



THE FEDERAL BAR ASSOCIATION ATLANTA CHAPTER

NEWSLETTER - JANUARY 2009

<http://www.fedbar.org/atlanta.html>



OFFICERS

PRESIDENT

Jeffrey L. Berhold
Jeffrey L. Berhold, P.C.
1230 Peachtree St. Suite 1050
Atlanta, GA 30309-3570
(404) 872-3800
jeff@berhold.com

PRESIDENT-ELECT

Kevin A. Maxim
The Maxim Law Firm, P.C.
1718 Peachtree St., N.W.
Suite 599
Atlanta, Georgia 30309
(404) 924-4272
kmaxim@maximlawfirm.com

VICE PRESIDENT

John B. Bielema, Jr.
Powell Goldstein LLP
One Atlantic Center
1201 W Peachtree St. 14th FL
Atlanta, GA 30309
(404) 572-6600
jbielema@pogolaw.com

TREASURER

Kerri A. Gildow
Rogers & Hardin LLP
229 Peachtree St. NE
2700 International Tower
Atlanta, GA 30303
(404) 420-4617
kgildow@rh-law.com

SECRETARY

Robin H. Sangston
Cox Communications, Inc.
1400 Lake Hearn Dr.
Atlanta, GA 30319
(404) 843-5751
Robin.Sangston@cox.com

MEMBERSHIP CHAIR

David A. Bain
Law Offices of David A. Bain, LLC
1230 Peachtree St. NE Ste 1050
Atlanta, GA 30309
(404) 724-9990 • (404) 724-9986
dbain@bain-law.com

IMMEDIATE PAST PRESIDENT

Kevin P. Weimer
Fellows LaBriola LLP
Suite 2300 South Tower
225 Peachtree Street, N.E.
Atlanta, GA 30303
(404) 586-9200
kweimer@fellab.com

EXECUTIVE COMMITTEE

David A. Bain
Hon. Jack T. Camp (*honorary*)
James N. Hatten
Robert C. Khayat, Jr.
W. Thomas Lacy Jr.
Benton J. Mathis Jr.
Steven D. Moore
Oscar N. Persons
Henry M. Quillian III
Anne M. Rector
Meryl W. Roper
Eric P. Schroeder
Phyllis B. Sumner
Amy Levin Weil
Kevin P. Weimer

ADVISORY COMMITTEE

Peter C. Canfield
Prof. Ronald L. Carlson
Martin D. Chitwood
George (Buddy) Darden
Richard H. Deane Jr.
Henry D. Fellows Jr.
June Ann Sauntry
Hon. Thomas W. Thrash

PRESIDENT'S MESSAGE

Jeffrey L. Berhold



Happy New Year! I have a simple goal for the chapter – to promote fellowship and understanding among the federal bar and bench. We will continue to offer fantastic programs with that basic objective in mind. We kick off 2009 with the annual **Vance Forum on the Bill of Rights** on the implications of *Heller* on the Second Amendment on the evening of **Monday, February 23 at 6:30 p.m.** at **Tull Auditorium at Emory University Law School** and the half-day CLE seminar **“Technology in the Courtroom”** hosted by the **U.S. District Court on Friday, February 27**. We have already sold out both sessions of the technology seminar in just one week. There are more details about both events and our next luncheon on March 4 in separate articles in this newsletter. You can also mark your calendar for the annual **Luncheon Honoring the Federal Judiciary on Tuesday, June 2**. The

Chapter is always open to new ideas for events. Feel free to contact me any time via email at jeff@berhold.com or phone at 404-872-3800.

Let me also take this opportunity to thank participants and hosts from recent events. Thank you to **Chief Judge Jack T. Camp** for giving remarks and swearing in the new chapter officers in an evening reception hosted by the **District Court** with the able assistance of **District Court Executive John Shope** and **District Court Clerk** (and Executive Committee member) **Jim Hatten** and their staffs. Thank you to **Hon. William Kovacic, Chair of the Federal Trade Commission**, for a riveting luncheon speech hosted by **Alston & Bird** and our own Executive Committee member **Oscar Persons**. Thank you to **State Sen.** (and Chapter Member) **David Adelman of Sutherland** for a wonderful talk on **“What to Expect from the Next Administration”** moderated by Advisory Committee member **Rick Deane** and hosted by his firm **Jones Day**. Thank you to **Miles Alexander** for being the latest subject of our very popular **“Conversation”** series at a lunch moderated by his son **Kent Alexander** and hosted by **Kilpatrick Stockton** and our own Executive Committee member **Steve Moore**.



Miles Alexander (L); Kent Alexander (R)

On behalf of the entire executive committee and membership, let me also thank **Mike Haun** of **Paul Hastings**. Mike is serving pro bono as our chapter's general counsel. He has been indispensable in advising the chapter on corporate and tax issues.

I look forward to working with all of you, and the bench and the bar generally, to make it a great 2009 for everyone practicing in our federal courts.

