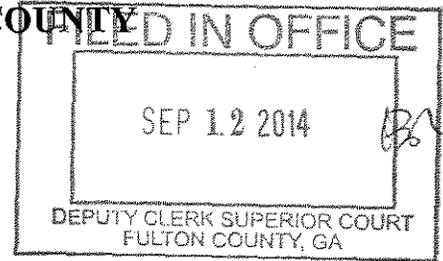


IN THE SUPERIOR COURT OF FULTON COUNTY



STATE OF GEORGIA

N.P., by his next friend)
 SHANEKA DARDEN, *et al.*,)
)
 Plaintiffs,)
)
 v.)
)
 THE STATE OF GEORGIA, *et al.*,)
)
 Defendants.)
 _____)

CIVIL ACTION NO.
2014-CV-241025

**PLAINTIFFS' REPLY TO DEFENDANTS' RESPONSE
AND AMENDED MOTION FOR MANDAMUS NISI AS AN
ALTERNATIVE BASIS FOR RELIEF**

Defendants Travis Sakrison, G. Russell Wright and Robert Sherrell could have mooted Plaintiffs' motion to enjoin the sham hiring process for the Cordele Circuit Public Defender. Following the status hearing on September 2, they could have reopened the hiring process, widely publicized the opening, and given applicants until September 19 – or even the end of the month – to apply. Their failure to do so – to even risk applications from well-qualified candidates for the position – is further evidence of bad faith and a determination to go through only a sham process to make H. Burton Baker the Cordele Circuit Public Defender.

It was not until 21 days after Mr. Baker had been selected and accepted on July 25,¹ and 15 days after his formal appointment on August 1 that an announcement of the “opening” was posted on the Georgia Association of Criminal Defense Lawyers listserv, which is subscribed to by 2.2 percent of Georgia’s 36,228 lawyers.² The notice gave applicants only six business days to send their applications to a post office box. There was no indication in the announcement of whether applications had to be received or postmarked by the deadline. This was calculated to produce few, if any, applications. Aside from Mr. Baker’s application, Defendants received only one other application. Def. Rep. Br. at 5.

This was not a fair, open and honest process that serves the “best interests of indigent defendants,” O.C.G.A. § 17-12-7 (a), and in accordance with the nomination process required by O.C.G.A. § 17-12-20 (b)(2). It was also contrary

¹ See Exhibits B and D to *Affidavit of W. Travis Sakrison*, filed herein on August 29, (e-mail of Mr. Sakrison offering the position and e-mail of Mr. Baker accepting it an hour later on July 25, 2014). Less than an hour before the position was offered to Mr. Baker, the Cordele Circuit Defender, Timothy Eidson, resigned via fax, Exhibit A to *Sakrison Affidavit*, apparently to take the job of Mr. Baker which would not be open until later in the afternoon. The timing of these events indicates that Mr. Baker’s and Mr. Eidson’s exchange of positions was planned in advance.

² State Bar of Georgia, *About the Bar*, available at <http://www.gabar.org/aboutthebar/>.

to common sense and well-established hiring policies and practices implemented by both government and private entities.³

Plaintiffs have challenged the failure to conduct a fair, open, and honest process as a sham and contrary to law. They seek an evidentiary hearing on all the facts regarding the process. The “State Defendants,” which include the director of the Public Defender Standards Council and the members of the Cordele Circuit public defender supervisory panel, argue that any challenge to the process is barred for three reasons.⁴ However, it is not.

First, no ethical conflict arises from Plaintiffs’ counsel’s continued representation of Plaintiffs on this motion or on this case, due to the submission of an application by one of Plaintiffs’ counsel to serve as the Cordele Judicial Circuit Public Defender. Second, sovereign immunity does not bar this motion, which was brought to vindicate Plaintiffs’ state and federal constitutional right to counsel. Third, Plaintiffs have standing to pursue an injunction against Defendants to

³ See Ex. 1 (examples of job announcements posted by government agencies and offices on a State jobs website (www.careers.ga.gov)); Ex. 2 (example job announcements posted to websites by the Attorney General’s Office, the Prosecuting Attorneys Council of Georgia, and others, and held open for more than 10 days); Ex. 3 Georgia Dep’t of Labor, Georgia Dep’t of Labor Employer Handbook 32-39 (excerpts) (making recommendations on recruitment and selection to private employers).

⁴ *The State Defendants’ Response to Plaintiffs’ Emergency Motion for Injunctive Relief*, filed herein August 29, 2014.

vindicate their state and federal constitutional right to counsel, as implemented through Georgia's Indigent Defense Act. They, above all, have a clear and compelling interest both in how a person is selected to serve as the Cordele Judicial Circuit Public Defender and in a capable, qualified person being selected. Therefore, Plaintiffs' motion is appropriately before the Court.

Plaintiffs have demonstrated that an injunction is necessary to protect their constitutional right to counsel. Thus, Plaintiffs ask this Court to compel Defendants Sakrison, Wright and Sherrell to comply with the Indigent Defense Act's requirements for hiring a circuit public defender, which include by implication conducting an open hiring process. Plaintiffs further ask the Court to compel Wright and Sherrell, the local supervisory panel members, to make the statutorily required recommendations for the Circuit Public Defender position to Defendant Sakrison only after conducting an open search and giving potential applicants an opportunity to apply.

In addition, Plaintiffs have amended their motion to request, as an alternative basis for relief, that the Court grant mandamus nisi and hold a hearing, pursuant to O.C.G.A. § 9-6-27(b), requiring Defendants to show cause why mandamus absolute should not issue. Because Defendants have grossly abused their discretion, the Court should order Defendants to conduct a search that (a) widely publicizes the vacancy of the Cordele Circuit Public Defender, (b) provides

sufficient time—no less than 30 days—for interested people to apply, (c) evaluates the experience and qualifications of the applicants, and (d) results in the hiring of a capable and qualified person for the position.

The selection process at issue here is of paramount, constitutional importance. It involves the most fundamental right of a person accused of a crime – the right to counsel, guaranteed by the United States and Georgia Constitutions. *See Gideon v. Wainwright*, 372 U.S. 335 (1963) (right to counsel in felony cases); *In re Gault*, 387 U.S. 1 (1967) (children have a right to counsel in delinquency proceedings as a matter of due process); *Argersinger v. Hamlin*, 407 U.S. 25 (1972) (right to counsel in any case that may involve a loss of liberty). “Of all of the rights that an accused person has, the right to be represented by counsel is by far the most pervasive, for it affects his ability to assert any other rights he may have.” *United States v. Cronin*, 466 U.S. 648, 654 (1984).

As noted at the status conference on September 2, the selection is occurring in the only judicial circuit in Georgia in which the counties do not fund positions for attorneys and investigators. As set out in the Complaint, the right to counsel – the constitutional requirements of *Gideon*, *Gault*, *Argersinger* and their progeny – has not been realized in the circuit. Those arrested go for months without seeing a lawyer. The only interaction that many defendants have with a public defender is being told of a plea offer shortly before arraignment. Children are often

unrepresented in Juvenile Court. The Circuit Public Defender is responsible for the realization and implementation of the right to counsel. Thus, every single constitutional protection of an accused as well as the fairness, integrity, legitimacy and credibility of the Superior and Juvenile Courts in the circuit are at stake in the selection of the Cordele Circuit Public Defender.

Neither the casual appointment of Mr. Baker, nor the sham process that followed, serves these constitutional imperatives. Mr. Baker was formerly the Cordele Circuit Public Defender and involved in the very deprivations of counsel that are the subject of this suit. He maintained a hostile work environment for women at the public defender office.⁵ After leaving it, he was involved in serious instances of sexual harassment.⁶ Defendant Sakrison either knew about Mr. Baker's misconduct and ignored it, or was unreasonably and insufficiently diligent to discover it. Either constitutes a gross abuse of discretion. It also demonstrates why a fair, open and honest process is compelled to produce qualified applicants for the position.

⁵ See Exhibit 4, Affidavit of Jason Carini.

⁶ See Exhibit 5, Affidavit of Stacey Flynn Morris; and Exhibit 6 "Employee Memo re Burt Baker" April 8, 2010.

I. No Ethical Conflict Arises From Counsels' Representation Of Plaintiffs.

Defendants assert that one of Plaintiffs' counsel is disqualified because he has "a proprietary interest in the cause of action or subject matter of litigation the lawyer is conducting for a client[.]" GEORGIA RULE OF PROFESSIONAL CONDUCT 1.8 (j). However, a "propriety interest" is one involving a property or financial interest in the litigation. *See, e.g., In the Matter of Lewis*, 266 Ga. 61, 463 S.E.2d 862 (1995) (holding attorney violated ethical bar on acquiring a proprietary interest by drafting a contract that gave attorney a 40% contingency fee and exclusive rights to settle litigation without client's consent). *See also Sweeney v. Athens Reg'l Med. Ctr.*, 917 F.2d 1560, 1568 (1990) (where attorneys' fees were contingent upon the amount recovered and agreement required that the attorneys approve the settlement, "it appears that the agreement may have violated the State Bar Rules" because "the attorneys may have obtained a proprietary interest in the case by writing into the agreement this requirement of attorney approval.") *See also* Black's Law Dictionary (9th ed. 2009) (**Proprietary interest** (17c) "A property right; specif., the interest held by a property owner together with all appurtenant rights, such as a stockholder's right to vote the shares."). Defendants cite four cases in support of their position, *Defendants' Reply* at 10-11, but none of

the cases address Rule 1.8(j).⁷ There is and can be no propriety interest in this equitable suit. Plaintiffs' counsel have none.

Defendants argue that the "propriety interest" is based on an application submitted by one of Plaintiffs' counsel, Stephen B. Bright, to serve as the Cordele Circuit Public Defender.⁸ That application was filed precisely because the sham hiring process fails to protect Plaintiffs' constitutional right to counsel. It does not conflict with the goals of this litigation, but is consistent with them; *e.g.*, promptly providing counsel after arrest, conducting interviews and investigations,

⁷ The four cases are *Registe v. State*, 287 Ga. 542, 697 S.E.2d 804 (2010); *Bugg v. Chevron Chem. Co.*, 224 Ga. 809, 165 S.E.2d 135 (1968); *Lane v. State*, 238 Ga. 407, 233 S.E.2d 375 (1977); and *Womble v. Womble*, 228 Ga. 10, 183 S.E.2d 747 (1971). All four cases involved conflicts of interests that were not based on any propriety interest. *Registe* involved a former assistant district attorney who prosecuted a defendant at trial and then represented him on appeal. The defendant's interests were "obviously 'materially adverse' to the State's interests," and the underlying criminal cases were the exact "same matter" in which the attorney "formerly and formally represented the state." 287 Ga. at 548, 697 S.E.2d at 809. In *Bugg*, the attorney represented a plaintiff-creditor "in seeking to set aside a deed [that] he had drawn for the defendant" and cross-examined his former client. 224 Ga. at 815, 165 S.E.2d at 139. In *Lane*, an attorney acted as special prosecutor in the trial of a defendant after representing the defendant's alleged coconspirator in a separate trial. *Womble* involved a clear representation of conflicting interests: the attorney representing a client in a property action handled intervention motions of two parties seeking relief from his client. The cases provide no support for the Defendants' position.

