

# DAILY REPORT

A SMART READ FOR SMART READERS



**BUSINESS MATTERS**

**Kenneth Laub** says the current commercial real estate downturn will overshadow all of the others. **Story, page 6.**

An **ALM** Publication

**Newsreel**

**JNC recommends two for Appalachian bench**

• Amanda H. Mercier, 39, the law partner of new Georgia House Speaker David E. Ralston, is one of two nominees on a shortlist for a vacant Superior Court judgeship in the Appalachian Circuit. Blue Ridge bankruptcy attorney Harmon T. Smith Jr., 67, is the other nominee the Judicial Nominating Commission has recommended to Gov. Sonny Perdue.

Mercier was nominated by an attorney in the circuit, George W. Weaver, and retired Appalachian Superior Court Judge Bobby C. Milam. She is a graduate of the Syracuse University School of Law and has been practicing with Ralston in his two-lawyer firm since graduating from law school in 2001. In a questionnaire she filled out for the JNC, she described her practice as mostly domestic cases, followed by criminal defense and some general civil litigation. Mercier also serves as municipal court solicitor for the city of Ellijay in Gilmer County and as a judge pro tem. She was in court and could not be reached for comment at press time.

Smith was nominated by attorney John C. Sammon. He is a graduate of the University of Georgia School of Law and has been practicing since 1967. He concentrates his practice on bankruptcy and transactional law. He has been a bankruptcy court trustee and also a municipal court judge for Dawsonville. Smith said Thursday that he believes his years of experience would be helpful as a judge. "Legal experiences and lifetime experiences help you when you're trying to carve out a remedy for someone," he said.

The opening was created by the resignation of Oliver Harris "Harry" Doss Jr., who stepped down following an investigation by the Judicial Qualifications Commission. The JQC has filed charges against Doss that include abusive behavior toward lawyers and litigants in his courtroom, theft of government property, ex parte communications and unreasonable delays in signing orders. Doss resigned in a Nov. 6 letter to the governor.

—Katheryn Hayes Tucker



**4 BEAUTY CONTESTS**  
Joey Asher: Lawyers could take a page from contractors in learning how to keep a competitive edge.

**4 A GOOD CAUSE**  
Reader: This is a moment for us to do the right thing; donate to Haiti relief efforts.

**LAWYER SENTENCED**  
Read about the Chicago lawyer sentenced to seven years in prison at DailyReportOnline.com.

**OPINIONS INSERT**  
Read summaries of recent opinions from Georgia's high court and Court of Appeals.



Charles Dalziel Jr., left, and Joseph Alonso represented a broker whose former manager wrote in a termination notice that he was "walking too long in cushy loafers."

**VERDICTS & SETTLEMENTS**

## Broker wins \$4.2M in arbitration

**PLAINTIFF CLAIMS HE WAS defamed by SunTrust Robinson Humphrey in termination document**

GREG LAND | gland@alm.com

A CAREER SECURITIES broker who was fired by SunTrust Robinson Humphrey Inc., and saw his reputation "ruined" by defamatory language placed in his termination notice has been awarded \$4.2 million, including \$2.5 million in a punitive damages and more than \$400,000 in attorney fees, by a regulatory arbitration panel.

In a Dec. 28 order, the Financial Industry Regulatory Authority (FINRA) panel found that Lance R.

Beck, a 19-year employee of the firm, had been improperly fired and that the company had deliberately sabotaged his future job prospects.

The complaint and order say that SunTrust allowed Beck to sell \$2.9 million in auction rate securities to an investor in the belief that the securities were liquid and likely to offer a good opportunity for the investor "to park some cash for a short period," according to the complaint in the case.

Instead, two weeks later, an auction for the securities failed. The

See **Verdicts**, page 8

## Survey: Despite down economy, firms raise rates

MEREDITH HOBBS | mhobbs@alm.com

MANY LARGE LAW FIRMS are raising billing rates this year despite the recession, according to an Altman Weil survey released this week. But it's not clear from the survey how much clients' bills will actually increase, if at all.

About 90 percent of the firms that responded said they are raising rates in 2010. The average rate increase was 3.2 percent.

Only 8.5 percent of the firms said they were not raising rates this year, and just 1 percent said rates would go down.

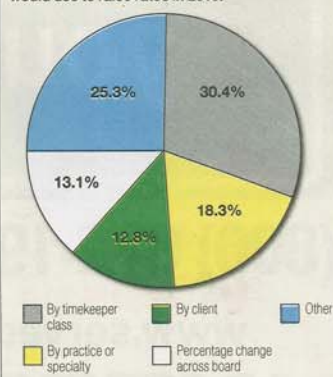
"It really was surprising," said Ward Bower, a principal at Altman Weil. "When I saw the results, I thought to myself, 'What are these guys thinking?'"

Bower said that during the good times, firms

See **Rates**, page 9

**NUDGING UP RATES**

Here are the primary methods law firms said they would use to raise rates in 2010.



Source: Altman Weil

## Judge recommends reprimand for Adorno

**ADORNO & YOSS** co-founder fought a six-month Florida bar suspension for mishandling a \$7 million settlement

JULIE KAY | Daily Business Review



Hank Adorno said, "It's difficult to acknowledge guilt when you feel you did nothing wrong."

AFTER A PARADE of South Florida legal heavyweights testified for Adorno & Yoss president Henry Adorno, the unrepentant lawyer took the stand Wednesday to plead against a suspension for Florida Bar ethics violations.

Broward Circuit Judge Jack Tuter, the

referee in the disciplinary case, ended the two-day hearing by saying he would recommend a formal reprimand to the Florida Supreme Court. The bar was seeking a six-month suspension of Adorno's law license, while he and his attorneys, Bruce Rogow and Andrew Berman, argued he does not even deserve a reprimand.

See **Adorno**, page 9