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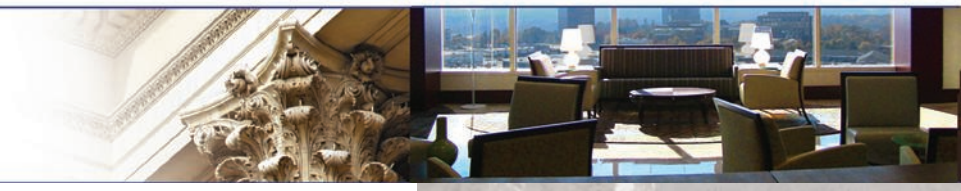

Dear Friends,

For over a decade, it has been my privilege to write this annual year-end note to our clients and friends on behalf of our firm. In doing so this year, I am reminded this is now the third consecutive time I've written with the shadow of the "Great Recession" on all our minds.

Despite these challenging times, my partners and our entire firm have again viewed this past year as an opportunity and not a justification to stand still or retrench. We have continued to invest in our future, as demonstrated by the recently completed expansion and renovation of our Atlanta office.

We also have been fortunate to attract outstanding lawyers like Bobby Baker who soon will join us as a Partner when he completes his term on the Georgia Public Service Commission. Those who follow Georgia government know well Bobby's reputation as a bright and innovative public official, with an unmatched reputation for integrity. Georgia has rarely seen a more capable statewide leader, and we are very fortunate Bobby chose to join our team.

This year, our lawyers and practice groups again received recognition by independent organizations such as *US News, Chambers, Benchmark and Super Lawyers*. I am proud to say that every partner in our firm was recognized by at least one of the major services as among the elite attorneys in their respective practices. In addition, our lawyers and staff continue their active involvement with many civic, charitable and professional groups. One recognition that bears special mention is the *Corporate Excellence Award* given to our firm by the United Way in recognition of our support, including our 100% participation rate for employee contributions. This honor truly resulted from the collective efforts of everyone here at FMG.

Finally, as we do each year, we want to say "thanks" to you, our clients. We never take lightly that you entrust us with your legal matters, and we strive every day to continue to deserve the trust you place in us as your lawyers.

On behalf of everyone at FMG, we are thankful to be your attorneys. We wish you and your families a healthy and prosperous Holiday Season and New Year.

Ben Mathis
Managing Partner

Inside this Issue

We invite you to follow FMG on *Facebook.* A facebook icon has been added to the top right hand of our website home page at www.fmglaw.com. We also have added icons to our home page for you to *Subscribe to Our Mailing Lists* and to *Contact Us*.

Complete and searchable copies of prior articles are available at www.fmglaw.com under Seminars/Newsletters/ FMG LawLine.

About FMG

Freeman Mathis & Gary, LLP is a leading specialty litigation firm, serving clients through its practice groups in Business Liability and Insurance Law, Labor and Employment Law, Construction Law, Commercial and Complex Litigation, and Government Law. FMG attorneys serve as trusted counsel to corporations and governments throughout the country, providing practical, efficient, and cost-effective solutions for legal issues. For more information about FMG, visit **www.fmglaw.com**.

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New FMG Attorneys

Robert "Bobby" B. Baker, Jr., will join the firm on January 1 as a Partner. Commissioner Baker is currently finishing his third term as a statewide elected member of the Georgia Public Service Commission.

At FMG, Mr. Baker's practice will focus on strategic and regulatory advice and representation of clients (both private companies and local governments) with a focus on energy and technology issues. In addition, Mr. Baker will handle appellate and mediation matters. Bobby Baker was first elected to the Public Service Commission in 1992, and was the first Republican elected to a statewide constitutional office since Reconstruction.

Since that time, he has established a reputation for supporting innovative public policy to encourage economic development throughout the state. Commissioner Baker has worked aggressively to develop competitive markets for utility and technology services, and to reduce the regulatory burden on businesses. He was elected to a second six-year term in November 2004, but did not seek re-election in 2010, deciding instead to return to private practice.

Bobby Baker grew up in DeKalb County and attended DeKalb County public schools. He graduated from Oglethorpe University with honors and received his law degree from the University of Georgia.