⁸ The application is not at issue in this suit since, as noted previously, the Defendants select the Circuit Public Defender. Plaintiffs have not sought, nor could the Court order, the selection of any particular person.

representing children in Juvenile Court, and ending the meet and plead processing of people through the system with no legal representation.⁹

II. Sovereign Immunity Does Not Bar Plaintiffs' Constitutional Claims.

Sovereign immunity does not bar Plaintiffs' request for injunctive relief since Plaintiffs seek such relief based on their state and federal constitutional rights to counsel. *Kilgo v. Dep't of Corr.*, 202 Ga. App. 50, 50, 413 S.E.2d 507, 508 (1991). Defendants claim that in *Georgia Department of Natural Resources v. Center for a Sustainable Coast, Inc.*, 294 Ga. 593, 755 S.E.2d 184 (2014), the Supreme Court of Georgia "made crystal clear that sovereign immunity bars claims for injunctive relief against State agencies and government officials sued in their official capacities." *See* Def's Resp. Br. at 7. This is incorrect. In *Sustainable Coast*, the Court found that sovereign immunity barred the common law and statutory claims raised. *Georgia Dep't of Natural Res.*, 294 Ga. at 602, 755 S.E.2d at 191. The Court expressly states that its decision did not reach constitutional claims. *Id.* at 594 n.1, 755 S.E.2d at 186 n.1 ("We declined to grant certiorari as to the Court of Appeals' disposition of the Center's claims for declaratory relief [and]

⁹ Defendants also assert that all counsel are disqualified based on *In Re Formal Advisory Opinion 10-1*, 293 Ga. 397, 744 S.E.2d 798 (2013), where the issue was whether attorneys from the same public defender office or law firm could represent criminal defendants with conflicting interests. That issue is not presented here. And, as has been shown, there is no conflict in this case to be imputed to co-counsel.

claims pursuant to the United States Constitution.... Therefore, this opinion does not address those issues.”). Indeed, on remand to the Court of Appeals, the constitutional claims asserted by the Center for a Sustainable Coast were allowed to proceed. *See Ctr. for a Sustainable Coast, Inc. v. Georgia Dep’t of Natural Res.*, 326 Ga. App. 288, 289, 756 S.E.2d 554, 555 (2014) (vacating the trial court’s dismissal of the Center’s due process and equal protection claims); *see also, Jones v. Grady*, No. 13-cv-00156 at 11 (M.D. Ga. Aug. 12, 2014) (finding that sovereign immunity does not bar plaintiffs’ state constitutional claims since “[s]overeign immunity is not a bar to an action alleging a violation of a constitutional right ... or an action brought pursuant to 42 U.S.C. § 1983.” (citing *Kilgo v. Dep’t of Corr.*, 202 Ga. App. 50, 50, 413 S.E.2d 507, 508 (1991))).

Plaintiffs’ claims in this case are based on their right to counsel under the Georgia and United States Constitutions. Plaintiffs filed an emergency motion seeking an open hiring process because the selection of a Circuit Public Defender directly impacts their access to constitutional legal representation. The Supreme Court of Georgia has not expanded the reach of sovereign immunity to swallow the vindication of all individual constitutional rights. As such, sovereign immunity does not bar Plaintiffs’ claim for relief in this matter, since Plaintiffs’ claims are based on their constitutional right to counsel.

III. Plaintiffs Have Standing to Pursue Injunctive Relief.

The named Plaintiffs have standing to pursue injunctive relief against Defendants Sakrison, Wright and Sherrell because they have a concrete personal stake in the constitutionally-required representation in criminal and delinquency prosecutions.¹⁰ The failure to hold an open process to identify qualified and competent applicants, as well as the appointment of a person with a history of workplace misconduct to direct the defense of their criminal cases, presents an actual and imminent threat to that interest. *See Susan B. Anthony List v. Driehaus*, 134 S. Ct. 2334, 2341 (2014) (permitting challenge to criminal statute pre-enforcement where danger was “imminent”); *Davis v. Fed. Election Comm’n*, 554 U.S. 724, 733 (2008) (recognizing that injury sufficient for standing may be either “actual” or “imminent”).

Defendants claim that Plaintiffs need to demonstrate an injury in fact to assert standing. However, in injunctive cases, plaintiffs need not wait for the harm to occur before seeking protection from it. Instead, a party may demonstrate standing in injunctive cases by showing that there is a substantial likelihood of harm to be caused by Defendants. *SRB Inv. Serv. v. Branch Banking and Trust*

¹⁰ Plaintiffs have not asserted standing based on one of Plaintiffs’ counsel’s submission of an application for the Circuit Public Defender position. *See* Def’s Resp. Br. at 10.

Co., 289 Ga. 1, 5, 709 S.E.2d 267, 271 (2011) (quoting *Bishop v. Patton*, 288 Ga. 600, 604, 706 S.E.2d 634, 638 (2011)).

Plaintiffs are not required to wait for Defendants to complete a sham hiring process before challenging it when the facts demonstrate the likelihood that Mr. Sakrison appointed Mr. Baker (and gave the prior Cordele Judicial Public Defender, Tim Eidson, Mr. Baker's position) with the intention to have Mr. Baker serve as the permanent Cordele Circuit Public Defender and only go through the motions of having the local supervisory panel consider and recommend applicants.

As previously noted, the Cordele Circuit Public Defender is responsible for the realization of *Gideon*, *Gault*, *Argersinger* and their progeny. That includes representing any individual prosecuted in Superior Court where there is a possibility of a sentence of imprisonment, probation, or suspended sentence of imprisonment; any probationer facing revocation hearings in Superior Court; any juvenile case where there is a possibility of confinement, commitment or probation; and any direct appeal. O.C.G.A. § 17-12-23(a). The Circuit Public Defender is also responsible for the selection of assistant public defenders who will provide representation to indigent clients, and the appointment of investigators and various administrative personnel who will support the Circuit and assistant public defenders in their representation of Plaintiffs. O.C.G.A. §§ 17-12-27, 17-12-28,

17-12-29. The Circuit Public Defender is expected to provide a work environment that facilitates and supports the representation of clients.

There is a substantial likelihood that the children and adults who are Plaintiffs in this suit will be injured by the denial of their most fundamental rights if Defendants fail to select a qualified and competent person to serve as the Cordele Circuit Public Defender. Defendants are entitled to make the ultimate decision with regard to selection of the Public Defender. However, they are required to implement O.C.G.A. § 17-12-20 (b)(2), in a fair and legitimate manner in order to serve the “best interests of indigent defendants,” O.C.G.A. § 17-12-7 (a), and right to counsel guarantees of the Georgia and United States Constitutions. Accordingly, Plaintiffs have standing to obtain an injunction against Defendants Sakrison, Wright and Sherrell.

IV. Plaintiffs Are Entitled to an Order Granting Mandamus Relief.

Even if this Court were to decide that sovereign immunity bars Plaintiffs’ request for injunctive relief, Plaintiffs are entitled independently to mandamus relief under O.C.G.A. § 9-6-20 for three reasons. One, Plaintiffs have a clear right to counsel. Two, Defendant Sakrison has failed to discharge his non-discretionary duty to select a Circuit Public Defender in compliance with the Indigent Defense Act by sanctioning a sham process, or has grossly abused his discretion by appointing a Circuit Public Defender who has a documented history of sexual

harassment in the workplace that Defendant Sakrison, either knew about and unreasonably disregarded, or unreasonably failed to discover. Three, Defendants Wright and Sherrell have also failed to discharge their non-discretionary duty to conduct a hiring process in compliance with the Indigent Defense Act, or have grossly abused their discretion by this conduct.¹¹

Georgia's mandamus statute provides that "[a]ll official duties should be faithfully performed." O.C.G.A. § 9-6-20. Mandamus will issue when a public officer fails to perform an official duty, improperly performs an official duty, or commits a gross abuse of discretion, and there is no other legal remedy. O.C.G.A. §§ 9-6-20, 9-6-21(a). *See also Burke Cnty. v. Askin*, 291 Ga. 697, 700, 732 S.E.2d 416, 419 (2012).

If the Court denies Plaintiffs' request for injunctive relief to vindicate their Constitutional right to counsel, then mandamus is the only other available legal remedy that would provide adequate relief at this juncture. *See S. LNG, Inc. v. MacGinnite*, 294 Ga. 657, 662, 755 S.E.2d 683, 689 (2014) ("The general rule that mandamus does not lie where the petitioner has [another] adequate legal remedy is

¹¹ Sovereign immunity is not a bar to mandamus relief. *See S. LNG v. MacGinnite*, 290 Ga. 204, 719 S.E.2d 473 (2011) (*Southern I*) (reversing trial court's dismissal of mandamus claim which the trial court dismissed on sovereign immunity grounds). *See also S. LNG, Inc. v. MacGinnite*, 294 Ga. 657, 755 S.E.2d 683 (2014) (*Southern II*) (finding that taxpayer had standing under mandamus statute O.C.G.A. § 9-6-24 to pursue mandamus relief against State Revenue Commissioner).

limited to cases in which the legal remedy is ‘equally convenient, complete, and beneficial.’”) (quoting *N. Fulton Med. Ctr., Inc. v. Roach*, 265 Ga. 125, 127, 453 S.E.2d 463, 466 (1995)).

