



Newsletter

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GET TO KNOW YOUR NEW HCBA PRESIDENT PANDORA E. PALMER

Pandora E. Palmer was admitted to the Georgia Bar in 1994, the Hawaii Bar in 2001. Pandora has experience litigating in courtrooms throughout Georgia, and is supported by a seasoned team that is dedicated to serving clients with respect and sensitivity.

She was named as a Top 100 Trial Lawyer by the National Trial Lawyers Association for 2013, 2014 and 2015 and was featured as a Top Lawyer in the April 2013, April 2014 and April 2015 editions of Southern Journal magazine. She is rated AV Preeminent by Martindale-Hubbell.

Pandora is a member of the State Bar of Georgia, the Hawaii State Bar, the Clayton County Bar Association, the Rockdale County Bar Association, the Towaliga Bar Association, the Henry County Kiwanis Club, the Henry County Chamber of Commerce, the Georgia Association of Criminal Defense Lawyers, the Atlanta Lawyers Club, and Gamma Phi Beta Sorority and the National Association of Professional Women.



HCBA LUNCHEONS

This Month



Judge Wesley Shannon

(Bio Page 4)

Henry County Magistrate Court

January 29 - 12:00 p.m.

Deep South Deli

Upcoming Luncheons

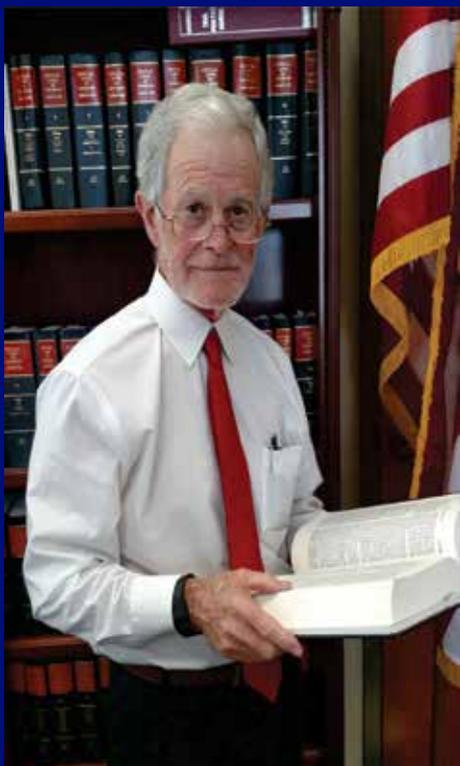
February 26 - 12:00 p.m.

Herman Cain

Deep South Deli

To Be Determined

Bobbie Lee Cook



Advice from the Bench: Judge Ernest Blount Henry County State Court

As you are aware, the smooth operation of a court often resembles an attempt to herd cats. There are so many issues the court must address to get cases tried and calendars handled in a timely fashion. With respect to one aspect of the attorneys' role, it is very important to provide us conflict letters and leaves of absence. Those documents are very important in the smooth and orderly operation of the court.

In addition to written notification, your continued communication with the court becomes equally important. Keeping the court involved as to where you are and when you expect to arrive in a particular courtroom is just huge. By keeping the Judge apprised of your expected time of arrival he or she can notify witnesses and your clients with respect to the likelihood of the case being heard on any particular day. I find it much easier to manage a court calendar when I know where everyone is so I can plan accordingly.

The essence of all of this is communication, communication, communication. Please keep us informed where you are and when you intend to arrive.

Member Spotlight: Michelle Ferguson Sewell



Michelle graduated from Georgia State in 1995 with a BS in Psychology (minor in Sociology). She later graduated from John Marshall Law School in December of '99. She took a year off from law school because she was involved in a serious collision in Clayton County. She is grateful to be alive.

Michelle is part of a legal legacy. Her father is Monroe Ferguson and her sister is Pam Ferguson who was admitted to the bar in 1989 and is the Clayton County Probate Judge. She and her sister grew up working in Monroe's law firm which is the reason they both call their parents by their first names.

