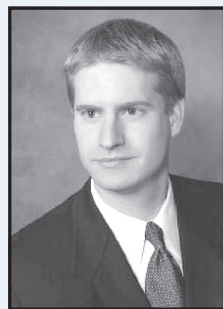


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Federal Bar Association

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PRESIDENT'S MESSAGE

AMY LEVIN WEIL
President

THIS HAS BEEN A busy and exciting year for the Atlanta Chapter of the Federal Bar Association. On November 2, 2006, the Chapter held its Installation of Officers and Executive Committee Reception, with the swearing-in by **Chief Judge J.L. Edmondson**, U.S. Court of Appeals for the Eleventh Circuit. Also in November, **James N. Hatten**, Clerk of the U.S. District Court for the Northern District of Georgia, hosted our annual Fall Associate Orientation at the courthouse. **U.S. Magistrate Judge C. Christopher Hagy** spoke at our December luncheon on *"Electronic Discovery and the 2006 Amendments to the Federal Rules of Civil Procedure."* At our January luncheon, **Chief Judge Jack T. Camp**, U.S. District Court, made a presentation about renovations to the Richard Russell Federal Building & U.S. Courthouse. In February, the Chapter hosted the **2007 Robert S. Vance Forum on the Bill of Rights**. The topic was *"The Military Commissions Act of 2006: Does the*

Constitution Protect Terrorists?" Moderated by Denis O'Hayer, 11Alive News, WXIA-TV, panelists included **Prof. Charles Shanor** (Emory University); **Prof. Mark Denbeaux** (Seton Hall University); **Robin McDonald** (Reporter for the Fulton County Daily Report); and **Matthew J. MacLean** (Attorney with Pillsbury Winthrop). **Hon. Stanley F. Birch Jr.**, U.S. Court of Appeals for the Eleventh Circuit, presented a tribute to Judge Vance. At our March luncheon, local counsel from seven federal agencies participated in a panel discussion on *"Working with Federal Agencies."* At our April luncheon, **Judge Thomas W. Thrash, Jr.**, U.S. District Court Judge and Executive Committee member, spoke on *"Observations on the Psychology of Trying Federal Jury Trials."* And in May, the Chapter hosted a cocktail reception at the Eleventh Circuit Judicial Conference. Whew! And the year isn't over yet! On June 19th, the Chapter will host its annual Luncheon Honoring the Judiciary, and in September we will host the FBA's 2007 National Convention, to be held at the Marriott Marquis.

It has been an exciting year for the Chapter, and there is much more to come. If you aren't already a member, please consider coming on board.

To join, go to: <http://www.fedbar.org/join.html>

FBA 2007 NATIONAL CONVENTION – SEPTEMBER 6th - 8th

The Atlanta Chapter will host FBA's 2007 National Convention, to be held at the Marriott Marquis September 6-8. Themed "Atlanta Then and Now," this year's convention will offer an exceptional array of CLE programs.

**** CONVENTION HIGHLIGHTS ******Younger Federal Lawyers Awards Luncheon**

Featured Speaker:

Frances Fragos Townsend,**Assistant to the President for Homeland Security and Counterterrorism****Foundation of the FBA Fellows Luncheon**

Featured Speaker:

Larry D. Thompson,**Senior Vice President, Government Affairs, General Counsel and Secretary of PepsiCo, and Former Deputy Attorney General**

FEDERAL BAR ASSOCIATION

Conference CLE Schedule

Thursday, September 6

8:30–10 a.m. Emerging Issues in Federal Class Action Practice

Panelists: **Hon. William S. Duffey Jr.**, U.S. District Court for the Northern District of Georgia; **W. Pitts Carr**, Carr & Palmer; **Ashley Watson**, vice president and general counsel, Attenex Corp.; **Lee Schreter**, Littler Mendelson; Moderator: **Kevin Maxim**, Troutman Sanders, LLP

9–10 a.m. The Lawyer's Federal Liability Act: Ethics and Professionalism Under the BAPCPA of 2005 (1 hour ethics credit)

Panelists: **Hon. Paul Bonapfel**, U.S. Bankruptcy Court for the Northern District of Georgia; **Hon. Ray Mullins**, U.S. Bankruptcy Court for the Northern District of Georgia; **Hon. Jan Karlin**, U.S. Bankruptcy Court for the District of Kansas; **Kelly Stapleton**, U.S. Trustee; Moderator: **Michelle Carter**, King & Spalding

9–10 a.m. Trends in Claims Under the Pregnancy Discrimination Act

Panelists: **Nancy Rafuse**, Ashe, Rafuse & Hill, LLP; **David Long-Daniels**, Greenberg Traurig; **Robert Dawkins**, regional attorney, U.S. Equal Employment Opportunity Commission, Atlanta District Office; Moderator: **Prof. Charles A. Shanor**, Emory University School of Law

10:15–11:45 a.m. Employment Law Update

Speaker: **J. Al Latham Jr.**, Paul Hastings (L.A.)