For all of the reasons set out in Plaintiffs’ Emergency Motion as well as herein, mandamus is the appropriate form of relief based on Defendants’ failure to follow O.C.G.A. § 17-12-20 (b)(2) and instead conduct a sham process that was unlikely to result in qualified applicants. Without having conducted an open search, Defendant Sakrison appointed Mr. Baker, who has a history of workplace misconduct spanning his tenure at GPDSC. Defendants’ failure to conduct an open search is an gross abuse of their discretion. While the Indigent Defense Act does not specify the exact procedures for obtaining applications and making a recommendation to the director, the duty to employ an actual process is a necessary implication of the statute which can be enforced through a writ of mandamus. *See, e.g., Bland Farms LLC v. Georgia Dep’t of Agric.*, 291 Ga. 192, 193, 637 S.E.2d 37, 38 (2006) (mandamus may be used to enforce duty that may arise “either expressly or by necessary implication.”)

Courts grant mandamus relief where, as here, a public officer has grossly abused their discretion. *Gilmer Cnty. v. City of E. Ellijay*, 272 Ga. 774, 777, 533 S.E.2d 715, 717-18 (2000), quoting *City of Atlanta v. Wansley Moving & Storage Co.*, 245 Ga. 794, 796, 267 S.E.2d 234, 236 (1980). *See Johnstone v. Thompson*,

280 Ga. 611, 631 S.E.2d 650 (2006) (granting mandamus against public officials for the improper use of Special Purpose Local Option Sales Tax funds); *Dickey v. Storey*, 262 Ga. 452, 423 S.E.2d 650 (1992) (holding that the county board of commissioners abused its discretion in choosing to abandon projects); *Bozik v. Cobb Cty.*, 240 Ga. 537, 242 S.E.2d 48 (1978) (granting mandamus based on finding that arbitrary delegation of authority from the county board of commissioners to local residents constituted a gross abuse of discretion). Mandamus is required here to correct the gross abuse of direction, prevent reduction of the selection procedure to a hollow formality, and protect the important constitutional rights at issue.

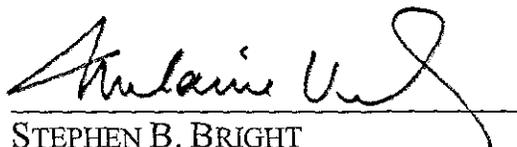
CONCLUSION

For the foregoing reasons, Plaintiffs pray that this Court:

1. enter an interlocutory injunction prohibiting Defendant Sakrison, Wright and Sherrell from taking any other action with regard to the appointment of the Cordele Circuit Public Defender;
2. set this matter for an expedited evidentiary hearing and, upon the conclusion of such hearing, issue a permanent injunction requiring Defendants to conduct a fair, honest and good faith selection procedure;
3. in the alternative, grant mandamus nisi, and, after a brief period of discovery and sufficient time to procure the presence of witnesses, hold a hearing

on this matter; and, upon the conclusion of such hearing, issue a writ of mandamus requiring Defendants conduct a fair, honest, and good faith selection procedure.

Respectfully submitted this 12th day of September, 2014.



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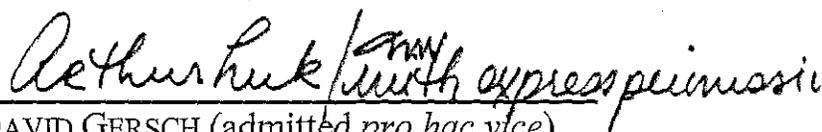
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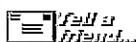

Melanie Velez

EXHIBIT 1

HOME LIFE IN GEORGIA BENEFITS/REWARDS LOCATIONS VETERANS JOB SEARCH RECRUITER RESOURCES CONTACT US

Job Announcement

Secretary of State Professional Licensing Board Legal



Jr. Attorney (95014)

Requisition Number : 478-95014as

Recruitment Period : 8/20/2014 - 9/22/2014

County of Vacancy : Bibb

Number of Openings : 1

Functional Area : Education/Instruction/Testing

Shift : First

Screening Type : Resume Review

Statewide job statistics for job code 95014...

Annual Salary Minimum: \$43,063.23

Annual Salary Maximum: \$75,523.31

Duties & Responsibilities: The Junior Staff Attorney, under the general supervision of the Managing Attorney, works within the Legal Services Division of the Professional Licensing Boards Division of the Office of the Secretary of State. Responsibilities include drafting and negotiating consent orders for all professional licensing boards, as well as cemeteries and charities; reviewing and drafting responses to Open Records Requests pertaining to the licensing boards, cemeteries, or charities; assisting the Legal Services Division and Law Department to provide legal counsel to PLB executive directors in the development and review of proposed regulations; posting rules and regulations pursuant to the Georgia Administrative Procedures Act; conducting legal research on issues related to PLB, Cemeteries, and Charities; and assisting with any other legal matters as requested.

Minimum Training & Experience: Completion of a law degree AND License to practice law in the State of Georgia OR Eligibility to sit for the next Georgia Bar examination OR Reciprocity

Agency Specific Qualifications and/or Preferred Qualifications: AGENCY SPECIFIC MINIMUM QUALIFICATIONS: Graduate of an accredited law school with J.D. Degree and member in good standing of the bar of at least one U.S. state. Must be either a member of the State Bar of Georgia or eligible for admission to the State Bar of Georgia AND excellent writing, communication and analytical skills.

PREFERRED QUALIFICATIONS: (preference will be given to applicants who in addition to meeting the minimum qualifications possess one or more of the following):

- Demonstrated experience with and knowledge of regulatory and administrative law.
- Knowledge of statutes and regulations administered by the PLB Division, including cemeteries and charities.
- Experience in analyzing and investigating complex transactions and/or participation in criminal, civil, or administrative proceedings.

INTERESTED IN APPLYING:

Email resume in Microsoft Word/PDF format to:

humanresources@sos.ga.gov

To ensure proper routing/handling of your credentials, copy/paste or type the following in the subject line of your email: Jr. Attorney

OR

Send one (1) State of Georgia Application and/or resume to:

Secretary of State/Human Resources Office

2 Martin Luther King Jr. Drive, S.E.

Atlanta, GA 30334

For more information about this job contact: <http://www.sos.ga.gov>

Additional Information: Due to the volume of applications received, we are unable to provide information on application status by phone or e-mail. All qualified applicants will be considered, but may not necessarily receive an interview. Selected applicants will be contacted by the hiring agency for next steps in the selection process. Applicants who are not selected will not receive notification.

This position is subject to close at any time once a satisfactory applicant pool has been identified.

For more information about this job contact:*

humanresources@sos.ga.gov

<http://http://www.sos.ga.gov>

*Note: This contact may be able to provide answers to specific questions you have about this job posting. However, DO NOT e-mail or submit your application/resume to this contact unless directed otherwise in the "Additional Information" section above.

To apply for this job, click here --> **Apply...**

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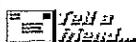


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Job Announcement

Secretary of State Professional Licensing Board Legal



Senior Attorney II (95015)

Requisition Number : 478-95015af

Recruitment Period : 8/12/2014 - 9/12/2014

County of Vacancy : Bibb

Number of Openings : 1

Functional Area : Education/Instruction/Testing

Shift : First

Screening Type : Resume Review

Statewide job statistics for job code 95015...

Annual Salary Minimum: \$52,172.55

Annual Salary Maximum: \$91,137.94

Duties & Responsibilities: The Senior Attorney II serves as the managing attorney of the Legal Services Division in the Secretary of State's Professional Licensing Boards ("PLB") Division. The Senior Attorney II is expected to complete substantive legal work, lead large scale projects, and manage other attorneys and staff.

Under the supervision of the General Counsel and in conjunction with the PLB Division Director, the Senior Attorney II oversees all operations of the PLB Legal Services Division, including managing attorney and professional staff. He or she will work closely with the PLB Division Director to provide strategic, operational, and legal advice to the Office of the Secretary of State. He or she will also work closely with Executive Directors of all boards to assist in board administration—including drafting and negotiating enforcement orders for licensing boards, presenting enforcement orders to board meetings, reviewing and drafting responses to Open Records Requests, reviewing and posting board rules and regulations under the Administrative Procedure Act, and working closely with the State Licensing Boards Division of the Attorney General's Office. The Senior Attorney II will also assist in the strategic operations of the PLB Division by conducting legal research and drafting legal memoranda on issues related to PLB and assisting with any other matters as requested.

Minimum Training & Experience: Completion of a law degree AND License to practice law in the State of Georgia OR Eligibility to sit for the next Georgia Bar examination OR Reciprocity AND Two years of relevant legal experience OR Two years of experience at the lower level (LEP021)

Agency Specific Qualifications and/or Preferred Qualifications: SECRETARY OF STATE QUALIFICATIONS FOR THIS POSITION:

MINIMUM QUALIFICATIONS:

Graduate of an accredited law school with J.D. Degree and member in good standing of the bar of at least one U.S. state. Must be either a member of the State Bar of Georgia or eligible for admission to the State Bar of Georgia AND three (3) years of legal experience; excellent writing, communication and analytical skills.

PREFERRED QUALIFICATIONS: (preference will be given to applicants who in addition to meeting the minimum qualifications possess one or more of the following):

- Demonstrated experience with and knowledge of regulatory and administrative law.
- Knowledge of statutes and regulations administered by the PLB Division.
- Experience in analyzing and investigating complex transactions and/or participation in criminal, civil, or administrative proceedings.

Additional Information: INTERESTED IN APPLYING: Email resume in Microsoft Word or PDF format to: humanresources@sos.ga.gov

To ensure proper routing/handling of your credentials, copy/paste or type the following in the subject line of your email: **Senior Attorney II OR**

Send one (1) State of Georgia Application and/or resume to:
Secretary of State/Human Resources Office
2 Martin Luther King Jr. Drive, S.E.
Atlanta, GA 30334

For more information about this job contact: <http://www.sos.ga.gov>.

Due to the volume of applications received, we are unable to provide information on application status by phone or e-mail. All qualified applicants will be considered, but may not necessarily receive an interview. Selected applicants will be contacted by the hiring agency for next steps in the selection process. Applicants who are not selected will not receive notification.

This position is subject to close at any time once a satisfactory applicant pool has been identified.

For more information about this job contact:*

humanresources@sos.ga.gov
<http://http://www.sos.ga.gov>

*Note: This contact may be able to provide answers to specific questions you have about this job posting. However, **DO NOT** e-mail or submit your application/resume to this contact unless directed otherwise in the "Additional Information" section above.

To apply for this job, click here --> **Apply...**

Careers.Ga.Gov is the State of Georgia's official one-stop source for State Jobs and employment information.

