



# The Citation

## Bankruptcy Court Celebrates Constitution Day with Art & Essay Contest

In honor of Constitution Day (September 17), the United States Bankruptcy Court for the Southern District of Georgia held its annual art and essay contest for local elementary school students, who were asked to create a piece of art or write an essay about the freedoms set forth in the United States Constitution. Students from kindergarten through third grade submitted artwork, while fourth and fifth graders wrote essays. One winner was selected from each grade.

On November 6, the winning students were invited to the courthouse, where they were presented with pocket-sized guides to the Constitution, medals, and framed certificates. They also participated in a mock criminal trial before Chief Judge Edward J. Coleman, III, to illustrate important constitutional rights, such as the Sixth Amendment right to jury trial and the Confrontation Clause.

The winning entries are currently on display on the second floor of the Tomochichi Federal Courthouse.



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## SBA Oyster Roast

The Savannah Bar Association will be hosting its annual oyster roast on Thursday, December 12, 2019. Please respond to the email already sent with location and time. Please bring your appetites and a guest for the SBA's final event of the calendar year. A special thanks goes out to Hawk Professional Investigations for sponsoring this event!



## The Raccoon Sequel: Squirrels And Insurance Coverage

Submitted by Arnold Young with permission from Coverage Opinions to reprint.

In the last issue of Coverage Opinions I mentioned the recent Pennsylvania federal decision in Capital Flip, LLC v. American Modern Select Insurance Company, No. 19-180 (W.D. Pa. Sept. 19, 2019), where the court held that no coverage was owed, under a property policy, for damage caused by raccoons that had entered the interior of a structure. The court concluded that coverage was barred as the damage was not caused by the covered peril of vandalism or malicious mischief: "Raccoons and their companions in the animal kingdom," the court concluded, "cannot formulate the intent needed to engage in 'vandalism,' 'malicious mischief' or any other criminal or actionable conduct. Animals do not have conscious agency and are not subjects of human law."

I was delighted to get a note from Coverage Opinions reader Arnold Young, of HunterMaclean in Savannah, Georgia, bringing to my attention a wonderful coverage decision from 1954 from the Court of Appeals of Georgia. It's not about raccoons – but squirrels. The court found that coverage was owed for damage to a playhouse caused by a squirrel. Why? Because the court had fuzzy feelings for the critter.

The decision is a gem. I'll get to that in a second. But that's just half the story. Arnold shared with me that the insured was represented by his former partner – Colonel E. Ormonde Hunter, who served in WWII and was part of the Office of Strategic Services, the predecessor to the CIA.

Hunter was quite a character, Arnold told me. An absolute gentleman, but tough. He was in the Georgia state legislature and served as vice-chairman of the Board of Regents of Georgia's state university system.

Known as a bon vivant, Hunter was married for the first and only time at age 65 and, according to Arnold, known around Savannah as "Hormone Hunter." As Arnold put it, "Only Colonel Hunter would provide a recipe for squirrel stew in an appellate brief." The Colonel died in 1989 at about age 95.

The court's decision in North British & Mercantile Insurance Company v. Mercer, 82 S.E.2d 41 (Ga. Ct. App. 1954), aff'd 84 S.E.2d 570 (Ga. 1954) speaks volumes about Colonel Hunter.

A squirrel descended the chimney of an insured's playhouse and damaged a maple table, chair, brass lamp, lampshades and sofa cushions. Coverage was sought under a policy that insured "all risks or loss of or damage to property" except "loss or damage caused by moth, vermin and inherent vice."

The insurer disclaimed coverage on the basis that a squirrel is vermin. Suit was filed and the jury returned a verdict for the plaintiff for the amount sued for -- \$179.50 -- plus \$50 attorney fees for bad faith.