Sincerely,

Jeff

SAVE THE DATE & PLAN TO ATTEND THESE EVENTS

February 23, 2009: Robert S. Vance Forum on the Bill of Rights

The 2009 Robert S. Vance Forum on the Bill of Rights will be held **Monday, February 23** at the **Emory University School of Law**. This year, the topic for the Forum is **“The Fate of the Second Amendment and Gun Control After the Supreme Court's Decision in *District of Columbia v. Heller*.”** This year's Forum consists of a panel of nationally recognized experts on gun control laws and leading Georgia advocates for and against their implementation. The panelists include:

Bob Barr, former United States congressman and presidential candidate
Stephanie Stuckey Benfield, Georgia House of Representatives
Alan Gura, Gura & Possessky, PLLC
Adam Winkler, Professor at the University of California, Los Angeles

The Honorable Gerald Bard Tjoflat, Judge on the Eleventh Circuit Court of Appeals, will provide the opening tribute to Judge Robert S. Vance, who was tragically killed by a mail bomb in 1989. The Forum will be hosted by Dennis O'Hare of WXIA-TV. A reception will be held at the law school beginning at 6:15 p.m. and the Forum will start at 7:00 p.m. in the Law School's Tull Auditorium. The event is free and open to the public.

Save the Date cont'd.

February 27, 2008: 2nd Annual Technology in the Northern District Courtroom Seminar

[THIS EVENT IS SOLD OUT!]

The U.S. District Court for the Northern District of Georgia and the Atlanta Chapter will host their second annual *Technology in the Northern District Courtroom* CLE seminar on **Friday, February 27, 2009** in **Courtroom 2105 of the Russell Federal Building**. This year's premier speaker is the **Honorable Mark W. Bennett**, District Court Judge in the Northern District of Iowa. Judge Bennett will present *Dragons and Other Pitfalls: A Federal Judge Reveals Shocking Truths about the Use of Technology in Federal Trials*. Our second speaker is the Northern District's Courtroom Technology Specialist, **Mark Allen**, who will provide a *Hands-On Demonstration of Technology Available in the Northern District Court* today. Our third speaker is **Steven D. Moore**, an accomplished Kilpatrick Stockton IP litigator who serves on the Atlanta Chapter's executive committee. Steve will present *Technology Dos and Don'ts: A Practitioner's Perspective*.

We will host two identical, morning and afternoon sessions of this CLE program (9:00 a.m. – 12:15 p.m., and 1:30 p.m. - 4:45 p.m.). We have applied to the State Bar for 3 hours of general CLE credit and 3 hours of trial practice credit for each session. Due to space limitations in the courtroom, attendance for each session will be capped at eighty. Last year, we had to turn away a number of attorneys interested in attending this seminar, so we urge you to RSVP early.

The cost of *Technology in the Northern District Courtroom* is \$100 for members of the Federal Bar Association, and \$125 for non-members. (The FBA membership application can be found at www.fedbar.org/join.html). Please RSVP by mailing a check payable to "FBA - Atlanta Chapter" to Ms. Darla Cira, Rogers & Hardin, 2700 International Tower, 229 Peachtree St., N.E., Atlanta, GA 30303. If you have questions about this event, please contact Kevin Maxim at kmaxim@maximlawfirm.com.

March 4, 2009: What's New at the EEOC, DOL and NLRB in Atlanta?

The Atlanta Chapter of the FBA is pleased to present a distinguished panel of leaders of three of our region's most significant federal agencies with regulatory and enforcement authority over employment law issues. The panel will be moderated by **Ben Mathis** of Freeman Mathis & Gary. The panelists include:

Robert Dawkins, Regional Solicitor, EEOC
Martin Arlook, Regional Director, NLRB
Stanley Keen, Regional Solicitor, DOL

Employment law suits are now the most common civil claim brought in the federal courts. Also, increased regulatory activity and recent statutory amendments are impacting every type of private and public employer. Whether it is the likely passage of the proposed Employee Free Choice Act that could lead to more union elections, the dramatic increase in FLSA collective actions for unpaid overtime, or the significant increase in discrimination claims of all types against employers, employment law issues of are major importance to all federal practitioners.

Join us **March 4, 2009** for lunch at **King & Spalding** to hear the Director of Region 10 of the National Labor Relations Board (NLRB), the Regional Solicitor for the US Department of Labor (DOL) and the Regional Solicitor of the Equal Employment Opportunity Commission. Each will give an update on developments at their agency and also answer questions on topics of interest.

Please RSVP by mailing a check to Matt McClamrock at Freeman Mathis & Gary, LLP, 100 Galleria Parkway, Suite 1600, Atlanta, Georgia 30339-594 or contact him at mmclamrock@fmglaw.com or call 770-818-1424.

INSTALLATION OF OFFICERS

Robin Sangston, Chapter Secretary

On December 3, 2008 the new officers of the Atlanta Chapter were installed during a ceremony at the federal courthouse presided over by Chief Judge Jack T. Camp. As his tenure as Chief Judge was coming to an end, he reflected on contributions of the Atlanta Chapter and some of his accomplishments during his tenure as Chief Judge.