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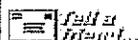


Provided by the Georgia Department of Administrative Services

Job Announcement



Public Health Southeast Health District 9-2



Physician (Board Certified) (A1960)

Requisition Number : 128-A1960ab

Recruitment Period : 7/24/2014 - 10/24/2014

County of Vacancy : Ware

Number of Openings : 1

Functional Area : Health Care

Shift : First

Screening Type : Resume Review

Statewide job statistics for job code A1960...

Annual Salary Minimum: N/A

Annual Salary Maximum: N/A

Duties & Responsibilities: Planning, coordinating and supervising clinic activities and medical components of the Infectious Disease Department; Responsible for the HIV care in two Wellness Centers; Consults with, advises and makes recommendations on the quality and scope of medical services offered; Ensures compliance with recommended federal and state guidelines and regulations; Confers with patient and family regarding diagnosis, illness and treatment; Oversees medical case management to coordinate, integrate and facilitate services for the optimal health outcome of the patient; Performs medical evaluations and makes recommendations to patients..

Minimum Training & Experience: A valid medical license from any state; once hired, a Georgia medical license will be required AND a minimum of two years experience in the epidemiologic and medical aspect of communicable diseases. BC/BE in Infectious Disease, Family Practice or Internal Medicine.

Agency Specific Qualifications and/or Preferred Qualifications: Graduate work in Public Health or internship and residencies that are recognized by the AMA; Three to five years clinical experience; Currently have a Georgia medical license.

Additional Information: To apply, click the red "APPLY...Add to My Jobs!" button below and complete the on-line Resume Builder. In addition, the hiring agency also requires the following:

Submit CV with cover letter to:

Southeast Health District
1101 Church Street
Waycross, GA 31501

Competitive salary and excellent State of Georgia benefit package.

Counties included in our Health District are: Appling, Atkinson, Bacon, Brantley, Bulloch, Candler, Charlton, Clinch, Coffee, Evans, Jeff Davis, Pierce, Tattnall, Toombs, Ware & Wayne.

Position negotiable within the sixteen county area.

For more information about this job contact:*

912-285-6005

<http://www.sehdph.org>

this contact unless directed otherwise in the "Additional Information" section above.

To apply for this job, click here --> **Apply...**

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Provided by the Georgia Department of Administrative Services

Job Announcement

Pathways Cntr Behav Devel Grwt



Physician (Board Certified) (A1960)

Requisition Number: 372-A1960ab

Recruitment Period: 8/15/2014 - 10/31/2014

County of Vacancy: Troup

Number of Openings: 1

Functional Area: Education/Instruction/Testing

Shift: First

Screening Type: Resume Review

Statewide job statistics for job code A1960...

Annual Salary Minimum: N/A

Annual Salary Maximum: N/A

Duties & Responsibilities: Pathways Center, a premier behavioral healthcare organization providing services in the beautiful west central region of Georgia, is in search of a Board Certified/Board Eligible adult psychiatrist to provide services in a 24/7 medically monitored Adult Crisis Stabilization Unit located in LaGrange, GA. This position supports a 24-bed Adult Psychiatric, Substance Abuse and Dual Diagnosis program. Duties will include admitting and providing psychopharmacologic treatment including detoxification and crisis intervention.

Details:

- Paid malpractice insurance through the state of Georgia
- Comprehensive state of Georgia benefit package w/ multiple plan offerings
- Generous retirement plan with an annual 7.5% contribution
- Time off benefits, which includes 12 paid holidays annually
- Competitive salary
- No in-house call and no weekend call, light home call available Monday-Thurs
- Certification: BC within 5 years
- Flexible work week
- Average patient load 12pts/day
- Recently added Electronic Health Record System
- DO's and MD's welcome to apply!

Medscape Medical News recently named LaGrange, Georgia the best small town in the southeast to practice medicine for 2014. LaGrange made the top of the list, with its low cost of living, close proximity to Atlanta, excellent schools, and easy access to recreation and industry. Enjoy multiple options for boating, aviation, fishing, hunting, and golf. Become part of a growing community and an organization focused on quality healthcare! <http://www.medscape.com/features/slideshow/best-places-to-practice-2014#20>

Interested candidates please send a CV to hr@pathwayscsb.org.

Outpatient clinic physician opportunities are also available.

Minimum Training & Experience: Graduation from a medical school recognized by the composite state board of medical examiners. Licensure to practice medicine at a state institution or in the state of Georgia as provided by state law is required.

Exam & Evaluation Information: A pre-employment drug test and criminal background check is required upon hire.

Additional Information:

In addition to applying online please email resume to careers@pathwayscsb.org

Due to the volume of applications received, we are unable to provide information on application status by phone or e-mail. All qualified applicants will be considered, but may not necessarily receive an interview. Selected applicants will be contacted by the

hiring agency for next steps in the selection process. Applicants who are not selected will not receive notification.

This position is subject to close at any time once a satisfactory applicant pool has been identified.

For more information about this job contact:*

<http://www.pathwayscsb.org>

*Note: This contact may be able to provide answers to specific questions you have about this job posting. However, **DO NOT** e-mail or submit your application/resume to this contact unless directed otherwise in the "Additional Information" section above.

To apply for this job, click here --> **Apply...**

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EXHIBIT 2

ATTORNEY GENERAL
OF GEORGIA



SAM OLINS

Home » Careers » Vacancies » Assistant Attorney General - Continuous Recruitment ONLY

Assistant Attorney General - Continuous Recruitment ONLY

Division : OPEN

Section : Continuous Recruitment ONLY

Location: Atlanta

Job Openings: 1

Job Opening Date: 05/28/2014

Job Closing Date: 12/31/2014

Salary: \$50,000 MINIMUM Annual

Duties & Responsibilities

Although we may not have current attorney vacancy, we are accepting applications for our attorney applicant pool. Duties include serving as the attorney and legal advisor for state agencies, departments, authorities and the Governor; specific duties depend on the Division. Please click "About the Office, Organization of the Office" section of our web site for a description of our legal divisions.

Minimum Training & Experience

Member of the Georgia Bar AND graduation from an accredited law school. Needed experience depends on the specific position.

Additional Information

Applications are being accepted for continuous recruitment ONLY. Along with your resume, applicants are required to complete and submit a DEPARTMENT OF LAW application & waiver, which may be found on the Department's website at: <http://law.ga.gov/application-forms> Also, submit copies of your official undergraduate and law school transcripts and two (2) writing samples. Please mail your completed application package to: the address below, Attn: W. Brown, Director of Human Resources. Applications are reviewed by the Division Deputy &

candidates selected based on the specific preferred qualifications needed by the position. A criminal background check is completed on all candidates; employment is also contingent upon the completion and satisfactory results of the background investigation. Salary is commensurate with experience.

All qualified and interested applicants should submit a resume and a Department of Law application to:

**Human Resources Director
Department of Law
40 Capitol Square S.W.
Atlanta, Georgia 30334**

You will find the 'Attorney' application under 'Careers', click applications

The Office of THE ATTORNEY GENERAL does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or services

**FOR FURTHER INFORMATION WRITE OR CALL
Human Resources * 40 Capitol Square * Atlanta, GA. 30334
(404) 656-3305**

If you wish to obtain a copy of this in an alternate form, please call:
(404) 657-7313(V.), (404) 657-9993(TDD)

Asstant Attorney General - TORTS & CIVIL RIGHTS
Division: General Litigation

Section: Tort & Civil Rights
Location: Atlanta
Job Openings: 1
Job Opening Date: 11/13/2012
Job Closing Date: 11/30/2012
Salary: \$50,000 MINIMUM Annual

Duties & Responsibilities

This position will work on tort and civil rights cases. The tort cases involve the defense of state agencies in state court throughout the state. These actions include wrongful death, medical malpractice, automobile accidents and other

negligence claims. The civil rights cases involve the defense of state employees sued in federal court for constitutional violations primarily under the First, Eighth and Fourteenth Amendment. Travel is required. POSITION IS OPEN UNTIL FILLED.

Minimum Training & Experience

Member of the Georgia Bar AND graduation from an accredited law school.

Preference will be given to applicants with litigation and/or civil rights related experience.

Additional Information

A criminal background check is completed on all candidates; employment is also contingent upon the completion and satisfactory results of the background investigation. Along with your resume, applicants are required to complete and submit a DEPARTMENT OF LAW application & waiver which may be found under Careers, Applications. Please mail your completed application to: the address below, Attn: W Brown, Director of Human Resources. Applications are reviewed by the Division Deputy; selection of candidates is based on the specific preferred qualifications needed by the position. Please submit two (2) writing samples along with copies of your official undergraduate and law school transcripts. You may submit the application & writing samples with the transcripts to follow. Candidates that are not interviewed will have their application information held in the Applicant Pool and considered for future vacancies with the Department. SALARY IS COMMENSURATE WITH EXPERIENCE. POSITION IS OPEN UNTIL FILLED.

All qualified and interested applicants should submit their resume and their Department of Law application documents to:

**Human Resources Director
Department of Law
40 Capitol Square S.W.
Atlanta, Georgia 30334**

You May call 404-656-3305 to request an application be sent to you

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FOR FURTHER INFORMATION WRITE OR CALL

**Human Resources * 40 Capitol Square * Atlanta, GA. 30334
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If you wish to obtain a copy of this in an alternate form, please call:
(404) 657-7313(V.), (404) 657-9993(TDD)

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ATTORNEY GENERAL
OF GEORGIA



SAM OLENS

Home » Careers » Vacancies » Assistant Attorney General - WORKERS'
COMPENSATION

Assistant Attorney General - WORKERS' COMPENSATION

Division : General Litigation

Section : Workers' Compensation

Location: Atlanta

Job Openings: 1

Job Opening Date:08/27/2014

Job Closing Date: 09/15/2014

Duties & Responsibilities

The primary responsibilities of the position include representation of State entities and the Department of Administrative Services in claims brought by State employees before the State Board of Workers' Compensation. You will be called upon to conduct discovery, appear at hearings, advise the adjusters, negotiate settlements as well as handle appeals. Travel is required. POSITION IS OPEN UNTIL FILLED.

Minimum Training & Experience

Member of the Georgia Bar AND graduation from an accredited law school. Preference will be given to applicants with Workers' Compensation experience.