The Georgia appeals court affirmed the verdict by agreeing with Colonel Hunter that squirrels have much to offer society:

"The brief of counsel for the defendant in error (which, incidentally, includes an excellent recipe for squirrel stew) concludes with the following words, with which this court is inclined to agree: "Vermin' is a mighty harsh word to hurl at our little friend the squirrel. He has long been well considered and much thought of as a pet and an attractive addition to the scenery of any city, garden, or country yard. He is praised in song and story as a shining example to mankind of industry and thrift. It is respectfully submitted that this court should not label the little fellow as nothing more than 'vermin.'"

Thank you to Arnold Young, of HunterMaclean, for bringing this great case and colorful lawyer to my attention.



Colonel E. Ormonde Hunter

## YLD hosted its annual swearing in ceremony

On November 15th, 2019, the YLD hosted its annual swearing in ceremony here in Chatham County. The Honorable Timothy R. Walmsley presided and, with the help of Superior Court Clerk Tammie Mosley, swore in 3 new attorneys.

Please Join us in welcoming the newest members of the Georgia BAR:



Kyle Donald Lankhorst



LaQuaria Shenez Barton



Amy Danielle Mitchell



## YLD hosts a happy hour with the members of GAWL at Edgar's Proof and Provisions.







## Mock Trial Volunteers and Coaches Needed

The 2019-2020 Georgia High School Mock Trial season is here and volunteer evaluators/coordinators are needed to host both the Regional and District levels of the competition here in Savannah. The Savannah Regional Competition will be held on February 1, 2020, and the District Competition on February 22, 2020, both at the Chatham County Courthouse. The mock trial competition is always a great experience for area high school students and volunteers alike. We need approximately 72 volunteers for each day of competition so please consider helping with this worthwhile program!

Judging panel volunteers may claim 1 CLE credit hour (both general and trial) for each level of the competition. Volunteers in the Savannah Region could earn up to 2 CLE credits hours this year. To claim the credit the minimum fee is required, and the regional coordinator can provide additional information on the competition date(s).

If you are interested in learning about the program in general or volunteering to help with the regional competition please contact Regional Coordinator, Craig Call (ccall@smaclegal.com), for more information.

If you are interested in mentoring/coaching students participating in the competition, Saint Andrews School is looking for an attorney coach to assist with its Mock Trial team this year. Please contact Saint Andrews School Representative Ben Dombroski (DombroskiB@saintschool.com) for more information.

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## Trish Murphy, Director of the Family Law Resource Center Receives Certification in Mindfulness-Based Stress Reduction from UMass Medical School and the Center for Mindfulness

Trish Murphy completed coursework and received her certification in Mindfulness-Based Stress Reduction (“MBSR”) from UMass Medical School and the Center for Mindfulness. The skills she developed in this coursework compliment her work in conflict resolution, including mediation, conflict in the workplace, and reducing stress and optimizing work-performance. Trish works with students, lawyers and professionals to reduce their stress and maximize their performance. Trish will be speaking on attorney wellness at Hot Topics in January 2020.

To find out more about what Trish can do for you and/or your law firm contact her at:  
Phone: 912-354-2857 / Email: tmurphy@mediationsavannah.com.



## HunterMaclean Honored with Eleven First-Tier Rankings in U.S. News – Best Lawyers® 2020 “Best Law Firms”

HunterMaclean, a business law firm with offices in Savannah and St. Simons Island, was honored to be recognized with eleven first-tier rankings in the 2020 edition of U.S. News – Best Lawyers® “Best Law Firms.” The complete list of rankings is published on the U.S. News website.

Best Lawyers was first published in 1983 and is recognized as one of the oldest and most esteemed peer review guides in the legal profession worldwide. Thousands of firms nationwide are considered through a detailed evaluation process before U.S. News and Best Lawyers make selections for a first-tier “Best Law Firms” ranking.

