CARLOCK COPELAND
CIVIL LITIGATION

Volume X - Issue 3 - 2013

Confusion Over the "Gross Negligence" Standard in Medical Emergency Cases Goes to the Supreme Court

By: Kim M. Ruder and Andrew M. Bagley

In Georgia, no health care provider can be held liable for emergency medical care provided in a hospital emergency department unless the plaintiff proves gross negligence by clear and convincing evidence.[1] Recently, the appellate courts have examined the scope of this statute. In particular, the courts have heard cases concerning the issue of when the statute applies and if, at some point, the statute no longer applies to care provided in the emergency department.

In 2010, the Georgia Supreme Court provided some guidance on how to apply the ER Statute in *Gliemmo v. Cousineau*, when it upheld the constitutionality of the law and clarified that the term "gross negligence" would carry its "commonly understood meaning," i.e. "the absence of even slight diligence" or the "failure to exercise even a slight degree of care."[2] Since *Gliemmo*, however, questions regarding the type and amount of "clear and convincing evidence" necessary to prove "gross negligence" have divided the Georgia Court of Appeals.[3] For example, it is currently unclear whether a plaintiff can survive summary judgment by simply pointing to conflicting expert testimony about the quality of a doctor's care or whether a plaintiff has to show undisputed evidence that the doctor did absolutely nothing to diagnose a symptom or treat a condition, i.e. provided no care at all.

...questions regarding the type and amount of "clear and convincing evidence" necessary to prove "gross negligence" have divided the Georgia Court of Appeals.

In 2012, the Court of Appeals heard two cases, *Johnson v. Omondi* and *Dailey v. Abdul-Samed*, involving questions regarding the application of the "gross negligence" standard in the emergency medicine context and issued plurality opinions in both, meaning that no single opinion had enough support to become binding.[4] The Georgia Supreme Court granted certiorari to review these cases and heard oral arguments in July and September of 2013. The outcomes of these cases will have major implications for cases against emergency medical providers going forward.

In *Johnson*, Shaquille Johnson presented to the emergency department complaining of chest pain following surgery eight days earlier. Dr. Omondi ran tests and treated Johnson's pain with medication, discharging him with instructions to return if his pain worsened. Two weeks later, Johnson returned and died from bilateral pulmonary embolisms. Johnson's family claimed that Dr. Omondi failed to rule out a pulmonary embolism. Dr. Omondi moved for summary judgment, arguing that there was no clear and convincing evidence that his conduct was grossly negligent. Although the plaintiff's expert opined that Dr. Omondi's care was below the standard of care, the court agreed with Dr. Omondi's argument and entered judgment in his favor.[5]

On appeal, a split panel of the Court of Appeals affirmed the trial court's ruling, but disagreed over the type and amount of evidence a plaintiff must demonstrate to show gross negligence under the gross negligence statute.[6] The principal author of the opinion wrote that the evidence showed that Dr. Omondi exercised at least "a slight degree of care," which was enough to authorize summary judgment.[7] Though the Johnsons' expert criticized Dr. Omondi's care, the Court concluded that these criticisms were irrelevant because it was undisputed that Dr. Omondi exercised at least some care, even if that care was arguably flawed.[8]

The dissent wrote that summary judgment was improper because there were factual disputes regarding the quality of care rendered by Dr. Omondi.[9] The dissent expressed concern that the majority's interpretation of the statute would prevent plaintiffs from ever reaching a jury in cases involving emergency medical care.[10]

...the plaintiffs' approach would ***"eviscerate"*** *the ER Statute and render its intent meaningless.*

During oral argument before the Georgia Supreme Court, the justices questioned the parties about what a plaintiff must do to prove "gross negligence." The plaintiffs urged the Court to hold that expert testimony regarding "gross negligence" is sufficient to create a jury issue.[11] The defense argued that the plaintiffs' approach would "eviscerate" the ER Statute and render its intent meaningless. The defense suggested that the analysis should turn on whether the doctor provided at least "slight" medical care, even if flawed, because the provision of "slight" care is fatal to a gross negligence claim.

