

Lessons I've Learned On the Bench

From the High Court

By Hon. Harold Melton
Justice, Supreme Court of Georgia

- Preserve all objections at trial by getting them on the record in order to lay the proper foundation for an appeal; trial lawyers are the captain of the ship and in charge of making the best record possible
- For every appeal check both the appellate procedure provisions set forth in the applicable appeal statute as well as the Court Rules governing an appeal to insure that your appeal is in the right court and done in the right manner
- If in doubt about whether to file an application for discretionary appeal or a direct appeal, it does not hurt to file both. If you have to choose between one or the other, filing an application will more likely preserve your client's opportunity to appeal and avoid prejudice
- Make your liability insurer happy by meeting all jurisdictional deadlines; make sure you are familiar with the rules for counting days from the order or judgment you are seeking to appeal
- If it is not apparent on its face why your appeal is timely, make it apparent
- Request extensions of time as far in advance of the deadline as possible but be aware that statutory deadlines cannot be extended, even on motion
- Draft briefs that flow logically and are succinct
- Make an honest argument. If there are problems with your case, don't ignore them. Address them and state why they are not fatal to your position
- Do not be sloppy with citations or record cites. We need to know exactly where to find the proof you are arguing
- Dress professionally when appearing before any judge, be it a magistrate or a Supreme Court Justice
- Stop talking when a judge begins to ask a question and show courtesy to the court at all times
- Do not read your arguments
- Many judges are visual; charts of graphs are good to help clarify both facts and points of law
- Attach copies to your brief of key controlling documents that exist in the record; do not rely just on excerpts. While judges have access to the actual record, the briefs give parties an opportunity to make sure the key documents reach a judge's desk. If the case is controlled by a contract, will, or even a prior opinion, attach a copy at the certiorari or application stage, briefing stage and the motion for consideration stage
- A motion for consideration which rants that a case is the dumbest decision ever written is unlikely to do much good for your client
- We all enjoy receiving friendly visitors.



On July 1, Harold Melton was appointed to the Georgia Supreme Court by Gov. Sonny Perdue. Prior to joining the Court, Justice Melton served as Executive Counsel to Gov. Perdue, representing the Governor on legal issues covering the entire scope of state government. Justice Melton received a Bachelor of Science degree from Auburn University and his Juris Doctorate from the University of Georgia in 1991.

A native of Washington, D.C., Justice Melton grew up in East Point and Marietta. He currently resides in Atlanta with his wife, Kimberly, and their three children.

From the Trial Court

By Hon. Randy Rich
Gwinnett State Court

- The wheels of justice sometimes spin rather slowly
- There's no such thing as being too courteous to the judge's staff
- The judge's staff often communicates directly with the judge
- It is nearly impossible to obtain a continuance after the trial has started
- Photocopies from "Milich on Evidence" from the downstairs county law library made on the morning of trial are not the ideal format for requests to charge
- No matter how much you prepare, a jury trial will not go exactly as planned
- Be ready for trial, even when reached
- When possible, try to copy notes from cocktail napkin to notepad before you get to court
- Reading your brief verbatim at oral argument does not often add to the brief itself
- It usually works out better if you stand when you speak in the courtroom
- The black robe is much hotter than it looks
- If you prevail at trial, your chances on appeal are usually pretty good



Randy Rich is a graduate of the University of Georgia, Georgia State College of Law, and a former member of the Young Lawyers Division Executive Committee. In 2004, Randy was elected to a vacant seat on the State Court of Gwinnett County out of a field of seven candidates. He is married to Bonnie Rich (a lawyer and full time mom), and is the proud parent of Miller Rich, 3, and Holland Rich, 1.

Save the Date

YLD Spring Meeting 2006
April 20-23, 2006
MGM Grand Hotel and Casino
Las Vegas, Nev.

Room rates \$179/night
Request State Bar of Georgia Young Lawyers Division rate
Reserve by March 20, 2006
1-877-880-0880

Group activities and CLE to be offered. For more information, please contact YLD Executive Director Deidra Sanderson at 404-527-8778 or e-mail deidra@gabar.org.

We are trying to get our meeting numbers together, so if you are interested in attending, please let us know!

Letter to the Editor

Damon,

As an inactive member of the Georgia bar, I still get all the blast e-mails.

Although we haven't been directly affected by Hurricanes Katrina and Rita here in Monroe, La., we certainly are housing our share of evacuees and are dealing with the resulting effects. I have passed on information I've received in previous e-mails to our various bar organizations, and I just wanted to let you know personally that we Louisiana lawyers are deeply appreciative of the efforts being made by the Georgia Bar. I'm especially proud since Georgia was the first place I practiced, and I always knew lawyers in Atlanta had big hearts when they were called upon to respond.

Best regards,

Kayla Dye May, Career Law Clerk to the Hon. Robert G. James, United States District Court, Western District of Louisiana, Monroe Division