HunterMaclean received first-tier rankings in the following practice areas:

- Admiralty & Maritime Law
- Commercial Litigation
- Corporate Law
- Health Care Law
- Insurance Law
- Litigation - Construction
- Medical Malpractice Law - Defendants
- Personal Injury Litigation – Defendants
- Railroad/Transportation Law
- Real Estate Law
- Trusts & Estates Law

HunterMaclean also received rankings in Bet-the Company Litigation, Product Liability Litigation – Defendants, Professional Malpractice Law – Defendants, and Tax Law. In addition to these rankings, twenty-five HunterMaclean attorneys were selected earlier this year for inclusion in The Best Lawyers in America© 2020.

Best Lawyers is compiled based on extensive peer review evaluations from well-respected attorneys in similar practice areas, client and lawyer evaluations, and additional information included in the formal submission process. Reviews are based on several factors including expertise, integrity, responsiveness, understanding of a business and its needs, cost-effectiveness, civility, and the rate of referrals.

### ABOUT HUNTERMACLEAN

HunterMaclean has extensive experience representing businesses and individuals in all areas of business litigation as well as other practice areas such as corporate, real estate, employment, health care, information technology, and logistics law. Founded in 1879, the firm provides one comprehensive source to handle the full range of business legal needs to clients that include Fortune 500 companies, banks, hospitals, professional service organizations, nonprofits, and start-up ventures. For more information about HunterMaclean, call 912.236.0261 or visit [www.huntermaclean.com](http://www.huntermaclean.com)



## Georgia Legal Services Program Representation Yields HUD Approval of \$80,000 Settlement Resolving Fair Housing Act Allegations That Savannah Landlord Failed to Address Systematic Tenant-On-Tenant Racial Discrimination

In resolution of allegations of Fair Housing Act violations at The Woods of Savannah, Gene B. Glick Company, Inc., agreed to pay a total of \$80,000 and make systemic changes in the company’s nondiscrimination policy, procedure, and trainings.

The Woods of Savannah is a project-based Section 8 housing complex for individuals 62+ years of age or disabled. Gene B. Glick Company, Inc., owns and manages The Woods of Savannah and Oglethorpe Square Apartments, A Limited Partnership, along with 100+ other low-income housing communities in the Southeast and the Midwest.

In early 2018, three single, disabled, African-American women approached the Savannah Regional Office of the Georgia Legal Services Program (“GLSP”) for assistance with the living conditions at The Woods of Savannah.

White tenants started harassing the women the day each moved into the housing complex—before the other residents knew anything about the women other than the color of their skin. White residents used dogs to threaten the women and block their access to the housing complex’s common areas. Among other forms of harassment, the women also endured racial slurs, physical threats, stalking, harassment at work, and being the subject of false reports to the police.

The women submitted dozens of complaints to the property’s local and corporate management. In response, they were told the incidents were mere squabbles between neighbors and were warned to stop lodging complaints or they would face possible eviction. The women came to GLSP because they wanted the harassment to stop.

The Fair Housing Act protects against discrimination, in most private and public housing, based on a person’s race, color, religion, sex, physical or mental impairment, familial status, or national origin. Under the Fair Housing Act, a landlord can be held liable for tenant-on-tenant race-based harassment when the landlord knew or should have known of the discriminatory conduct and the landlord failed to take prompt reasonable action to correct and stop the discriminatory conduct.

GLSP attorney Alison Slagowitz, Equal Justice Works Georgia Housing Corps Fellow, investigated and documented the harassment before drafting and submitting Fair Housing Act complaints for each client to the United States Department of Housing and Urban Development (“HUD”).



Once HUD assigned a conciliator and investigator, Ms. Slagowitz provided HUD a detailed investigation report, timelines of major incidents of harassment, documentary evidence, and a legal memo supporting assigning liability to the housing provider for the tenant-on-tenant race-based harassment at The Woods of Savannah.

The parties reached a settlement through HUD’s conciliation process that provided both individual relief to GLSP’s three clients and systemic relief to ensure any future complaints of racial harassment would be properly addressed by Gene B. Glick Company, Inc. Each of GLSP’s three clients received \$20,000. Further, Gene B. Glick Company, Inc., must create a \$20,000 compensation fund for current and prior residents of The Woods of Savannah affected by the hostile environment created by race-based discrimination.