In *Dailey v. Abdel-Samed* (defended by Carlock, Copeland & Stair Partner Eric J. Frisch), a three judge panel disagreed whether the gross negligence standard applied at all.[12] In *Dailey*, Plaintiff presented to the emergency department after accidentally shooting paint thinner into his finger. He was seen shortly after arrival and diagnosed with a high-pressure injury of his finger. The hospital did not have the resources to treat him and needed to transfer him to another facility with an available hand surgeon. The plaintiff was eventually transferred, but alleged that the treating physician and physician assistant failed to transfer him in a timely manner.[13]

The doctor and PA moved for summary judgment, arguing that Plaintiffs had failed to prove gross negligence because they provided more than the required "slight diligence" by diagnosing the condition and treating the condition within their available resources while waiting for another facility and doctor to accept the transfer. The trial court granted the motion but a divided panel of the Court of Appeals reversed. The same judge who dissented in *Johnson v. Omandi* authored two opinions in *Dailey*, holding that there was a question of fact as to whether the doctor and PA provided "emergency medical care" under the statute.[14] In a separate concurrence, one judge suggested that the statute should apply, but that summary judgment was not authorized because of conflicting evidence regarding the defendant's efforts to transfer the patient.[15]

On further appeal to the Georgia Supreme Court, the defense argued that the statute applied because there was a clear medical emergency the entire time Plaintiff

Spotlight on...

PRODUCT LIABILITY

Carlock Copeland's Product Liability Practice offers our clients exceptional capabilities and resources in the defense and management of product liability litigation, including experience in mass tort litigation and multidistrict litigation. The Firm has represented manufacturers, product sellers, distributors and retailers in a variety of product liability cases. Our attorneys have experience in handling cases involving a wide and diverse range of products including medical devices, pharmaceuticals, trucks, scaffolding, heavy equipment, brakes, air compressors, asbestos, chemicals, recreational vehicles, household products, food products and foodborne outbreak litigation. Carlock Copeland's experience in defending engineering and medical malpractice claims provides additional resources for our attorneys working in general and product liability.

We offer not just pre-litigation and litigation assistance, but risk management services intended to manage issues during claims processes as well as proactive risk management training via client seminars and assessments. To learn more about this practice, contact Ryan Wilhelm @ 404.221.2301 or rwilhelm@carlockcopeland.com, or visit the group at www.carlockcopeland.com.

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Representative Cases include:

Ryan Wilhelm recently obtained summary judgment on behalf of a product manufacturer in a wrongful death suit. The suit alleged that the decedent Plaintiff became sick and ultimately died from mesothelioma as a result of using the Defendants' products.

Michael Ethridge and **Laura Paton** secured Voluntary Dismissal of Plaintiff's claims and secured a settlement payment from the co-defendant manufacturer for cross-claims in a products liability case representing the store selling the allegedly faulty product.

Scott Huray represented a chemical services company in 36 federal lawsuits filed throughout the country. Plaintiffs in each of these lawsuits claimed they suffered respiratory problems, such as chemical pneumonitis, from exposure to a consumer product used to seal ceramic tile grout in kitchens, bathrooms and similar areas.

was in the emergency department. The defense further argued that Plaintiff failed to satisfy the "gross negligence" standard because the doctor correctly diagnosed the condition, provided all of the emergency care she could provide and took steps to effectuate the transfer. Plaintiff advocated against the statute's application by arguing that he stabilized during the visit and, consequently, there was no longer "emergency medical care" being provided. Several justices criticized this argument, suggesting that the approach was flawed since Plaintiffs' entire claim was premised upon the need for emergency care. Plaintiffs then argued that there was sufficient evidence to survive summary judgment. Plaintiff concluded with a policy argument, stating that the statute was not designed to "eliminate" cases against physicians, just "make them harder."

Ultimately, both *Johnson* and, to a lesser extent, *Dailey* will clarify how the Court interprets "clear and convincing evidence" of "gross negligence." We will continue to keep a close eye on these cases and provide an update when the Court issues its decisions.

Resources

1. O.C.G.A. § 51-1-29.5.
2. Gliemmo v. Cousineau, 287 Ga. 12 694 S.E.2d 75, 80 (2010).
3. Johnson v. Omondi, 318 Ga. App. 787, 736 S.E.2d 129 (2012); Dailey v. Abdul-Samed, 319 Ga. App. 380, 736 S.E.2d 142 (2012).
4. Johnson, 318 Ga. App. at 787; Dailey, 319 Ga. App. at 380.
5. Id.
6. Id.
7. Id. at 790.
8. Id.
9. Id. at 794-802.
10. Id.
11. Id.
12. Dailey, 319 Ga. App. at 380.
13. Id. at 381-383
14. Id. at 381.
15. Id. at 386-389.