After law school, Mr. Baker joined the Southeastern Legal Foundation, a regional conservative public interest law firm and then practiced with a private law firm in Gwinnett County.

Bobby Baker has been recognized on numerous occasions by both *Georgia Trend Magazine* and the *Atlanta Business Chronicle* as one of the city and state's most influential leaders. He has served on the board of directors for the Georgia Center for Advanced Telecommunications Technology (GCATT) and as Vice-Chairman of the Gwinnett County Planning Commission. He also is the recipient of the Talmage Award from Oglethorpe University in honor of his distinguished professional career and public service.

Seth F. Kirby joined the firm as Of Counsel in the Atlanta office. Mr. Kirby practices in the firm's Business Liability and Insurance Law Group. He focuses on insurance coverage matters and professional liability claims, including attorney malpractice claims.

Mr. Kirby has extensive experience in representing insurance companies in litigation involving coverage issues as well as allegations of bad faith.

Mr. Kirby received his B.A. from the University of Georgia, *cum laude* in 1996 and his J.D. from Georgia State University College of Law, *cum laude* in 2001. He served as circulation editor for the *Georgia State University Law Review*. He is a member of the Georgia Bar.

Winter Wheeler joined the firm as an Associate in the Atlanta office. Ms. Wheeler practices in the firm's Business Liability and Insurance Law Practice Group. She focuses on litigation, local government liability, insurance coverage, and civil rights.

Ms. Wheeler received her undergraduate degree in International Politics and Foreign Policy from Georgetown University. She graduated from Tulane Law School with her J.D in 2006. At Tulane, Ms. Wheeler was a member of the Frederick Douglass Appellate Advocacy Team. Ms. Wheeler is licensed to practice law in Florida, New York, and Georgia.

C. Whitfield Caughman joined the firm as an Associate in the Atlanta office. Ms. Caughman practices in the firm's Business Liability and Insurance Law Practice Group. She focuses on professional liability matters, including directors and officers and medical malpractice litigation.

Ms. Caughman received her B.A. in English, with a minor in Sociology from Emory University. She graduated from Tulane Law School in New Orleans with her J.D. in 2007. At Tulane, Ms. Caughman graduated *cum laude* and served on the Moot Court Executive Board. She also was a division champion in the ABA Regional Mediation Competition and competed in the national championship.

Ms. Caughman served as the Communications Editor and was a member of the *Tulane Maritime Law Journal*. She is a member of the Georgia Bar.

Georgia Supreme Court Holds That Six-Year Statute of Limitation Applies to Professional Malpractice Claims

By Bart Gary

On November 22, 2010, the Georgia Supreme Court reversed a decision of the Georgia Court of Appeals regarding the proper statute of limitation to apply to claims for professional malpractice. The case of Newell Recycling of Atlanta, Inc. v. Jordan Jones & Goulding, Inc., Case No. S09G1974 (November 22, 2010) began as a malpractice claim against an engineering firm that provided design services for a new automobile shredding facility. The engineer, Jordan Jones & Goulding (JJ&G), prepared a proposal for the project entitled, "Draft Scope of Work" and sent it to the owner, Newell Recycling, in 1997. JJ&G followed up the draft with a letter with a cost estimate. The parties verbally agreed upon the work, and the project constructed with JJ&G's plans was completed by the fall of 1999.

The concrete paving around the shredder began to crack in May 2000, but Newell Recycling did not file the action for professional malpractice until August 2004, more than four years later. Relying on several of its prior decisions, the Court of Appeals held, as a matter of law, that the malpractice claim was barred by the four-year statute of limitation upon all actions on any implied promise or undertaking. The court rejected the argument that the six-year statute of limitation for actions upon contracts in writing (O.C.G.A. § 9-3-24), should decide the issue. The court ruled that even assuming, without deciding, that JJ&G's "draft" scope of work and letter constituted an enforceable written contract, professional malpractice claims, even when based in whole or in part upon a written contract, are governed by the four-year statute of limitation.