Additionally, the company must submit to HUD for approval a new nondiscrimination policy and procedure, in English and Spanish. Once approved by HUD, this writing must then be distributed to all employees and residents and prominently displayed in all properties owned and managed by Gene B. Glick Company, Inc. The Company will also provide annual mandatory employee trainings on anti-discrimination laws and trainings for residents on diversity, inclusion, and creating a community of respect.

GLSP’s Executive Director Rick Rufolo said, “This is a very meaningful result both for our clients and the community. The amount of damages for each client could produce a real change in their lives to help bring them out of poverty.”

“Landlords have a duty to provide tenants with an equal opportunity to use and fully enjoy safe and secure housing. This result will be a wake-up call to those landlords who do not know they can be held liable for tenant-on-tenant race-based harassment,” said Alison Slagowitz, Equal Justice Works Georgia Housing Corps Fellow hosted by the Savannah Regional Office of GLSP.

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## Front Porch is requesting items for a family in need

The YLD is assisting The Front Porch, a Chatham County agency providing services for troubled youths, with needs for a formerly homeless family moving into new housing. The following items are still needed: One adult bed, children’s twin beds, household cleaning supplies, bath towels/linens, dishes, pots and pans, and lamps. Contact Sheryl Jones at The Front Porch 912-652-6559 for questions or more information.



## Bouhan Falligant Honored with Seven First-Tier Rankings in 2020 Edition of U.S. News - Best Lawyers “Best Law Firms” ®

Bouhan Falligant was recently recognized by the 2020 edition of U.S. News-Best Lawyers “Best Law Firms” ® with prestigious first-tier rankings in seven practice areas: Commercial Litigation; Elder Law; Litigation-Real Estate; Personal Injury Litigation-Defendants; Product Liability Litigation-Defendants; Professional Malpractice Law-Defendants; Real Estate Law. The final rankings are published on the U.S. News website.

Firms honored with a first-tier “Best Law Firms” ranking are selected based on a rigorous evaluation process that includes the collection of client and lawyer evaluations, peer review from leading attorneys in their field, and review of additional information provided by law firms as part of the formal submission process.

In addition, Bouhan Falligant was also recognized nationally for the firm’s work in Corporate Law; Education Law; Insurance Law and Medical Malpractice Law-Defendants.

### ABOUT BOUHAN FALLIGANT:

Bouhan Falligant is a full-service Georgia law firm with experienced attorneys who can handle a broad range of complex legal issues for businesses, governmental entities, organizations, professionals, and individuals, both regionally and nationally. Through more than 135 years of practicing law, the firm has developed a deep knowledge base and sound judgment that delivers value to our clients. Bouhan Falligant attracts exceptional attorneys who are diligent, determined and care about the success of its clients.

## Criminal Defense Attorney Becomes First Indian Judge in Bloomingdale

Sneh Patel presided over the City of Bloomingdale’s Municipal Court on Tuesday as the court’s first Indian judge. Born in Germany, Patel spent his childhood in both Germany and India. When Sneh was in high school, his family moved to Athens, Georgia.

Patel is an experienced criminal defense attorney and public defender who launched his career in 2006. Before opening his criminal defense firm, The Patel Law Firm, he served as a Chatham County assistant district attorney and a Liberty County public defender.

“I’m honored and humbled to sit on the bench. I have served on both sides of the courtroom and feel that experience will serve me well in Bloomingdale. This is another great way to use my knowledge to serve the community,” said Patel.

Patel was appointed as Bloomingdale’s Judge Pro Tem in 2018. He is one of two judges currently serving as pro tem for the city.

Records suggest Patel is also the first Indian judge in Chatham County.



## 5 Ways to Prepare for Mediation

by T. J. Hilliard

Yes, you should PREPARE for Mediation. This is your one chance to resolve this conflict BEFORE trial, so here’s how to give it 110% effort.