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Ghostwriting Pleadings for Clients May Expose Attorneys to Sanctions

By: John L. Bunyan and Tyler J. Wetzel

An attorney may agree to draft pleadings for a client -- but not put their name on them -- for a number of reasons. An attorney may want to help a client and get paid but not get too involved in the case, or the client may want to raise a questionable claim that the attorney does not want to put their name and reputation behind.

It is unclear, however, whether ethical and court rules allow attorneys to "ghostwrite" pleadings without disclosing their involvement to the court. Two federal circuit courts have concluded that attorneys must disclose their participation in drafting pleadings,[1] while another circuit court concluded that an attorney did not engage in misconduct by ghostwriting pleadings.[2]

Recently, the Eleventh Circuit Court of Appeals wrestled with ghostwriting in an appeal from a Florida bankruptcy court decision. In *Torrens v. Hood*, a debtor claimed he retained two attorneys and their firm only to provide a foreclosure defense, but they filed a bankruptcy petition without his knowledge.[3] According to the attorneys, they had a secretary prepare the petition by incorporating the debtor's oral responses into a form and then sent a courier to file the *pro se* petition using a power of attorney. The bankruptcy court found that the attorneys perpetrated a fraud on the court by ghostwriting the petition, in violation of two Florida ethical rules and several federal statutes, sanctioned the attorneys and their firm, and referred the matter to the U.S. Attorney and Florida Bar. The district court affirmed the bankruptcy court's decision.

The Eleventh Circuit reversed, concluding that the bankruptcy court abused its discretion in disciplining the attorneys. The Court noted that Florida's ethical rules allow an attorney to limit the scope of representation of a client if the limitation is reasonable, and the client gives written informed consent. But, if an attorney agrees to assist a client in preparing documents the client will file, the attorney must indicate that the document was "prepared with the assistance of counsel" to avoid misleading the court. The Eleventh Circuit determined the debtor's attorneys did not violate Florida's ethical rules because they did not "draft" any document for the debtor by merely recording his answers in a form petition and did not engage in any fraudulent conduct giving the debtor an unfair advantage. The Court limited its holding to these specific facts and did not address whether the attorneys' conduct otherwise complied with Florida's ethical rules.

The Eleventh Circuit's decision in *Hood* does not offer much guidance as to whether attorneys in Georgia can ghostwrite pleadings. Georgia's ethical rules, like Florida's, allow a lawyer to accept representation for a limited purpose. Georgia's rules, however, do not expressly require an attorney to notify a court that a ghostwritten filing was prepared with the assistance of counsel.[4] While this might suggest that Georgia attorneys can ghostwrite pleadings without disclosing their participation, Georgia federal courts have expressed their disfavor for the practice, for example, in the case of *Fitzhughes v. Topetzes*.[5]

Either the State Bar of Georgia or a Georgia court will likely weigh in on whether Georgia attorneys may ghostwrite pleadings and, if so, what disclosures they must make. Until there is more clarity on this subject, the safest practice for Georgia attorneys to avoid sanctions from courts and the State Bar is either to sign all documents they draft on a client's behalf or avoid a ghostwriting arrangement altogether.

An attorney may agree to draft pleadings for a client -- but not put their name on them -- for a number of reasons.

Resources

1. Duran v. Carris, 238 F.3d 1268, 1273 (10th Cir. 2001); Ellis v. Maine, 448 F.2d 1325, 1328 (1st Cir. 1971).

2. In re Liu, 664 F.3d 367, 372-73 (2d Cir. 2011).

3. Torrens v. Hood (In re Hood), No. 12-15925, __ F.3d __, 2013 WL 4574249 (11th Cir. Aug. 29, 2013).

4. Georgia Rule of Professional Conduct 1.2(c).

*5. Fitzhugh v. Topetzes, No. 1:04-cv-3258-RWS, 2006 WL 2557921, at *1 n.1 (N.D. Ga. Sep. 1, 2006); see also In re Burton, No. 03-92191-JB, 2006 WL 6591614, at *1 (Bankr. N.D. Ga. Nov. 28, 2006).*

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Products Liability Lawsuit Sheds Light on Establishing Fault Under Georgia's Apportionment Statute

By: Ryan B. Wilhelm

The Supreme Court of Georgia recently held that a plaintiff's complaint and other pleadings may be used as evidence to establish fault under Georgia's apportionment statute. This opinion provides important guidance on how defendants may apportion damages to other parties or non-parties who may be responsible for causing the plaintiff's damages.