First, he congratulated the chapter on its continued success and on the recent awards the chapter received at the annual meeting in Huntsville, Alabama. He noted particularly that he thought the luncheon programs had been outstanding and useful, as well as a valuable way for the lawyers and judges to meet outside the courtroom. Some of the programs he particularly enjoyed were the opportunity to meet the Attorney General at the luncheon honoring the judiciary, as well as the Congressional Reception, but his favorite was the conversation with the late Judge Griffin Bell. He commented favorably on the law clerk reception and the courtroom technology seminar – noting that it was completely sold out. Lastly, he indicated his support for a new program to discuss the different courtroom procedures of the different judges, which he felt would benefit both the bar and the judiciary.



In terms of the progress made at the court he acknowledged that change comes slowly with the judiciary but that in several areas he was proud of changes that have been made. One of his long-standing goals was to make the court more open to the members of the bar in establishing policies. He cited his committee chaired by Judge Batten working to amend the local rules to reflect changes in the e-discovery rules. In addition, another committee is working to make suggestions as to how to better utilize the magistrate judges.

In terms of his goal to make the courthouse more accessible to the public as well as the bar, he talked about the new entrance and how it is more functional and efficient than the former entrance. As a follow up, they have plans to alter the elevators and stairs coming up from the Gulch in order to make the new Spring Street entrance more convenient. He also commented on a very popular change to allow members of the bar to bring cell phones with cameras, laptops, and other electronic equipment into the building. Finally, he recognized U.S. District Court Clerk (and Atlanta Chapter executive committee member) Jim Hatten for the job he has done to upgrade the automation and technology at the courthouse. For example, his office has implemented payment of fees on the internet, placed electronic transcripts on the system, improved the website for the court (which also contains a link to the FBA Chapter), and will shortly be enabling the ability to file cases electronically.

Lastly, he thanked all of the Staff at the court and wished Judge Carnes well as she becomes the new Chief Judge.



Following Chief Judge Camp's remarks, the chapter presented him with a token of its appreciation in the form of a rocking chair embossed with the Federal Bar Association seal.

ATLANTA CHAPTER RECEIVES THREE NATIONAL AWARDS AND KUDOS FROM CHIEF JUDGE CAMP

Kevin Weimer, Past President

As the contents of this newsletter make clear, the Atlanta Chapter continues to be a vibrant and dynamic organization. On September 20, 2008, the Federal Bar Association nationally recognized the Atlanta Chapter's accomplishments at the Annual Meeting and Convention in Huntsville, Alabama, where the Chapter received no less than three national awards.

The Chapter was honored with the Chapter Activity Presidential Excellence Award for its outstanding slate of programs during the 2007-2008 bar year, which included, among many other programs, a luncheon conversation with former U.S. Attorney General Griffin Bell; the Vance Forum on voter ID laws; the annual luncheon honoring the federal judiciary, which featured keynote speaker U.S. Attorney General Michael Mukasey; and the legislative reception with U.S. Senators Isakson and Chambliss and Representative Tom Price. The Chapter also received the Chapter Activity Presidential Citation Award specifically for the luncheon honoring the federal judiciary. This highly successful event was chaired by chapter officer Robin Sangston. Finally, the Chapter received the Meritorious Newsletter Award for its newsletters. Then Chapter President Kevin Weimer accepted these awards on behalf of the Chapter.

In a letter to Kevin, then Chief Judge Jack Camp congratulated the Chapter on its awards and thanked the Chapter for its many programs in support of the bar and the Northern District of Georgia. Judge Camp noted that the receipt of these "well earned and well deserved" awards "reflects a singularly dedicated and committed membership and leadership." As a Chapter, we desire to continue this momentum by presenting innovative programs of interest to the bar and the judiciary.

NEW ATTORNEY PHOTO ID CARD

Our court has approved an attorney photo identification system that will allow attorneys who are members of our Bar the option of applying for and receiving photo identification that will allow them to bring cellular telephones with cameras and other electronic equipment into the federal courthouses without a court order.

Attorneys issued these photo IDs will continue to be required to go through security screening, but their cellular telephones and other electronic equipment will not be retained at the security checkpoint.

OBTAINING AN ATTORNEY ID: Members of the Northern District Bar may apply for this special photo ID at the court's Human Resources Office located in Room 2013 of the Richard B. Russell Building/U.S. Courthouse after January 15, 2009.

An application form, which will include an acknowledgment that the attorney has read the court's Local Rules prohibiting cameras from being used on the court floors and prohibiting the broadcasting of court proceedings, will be presented to the Human Resources Office. An accompanying application fee of \$35.00, by check made payable to: "Clerk, United States District Court," is also required to cover production costs.

Once the application is approved, the Human Resources Office will escort the attorney to the U.S. Marshal's ID Section where the badge will be produced. The photo I.D. badge will be valid for a period of two years and will remain the property of the U.S. Marshal Service.