The Georgia Supreme Court granted a writ of *certiorari*, or discretionary review, of the decision of the Georgia Court of Appeals, and reversed the holding of the court of appeals. Specifically, the Supreme Court held that where a professional malpractice claim is based upon a written contract, the applicable statute of limitations is the six-year statute of limitation of O.C.G.A. § 9-3-24. The Court reasoned that by its terms, the four-year statute of limitation (O.C.G.A. § 9-3-25), applies to claims upon an oral or implied promise or undertaking. Under the proper analysis, one must "determine whether a written agreement actually exists between the parties such that any implied duties sued upon would have grown directly out of the existence of the written contract itself." Where a written agreement exists, the breach of any expressed or implied duties in the agreement is subject to a six-year statute of limitation, rather than the four years applicable to purely oral or implied agreements.

Georgia Supreme Court held that where a professional malpractice claim is based upon a written contract, the applicable statute of limitations is the six-year period . . .

The Supreme Court's decision is significant for two reasons. First, it reversed a long line of court of appeals decisions holding that *any* malpractice case, whether based upon a written contract or not, including claims against lawyers, accountants, exterminators, as well as design professionals, is subject to a four-year statute of limitation. Professionals and their insurers need to be aware of the longer exposure for potential liability. Second, the court found that the relationship was based upon a written agreement where there was marginal factual support for the existence of a written contract. Neither the courts of appeals' nor the Supreme Court's opinions offer details about the agreement other than that the engineer sent a written "draft" of a scope of work and letters to the owner. It was uncertain whether the scope of work was signed by the two parties as an integrated, written agreement. ■

For more information, contact Mr. Gary at bgary@fmglaw.com.

Should Your Company Voluntarily Participate in E-Verify?

By Kelly Morrison

E-Verify is the federal government's online system through which an individual's legal work status is verified by checking their I-9 information against the information contained in the U.S. Citizenship and Immigration Services ("USCIS") and Social Security Administration ("SSA") databases. More than 1,200 employers are registering to use E-Verify every week, but use of this tool is not mandatory for most employers.

Some companies voluntarily use E-Verify because it is quick: within seconds of entering I-9 information, the employer receives notice that the information matches or fails to match USCIS and SSA records. If the employer receives a "tentative non-confirmation notice," it must follow specific procedures which are laid out in the E-Verify handbook. Although following these procedures may be viewed as creating an administrative burden, the perceived burden may be outweighed by E-Verify's benefits: running new hires through E-Verify is relatively simple, requires little training and overhead, and can help a company make a quick determination that an individual is legally authorized to work before investing significant time and money in the training process.

E-Verify also has the benefit of virtually eliminating an employer's receipt of SSA "no-match" letters (which notify the employer that an employee's name does not match their social security number). Because there is no established legal procedure for responding to these letters, an employer who receives one may have to choose between incurring immigration penalties for knowingly retaining illegal workers on the one hand, and facing a potential lawsuit for race/national origin discrimination (e.g., "I was terminated because I am Hispanic") on the other. By reducing or eliminating no-match letters, E-Verify may allow companies currently receiving such correspondence to avoid having to choose between two unfavorable options.

E-Verify does not provide an official safe harbor from prosecution for knowingly employing unauthorized workers, but does create a legal presumption that your company has complied with immigration laws. As a practical matter, this presumption likely will reduce corporate liability from an audit or investigation by Immigration and Customs Enforcement. In many cases, use of E-Verify translates to a warning letter instead of a civil fine (or, in more serious cases, a civil fine instead of criminal charges).

E-Verify's benefits: it is relatively simple to use, requires little training and overhead, and can help a company make a quick determination that an individual is legally authorized to work . . .

E-Verify has its drawbacks, however. The most obvious downside is that, by participating in E-Verify, an employer makes its I-9s available (in electronic form) to the federal government. This makes it much easier for the government to search for small technical violations and errors (e.g., an I-9 completed on the fourth day of employment instead of the third). Enough minor errors could theoretically trigger an audit that would not have occurred if the employer had kept its records in paper format.

If federal and state political trends continue, E-Verify may soon will become mandatory for all employers. Companies that sign up for the program on a voluntary basis can reduce their receipt of no-match letters and also be confident that, if E-Verify becomes non-optional, their workforce is compliant. ■

For more information, contact Ms. Morrison at kmorrison@fmglaw.com.