In *Georgia-Pacific, LLC et al. v. Fields*,[1] Plaintiff Rhonda Fields filed a product liability lawsuit contending that she suffers from mesothelioma caused by exposure to the defendants' asbestos-containing products. As required for all asbestos cases filed under Georgia law, Ms. Fields submitted a sworn information sheet with her initial complaint alleging the defendants, as well as a number of non-parties, were responsible for manufacturing, selling, or distributing asbestos-containing products that exposed her to asbestos.[2]

When determining the amount of damages that may be awarded to a plaintiff in a personal injury case such as *Fields*, the jury is required to apportion damages amongst all parties and non-parties found to be responsible for causing the plaintiff's injuries.[3] To require consideration of a non-party's fault, the plaintiff must have entered into a settlement agreement with the non-party, or the defendant must have provided notice at least 120 days prior to trial that the non-party may be at fault.[4] To apportion damages against a non-party, the defendant is required to present evidence of the non-party's fault.[5]

After conducting discovery, the *Fields* defendants filed notices of non-party fault stating that various non-parties, including several non-parties who had reached settlement agreements with the plaintiff, were at fault in causing the plaintiff's damages. Shortly before trial, the plaintiff filed a motion for summary judgment on the issue of non-party fault, arguing that the defendants had failed to provide sufficient evidence of the non-parties' fault.

In opposing the plaintiff's motion, the defendants pointed to the plaintiff's initial complaint and sworn information sheet, which alleged that the non-parties caused or contributed to her injuries. However, the trial court granted summary judgment in favor of the plaintiff, striking the notice of non-party fault, and holding that the plaintiff's complaint could not be used as evidence of non-party fault. The trial court's decision was affirmed by the Georgia Court of Appeals.

The Georgia Supreme Court reversed the decision and held that the plaintiff's complaint *could* be used as evidence against her. To reach this conclusion, the Supreme Court pointed to O.C.G.A. § 24-8-821 (formerly O.C.G.A. § 24-3-30), which states that "[w]ithout offering the same in evidence, either party may avail himself of allegations or admissions made in the pleadings of the other."[6] The Supreme Court explained that "[s]uch admissions or allegations appearing in the pleadings are treated as admission in judicio and, if not withdrawn, are conclusive of the facts contained therein."[7]

> ...even though the plaintiff amended her complaint, the amendment "does not have the effect of wiping such admissions from the record for all purposes."

The Supreme Court explained that even though the plaintiff amended her complaint, the amendment "does not have the effect of wiping such admissions from the record for all purposes."[8] Instead, the amended pleading remains as viable evidence which the admitting party can explain, but may be unable to conclusively refute. Under this rationale, the Court held that even though the plaintiff's initial complaint alleging exposure to various non-parties had been amended, the defendants were entitled to point to the previous allegations to create an issue of fact to survive summary judgment.[9]

The *Fields* decision is important because it allows a defendant to use a plaintiff's pleadings (even if they have been amended) to make an initial showing non-party fault. Although it is worthwhile for a defendant to develop and present additional evidence of non-party fault, the *Fields* decision assists in opposing a plaintiff's contention, either at summary judgment or otherwise, that insufficient evidence has been presented to establish non-party fault.

Resources

1. Georgia-Pacific, LLC et al. v. Fields, Nos. S12G1393, S12G1417, 2013 WL 4779544 (Ga. Sup. Ct. Sept 9, 2013).
2. O.C.G.A. § 51-14-7.
3. O.C.G.A. § 51-12-33.
4. O.C.G.A. § 51-12-33(c).
5. McReynolds v. Krebs, 290 Ga. 850, 725 S.E.2d 584 (2012).
6. O.C.G.A. § 24-8-821 (emphasis added).
7. Fields at p. 3.
8. Id. at p. 4.
9. Id.

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We're in this to win.