Additional Information

A criminal background check is completed on all candidates; employment is also contingent upon the completion and satisfactory results of the background investigation. Along with your resume, applicants are required to complete and submit an Attorney DEPARTMENT OF LAW application & waiver, which may be found on the Department's website at: <http://law.ga.gov/application-forms> . Please mail your completed application to: the address below, Attn: WK Brown, Director of Human Resources. Applications are reviewed by the Division Deputy;

selection of candidates is based on the specific preferred qualifications needed by the position. Please submit two (2) writing samples along with copies of your official undergraduate and law school transcripts. You may submit the application & writing samples with the transcripts to follow. Candidates that are not interviewed will have their application information held in the Applicant Pool and considered for future vacancies with the Department. SALARY IS COMMENSURATE WITH EXPERIENCE. POSITION is OPEN UNTIL FILLED.

All qualified and interested applicants should submit a resume and a Department of Law application to:

**Human Resources Director
Department of Law
40 Capitol Square S.W.
Atlanta, Georgia 30334**

You will find the 'attorney' application under 'Careers', click applications.

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**FOR FURTHER INFORMATION WRITE OR CALL
Human Resources * 40 Capitol Square * Atlanta, GA. 30334
(404) 651-9451**

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ATTORNEY GENERAL
of GEORGIA



SAM OLENS

Home » Attorney, HOURLY, Business & Finance Section

Attorney, HOURLY, Business & Finance Section

Division: Commerical Transactions & Litigation Division

Section: Business & Finance

Location: Atlanta

Job Openings: 1

Job Opening Date: 09/10/2014

Job Closing Date: 09/30/2014

Salary: \$35.00 AN HOUR

Duties & Responsibilities

This position primarily represents the GA Department of Revenue in bankruptcy cases. Other duties include representing other agencies and authorities in collection and similar matters. This position typically works 20 hours a week.

POSITION IS OPEN UNTIL FILLED.

Minimum Training & Experience

Member of the Georgia Bar AND graduation from an accredited law school.

Preference will be given to applicants who have related experience.

Additional Information

A criminal background check is completed on all candidates; employment is also contingent upon the completion and satisfactory results of the background investigation. Along with your resume, applicants are required to complete and submit a DEPARTMENT OF LAW application & waiver which may be found under Careers, Applications. Please mail your completed application to: the address below, Attn: W Brown, Director of Human Resources. Applications are reviewed by the Division Deputy; selection of candidates is based on the specific preferred qualifications needed by the position. Please submit two (2) writing samples along with copies of your official undergraduate and law school transcripts. You may

submit the application & writing samples with the transcripts to follow. Candidates that are not interviewed will have their application information held in the Applicant Pool and considered for future vacancies with the Department. POSITION is OPEN UNTIL FILLED.

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**Human Resources Director
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40 Capitol Square S.W.
Atlanta, Georgia 30334**

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Employment

District Attorneys and Solicitors-General recruit and select professional personnel for their respective judicial circuits and counties. Vacancy announcements are posted as a service to these elected chief prosecutors. Please follow the reply instructions included in each announcement.

Other employment announcements from the prosecution community are also posted on a regular basis.

The Prosecuting Attorneys' Council of Georgia is an Equal Opportunity Employer. Additionally, the Prosecuting Attorneys' Council of Georgia is a registered participant in the federal work authorization program commonly known as E-Verify, and uses this program to verify employment eligibility of all employees hired on or after July 1, 2008. [Federally-Issued User ID #: 144282, Date of Authorization: August 12, 2008]

Please contact Human Resources Director [Chantalia Cooper](#) to add or remove an announcement.

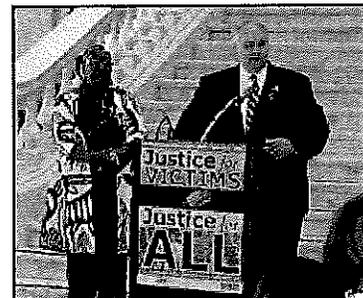
DeKalb County Solicitor-General's Office Supervising Attorney, Special Victims Unit (9/4/14)

The DeKalb County Solicitor-General's Office seeks a supervising attorney for its Special Victims Unit. The Special Victims Unit prosecutes misdemeanor cases involving high-risk intimate partner violence, elder abuse, victims who are children, animal cruelty and vehicular homicides. Minimum requirements include: five years of prosecutorial experience in Georgia and extensive jury trial experience, to include a minimum of 20 jury trials as first chair. A successful applicant will have a strong background in working with victims of abuse and demonstrated experience with supervising, training and/or mentoring other prosecutors. Additionally, applicants must be detail-oriented and have strong organizational and interpersonal skills. This is a full-time position with benefits to begin in October, 2014.

If interested, please email a cover letter and resume by September 12, 2014 to:

Ms. Sonja Brown
Deputy Chief Assistant Solicitor-General
snbrown@dekalbcountyga.gov

Stone Mountain Judicial Circuit (DeKalb County)
Assistant District Attorney



[State Employee Benefits](#)

[PAC Human Resources Page](#)

[PAC Internship Information](#)

(9/3/14)

The DeKalb District Attorney's Office has an Assistant District Attorney opening in the following Units:

- >>> Crimes Against Children; and
- >>> Asset Forfeiture/HIDTA

Applicants must have at least 3 years of felony trial experience, a Juris Doctorate degree from an accredited law school and be a member of good standing with the State Bar of Georgia. Please include in your resume and/or cover letter the number of completed felony jury trials, designate first or second chair. Salary and benefits are county-paid and salary is based on experience.

Applicants may send a resume, cover letter and references to:

Nicole M. Golden, Chief ADA
DeKalb County District Attorney's Office
556 N. McDonough Street, Suite 700
Decatur, Georgia 30030
OR EMAIL TO: ndmarchand@dekalbcountyga.gov

Riley McLendon, LLC Municipal Prosecuting Attorneys (9/3/14)

Riley McLendon, LLC represents the six north metro Municipal Courts of Sandy Springs, Johns Creek, Dunwoody, Doraville, Brookhaven and Peachtree Corners. We are hiring part-time Assistant Prosecuting Attorneys. The applicant must pass an employment background and credit check, and will be fingerprinted. Applicant must be a member in good standing with the State Bar of Georgia. Applicant must have a minimum of three years' experience in a high-volume court prosecuting cases.

If you are a retiring/retired Assistant District Attorney or Assistant Solicitor-General who wishes to work in the north metro area on a part-time basis, this is the perfect retirement job!

Please submit your resume and any cover letter by email to:

Bill Riley
Briley@RileyMcLendon.com

Macon Judicial Circuit Assistant District Attorney (8/18/14)

The District Attorney's Office, Macon Judicial Circuit, comprised of Bibb, Peach and Crawford Counties, has an opening for an Assistant District Attorney. Applicant must be a member of good standing with the State Bar of Georgia. An employment background check and drug screening will be required. Applicant should be available to begin employment in September 2014. Salary and benefits are county paid. Salary range based on experience. Applicants can send a resume, cover letter and references to:

Beth Lasseter
Bibb County District Attorney's Office
661 Mulberry Street, 2R Grand Building

Macon, Georgia 31201

OR EMAIL TO: blassester@maconbibb.us

Forsyth County Solicitor-General's Office Investigator (7/28/14)

The Forsyth County Solicitor-General's Office is currently accepting resumes for an Investigator. The applicant must meet the following minimum qualifications: Bachelor's degree preferred but not required; current P.O.S.T. certified as a Peace Officer (must provide POST Basic Law Enforcement Certification Number (PBLE #)); three years law enforcement investigative experience; or any equivalent combination of education, training and experience which provides the requisite knowledge, skills and abilities for this job. Must obtain and maintain firearms qualification. Must possess and maintain valid Georgia Driver's License.

Please submit your resume and cover letter by email to:

Lorraine Carder
Office Manager
lhcarder@forsythco.com

Georgia Department of Law (1/16/14)

Assistant Attorney General, Torts Section
<http://law.ga.gov/assistant-attorney-general-torts>

Duties & Responsibilities

Position works on tort cases involving the defense of state agencies in state court throughout the state. These actions include wrongful death, medical malpractice, automobile accidents and other negligence claims. Travel is required. **POSITION IS OPEN UNTIL FILLED.**

Minimum Training & Experience

Member of the Georgia Bar AND graduation from an accredited law school. Preference will be given to applicants with five (5) or more years litigation and/or tort related experience.

Additional Information

Along with your resume, applicants are required to complete and submit an Attorney DEPARTMENT OF LAW application & waiver, which may be found on the Department's website at: <http://law.ga.gov/application-forms>. Please mail your completed application to: the address below, Attn: WK Brown, Director of Human Resources. Applications are reviewed by the Division Deputy; selection of candidates is based on the specific preferred qualifications needed by the position. Please submit two (2) writing samples along with copies of your official undergraduate and law school transcripts. You may submit the application & writing samples with the transcripts to follow. Candidates that are not interviewed will have their application information held in the Applicant Pool and considered for future vacancies with the Department. A criminal background check is completed on all candidates; employment is also contingent upon the completion and satisfactory results of the background investigation. **SALARY IS COMMENSURATE WITH EXPERIENCE. POSITION is OPEN UNTIL FILLED.**

All qualified and interested applicants should submit a resume and a Department of Law application to:

Attn: WK Brown
Director of Human Resources
Department of Law
40 Capitol Square S.W.
Atlanta, Georgia 30334

Griffin Judicial Circuit
Assistant District Attorney
(8/29/13)

The Griffin Judicial Circuit is now accepting applications for an Assistant District Attorney position. Position will be a county-paid position handling primarily felonies. Applicants must be a member of the State Bar of Georgia. Salary based on experience.

For more information or to submit your resume, please contact Hon. Scott Ballard, District Attorney by email at sballard@fayettecountyga.gov.

104 Marietta Street - Suite 400
Atlanta, Georgia 30303-2743
Phone: 404-969-4001 | Fax: 404-969-0020
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EXHIBIT 3



Employer Handbook

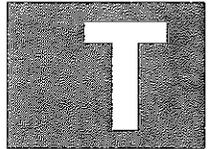
Georgia
DOL

DEPARTMENT OF LABOR

Mark Butler, Commissioner



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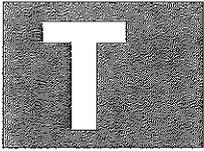
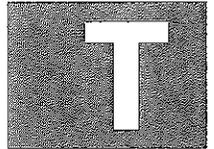


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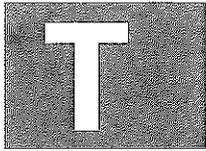


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People are the greatest asset of any company. The success and productivity of your employees directly affect the profitability of your business. This section provides suggested practices for effectively recruiting, selecting, hiring, and managing employees while complying with legal requirements. The Department advises employers to consult with legal counsel prior to adopting policies and procedures related to the hiring of employees.