Cyber-Liability Evolves in the Wake of Important Legal Developments


By Mary Anne Ackourey and Betsy Bulat Turner

It is no secret that technology has irreversibly changed the workplace. Mobile email devices and remote access have blurred the distinction between business and personal time as employers often expect employees to be available on these devices after normal work hours. On the other hand, many employees now expect access to the Internet, including their personal email, social media, and other accounts, for personal use at work, and many employees use their company email accounts for personal business, further blurring the line between work and personal time.

This year, the United States Supreme Court decided its first major case addressing cyber-liability issues. While the decision did not extend as far as many employers had hoped, the Court in City of Ontario v. Quon unanimously found that an employer's search of an employee's text messages, on a device owned and issued by the employer, to see if those texts were work-related, was reasonable and lawful. The Court based its decision on the fact that the City's review of the text messages was for a reasonable purpose – the City's interest in ensuring that it was not paying for extensive personal communications made during work hours.

Quon is significant because it supports the notion that employers may search an employee's communications on company-owned devices when: (1) the search is for a work-related purpose and not simply to investigate the employee's affairs; (2) the search is not excessive in scope but limited, to the extent possible, to the work-related purpose; and (3) the employee clearly is on notice through the company's policies and procedures that the company has reserved the right to monitor the employee's electronic communications.

Nevertheless, employers still must be wary of monitoring employees' electronic communications. The Electronic Communications Protection Act, Stored Communications Act, and many state laws make it illegal to use illicit or coercive means to access employees' private electronic communications, including personal email and social media accounts, or to otherwise invade employees' privacy expectations in personal communications.

In this regard, the Supreme Court of New Jersey in the case of Stengart v. Loving Care Agency, Inc. recently held that an employee's use of a company computer to send and receive personal emails with her attorney did not justify that company's claim of ownership to the emails when it obtained the emails through forensic imaging of the employee's computer, even though the emails were sent in violation of the company's electronic communications policy. The court explained that the computer on which the emails were found was "little more than a file cabinet for personal communications" and that property rights "are no less offended when an employer examines documents stored on a computer as when an employer rifles through a folder containing an employee's private papers or reaches in and examines the contents of an employee's pockets."

Troubling cyber-liability issues also have begun to emerge in the area of traditional labor law, especially in connection with communications made by employees through social media. For example, on November 2, 2010, the NLRB announced that it had filed a complaint against an ambulance service that had terminated an employee who posted negative remarks about her supervisor on her personal Facebook page after she was denied union representation at a disciplinary meeting. The complaint also alleges that the company illegally maintained and enforced an overly broad blogging and internet posting policy. The NLRB contends that termination for the employee's Facebook postings and the company's blogging and internet policies constitute interference with the employee's right to engage in protected concerted activity under Section 7. Although no decision yet has been rendered in this case (a hearing on the case is scheduled for January 25, 2011), the case highlights the NLRB's increasing willingness to scrutinize employers' electronic communications policies and actions taken against employees based on those policies.

In conclusion, to avoid liability for reviewing or taking action based on employees' electronic communications, employers clearly must put employees on notice that, if they view their personal email or other accounts on company computers, their communications can and will be monitored. Some states, including Delaware and Connecticut, have even passed statutes requiring employers to notify their employees when monitoring their electronic communications. Indeed, it is prudent to proceed cautiously or seek legal advice prior to accessing employee's communications on electronic or social media platforms. ■

For more information, contact Ms. Ackourey at mackourey@fmglaw.com or Ms. Turner at eturner@fmglaw.com.

Trimming the Fat: The Practical Side of the Medicare Secondary Payor Statute


By Matt Stone and C. Whitfield Caughman

Three years after its enactment, a layer of confusion still exists around the Medicare, Medicaid, and SCHIP Extension Act's new reporting requirements for liability and self-insurers. Many have taken the Act's straightforward mandate and driven themselves mad trying to anticipate all of the implied practical requirements of compliance. Part of the puzzlement may stem from the fact that the Act has not been fully implemented. The effective date for the reporting requirements recently moved to January 1, 2012 for liability and self-insurers without an ongoing responsibility to pay the injured party's medical bills. In the meantime, litigants, insurance professionals, and lawyers must trim the layers of misconception to get to the meat of the matter.