Jury Verdict for Defense in C-section Case

Gary Lovell and **Jeff Crudup** recently obtained a jury verdict on behalf of their obstetrician clients in Lexington County State Court. The case arose when a baby sustained lacerations on her cheek during a Caesarian section birth. The lacerations left several visible scars. At trial, Gary and Jeff successfully argued that the obstetrician performed the procedure within the standard of care and lacerations to babies' cheeks are a known and accepted complication of Caesarian births. After deliberating for three hours, the 12-person jury returned a defense verdict.

Defense Verdict for Urogynecologist Deflects $5M Claim

Dan McGrew and **Heather Miller** recently obtained a defense verdict on behalf of an Urogynecologist, following an eight day trial in Dekalb County. Plaintiff alleged that the defendant physician performed a surgical procedure that was not indicated, as well as used a product that was improper for the procedure. Dan and Heather successfully argued that all aspects of the physicians' care met, and exceeded, the standard of care. During closing arguments, Plaintiff sought $3-5M in damages. The jury deliberated for less than one hour, rendering a defense verdict.

Case of Watercraft Engine Malfunction Dismissed

Andy Countryman recently won a Motion to Dismiss a negligence/breach of warranty claim. Plaintiff purchased a watercraft with a refurbished engine that Andy's client provided. Plaintiff maintained the engine never functioned properly and brought negligence and breach of warranty claims against multiple Defendants, including the engineer provider. On Andy's Motion, Complaint was dismissed as to the engine provider for failure to state facts sufficient to constitute a cause of action.

Summary Judgment Granted to Employer after Self-proclaimed Whistleblower Is Terminated for Cause

Joe Hoffman, William Jones and **Kent Stair** successfully obtained summary judgment for an employer and several officers of the company, dismissing RICO and retaliation claims brought by a former employee that was terminated for cause. The employee claimed his termination was the result of "whistle-blower" conduct that included going outside his chain of command and not following proper reporting procedures. In granting the motion for summary judgment, the Court agreed with the employer and officers that the former employee failed to show how he was injured by any of the alleged RICO violations and the evidence did not show that the employee spoke out as a private citizen and, therefore, his speech was not protected under the First Amendment.

Defense Award in a Potentially Catastrophic Workers' Compensation Case

Lynn Olmert recently defended a claim for workers' compensation filed against a large roofing company. Prior to involvement of defense counsel, this back injury claim was

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D. Gary Lovell, Jr., Since 2013
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Scott D. Huray, Since 2013
Insurance Law (Atlanta, GA)

R. Michael Ethridge, Since 2014
Insurance Law, Litigation - Construction (Charleston, SC)

N. Keith Emge, Jr., Since 2014
Professional Malpractice Law (Charleston, SC)

OVERSTREET TO SERVE ON SC BAR'S PROFESSIONAL LIABILITY COMMITTEE

David Overstreet was recently chosen to serve on this inaugural committee for the South Carolina Bar. The committee is made up of 10 members of the state bar who each practice extensively in the area of professional liability.

DUDGEON RECEIVES AV PREEMINENT

Congratulations to **Amanda Dudgeon** for receiving an AV Preeminent Rating from Martindale-Hubble. Martindale-Hubbell® Peer Review Ratings™ reflect a combination of achieving a Very High General Ethical Standards rating and a Legal Ability numerical rating.

accepted as compensable on a medical only basis, but income benefits were denied based on a termination due to insubordination. This fact was disputed, and a hearing was scheduled. Throughout discovery, Claimant changed his story about the accident, and it was discovered that on the day prior to the alleged accident, Claimant had been seen by a doctor for back pain and numbness in his legs. Based on this evidence, the decision was made to controvert the claim. Following a hearing, the Judge found that Claimant did not sustain an injury arising out of and in the course of employment and denied the claim in its entirety.

Appellate Court Upholds Summary Judgment in Medical Malpractice Case

The Court of Appeals recently upheld a motion for summary judgment obtained by **Wade Copeland** and **Ashley Sexton** on behalf of their orthopedic surgeon client. Plaintiff had alleged that his orthopedic surgeon had fraudulently withheld information concerning a deformity on his heel and defects in his Achilles tendon following orthopedic surgery to repair a ruptured Achilles tendon. Plaintiff claimed that the surgeon knew or should have known about the deformities at the time the surgery was performed and withheld this information from Plaintiff. The judge granted the motion that had been filed on the basis that Plaintiff claims required the support of expert testimony that Plaintiff did not furnish. The Court of Appeals upheld the grant of motion for summary judgment and denied Plaintiff's motion for reconsideration. The Court of Appeals decision is published at *Johnson v. Johnson*, A13A1169.