- Get all your paperwork printed and organized in a file. A pet-peve of mine is to watch parties who bring in NOTHING, try to call for help, text for help, or find things on email. This wastes everyone time. Having things stored on a laptop seems techy, but laptops run out of battery, and you can’t easily make notes on the fly. PRINT it out!
- Know your case. You’ll be asked to give a brief summary of why you’re here (in mediation). Prepare a 2-3 sentence summary.
- Rest up the night before, get a good sleep, and prepare emotionally. Often, just the thought of conflict can make people angry, emotional, distraught, or all the above.
- Know that Mediation is exhausting mentally and emotionally- yes for us lawyers too. Carve out a whole day free from other client obligations, court dates, and meetings-or anything else that requires your sharpest thinking.
- Prepare to negotiate. 50% of mediations settle, but ALL have the potential to settle or end in agreement. Come into the mediation with the mindset of giving a little to gain a lot.

## Hilliard Law Firm Offering Private Mediation

TJ Hilliard and Megan Ebert of Hilliard Law Firm, in Savannah, GA, are now offering affordable private mediation. They are both registered neutrals with Georgia Courts Registrar.

TJ has been in private general-practice for 2 years now, specializing in landlord-tenant, construction and contractor disputes, and medical billing.

Megan recently joined Hilliard Law Firm in June, 2019, as an attorney. She plans to focus her practice on family law, and constitutional matters. For more info, please visit hilliardlaw.com.

## Missing Wills

If you prepared a Will for the following:

**Barbara Ann Winn Johnson, DOB 04/25/1950**

Contact: Dottie and James Winn

James M. Winn, executor

(912)661-2027

**Juanita Brookins Gambrell Paull, DOB 01/21/1927**

Contact: Kappy Chisholm

Coldwell Banker Platinum Partners

Mobile: (912)484-3337

Kappychis76@gmail.com



## Harris Lowry Manton LLP Hosts 6th Annual First Responder Appreciation Luncheon in Savannah, Ga.

Harris Lowry Manton LLP, an award-winning trial law firm with offices in Savannah and Atlanta, recently hosted the 6th Annual First Responder Appreciation Luncheon at Daffin Park in Savannah, Ga. The free event attracted more than 250 first responders from across the area and featured a picnic-style lunch catered by Chef Kirk Blaine, live music by Junkyard Angel, free giveaways and a memorial tribute to fallen first responders.

“This event started six years ago as a way to express our gratitude to local first responders, who work hard to keep everyone in our community safe,” said Harris Lowry Manton LLP partner Steve Lowry. “It’s also a way to celebrate National First Responders Day, which takes place on October 28, and to honor the brave men and women who put their lives on the line in emergency situations, each and every day.”

Harris Lowry Manton LLP partners Jeff Harris, Steve Lowry and Jed Manton also presented a \$2,000 check donation to the Two Hundred Club of the Coastal Empire, a 501(c)3 nonprofit that provides financial support to the families of local first responders killed or injured in the line of duty.

“The Two Hundred Club of the Coastal Empire is dedicated to supporting the families of first responders in need right here in our community,” said 200 Club President Mark Dana. “Businesses like Harris Lowry Manton understand the vital role first responders play in our community and graciously take the time to demonstrate their support.”

This annual event brought together police officers, firefighters and paramedics from Chatham County, Bryan and Effingham County to enjoy a free lunch at tables set beneath a canopy of live oak trees at Daffin Park.

“This is a wonderful event that Savannah’s first responders look forward to each year,” said Savannah Fire Chief Derik Minard. “The laid-back atmosphere and sense of camaraderie is truly special for everyone in attendance.”



Harris Lowry Manton partners Jeff Harris, center, and Steve Lowry, right, presented a check to the 200 Club of the Coastal Empire President Mark Dana, left, to help families of fallen first responders.