She is currently the Chief Assistant Solicitor-General for Henry County. She started with the Henry Solicitor Office in February of 2001. It appealed to her for the trial experience and an opportunity to help victims. When she first started with the Solicitor's Office, she didn't see herself being a career prosecutor. In 2002, once she took on the role of Chief Assistant Solicitor-General under Charles A. Spahos she never looked back. John A. "Trea" Pipkin, III is now the 3rd Solicitor-General she has worked under. Over the years, she has assisted with the creation of DUI Court and Resource Court (Henry County's Mental Health court). Both are great assets to Henry County.

The Henry County Solicitor's Office has grown since it was located at 40 Atlanta Street. When she started in 2001 there was only 2 Assistant Solicitor-Generals and about 10 employees total. At this time, not including Trea, there are 9 Assistant Solicitors-General and 30 employees total, all whom she helps manage. She handles approximately 28,000 traffic and criminal cases per year. She is also involved with Herobox. Herobox offers a sponsor a hero option where you send monthly care packages to deployed military. It is a GA company located in Fayette County. [For more information.](#)

New Rulings from the Supreme Court



- [Belcher vs. Belcher](#) - Order awarding attorney fees under OCGA 9-4-9 not proper as attorney's fees are not costs; and order failing to list express findings specifying abusive conduct for which award was granted under OCGA 9-15-14(a) vacated.
- [Wiggins vs. The State](#) - Malice Murder and Felony Murder convictions reversed after Court finds that trial court erred by failing to hold a hearing to determine whether appellant's request to proceed pro se was knowingly and intelligently made.

To read more or about the Supreme Court's other recently published opinions see <http://www.gasupreme.us/opinions/forthcoming-opinions/>.

There is a psychological concept known as the curse of familiarity or the mere exposure effect. So the theory goes, we can develop a certain myopia with regard to things for which we have become intimately familiar and gathered expertise. This familiarity can make us see the world through that lens only. Then we lose sight of the fact that others may not be as familiar with the facts as we are. Our arguments can become old friends, and we can sometimes underestimate the value of our opponent's argument. Also, we tend to gravitate toward the familiar and reject different ideas, not for their inferiority, but simply because those ideas are different.

The Perils of Overestimating Your Argument and Underestimating Your Opponent's Position

This principle is no more dangerous than when it happens with our argument or our position in a case. Over time, lawyers can fall so in love with our own argument that we cannot even wrap our head around our opponent's. The result is that we do not see the strength of the argument and cannot plan to meet it. We make the mistake of preparing for the weak version of the argument that we perceive in our mind. Unfortunately, when we miscalculate the strength of our opponent's position, we come to court unprepared. When it's game time, we find ourselves pitted, not against the straw man we trained for, but against the real opponent with the real argument. Suddenly, things come at us we did not anticipate.

My Pre-Argument / Pre-Court Ritual

I have a ritual that I do before every major court appearance or appellate oral argument. Instead of starting by preparing to present my argument in outline form (presumably I know my argument already). I begin my preparation by pretending that I am my opponent. And I prepare his argument. What points would I lead with? What points would I de-emphasize. What witnesses would I call? How would I attack me, if I were my opponent? Once I have prepared as my opponent, I truly



To Prepare For Court, First Prepare Your Opponent's Argument

By Scott Key, Miller & Key Law

understand what I am up against. Having put my own materials aside, I take out my opponent's brief, my opponent's main pleadings, transcripts of arguments for my opponent, and I spend the time it takes to get a full and very sympathetic grasp of my opponent's argument. I try to resist the temptation to cut this exercise short or get dismissive. I pretend that I will be presenting my opponent's argument. The exercise generally brings with it rude awakenings. When I've truly gained an understanding of how my opponent will try to beat me, I change hats. I put on my judge hat and think of mine and my opponent's argument from the point of view of a neutral third party. This process has prompted me to make last-minute shifts in my argument.

