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DAILY REPORT

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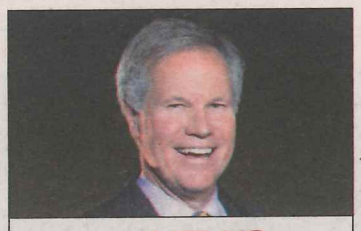

INSIDENEWS

Latham & Watkins copes with the sudden, sex-tinged ouster of leader Bill Voge. **p. 5**
Calls mount for court intervention in NFL settlement administration. **p. 6**

Newsreel

ulton DA Supports Second Chance' Bill

Fulton County District Attorey Paul Howard is backing a ll to allow record restrictions r people who have served entences and stayed out of ouble after nonviolent felony nd misdemeanor convictions.

Howard announced last eek that he has joined forces ith Georgia Justice Projct Executive Director Doug mmar to craft "first of its kind" gislation. On Monday, Howrd announced they and local inisters had asked for a meetg with Gov. Nathan Deal to scuss the proposal in House ill 981.

Deal did not have an immediate response. However, he has epeatedly supported measures aimed at helping nonvionent offenders overcome barrirs to employment.

"The bill would allow under ertain conditions, Georgia itizens the right not to reveal onviolent misdemeanor and elony convictions to respecve employers," Howard said Monday. "Georgia would oin 25 other states that have lready passed such legislaon. The group believes that ith the Governor's support the ill could move forward now."

Howard's news release uoted another supporter of he bill, the Rev. Raphael Warock, pastor of Ebenezer Bapst Church, saying: "It is never oo late or early for justice."

Howard said he has for ears operated a record estriction and expungement nit in Fulton County, helpng thousands with restriction nd expungement requests. In 017 alone, the office restricted ,271 criminal history records. lowever, state law does not llow general restrictions on ome nonviolent felonies and isdemeanors. Howard said oo many people have left his ffice "frustrated and without ope because they could not e helped."

Between 1963 and 2012, nore than 705,000 people vere convicted of nonviolent elonies and 3.8 million were onvicted of nonviolent misdeneanors in Georgia, according o Howard.

—Katheryn Hayes Tucker

REBECCA BREYER

Linley Jones (left) represents a British filmmaker suing Ogletree Deakins for legal malpractice over unauthorized visa signatures; Joe Kingma is leading the firm's defense.

British Filmmaker's Legal-Mal Suit Against Ogletree Deakins Goes to Jury

GREG LAND | gland@alm.com

THE ATTORNEY FOR an acclaimed British wildlife documentary producer told a jury the woman lost her job with National Geographic because of "falsehood and forgery" she ascribed to Ogletree, Deakins, Nash, Smoak & Stewart and a former lawyer there.

Attorney Linley Jones said her client, Emmy Award-winning filmmaker Karen Bass, suffered financially and professionally when National Geographic learned that four years of Bass' visa applications included the forged signature of one of its officers. National Geographic terminated Bass shortly after the revelation.

The allegedly unauthorized signature was written by then-Ogletree associate Brandi Knox, who acknowledged

*See **OGLETREE**, page 2*

McIver Told Sole Witness to His Wife's Shooting: 'I Can't Go To Jail'

R. ROBIN MCDONALD | rmcdonald@alm.com

DANI JO CARTER, the sole witness to the 2016 fatal shooting of Diane McIver, on Wednesday told the jury hearing the murder case of Atlanta attorney Claud "Tex" McIver that he told her, "I can't go to jail."

Carter said McIver made the comment while at Emory University Hospital shortly after he fatally shot his wife. McIver and his lawyers have always insisted Diane McIver's shooting was an accident—a conclusion Carter testified she believed at the time and had shared with Atlanta police.

Carter testified Wednesday that she had just returned to the hospital emergency room with her husband and rejoined McIver and Stephen Maples, an attorney he called minutes after they rushed Diane McIver to Emory's emergency room

*See **MCIVER**, page 4*

ALYSSA POINTER/AJC

Defense attorney Bruce Harvey's cross-examination of the McIvers' friend characterized the couple as "lovebirds."

Judge Lisa Branch (left) is sworn in by Court of Appeals Chief Judge Stephen Dillard to join the Eleventh Circuit bench.