## Oliver Maner Included in 10th Edition of “Best Law Firms” by U.S. News & World Report and Best Lawyers, Recognized in 11 Practice Areas

U.S. News & World Report and Best Lawyers®, for the 10th consecutive year, collaboratively announced the release of the “Best Law Firms” rankings. Oliver Maner, an award-winning law firm providing superior legal services since 1897, is pleased to announce that 11 of the firm’s practice areas were recognized for professional excellence with consistently impressive ratings from clients and peers.

The 2020 rankings are based on the highest number of participating firms and client votes received on record. Almost 16,000 lawyers provided more than 1,229,000 law firm assessments, and more than 12,000 clients participated providing 107,000 evaluations.

“For the 2020 ‘Best Law Firms’ publication, the evaluation process has remained just as rigorous and discerning as it did when we first started ten years ago,” says Phil Greer, CEO of Best Lawyers. “This year we reviewed 14,931 law firms throughout the United States – across 75 national practice areas – and a total of 2,106 firms received a national law firm ranking. We are proud that the ‘Best Law Firms’ rankings continue to act as an indicator of excellence throughout the legal industry.”

The following practice areas at Oliver Maner were named in this year’s “Best Law Firms” rankings:

- Bet-the-Company Litigation
- Commercial Litigation
- Legal Malpractice Law - Defendants
- Mediation
- Medical Malpractice Law - Defendants
- Personal Injury Litigation - Defendants
- Personal Injury Litigation - Plaintiffs
- Real Estate Law
- Tax Law
- Trusts & Estates Law
- Municipal Law

The 2020 “Best Law Firms” rankings can be seen in their entirety by visiting [bestlawfirms.usnews.com](http://bestlawfirms.usnews.com).

### ABOUT OLIVER MANER LLP:

Founded in 1897, Oliver Maner has been providing superior legal services for more than 120 years. With an extensive list of seasoned lawyers on its team, Oliver Maner boasts one of the most successful records in the Southeast, providing unparalleled legal expertise across a broad and diverse list of practice areas, including a variety of civil litigation and transactional work. Located at 218 W. State. St. in historic downtown Savannah, Ga., Oliver Maner can be reached by phone at 912.236.3311 or email at [firm@olivermaner.com](mailto:firm@olivermaner.com). For more information, please visit [www.olivermaner.com](http://www.olivermaner.com).



**SAVANNAH BAR ASSOCIATION  
HOT TOPICS SEMINAR**

**REGISTRATION FORM**

**Date:** Friday, January 24, 2020

**Time:** Registration begins at 7:45 A.M.  
Program begins at 8:20 A.M.

**Place:** The Savannah Golf Club, 1661 East President Street, Savannah, GA 31404

**Name (Print):** \_\_\_\_\_

**Georgia Bar No:** \_\_\_\_\_

**Employer:** \_\_\_\_\_

**Business Address:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Phone:** ( ) \_\_\_\_\_

**Fax:** ( ) \_\_\_\_\_

**E-mail:** \_\_\_\_\_

**Tuition:** [Breakfast and Lunch is included in tuition]

- \$190.00 Savannah Bar Association Members Early Registration (by January 10, 2020)
- \$220.00 Savannah Bar Association Members Late Registration
- \$215.00 Non-Savannah Bar Association Members Early Registration (by January 10, 2020)
- \$225.00 Non-Savannah Bar Association Members Late Registration
- \$150.00 Government / Student

**PLEASE MAKE CHECK PAYABLE TO "SAVANNAH BAR ASSOCIATION" AND RETURN WITH THIS FORM TO:**

**Mark Kelso  
Kelso Law, LLC  
PO Box 61507  
Savannah, GA 31420  
MKelsoLaw@gmail.com  
(912) 704-8431**

**7.00 TOTAL HOURS OF CLE CREDIT (PENDING APPROVAL) INCLUDING: 4.25 HOURS OF TRIAL PRACTICE,  
1 HOUR OF ETHICS, &  
1 HOUR OF PROFESSIONALISM**



## 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.