10:15–11:45 a.m. The Universal Standard of Civility in the Legal Profession (1.5 hours professionalism credit)

Panelists: **Hon. William C. O'Kelley**, U.S. District Court for the Northern District of Georgia; **Hon. Timothy C. Batten Sr.**, U.S. District Court for the

Northern District of Georgia; **Col. Linda Strite Murnane (Ret.)**, USAF, senior legal officer, Trial Chamber III, International Criminal Tribunal for the Former Yugoslavia; Moderator: **C. Ronald Ellington**, A. Gus Cleveland distinguished chair of legal ethics and professionalism, University of Georgia Law School.

1:45–3:15 p.m. Today's Corporate General Counsel

Panelists: **James A. Hatcher**, senior vice president, law and policy, Cox Communications; **Becky Powhatan Kelley**, executive vice president—distribution and business affairs/general counsel, The Weather Channel; **Teri Plummer McClure**, senior vice president of legal, compliance and public affairs, general counsel, and corporate secretary, UPS; **Scott Meece**, worldwide general counsel, CIBA Vision Corporation; Moderator: **William J. Carney**, Charles Howard Candler professor of law, Emory University School of Law

1:45–3:15 p.m. The Supreme Court—Then and Now

Panelists: **Jan Crawford Greenburg**, legal correspondent, ABC News, and author of *Supreme Conflict: The Inside Story of the Struggle for Control of the United States Supreme Court*, and **Ken Foskett**, staff writer, Atlanta Journal-Constitution, and author of *Judging Thomas: The Life and Times of Clarence Thomas*

3:30–5 p.m. Effective Appellate Advocacy

Panelists: **Hon. William H. Pryor Jr.**, U.S. Court of Appeals for the Eleventh Circuit; **Hon. Timothy M. Tymkovich**, U.S. Court of Appeals for the Tenth Circuit; **Hon. Jeffrey S. Sutton**, U.S. Court of Appeals for the Sixth Circuit; Moderator: **J. Timothy McDonald**, Rogers & Hardin LLP

3:30–5 p.m. Using an Environmental Conflict Resolution Specialist

Panelists: **Cherie P. Shanteau**, senior mediator/

senior program manager, U.S. Institute for Environmental Conflict Resolution; **Lawrence Roberts**, Patton Boggs; **Rachel Deming**, Scarola Ellis LLP; Moderator: **Warren Burke**, Office of Legislative Counsel, U.S. House of Representatives

Friday, September 7

9–10 a.m. Hot Topics in Intellectual Property Law

Panelists: **David Wier**, chief patent counsel, Level 3 Communications; **Kirstin L. Stoll-DeBell**, Merchant & Gould, PC; **Theodore Davis**, Kilpatrick Stockton LLP; **Luke Anderson**, Merchant & Gould, PC

9–10 a.m. The Horizon: A Preview of the Supreme Court's Upcoming Term

Panelists: **Michael R. Dreeben**, Deputy Solicitor General, U.S. Department of Justice; **Howard Bashman**, attorney and author of the blog howappealing.law.com

9–10 a.m. The Legal Journey on the Road Less Traveled – International Opportunities for Federal Lawyers

Speaker: **Col. Linda Strite Murnane**, (Ret.), USAF, senior legal officer, trial chamber III, International Criminal Tribunal for the Former Yugoslavia

10:15–11:45 a.m. Civil Rights in the South (1.5 hours ethics or professionalism credit)

Panelists: **Rev. Joseph Lowery**, **Hon. W. Louis Sands**, U.S. District Court for the Middle District of Georgia, **Hon. Horace Ward**, U.S. District Court for the Northern District of Georgia

10:15–11:45 a.m. E-discovery Issues

Panelists: **Joseph C. Bartolo**, National Technology Advisor, IKON Office Solutions; **Hon. C. Christopher Hagy**, U.S. District Court for the Northern District of Georgia; **Browning E. Marean**, DLA Piper

Social events include: Reception on Thursday, September 6, from 6:30–9:30 p.m. at the **Margaret Mitchell House and Museum**, which will include a “southern style” BBQ and the sounds of the bluegrass band *Packway Handle*.

Reception on Friday, September 7, from 7–10 p.m. at the **High Museum of Art**. food and drinks in the beautiful **Weiland Lobby**, music provided by the **John Peek African American Philharmonic Jazz**

Orchestra, and admission to view several new exhibits, including *Annie Leibovitz: A Photographer's Life, 1990–2005* and the retrospective exhibition *Cecilia Beaux, American Figure Painter*.

FEDERAL BAR ASSOCIATION

Chapter Photo Gallery



April 25, 2007 “*Observations on the Psychology of Trying Federal Jury Trials*” with **Judge Thomas W. Thrash Jr.**, U.S. District Court for the Northern District of Georgia. In the photo, *from left to right*, are **Ben Mathis**, Atlanta Chapter Executive Committee; **Jeff Berhold**, chapter vice president; **Judge Thrash**; **Henry Quillian**, chapter Executive Committee; **John Bielema**, chapter secretary.