RECRUITMENT AND SELECTION

UTILIZING LABOR MARKET INFORMATION

The GDOL provides Labor Market Information, a broad array of community, regional, state and national data of value to businesses, to help you determine wages and how to best attract qualified candidates:

- Comparative wage information
- Economic profiles of Georgia's regions
- Labor supply and demand by industry and occupation
- Commuting patterns

Use the **Georgia LaborMarket Explorer** on the GDOL web site to obtain labor market information or contact your local career center for assistance. GDOL staff routinely provides customized analyses of labor availability for specific needs.

JOB DESCRIPTIONS

We suggest you begin your hiring process by developing a well-thought out job description that can be used for selection and employment purposes. The job description should clearly define:

- job duties and responsibilities
- job qualifications and pre-requisites
- performance requirements and expectations
- employee attributes, e.g., works well independently or in a team environment, detail-oriented, results-oriented, conceptual thinker, etc.

A good job description defines both the hard skills and soft skills needed to perform the job in an exceptional manner. The skills can be categorized as "minimum requirements" and "preferred requirements". Minimum requirements are skills and attributes candidates must absolutely possess to perform the job at an acceptable level. Preferred requirements are skills and attributes you would like candidates to have because they can contribute to exceptional performance.

A good job description makes it easier to hold employees accountable and to measure their performance. It also makes it easier to avoid the charges or cost of an improper unemployment claim if the reason for separation is the claimant's refusal or failure to perform job duties. Additionally, if an employee who quits was aware of the job requirements prior to accepting the position, then it is less likely the employee can give a good work-connected reason for quitting.

If you need assistance creating job descriptions, contact your local career center. Our GDOL staff will be happy to work with you.

RECRUITMENT AND SELECTION (CONT'D)

RECRUITING CANDIDATES

The GDOL connects employers with qualified candidates by advertising job openings and screening applicants. You may list a job opening with the GDOL by submitting a job order request on the GDOL website or by contacting your local career center. To submit your job order request online, use the **Site Index** on the GDOL web site to locate **Job Order Request**.

Your job opening will be listed in the GDOL Job Information System (JIS), which displays all job openings on the GDOL web site at www.dol.state.ga.us under **Find a Job**. Jobs are listed by location, type (full or part-time), and category (occupation).

The GDOL's Customized Recruitment (CR) Team works directly with statewide economic developers to identify new Georgia employers who may be eligible for individualized recruitment assistance to streamline candidate search processes and fill positions quickly. The CR Team specializes in organizing recruitment efforts that are specifically tailored to meet employers' unique needs. They are experienced in traditional recruitment efforts, e.g., establishing a dedicated recruitment location and/or presence on the GDOL web site, as well as innovative methods, including social media.

Additionally, the GDOL conducts career expos throughout the state for targeted industries, skills, geographic areas, and/or populations, as needed, to meet recruitment needs. Contact your local career center regarding your recruitment needs.

SCREENING APPLICANTS

The GDOL can assist you in identifying qualified candidates by searching local, state, and national applicant databases to identify job seekers who match your job requirements. Additionally, GDOL staff provides job placement assistance to job seekers by matching them to current job openings listed with the Department and refers qualified applicants to employers.

Candidates meeting or exceeding the minimum job requirements are referred to your company. Generally, the GDOL only provides your company name and application instructions to qualified candidates upon referral unless authorized by you or required by law. You may determine the number of referrals you are willing to accept. If you wish, the GDOL career centers will accept job applications and screen them on your behalf. A GDOL staff member will work with you to refine your selection criteria.

The career centers can also provide space for you to conduct interviews. Some career centers contain Business Resource Centers for employers with computers, fax machines, and valuable written materials. Contact your local career center to learn more about the services available to employers in your area.

For companies new to Georgia, the CR Team can partner with economic developers and project managers to screen candidates. The CR Team is experienced in recognizing skills and critiquing résumés so only the best qualified candidates are introduced to potential employers.

SELECTING QUALIFIED CANDIDATES

When hiring, it is recommended that employers select candidates who:

- are competent,
 - have good judgment,
 - are a good fit for your organization, and
 - are legally authorized to work in the U.S.
-

RECRUITMENT AND SELECTION (CONT'D)

SELECTING
QUALIFIED
CANDIDATES
(CONT'D)**Competence**

Evaluate candidates skills based on job-related criteria. Screen and question résumés. Ask skill-related questions that reveal the candidate's level of experience and knowledge. However, it is suggested that you do not use language in job descriptions, applications, and interview questions that may suggest a preference for a particular race, age, sex, or other quality. Also, your questions should be limited to information that is needed to evaluate an applicant's qualifications.

Good Fit

Seek employees who possess the soft skills needed to perform the job well. Generally, there are three soft skills that impact performance: values, behavior, and emotional intelligence.

It is important to match the values of the job with those of the candidate to avoid low productivity and employee turnover. For example, a job requiring respect for structure, rules, and regulations would not be a good fit for a person who values free-thinking and creativity.

Values drive behaviors. Behaviors are reflected in the way employees interact with each other and handle conflict. Ask yourself, "What behaviors are critical to someone performing this job at an acceptable level?" Look for candidates who enjoy those behaviors. For example, if you are trying to fill a sales position, look for candidates who enjoy meeting new people.

The third soft skill is emotional intelligence. Emotional intelligence is the capacity to be aware of, control, and express one's emotions and to interact well with others. Emotional intelligence affects one's ability to work well with others. A person who is emotionally competent often displays self-confidence, is self-controlled, and strives for excellence and achievement.

Authorized to Work in the U.S.

It is okay to ask applicants if they are legally authorized to work in the U.S. However, you cannot ask to see work authorization documents until after they are hired. All new hires must complete I-9 forms. Their information must be entered into the E-Verify system within three days of employment to ensure they are authorized to work in the U.S. See **Immigration** and **New Hire Reporting** under **Work Authorization**.

Interview Red Flags

Applicants' behaviors during interviews can reveal their values, judgment, and fit for your organization. The following behaviors are considered "red flags":

- Arrives late for the interview
- Is discourteous to your office staff
- Wears inappropriate attire
- Has poor hygiene
- Reveals confidential information about their former employer
- Criticizes the former employer and/or co-workers
- Expresses anger about prior employment
- Knows little about your company

RECRUITMENT AND SELECTION (CONT'D)

PRE-EMPLOYMENT TESTING

Pre-employment skill tests may be an effective means of identifying the most qualified candidates. Pre-employment drug testing helps ensure the safety of your workers.

Skills Testing

Pre-employment skills testing can be used to identify and assess a candidate's knowledge and level of expertise in the skills that are critical to performing the job at an acceptable level.

Drug Testing

O.C.G.A. § 34-9-415 governs conducting testing; types of tests; random testing; procedures for specimen collection and testing; laboratory qualifications, procedures, and reports; and confirmation tests. All testing conducted by employers must be in conformity with the standards and procedures established in O.C.G.A. § 34-9-415 and all applicable rules adopted by the State Board of Workers' Compensation, pursuant to the law. However, an employer shall not have a legal duty under this article to request an employee or job applicant to undergo testing.

The Georgia State Board of Workers' Compensation certifies employers as a drug-free workplace and awards certified employers a 7.5 percent reduction of their workers' compensation premiums. (Go to <http://sbwc.georgia.gov/drug-free-workplace> to learn more.) Georgia employers who have a drug-free workplace program are required to do drug testing of applicants who have received conditional offers of employment. A notice of drug testing should be included in all job announcements or advertisements for any position requiring drug testing. (See O.C.G.A. § 34-9-410 et seq.)

Background Checks

Employers may conduct background checks on job candidates, but background checks should be narrowly tailored to meet the requirements of the job so as not to disproportionately impact certain job candidates. Additional information is available on the website of the EEOC at www.eeoc.gov.

Hiring Process with Pre-Employment Testing

Below is a suggested hiring process using pre-employment testing.

Step	Action
1.	The GDOL pre-screens candidates and provides application instructions to qualified candidates.
2.	The candidates apply for the job.
3.	The recruiter reviews all applicant information and identifies the candidates to complete skills test(s).
4.	The selected candidates are invited to take the skills test(s).
5.	The recruiter and/or hiring manager reviews the pool of candidates who successfully passed the skills test(s) and select those to advance to the next step in the selection process.
6.	The candidates are interviewed.
7.	Conditional job offers are made to selected candidates.
8.	Upon acceptance of the job offer, background checks are conducted on the selected candidates.
9.	Drug testing is conducted for the candidates who passed the background check.
10.	Candidates who pass the drug test are given a date to report to work.

ONBOARDING NEW HIRES

NEW HIRE
PROCESS

Turnover is expensive. Every year 25 percent of workers experience career transitions¹. According to recent data referenced by the Society for Human Resource Management (SHRM) half of all external hires in senior management fail within 18 months², and half of all hourly workers leave new jobs within the first 120 days³. After recruitment and selection, effectively onboarding new employees is the most important thing you can do to minimize turnover. Onboarding is the process through which new employees learn about your organization, policies, procedures, job requirements, and performance expectations. Having an onboarding plan in place ensures every new employee knows what is expected from him/her.

An effective onboarding plan not only addresses the paperwork necessary for compliance with employment law, but also teaches employees the attitudes, knowledge, skills, and behaviors needed to perform competently in your organization. The goals of onboarding are to:

- comply with laws, policies, and rules;
- clarify what employees should understand about their new job and your expectations;
- ensure employees know the culture and values of your organizations; and
- introduce employees to critical information and people vital to their success.

Examples of items to be included in your onboarding plan are:

- Employee's legal name and social security number
- Work authorization documentation (USCIS Form I-9)
- Income tax withholding information (IRS Form W-4)
- Benefits
- Other payroll deduction(s)
- Company organizational structure
- Company values
- Expected attitudes and behaviors
- Policies and procedures
- Job requirements
- Performance measurement and management

These can be accomplished through a combination of orientation sessions, an employee handbook, and training. How onboarding is done varies, but organizations that do it best have a systematic step-by-step process that is consistently followed with every employee. As a result, they experience higher employee retention, productivity, and customer satisfaction. Additionally, their employees have greater job satisfaction and loyalty because they know what is expected of them and what is needed to succeed.

