted action by the defecting employee/recruit, the recruiting principal of the new employer, the new employer's marketing, HR, and legal departments, etc. to construct the full picture of the plan to skirt/breach/ignore the covenant and for the new employee to deliver his former employer's confidential information and trade secrets. This is a huge barrier to the new employer's effort to distance itself from the recruit, which we often see when the employer and the employee have separate counsel.

And, employee defense lawyers, the opinion contains about ten pages wrestling with statutory construction. The effect of a statute is directly influenced by pre-amendment common law. The Court is reluctant to abrogate the common law and construes the law in accordance with the constitutional, statutory and common law history/context surrounding the statute and its structure. Therefore, defense lawyers, note OCGA 13-8-50 et seq. is titled “Restrictive Covenants in Contracts.” 13-8-53(a) specifically refers to “enforcement of contracts.” Yet, wanting to avoid the argument that the employee is not an employee at will, several of the documents I've recently litigated about contained specific announcements that they were not contracts. Therefore, the permission 13-8-53 gives employers does not reach these freestanding covenants. The statute requires the covenants to be in contracts, and they are not.



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 with submissions or inquiries.