

# CLE: Premises Liability 360<sup>0</sup>



Speakers included (l-r) Render Freeman, Charles Beans, Judge Pamela South, Wayne Melnick, Mel Mobley and Jimmy Scarbrough.

On April 27, 2011, GDLA members convened at Maggiano's Buckhead for an uncommon and entertaining CLE seminar, which offered a view from all sides of a recent premises liability/negligent security case that went to verdict in Gwinnett County—hence the title, "Premises Liability 360<sup>0</sup>: Dissecting a Real Life Trial from Complaint to Verdict."

The seminar was presented by the GDLA Education Committee, chaired by Wayne Melnick, of Gray Rust St. Amand Moffett & Brieske in Atlanta, who also served as program chair.

Attendees heard all the attorneys involved—both plaintiff's and defendants' counsel—discuss the issues their clients faced and the strategies each employed to protect their clients' interests.

Plaintiff's counsel Render Freeman, of Anderson Tate & Carr in Duluth, first presented the tragic facts that found an office worker brutally beaten and robbed when she stayed late one weeknight to work.

The alleged culprit was a member of the office tower's cleaning

crew. Jimmy Scarbrough, of Mabry & McClelland in Atlanta, defended the building owner; Mel Mobley, of Lokey Mobley & Doyle in Atlanta, defended the maintenance service company; Charles Beans, of Shivers & Associates in Alpharetta, defended the security company; and Mr. Melnick defended the building manager. All of the defense attorneys who presented are GDLA members.

The case went to trial before Judge Pamela D. South in Gwinnett County State Court. The judge delivered the luncheon keynote address, giving her view from the bench and discussing professionalism in a case such as this.

The GDLA Education Committee is considering offering another "360<sup>0</sup>" CLE. So, if you participated in or know of a trial that went to verdict and might be a great case from which members can learn, please contact Wayne Melnick at [wmelnick@grsmb.com](mailto:wmelnick@grsmb.com). ❖

## Legislative Update

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### IV. General Court Administration

#### *HB 158: Changing Time (Again) for Judicial Elections*

Several years ago, the legislature moved judicial elections to the November general election date due to concerns about insufficient voter participation in the summer primaries. Judicial candidates have complained, however, about problems caused by this switch, such as the difficulty in getting their message heard above the noise surrounding the other political races. Therefore, HB 158 will return non-partisan judicial races to the summer primary schedule. Qualifying will take place at the same time as other political office qualifying in April.

#### *SB 30: Municipal Court Judges as Attorneys*

SB 30 will require municipal court judges to be attorneys licensed in the State of Georgia. It includes a grandfather clause for existing judges who are not attorneys.

### V. Miscellaneous

#### *HB 343: Good Faith Immunity for Mental Health Facilities in Following State-Mandated Admission and Discharge Provisions*

Under existing Georgia law, a physician, psychologist, peace officer, attorney, health official, or hospital official enjoys good-faith immunity from civil or criminal liability when acting in compliance with admission and discharge provisions under Chapter 4, Section 37 of the Georgia Code. The Georgia

Court of Appeals refused to extend this immunity, however, to the hospital itself in the case of *Krachman v. Ridgeview Institute*, A09A1108 (December 1, 2009). HB 343 closes this loophole by extending good-faith immunity to hospitals.

#### *SB 88: Child Care Restraint Seats*

SB 88 increases the age requirements for use of child restraint systems from six years old to eight. There continues to be exceptions to this requirement if the child is over 4' 9" or more than 40 pounds. ❖



*Rep. Edward Lindsey (R-Atlanta) is the House Majority Whip. He is a GDLA member and partner with Goodman McGuffey Lindsey & Johnson.*