¹ Rollag, K., Parise, S., & Cross, R. (2005). Getting new hires up to speed quickly. *MIT Sloan Management Review*, 46, 35-41.

² Smart, B. (1999). *Topgrading: How leading companies win by hiring, coaching, and keeping the best people*. Upper Saddle River, NJ: Prentice Hall.

³ Krauss, A. D. (2010). Onboarding the hourly workforce. Poster presented at the Society for Industrial and Organizational Psychology (SIOP), Atlanta, GA

ONBOARDING NEW HIRES (CONT'D)

PRUDENT ONBOARDING PRACTICES

Here are some practices that will help you successfully bring new employees into your organization:

- Accurately record the employee's name and social security number (SSN). The Internal Revenue Service's (IRS) Employer's Tax Guide (Publication 15) advises employers to record employees' names and SSNs from their social security cards. You can verify SSNs with the Social Security Administration (SSA). For full information regarding SSN Verification, visit the SSA website at <http://www.socialsecurity.gov/employer/ssnv.htm>. Because of the potential for fines, it is wise to periodically audit your payroll records to ensure the social security numbers are correct.
 - Get all company documents and required forms signed by employees at the time of hire. File these documents so you are prepared for an audit or claim later.
 - Have each employee sign written agreements regarding wages and conditions of employment. Make the agreements specific so you and the employee are clear on all expectations.
 - Report all new hires to the Georgia New Hire Reporting Program within ten (10) days after employees are hired, re-hired, or return to work. All new hires, re-called, or re-hired employees must be reported, even if they only work one day.
 - You may report your employees online at <http://newhire-reporting.com/GA-Newhire/instruct.aspx>.
 - Make sure your practices are free from bias. Your hiring, performance evaluation, and compensation policies must not show bias toward race, color, religion, gender, national origin, age, disability, or political affiliations and beliefs.
 - Do not try to avoid payroll taxes, new hire paperwork, or unemployment claims by classifying temporary workers as "contract labor." Employees misclassified as contractors may create compliance issues requiring the involvement of the GDOL, the IRS, and/or WHD.
-

EMPLOYMENT

AT-WILL
EMPLOYMENT

Georgia recognizes the doctrine of "employment at will." This means that in the absence of a written contract of employment for a defined duration, either party may terminate the employment relationship for good cause, bad cause, or no cause at all, as long as it is not for an illegal cause.

PRUDENT
EMPLOYMENT
PRACTICES

The following practices are recommended to help you comply with employment law and minimize turnover.

- **Keep everything fair and job-related.** Whether hiring, evaluating, promoting, transferring, disciplining, or discharging an employee, treat employees fairly and consistently based on job-related rules, standards, and stated policies to prevent unnecessary claims and lawsuits. Avoid exceptions. If you are about to fire an employee, before taking the final step, ask yourself, "Will this termination be fair and proper under the circumstances?"
- **Address employee complaints.** Do not ignore any complaint. Respond quickly and be sure to inform the employee of the action taken.
- **Never make wage deductions, advances, or loans to employees without first getting written authorization from the employee.** When advancing or loaning money to an employee, get a written receipt and a signed repayment agreement.
- **Notify employees in writing of changes in pay, benefits, and work conditions as far in advance as possible.** Help minimize the shock and disappointment by giving employees sufficient time to prepare for significant changes.
- **Maintain a safe and healthy workplace in compliance with OSHA regulations.**
- **Use a termination checklist when discharging employees.** When firing an employee, use a termination checklist to ensure the employee is given the full benefit of the termination procedures outlined in your company's policies and specified in any warnings they received.
- **Do not use a standard resignation form or letter.** If an employee is voluntarily quitting, have the person write and sign his/her own resignation letter.
- **Do not let an employee quit until all legitimate grievances are addressed.** If an employee is quitting, do your best to ensure the company has done everything appropriate to address all legitimate grievances presented by the employee before he/she leaves.

EMPLOYMENT (CONT'D)

TERMINATING
EMPLOYEES

Unfortunately, despite your best efforts to hire a person who is a good fit for a job, occasionally it becomes necessary to fire an employee. Discharged employees can file claims for unemployment benefits. Generally, employees who lose their jobs due to a failure to perform the job at an acceptable level or failure to comply with rules of conduct are not eligible for UI compensation. However, it is up to the employer to prove the discharge resulted from a specific act of misconduct and that the employee knew he/she could be fired for this reason.

Below are examples of common mistakes employers make when discharging employees that may result in a discharged employee receiving UI benefits:

- **Terminating employees without reasonable warning.** When an employee is fired in the heat of the moment, employers often fail to consider if a reasonable number of warnings were given (or the number specified in your employee handbook), or if the misconduct can be proven. The employer must show either:
 - the employee did something so bad, he/she should have known he/she would be fired without prior warning, or
 - the employee was given prior notice regarding a policy expressly warning discharge could result from a certain action or lack of action and was given an opportunity to progress through the disciplinary process.
- **Failing to discuss the problem with the employee prior to termination.** Georgia is an "at will" state, which means employers may fire workers at any time, for any reason. However, discussing the problem with the employee and taking steps to resolve the issue prior to dismissal are favorable facts in a UI claims hearing.
- **Ignoring company procedures or prior warnings.** If employees have been led to believe certain steps will occur prior to termination, follow those steps. Your position is compromised when employees are given a written warning stating it is the "first written warning," and the document lists further steps you fail to do prior to discharging the employee.
- **Taking no action when employees complain.** Not all complaints are valid, and some employees are chronic complainers; however, it does not look favorable upon your company when an employee has a legitimate grievance, and you took no effective action to address the issue. Complaints usually have some degree of merit. Listen, investigate, act, and document your actions. Employers who are responsive to their employees' concerns generally have fewer turnovers and can be confident of their position in UI claims hearings.
- **Retaliating against employees who file complaints.** Never retaliate against an employee for reporting safety hazards, workplace discriminations, or potential compliance issues with employment law.
- **Delaying discharging employees who are clearly unsuitable for the job.** In general, if an employee is clearly unsuitable for the job despite counseling and retraining, it is best to discharge the person as soon it becomes clear the person will not work out long term. The longer you employ the person, the greater your potential benefit charges will be.

EXHIBIT 4

AFFIDAVIT OF JASON CARINI

Jason Carini, having personal knowledge of the matters stated herein, deposes and states as follows:

1. My name is Jason Carini. I am an attorney-at-law and have been a member in good standing of the Georgia Bar since November 7, 2005 and of the State Bar of California since June 10, 2009.

2. I was an attorney in the office of the Cordele Circuit Public Defender from August 2005 to August 2008. Burt Baker was the Circuit Public Defender when I started in the office; he left January 15, 2007. He returned as interim Circuit Public Defender for two months starting July 1, 2008.

3. My position as a public defender in Cordele was my first position after graduating from law school in the spring of 2005. I had a number of concerns about the office, but I address three here: the hostile work environment for women, Mr. Baker's disdain for motions, and my experience with an appeal drafted by Mr. Baker.

4. In his role as manager of the office, Mr. Baker tolerated and contributed to an office environment that was extremely hostile to women. For a time, the

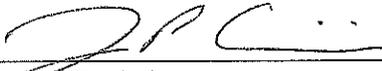
screensaver on his computer (visible to anyone who visited his office, including clients) was a photograph of scantily-clad actress Phoebe Cates rising out of a swimming pool from the movie "Fast Times at Ridgemont High." He was eventually persuaded to replace it after women in the office objected to it. Mr. Baker refused to intervene when some men in the office made inappropriate comments of a sexual nature about female attorneys and a female social worker. He seemed threatened by the implication that there was anything wrong with these comments. Mr. Baker handled the issue in the worst possible way - he made it clear, completely unnecessarily, that if he had to choose between the men making the inappropriate comments or the affected women, he would choose the men.

5. Mr. Baker had a disdain for motions practice. This was made abundantly clear after I received the discovery in my first cases and filed a number of motions. I had learned in law school and at training provided by the Georgia Public Defender Standards Council that motions practice is an important part of representing people accused of crimes that often helps us get better results for them. It is necessary to file motions in order to suppress illegally obtained evidence and to build a record for trial and appeal. Even when motions are not successful, the hearings provide a preview of the evidence that helps us prepare for trial. Motions practice also helps build good client relations, which can be very important if the circumstances require a difficult conversation with a client about

the strength of the evidence and a possible resolution with a plea bargain. When I filed the first motions I had drafted, the clerks were mystified. They had not seen motions coming out of the Public Defender's Office; they literally asked me what the motions were for and what was supposed to happen with them. Not long after I filed the motions, Mr. Baker called me into his office and suggested that it might be best for me to file far fewer motions in the future and to consider withdrawing or dismissing some of the motions I had already filed.

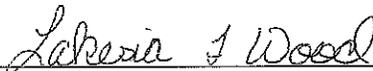
6. When Mr. Baker returned in 2008, he took charge of writing an appeal for a case that I had tried. I checked in with him several times to make sure it was coming along, and he assured me that it was. On the day before the appeal was due – and the deadline had already been extended, so we really were out of time – Mr. Baker told me that he had finished the appeal, and asked me to proofread it the following morning. I was quite surprised to find, that next morning, that the appeal was in the form of a one-page outline that missed all of the key issues. I spent the day scrambling to put something together that would at least give our client a sliver of a chance. I do not believe I have ever been angrier. Because of Mr. Baker's laziness, incompetence, and/or utter failure to communicate, our client missed his best chance to avoid spending the rest of his life in prison. Mr. Baker later bought me a bottle of bourbon to apologize for putting me in that position, which suggests

he fundamentally misunderstands our responsibilities; it was definitely not me that he needed to apologize to.



Jason Carini

Subscribed and sworn to before me by Jason Carini this 10th day of
September, 2014.



Notary Public

My commission expires: July 14, 2019

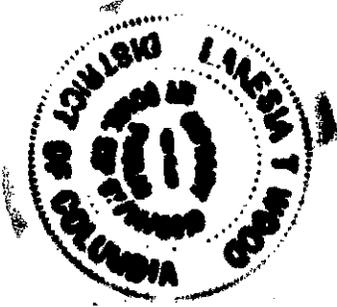


EXHIBIT 5

AFFIDAVIT OF STACEY FLYNN MORRIS

Stacey Flynn Morris having personal knowledge of the matters stated herein, deposes and states as follows:

1. My name is Stacey Flynn Morris. I am an attorney-at-law and have been a member in good standing of the Georgia Bar since December 16, 2004.