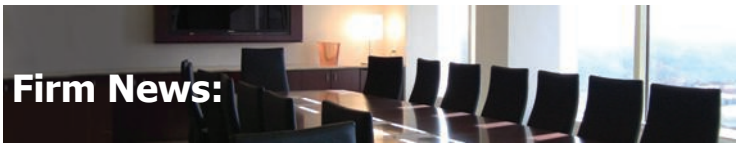
The new requirements flow from existing problems with Medicare. Generally, Medicare is a federally-funded program designed to provide health insurance to elderly and disabled Americans. The problem is that Medicare is extremely expensive. In 2009, the program covered 46.3 million people to the tune of $502 billion in benefits. Like Social Security, taxpayers contribute to Medicare throughout their working lives. As a result, Congress takes the position that Medicare should only be used as a backup plan. Any alternate source of benefits is deemed the primary source. It naturally follows that a Medicare-eligible plaintiff who receives compensation from a tortfeasor or insurer should not be entitled to Medicare benefits for related services.

Lawmakers have long attempted to prevent double recovery at the taxpayers' expense. Thirty years ago, Congress enacted the Medicare Secondary Payor Statute (MSPS) section of the Social Security Act to force plaintiffs to treat Medicare as a true backup "secondary payor." Since then, it has created both a right of reimbursement and a cause of action for the Center for Medicare and Medicaid Services (CMS) to recover payments that should have been provided by an alternative source of benefits as the "primary payor." In fact, CMS may proceed against an insurer or attorney directly. This power includes the right to recover double damages, plus interest.

Under this system, information regarding a primary payor is a valuable commodity. Congress took the simple step of amending the MSPS to require liability insurers and self-insurers (Responsible Reporting Entities or RREs) to submit certain information to identify a plaintiff or claimant. This submission occurs when a claim by a Medicare beneficiary is resolved by settlement, judgment, award, or "other payment"– regardless of a determination or admission of liability. Time is money under this new statute. An RRE faces a penalty of $1,000 per recipient for each day the RRE fails to notify Medicare. These simple provisions seek to ensure that CMS can coordinate benefits and prevent a beneficiary's over-indulgence.

The actual requirements are very "meat and potatoes." However, anticipated practical problems have kept some guessing at the Act's hidden flavors. In response, CMS has sought to facilitate the flow of information in both directions. Specifically, it created a query option that allows RREs to learn whether a plaintiff is Medicare-eligible. Therefore, discovery requests must divulge basic identifiers regarding the plaintiff, including a Social Security number, up front to even initiate the query. An insurer may also want to negotiate a settlement in which it includes Medicare on the settlement check. It may even consider setting aside a portion of the settlement proceeds for future medical treatment, formally through an annuity or informally by designating it as such in the Release. In fact, Medicare Set-Asides (MSAs) have become commonplace in the resolution of Workers' Compensation claims. While not expressly required, these precautions may become proper etiquette. They are the basic utensils to ensure that the new provisions go down smoothly and that one avoids the unsavory consequences of noncompliance. ■

For more information, contact Mr. Stone at mstone@fmglaw.com or Ms. Caughman at wcaughman@fmglaw.com.



Firm News:

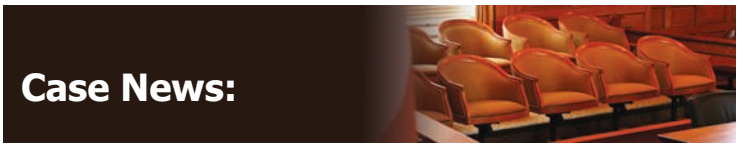
Corporate Counsel Magazine named FMG a "Go-To Law Firm®" for litigation and for employment law for 2011.

Benchmark Litigation, which focuses exclusively on rating America's leading business litigation firms and attorneys, ranked FMG as a leading firm for litigation. **Ted Freeman**, **Ben Mathis** and **Bart Gary** were named "Litigation Stars" by *Benchmark*.

Chambers USA, America's Leading Lawyers for Business, a highly regarded rating of America's top lawyers, named FMG a leading law firm for Labor and Employment Law. In addition, **Ben Mathis** was named a leading lawyer for Labor and Employment Law and **Bart Gary** was recognized as a leading lawyer for Construction.