March 26, 2007 Luncheon on “*Working with Federal Agencies*”: A panel discussion presented by local agency counsel. In the photo, from left to right, are Moderator: Terry Bird, Immigration & Customs Enforcement; Panelists: Guy Gebhardt, U.S. Bankruptcy Trustee; Kim Jones, Environmental Protection Agency; Brooks Thomas, U.S. Customs & Border Protection; Ron Crawford, Securities & Exchange Commission; Amy Liebes, Federal Trade Commission; and Bill Timm, Internal Revenue Service.



February 15, 2007 The 2007 Robert S. Vance Forum on the Bill of Rights. “*The Military Commissions Act of 2006: Does the Constitution Protect Terrorists?*” In photos, from left to right, top to bottom: Denis O’Hayer, 11Alive News, WXIA-TV, Prof. Mark Denbeaux (Seton Hall University, and Robin McDonald (Reporter for the Fulton County Daily Report); Prof. Charles Shanor (Emory University); Hon. Stanley F. Birch Jr., U.S. Court of Appeals for the Eleventh Circuit; Matthew J. MacLean (Attorney with Pillsbury Winthrop); Ms. McDonald; Mr. MacLean; Prof. Denbeaux.



January 24, 2007 Luncheon with Chief Judge Jack T. Camp of the United States District Court for the Northern District of Georgia. In photo, left to right: Amy Weil, Atlanta Chapter president; David Bain, chapter membership chair; James N. Hatten, Clerk, U.S. District Court for the Northern District of Georgia; Hon. Jack T. Camp; Steve Moore, luncheon chair; Robert McCabe, GSA Architect; Jeff Berhold, chapter vice president.

MEMBERSHIP UPDATE

Our membership has been growing steadily in recent months. If you are interested in joining the Atlanta Chapter, please contact **David Bain**, Membership Chair for the Atlanta Chapter, at 404-724-9990 or dbain@bain-law.com, or go to our website at <http://www.fedbar.org/atlanta.html>.

FEDERAL BAR ASSOCIATION

Chapter Photo Gallery (cont.)



June 19, 2007 Luncheon Honoring the Federal Judiciary. Photo: Hon. Phyllis A. Kravitch, Eleventh Circuit Court of Appeals; Amy Weil, Chapter President; Former FBI Director Louis J. Freeh, Keynote Speaker.

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<i>Andrew M. Scherffius, PC</i>	\$2,500

Contributors:

<i>Linda Amidon</i>	\$500
<i>Amy Weil</i>	\$500
<i>Gray Hedrick</i>	\$350
<i>Cherry Law Firm</i>	\$100

Chapter News: Former Chapter President Phil Savrin Makes History at Supreme Court



PHIL SARVIN

Phil Savrin (Atlanta Chapter President 2003-2004) had the unique honor of successfully arguing before the United States Supreme Court in favor of a Coweta County deputy who had been denied qualified immunity. *Scott v. Harris*, 127 S. Ct. 1769 (2007). The case arose from a high-speed pursuit that ended when the officer intentionally caused a collision that rendered the

fleeing suspect a quadriplegic. The suspect, Victor Harris, sued in federal court claiming violations of his constitutional rights. The Eleventh Circuit found there was evidence of a constitutional violation based primarily on the authority of *Tennessee v.*

Garner, 471 U.S. 1 (1985), which had outlawed the use of deadly force against an unarmed man solely to prevent escape.

In petitioning for certiorari from the Supreme Court, the officer, Timothy Scott, contended that *Garner* did not apply to a pursuit that involved a dangerous suspect, or at a minimum did not “clearly establish” that the use of force was unreasonable thereby entitling him to immunity from suit. Once certiorari was granted, several amicus parties joined in, including 28 states and the United States of America in favor of the officer, and the American Civil Liberties Union and the National Association of Criminal Defense Lawyers in favor of the plaintiff. The oral argument on February 26, 2007, garnered national media attention, due in no small part to the drama the unfolded in the courtroom as well as on the videotapes in the record that showed the pursuit from vantage point of the police cruisers.

On April 30, 2007, the Supreme Court issued its decision in favor of Deputy Scott, and reversed the Eleventh Circuit’s denial of qualified immunity. In an opinion joined by 8 of the 9 justices, the Court held that “[a] police officer’s attempt to terminate a dangerous high-speed car chase that threatens the lives of innocent bystanders does not violate the Fourth Amendment, even when it places the fleeing motorist at risk of serious injury or death.” 127 S. Ct. at 1779. The Court forayed deep into cyberspace by posting a link to the videotape as part of the decision. In a lone dissent, Justice Stevens called the majority “jurors” and reasoned that “[i]f two groups of judges can disagree so vehemently about the nature of the pursuit and the circumstances surrounding that pursuit, it seems eminently likely that a reasonable juror could disagree with this Court’s characterization of events.” *Id.* at 1785.

Congratulations to Phil on a job well done!

FULTON COUNTY
**DAILY
REPORT**

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