2. I have been engaged in the active practice of law since my admission. My law office is located at 2011 Commerce Drive, Suite A111, Peachtree City, GA 30269.

3. From April, 2009 until March, 2011, I was an attorney in the Capital Defender Office of the Georgia Public Defender Standards Council. My supervisor was supposed to be Burt Baker, although he was suspended from supervision for about half of that time because of his sexual harassment of me and other women in the office.

4. During the time that I worked as a Capital Defender, Mr. Baker started off being very nice, kindly and welcoming to me. After a few weeks however he began, and continuously made numerous inappropriate and unwelcome advances towards me and other women, said inappropriate things such as how nice my legs

looked and how “hot” my shoes were, gave me lingerie, and treated me and fellow employees unfairly when I, or other women, rebuffed his advances. One year Mr. Baker had two other women in the office go shopping with him to get me a “wedding present” from Victoria’s Secret. In a parking garage in Griffin, he presented to me a short red night gown made of see-through material; that was clearly not from Victoria’s Secret. One of the other women later told me that in the Victoria’s Secret store the day they all went shopping for my “wedding present”, that they picked out, and Mr. Baker purchased, a white, silk nightgown or robe. She also told me that she was incredibly uncomfortable and wanted no part of the shopping excursion, but Mr. Baker insisted that they accompany him. I found the whole situation totally disgusting.

Another time, our legal team of myself, Mr. Baker, our mitigation specialist and our female investigator all went to lunch together at a restaurant in Spalding County. I moved to sit next to our Investigator in the restaurant booth and Burt insisted that I sit on the other side, next to our mitigation specialist. Our Investigator was obviously visibly upset and aggravated to be sitting next to Mr. Baker; and I actually watched her move her body over as far as she possibly could until she was pressed up against the side of the booth. She whispered loudly enough for me to hear the words “get off of me” to Mr. Baker. I was

concerned and asked her later if she was ok and what was going on and she explained that Mr. Baker would not leave her alone, had sent her sexually explicit cards and letters, had shown up unannounced at her house, had given her lingerie and had said multiple inappropriate things to her. He even showed up unannounced, unwelcome and uninvited to her father's funeral and tried to act like they were dating. She revealed that the day at the restaurant he had reached under the table and grabbed either her knee or her thigh (I cannot remember exactly which one at this point - but it was a part of her upper leg). I told her about all of the things Mr. Baker had been doing to me and told her we should complain together to our Head Supervisor, Jerry Word. She was reluctant to do it because she was a single mother and could not afford to lose her job, so I complained to the director and deputy director of the capital defender office in May, 2010, that Mr. Baker had been treating me, and other women, in this manner.

5. Mr. Baker persisted in his advances despite my repeated and unequivocal rejections of them. His advances repeatedly got in the way of our representation of clients. After I complained, cases were reassigned so that the Investigator and I were not working on any cases with him. He was relieved of any supervisory responsibilities over us. I was told by Mr. Word that I had now

gotten married, so he was sure that Mr. Baker would stop his harassment of me. Mr. Baker was directed to have no contact with either of us except through the director of the capital defender office. Nevertheless, he persisted. He continued to send multiple e-mails to me and cards and letters to the other woman. At a capital defender annual training after these measures had been taken, we were all broken up into different groups and assigned rooms to go to and work on our cases. Mr. Baker was put in a separate group from me and the other victim, but he left his group and joined ours. I had broken my leg and was in a wheelchair at the time and literally could not get away from him. He got a chair from the side of the room, picked it up and put it right at the end of my wheelchair, in between myself and the other victim. He kept making faces and snarky comments about how we "ladies" had tried to escape him, but that he had found his "girls" and wasn't about to leave us again. My broken leg was propped up on the straightened part of the wheelchair and I just had to sit there, with him right at my sock covered foot, for hours until the break when I could get away. I tried to leave the group, but was commanded to remain where I was by our Director.

I continued to complain about his treatment of me, along with two other women in the office at this point who did not want to be left alone in a room with him. Eventually, our Director assigned another case to me, with Burt as my

co-counsel. Mr. Word told me that he believed enough time had gone by and that I should just let it go and leave Mr. Baker alone because the two of them had been friends for a very long time and always would be. It became one of the main reasons that I decided to leave my job with the Capital Defender's Office and go into private practice.

Even after I left the Office, Mr. Baker continued to try and harass and intimidate me. On the one occasion I have seen him since I left the office, we both were attending the funeral of a fellow lawyer in the community, Tamara Jacobs Bell. I avoided him at all cost, but as I was walking to my car, Mr. Baker drove by, rolled down his window and yelled out "that's a real pretty dress you are wearing there Girl", in a manner and way that was clearly meant to be leering and gross. I am so happy that I no longer have to have any more contact with that man. He made my work environment incredibly hostile and made me hate a job that I had hoped to love. I have always prided myself on my ability to take an off-color comment, or a remark about my looks or my being a young female in a male dominated profession, but Mr. Baker took everything to a whole other level that made me feel uncomfortable and awful every time I had to be around him.

6. I know women who report sexual harassment get stigmatized, but I am willing to take that risk if it helps keep Mr. Baker from harassing more women and hurting clients.

Stacey F. Morris
Stacey Flynn Morris
GA BAR No. 141710

Subscribed and sworn to before me by Stacey Flynn Morris this 11 day of September, 2014.

Stephanie Trietsch
Notary Public

My commission expires: 3-6-2017

Stephanie Trietsch
Notary Public, Fayette County, Georgia
COMMISSION EXPIRES: MARCH 06, 2017

EXHIBIT 6

Employee Memo
Re: Burt Baker
Incident Report Date: April 8, 2010

On April 8, 2010, following the Erica Brennan sentencing I was approached by [REDACTED] wanting to talk to me. We spoke in the parking lot of the Long County Courthouse. ([REDACTED] had called me several months earlier wanting to talk, but had said it could wait in light of her father's illness and my son's illness during the same time period)

[REDACTED] told me that she felt her supervisor, Burt Baker had made inappropriate sexual advances towards her. She then showed me a card from Mr. Baker. On the inside it referenced lingerie that apparently accompanied the card. [REDACTED] offered to show me the lingerie, which she retained. She also gave me a portable air compressor given to her by Mr. Baker, along with a series of emails, so of which were inappropriate, when taken in context with other emails. Over the next few days, [REDACTED] forwarded a number of emails over a period of several months.

[REDACTED] also told of an incident where Mr. Baker came to her house to allegedly pick up work items, but claimed he was feeling ill and needed to lie down. She protested and asked him to leave, but finally gave in and told him he could stay until he felt better. She immediately left to pick up her children, and stayed away until after dark. When she returned he was still there. He offered to buy pizza for her and the children in an effort to stay at the house. He finally left.

[REDACTED] indicated that several times she had told him to stop this behavior and he agreed, but he would then become short with her in professional dealings. If she was the least bit nice, he would start up again, and then get mad when rebuffed. The emails reflected this pattern in their tone.

During our meeting, [REDACTED] indicated that she did not want Mr. Baker fired, but merely wanted him to stop the advances and behave in a professional manner. She did worry about the possibility of his continued supervision of her, for fear he would retaliate and try to adversely impact her work. However, she stated she would be able to continue working under his supervision as long as he acted professionally.

[REDACTED] allowed me to keep the card and copies of the emails, but asked me to safeguard it. I also took copies of a few of the emails. I told her not to have contact with Mr. Baker until I could talk with him.

I immediately called Christian Lamar, Deputy Director of Litigation and gave him a summary of this information. We arranged to meet with Mr. Baker the following week. Since Christian was not available in the early part of that week because of the impending Parker trial, I decided to meet with Burt by myself to speed up addressing the issue.

I met with Mr. Baker on the following Tuesday, April 13, in Macon at Cracker Barrel for breakfast. I show him the card and confronted him with the allegations. He admitted that he had acted inappropriately with [REDACTED]. While Mr. Baker felt that his actions towards [REDACTED]

were initially consensual, he acknowledged that regardless, as her supervisor he was in the wrong and the relationship was inappropriate. We discussed remedial measures.

I expressed [REDACTED] concerns that she wanted a work environment where she did not have to fear for her job and that she wanted the message to be clear that she did not want any more sexual harassment in any form. I made it clear that even if his perception that the initial advances were consensual was partially or wholly correct, that from this point forward they would be considered sexual harassment and would have to result in severe sanctions, including termination of his employment. As Mr. Baker's supervisor, I could not tolerate sexual harassment.

We discussed the fact that his actions had compromised his ability to supervise [REDACTED] and that if he treated her different in any way in the future, it could be considered retaliation for her disclosure. We discussed possible solutions to the problem, including his reassignment, her reassignment, change of supervisors. However, I made it clear that any solution could not include any adverse action to [REDACTED] employment and that her reassignment would not be an effective option because I was not going to in any way punish her for his improper actions. Mr. Baker several times acknowledged that he knew his actions were wrong and he would not let it happen again.

Because there was no clear solution that would work with the structure of the office, it became apparent that we would have to continue with both Mr. Baker and [REDACTED] working in the same office. I directed that Mr. Baker's direct face to face contact with [REDACTED] be limited to work settings where other employees were present, that he never again visit her home, that phone contact be at a minimum as necessary to perform his job, and that he copy me on all email communication to [REDACTED]. I further instructed him that at no time was he to create a work environment that could be perceived by [REDACTED] hostile, and that if he could not deal with her on a completely professional basis for whatever reason, that he consider letting her be supervised by Brad Gardner. Mr. Baker agreed to these conditions.

Once I had finished my conversations with Mr. Baker I left Macon. On the way home I called [REDACTED] to report on my conversation and instructions to Mr. Baker. I inquired of her if this was satisfactory, and informed her that if she had any concerns to let me know. I tried to make it clear that I would do what was necessary to see that she was not impacted by Mr. Baker's inappropriate actions.

The following day, April 14, 2010, Mr. Baker called and said that after further reflection that he felt it was best if Brad Gardner supervised [REDACTED]. He advised that he had informed Mr. Gardner of this and would no longer directly supervise [REDACTED].

A copy of this Memo is being placed in Mr. Baker's employee file. At [REDACTED] request, the original "Card" is being returned to her and she is being sent a copy of this memo.,

Gerald P. Word
Director, Georgia Capital Defender