U.S. News *and* ***Best Lawyers*** ranked FMG in the National Tier for Insurance Law and in the Atlanta Tier for Insurance, Municipal and Construction Law.

FMG received the ***Corporate Excellence Award*** for its support of the United Way. FMG was recognized for its continuous 100% contribution participation by its partners, attorneys and staff. **Neil Wilcove**, a partner in the Construction Law Practice Group, serves as the chair of the Firm's annual campaign.



Case News:

Bart Gary and **Arthur Ebbs** successfully represented a client in an arbitration in San Antonio, Texas, and also prevailed in challenges to the award filed in United States District Court in San Antonio and the Fifth Circuit Court of Appeals. This case involved performance bond surety for damages due to an alleged default under a subcontract and alleged liability for lost profits. The appeal to the U.S. Court of Appeals was concluded in the client's favor and the award, $6,700,000.00, was paid in full.

Jack Hancock and Michelle Youngblood Terry successfully resolved three appeals of ad valorem taxation on three well-known Class A office buildings in downtown Atlanta and in Buckhead. In each case, the final value was reduced $25-44 million.

Ben Mathis and **Kelly Morrison** recently concluded defense of a federal lawsuit against the Medical College of Georgia Foundation. The case was brought by the Board of Regents and alleged numerous violations of state and federal trademark laws, breach of contract, and breach of fiduciary duty arising from the termination of the parties' cooperative agreement. This was a novel case regarding the relationship and interplay between a private foundation and the university which it supports.

Mary Anne Ackourey, **Bill Linkous** and **Bill Buechner** successfully defended a federal lawsuit against a school district client in a matter involving claims under Title IX and constitutional claims arising out of the alleged rape of a special needs student. An early dispositive motion significantly narrowed the case and led to a successful resolution.

Ted Freeman, Jack Hancock, and **Sun Choy** continued work on the civil cases stemming from the March 2005 murders by Brian Nichols, a pretrial detainee at the Fulton County Jail. This litigation may result in new case law given the unprecedented circumstances of Nichols's criminal rampage and plaintiffs' various theories of recovery. The plaintiffs sued multiple governmental entities and FMG has led the defense in its representation of two of the deputies.

Phil Savrin and **Josh Portnoy** obtained summary judgment in favor of an insurer in a $16 million bad faith "failure to settle" lawsuit. The plaintiff obtained a judgment in the liability case and was assigned the employer's bad faith claim in exchange for a covenant not to execute against personal assets. The court found the insurer owed a duty to defend the damages claim but did not owe a duty to indemnify which avoids the bad faith claim against the insurer.

Fred Dawkins and **Marty Heller** successfully resolved a collective "donning and doffing" action alleging that our client did not properly compensate employees for time spent at beginning and end of work breaks, and at the start of work day putting on required protective equipment.

Phil Savrin and **Bill Buechner** won a trial for breach of contractual and common law indemnity on behalf of a client. The case was tried to verdict, where our client was awarded the entire amount of the underlying settlement and its attorneys' fees.

Dana Maine obtained a dismissal of a claim against a local government by an adult establishment claiming it was denied its rights under the First and Fourteenth Amendments pursuant to 42 U.S.C. Section 1983. The case involved the constitutionality of sign and zoning restrictions. The plaintiff sought damages in excess of $3 million.

Sun Choy recently obtained summary judgment in favor of police officers alleged to have used excessive force in using a Taser to subdue the plaintiff.

Ben Mathis, **Bill Buechner** and **Amy Combs Bender** represented a client in multiple lawsuits against former employees and others for breach of duty, conversion and other claims arising out of the theft of hundreds of thousands of dollars from the corporation. FMG obtained judgments against individuals for, collectively, over $500,000. Additionally, the firm assisted law enforcement authorities in their successful criminal prosecutions of the former employees.

Mary Anne Ackourey and **Amy Combs Bender** defended a client in a lawsuit involving application of New Jersey law concerning "raiding" of employees. They successfully defeated an attempt to gain injunctive relief sought and ultimately obtained dismissal of the case.

