



Law Journal Symposium

Monday, March 4, 2013

Agenda

8:30 – 9:00 Registration

9:00 – 9:05 Welcome Address

9:05 – 9:45 Keynote Speaker: Rep. Wendell Willard (0.5 CLE – Professionalism)
Rep. Willard will speak on “the lawyer as an advocate.” Rep. Willard has served in the Georgia House of Representatives since elected in 2001. He serves on the Rules, Appropriations, Ethics, Ex-Officio of Judiciary Non-Civil Committees, and previously served as a member of the Insurance Committee. He was instrumental in the creation of Sandy Springs, Johns Creek and Milton. Rep. Willard also has his own private practice and serves as the City Attorney for Sandy Springs. He has been honored by the Georgia Council on Aging with their Special Legislator Award, the Department of Human Resources with their Leadership Award, and the Georgia Municipal Association as a “Champion of Georgia’s Cities.” The Judicial Council of Georgia and the Georgia State Bar have also acknowledged him for his services to improve Georgia’s legal system.

9:45 – 10:45 Prof. Mark E. Budnitz – “Buyer Beware: Georgia Consumers Can’t Rely On the Fair Business Practices Act” (1.0 CLE)
Professor Budnitz is a graduate of Harvard and the former Bobby Lee Cook Professor of Law at Georgia State University College of Law. He specializes in consumer protection, with a special interest in electronic payment systems. He has published over thirty articles and co-authored books on credit reporting and bankruptcy. For many years, he wrote yearly updates for Consumer Banking and Payments Law and the Law of Lender Liability. Prior to teaching at Georgia State, he was an attorney in legal services programs for the poor, served as the Executive Director of the National Consumer Law Center, was a branch chief at the Securities and Exchange Commission’s southeastern regional office, and taught at Boston University and Emory University law schools.

Prof. Budnitz’s article focuses on *Novare Group v. Sarif* in which the Georgia Supreme Court rejected the plaintiffs’ claim that the defendant brokers and developers violated the Fair Business Practices Act of Georgia. His article contends that the court’s approach undermines the FBPA. He describes the General Assembly’s purpose in enacting FBPA & criticizes the court for treating claims under the FBPA the same as common law fraud claims. He also examines the court’s treatment of parol evidence and merger clauses. Then, the article discusses the implications for future actions seeking redress for FBPA violations.

10:45 – 11:00 Break

11:00 – 12:00 L. Andrew Immerman, Esq. and co-author Bryan N. Baird, GSU College of Law student – “The Georgia LLC Act: Recent Developments and Future Possibilities” (1.0 CLE)

Mr. Immerman is a graduate of Yale University and has been practicing law for 30 years. He is a partner with Alston & Bird where he focuses on federal income tax planning and transactional work for corporations, limited liability companies and partnerships. He has helped structure sophisticated mergers and acquisitions and has extensive experience with real estate transactions, include tax-free exchanges. He is a frequent author and speaker, is the immediate past chair of the Committee on Taxation of the American Bar Association, Section of Business Law; former chair of the Partnership & LLC Committee of the State Bar of Georgia, Business Law Section; and former member of the editorial board of *Business Law Today*.

Mr. Baird is a second-year law student at Georgia State University College of Law. He has a B.A. and M.S. in psychology from Mississippi State University and a Ph.D. in philosophy from the University of Georgia. He also taught philosophy for eight years at UGA before entering law school. Mr. Baird is a Dean’s Scholar and a member of the GSU Law Review.

Mr. Immerman and Mr. Baird’s article discusses Georgia’s Limited Liability Company Act, the fact it is 20 years old and how it has withstood the explosive growth in the use of LLCs. The authors believe the durability is due to the Act’s flexibility which allows businesses to adapt the LLC form to fit their own needs. The article discusses the changes the LLC Act has undergone, particularly a recent set of amendments, and what additional changes may be forthcoming.

12:00 – 1:00 lunch

1:00 – 2:00 Frank G. Goldman, Esq. – E-discovery: the impact and procedures for companies (1.0 CLE)

Mr. Goldman is a graduate of Cornell Law School and has been practicing for more than 15 years in the areas construction litigation/arbitration, contracts, commercial leases, corporate, regulatory matters, and employment law. He has represented medical practices and nursing homes in legal issues. He began his legal career as an Enforcement Attorney with the United States Office of the Comptroller of the Currency prosecuting violations of federal banking statutes and regulations by corrupt officers and directors of banks. Mr. Goldman was a commercial litigator for many years prior to establishing his own firm in 2006.

Mr. Goldman’s article discusses the impact e-discovery and e-discovery procedures have on closely-held businesses and their owners. He focuses on Georgia law on the topic, including the recent legislation that is being introduced in this session of the State Legislature, but also looks to the federal e-discovery rules and those found in other states.