$5.6M Verdict Reversal in Wrongful Death Case

In June 2012, a couple was awarded $5,670,942.60 by a Paulding County jury in the case of *Williamson v. Turner*. This wrongful death case concerned their son who was killed when the jeep in which he rode was hit by a car driven by the insured Turner. Turner was under the influence of drugs and alcohol at the time of the incident, and it was a clear liability accident. The insurance company immediately offered the limits of $25,000 and sent opposing counsel a limited liability release containing some indemnification language and other language which Plaintiffs found offensive. Opposing counsel declined to accept the limits and sued Turner and the insurer, even though the writings showed that a settlement for the limits had been made.

After answering the complaint, the defendant, through his counsel, **Douglas W. Smith**, moved the court for an order enforcing what he believed to be a settlement between the parties. The judge in Paulding County disagreed and denied the motion. After the verdict and judgment, Doug appealed directly to the Georgia Court of Appeals which reversed the trial court decision on February 28, 2013. The Court held that the writings did in fact show a "meeting of the minds", and that a settlement had occurred. The details of the release were to be worked out. Plaintiffs applied for certiorari to the Georgia Supreme Court which was denied on September 23, 2013. At the time of this printing, Doug has filed a Motion to Vacate the Judgment against his client.

Publications & Presentations

Carlock Copeland attorneys frequently write and present on topics for a variety of clients, organizations and publications. To request a presentation or article for your organization, contact Michelle Fry at mfry@carlockcopeland.com.

- 85 claims professionals attended the Firm's inaugural **Day of Discovery: Insurance Coverage & Bad Faith Seminar** at the Atlanta Botanical Garden. A day of seminars were led by guest Michael Reynolds of IAS Investigation Services, and the following Firm attorneys: Michael Ethridge, Charlie McDaniel, Fred Valz, Dave Root, Ryan Wilhelm, Sarah Wetmore, Kathy Carlsten, Erica Parsons, Mike McCall, Lee Gutschenritter, Jennifer Stancil and Lee Weatherly.

- Chris Whitlock presented **"Effective Ways for Employers to Reduce Their Cost of Workers' Compensation Claims"** to a series of airport professional groups.

- Eric Frisch presented on the topic of **current Georgia law concerning apportionment of liability in medical malpractice and healthcare organization litigation** at the 9th Annual Medical Malpractice Liability Institute.

- Marquetta Bryan spoke on the topic of **Evidence Issues** at the Institute of Continuing Legal Education's 32nd Annual Georgia Insurance Law Institute.

- Joe Kingma moderated a panel for the ABA's Lawyer Professional Liability Committee captioned **"Dr. Jekyll to Mr. Hyde: Evaluation, Preparation, and Transformation of the Difficult Lawyer's Testimony and Delivery."**

- Lynn Olmert presented **"Dealing Ethically With Unrepresented and Uninsured Parties"** at the State Bar of Georgia's Annual Workers' Compensation Law Institute.

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Wayne D. McGrew, III (Dan) Invited to Join Prestigious American College of Trial Lawyers

Congratulations to **Dan McGrew** on his recent invitation to become a Fellow of the prestigious American College of Trial Lawyers (ACTL). He was inducted as a Fellow at the October 2013 ACTL meeting in San Francisco, CA.

The American College of Trial Lawyers was founded in 1950 as an organization to recognize the very best of the courtroom bar. The College membership is composed of civil lawyers, criminal lawyers, plaintiffs' lawyers, defendants' lawyers, public interest lawyers and state and federal prosecutors and public defenders whom have proven themselves in actual trial practice. There is an intensive vetting process of persons who have distinguished themselves in trial practice for at least 15 years. The College looks for lawyers whose ethical and moral standards are the highest, and lawyers who share the intangible quality of collegiality. Fellowship is extended only by invitation, after careful investigation, to those experienced trial lawyers who have mastered the art of advocacy and whose professional careers have been marked by the highest standards of ethical conduct, professionalism, civility and collegiality. Although there are currently more than 5,700 Fellows across the U.S. and Canada, membership can never be more than 1% of the total lawyer population of any state or province. Firm founders **Tom Carlock** and **Wade Copeland** are also Fellows of the College.