Twitter, Boot Camp Attentive as Branch Elevated to 11th Circuit

KATHERYN HAYES TUCKER
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JUDGE ELIZABETH "LISA" Branch officially moved from the Georgia Court of Appeals to the U.S. Court of Appeals for the 11th Circuit Tuesday.

Her former colleague, Georgia Court of Appeals Chief Judge Stephen Dillard, gave her the oath in their courtroom. Dillard had 12,000 Twitter followers. Word traveled fast. Afterward, Dillard's court sent out a news release taking note of who attended the informal ceremony.

"Branch was surrounded by close family members, friends, Court of

*See **BRANCH**, page 3*

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OGLETREE, from page **1**

signing the document—but Knox maintained she believed she had permission.

The alleged forgeries and lack of oversight by Knox's superiors at Ogletree did "real damage," said Jones, costing Bass her position at National Geographic and scuttling opportunities for other projects.

"Some projects never got made," said Jones, and National Geographic has still not rehired her, though Jones said she is well-regarded there.

Bass is fortunate to have found an Asia-based media company that was willing to hire her, Jones said.

"Who would want to get caught up in all this baggage?" asked Jones, representing Bass with Linley Jones Firm senior associate Angela Forstie.

Jones suggested the jury award total damages of more than $3 million, plus punitive damages.

Lead defense attorney Joe Kingma of Carlock Copeland & Stair said Knox had admittedly made "mistakes" and that the firm was agreeable to paying Bass "reasonable" damages for several months when she was unable to get a visa and out of work, as well as for her "aggravation"

But, he said, Bass should not be delivered a windfall worth millions of dollars for that mistake.

"You've heard a lot about forgery in this case," said Kingma, representing the defendants with firm partner Shannon Sprinkle and associate Matthew Gass. "Why are they calling it forgery? Because Ms. Bass wants to demonize Brandi; she wants you to think she's a horrible person."

"This was a misunderstanding, not some capital crime," said Kingma. "She didn't take any money. She made a mistake."

The case began in 2010 when bass was hired to work on National Geographic's "Wild America" television series. Because she had to travel to the U.S. frequently, in 2011 she and National Geographic retained Knox—then an associate with Littler Mendelson—to help secure an O-1 visa, a specialty visa for people possessing particular talent in the arts, sports, business or athletics.

> **"You've heard a lot about forgery in this case. Why are they calling it forgery? Because Ms. Bass wants to demonize Brandi; she wants you to think she's a horrible person. This was a misunderstanding, not some capital crime. She didn't take any money. She made a mistake."**
>
> —Joe Kingma, defense attorney

Knox discussed the petition with National Geographic senior vice president and associate general counsel Megan Edwards.

According to Bass' account, Knox forged Edwards' signature on the petition and sent it to the U.S. State Department.

The defense said Knox simply signed the petition on Edwards' behalf and filed it. After moving to Ogletree, she continued to sign Edwards' name for the next three years as the time came to renew the visa.

In 2014, the visa processing center contacted Edwards with questions about the visa, and she said she had not signed the renewals. Bass was terminated the same day.

Knox contacted Edwards and, according to her testimony, told Edwards that Bass had said she had a power of attorney from Edwards permitting Knox to sign the petition.

Bass sought out several other lawyers, eventually obtaining a visitor's visa through a London firm and returning to finish work on "Wild Yellowstone,"

In 2016, Bass and her production company, Karen Bass Media, sued Ogletree and Knox in Fulton County Superior Court, asserting claims including legal malpractice, breach of fiduciary duty, breach of contract, negligent representation and fraud.

During a seven-day trial before Judge Fred Eady, defense counsel argued that National Geographic was undergoing serious financial difficulties between 2012 and 2015, laying off three waves of employees and indicating to Bass—one of its higher-paid employees—that she may be let go.

Defense counsel also challenged Bass' damage claims, arguing that she has worked for other outlets and that her reputation was apparently unharmed. Bass, defense lawyers pointed out, was awarded an Emmy after her dismissal from National Geographic and was inducted into Britain's Royal Geographical Society.

Any damage award for Bass' past and future lost wages will be calculated in British pounds, while any general and punitive damages will be in U.S. dollars.

Kingma suggested an award of 84,298 British pounds—$118,856 at the current exchange rate—for Bass' lost wages and another $50,000 for her aggravation.

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