40 Questions

From there, particularly if I have an oral argument coming up, I will write out the top 10 tough questions I might expect to face during the argument. I then turn to draft the top 10 tough

questions my opponent might get. After I've done this task, I will draft what I believe the top 10 softball questions are for my opponent and for myself. By softball question, I mean those questions that would help push my argument along if those questions were to come from a friendly judge or jury. A knowledge of these 40 or so questions helps me know what lies ahead in terms of challenges and strengths. I try to come up with an answer to all 40. Then, and only then, will I prepare the outline of my argument.





IMPORTANT INFORMATION FOR HCBA MEMBERS

Mock Trial Competition



As you may know, Henry County is hosting the Mock Trial Competition again this year at the Henry County Courthouse on January 30th. We are in need of both sponsors for the event as well as evaluators and judges. These kids work very hard and are extremely talented. Please consider giving your your time to help support them in this process.

If you are unable to attend, we are also seeking donors of \$250 or more to contribute toward the breakfast and lunch for the competitors and coaches. We have had great support from our legal community in the past, and hope that continues again this year.

Please email your [volunteer form](#) to contact [Orion Webb](#) or [Suzanne McGuire](#).

13 VOLUNTEERS STILL NEEDED FOR MOCK TRIAL

Changes in Fingerprinting

The Henry County Sheriff's Department will no longer be able to run fingerprints/background checks for adoptions filed in Henry County Superior Court. This process is being taken over by the [Georgia Applicant Processing Service \(GAPS\)](#) managed by Cogent Systems, Inc. [Please find GAPS Procedure Here.](#) This document fully describes the process for fingerprinting/background check through GAPS, including the Agency ID needed to associate the fingerprints with this court.

ABOUT JUDGE WESLEY J. SHANNON

On May 24, 2000, Wesley J. Shannon was appointed and on June 21, 2000, was sworn in as Magistrate Judge in the Henry County Magistrate Court to fill a new full time position on July 1, 2000. As a Magistrate Judge, Judge Shannon conducts criminal hearings to determine probable cause to issue criminal arrest warrants, first appearance hearings, set bonds and bind criminal cases over to the State Court or Superior Court. Judge Shannon also adjudicates Civil Small Claim lawsuits up to \$15,000.00 along with Dispossessory Cases, County Ordinance Violation Cases, Deposit Account Fraud Cases and the issuance of Search Warrants.

Prior to being appointed, Judge Shannon worked for 3 years for the law firm of Shapiro and Swertfeger, Atlanta, Georgia, a foreclosure/bankruptcy law firm, where he was in charge of the dispossessory department for 159 counties in the State of Georgia. Judge Shannon graduated John Marshall Law School, Atlanta, Georgia in 1995 and was immediately hired by the U.S. Small Business Administration Disaster Assistance Program, Atlanta, Georgia, creating disaster loans for victims of hurricanes, tornados, floods and fires in the Southeastern region of the United States.

Wesley Shannon graduated from Jacksonville University in 1974 with a Bachelor of Music Education with a major in classical piano. After graduation, he went on the road with a rock and roll band called "Summerhill," traveling throughout the Eastern half of the United States. In February of 1976, the band was booked by Carnival Cruises Lines aboard the T.S.S. Carnivale and in time, Wes left "Summerhill" and became the band leader of the ship's showband. In late 1976, Wes met his wife, Pamala, a new entertainer who came on board the ship. In 1977, both Pam and Wes joined forces as a duo act and worked for Carnival Cruise Lines on several of their ships as entertainers until 1981, when they decided to leave the ship life, get married and settle down to raise a family. In 1981, Pam and Wes bought a home in Stone Mountain, Georgia, where they lived until 1993 when they built a home in McDonough, Georgia.

Presently, Wes and Pam live in McDonough, Georgia and have raised a daughter, Cassandra, who is now a Sargent in the Henry County Police Department and a son James, who is currently in the Navy stationed onboard the aircraft carrier "Eisenhower." Wes has been very active in the Henry County community. He very active in the Henry County Kiwanis, was a board member of the Henry County Arts Alliance and the Henry County Friends of the Library Roast. He volunteered each year for the LPGA Chick-fil-a Charity Golf Championship at Eagle's Landing Country Club and has been the accompanist for the McDonough Presbyterian Choir since 1998.