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Attorney News:

Dana Maine has been selected as Chair of The Defense Research Institute's (DRI) *Governmental Liability Committee* for 2011-12.

Ben Mathis will chair the Annual Judges meeting of the *Federal Bar Association*. This event honors members of the Eleventh Circuit Court of Appeals and the Federal Courts in Georgia. The keynote speaker will be Drew Days, former U.S. Solicitor General under President Clinton.

Matt Stone conducted training programs for the *North American Transportation Management Institute* (NATMI) as well as attended the annual conference of the *Trucking Industry Defense Association* (TIDA).

Fred Dawkins attended the *Minority Corporate Counsel Association* (MCCA) "Creating Pathways to Diversity" conference in New York City.

Jack Hancock hosted a reception for the Clayton County Board of Tourism.

Bob Oliver was honored as a Founding Trustee of Clayton State University Foundation.

Murray Weed graduated from the *Georgia Economic Development Academy*.

David Cole was selected as Chair of the *Employment Law Committee* for the Georgia Defense Lawyer's Association. Mr. Cole also is participating in the *Cobb Chamber of Commerce Leadership Program* as well as coordinating the firm's participation with the *Douglas County Chamber of Commerce.*

Marty Heller assisted the *Cobb Justice Foundation* by serving as an attorney for a pro bono client at a temporary protective order hearing in Cobb County Superior Court. Mr. Heller also serves as the social chair for the *Cobb County Young Lawyers Division*.

Firm Presentations:

Below are highlights of recent presentations by FMG attorneys. Be sure to check www.fmglaw.com.seminars for details regarding upcoming events and note many seminar materials are available under *Archived Seminars*.

Ben Mathis spoke on *Cyber Liability and on Recent Developments in Employment Law* at the Professional Lines Attorney Network (PLAN) seminars in New York and Hartford.

Phil Savrin spoke on *Insurance Coverage Developments* at the PLAN meeting in Atlanta. Ben Mathis served as co-host for the Atlanta meeting.

Dana Maine, **Kamy Molavi** and **Will Tate** spoke at the *Georgia Civil Engineering and Surveying Land Law Seminar* in Atlanta. Mr. Molavi discussed Boundary Law, Ms. Maine discussed Water Runoff and Land Use Law and Mr. Tate made a presentation on Easements.

Brad Adler made a presentation on *Wage and Hour Best Practices* at a conference in Atlanta.

Fred Dawkins co-presented on *Health Care Reform: Changes to Human Resources and Employee Benefits* at the Cobb Chamber of Commerce. This presentation reviewed the business related aspects of human resources and employee benefits that would be affected by the health care reform bill.

Fred Dawkins and **Amy Combs Bender** presented at the Gwinnett Chamber of Commerce Human Resources Management Association's *Annual Labor Law Seminar*. Mr. Dawkins spoke on *Union Vulnerability: How to Assess & Respond To Your Company's Risk* and Ms. Bender presented *A Review of Wage and Hour Laws.*

Murray Weed and **Bill Linkous** spoke at the 57th Annual Institute for City and County Attorneys Conference**.** Mr. Weed presented *Massage Parlor Ordinances* and Mr. Linkous presented on *Social Media Concerns for Municipalities.*

Murray Weed and **Bill Linkous** also spoke at the Georgia Municipal Association's Annual Conference. Mr. Weed made two presentations: *Basics of Ordinance Enforcement in Municipal Court* and *Nuisance Abatement***.** Mr. Linkous spoke on *Cities and Social Media.*

David Cole was a panel participant in a SHRM webinar on the *Top 10 FLSA Mistakes and How to Avoid Them.*

In Print:

Matt Stone's paper *Minor Compromises, A State by State Summary, Georgia* was published in the American Bar Association, Tort Trial & Insurance Practice, Commercial Transportation Litigation Committee.

Amy Combs Bender authored *Misclassifying Employees as Independent Contractors Is High on Agenda* for *The Voice* published by The Defense Research Institute of the Defense Bar.

Betsy Turner published *Employers' Rights to Inspect Employees' Electronic Communications After City of Ontario v. Quon* in the Gwinnett Chamber of Commerce's *HR Today* Newsletter.