HALL BOOTH SMITH, P.C.

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Partner

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BIOGRAPHY | EXPERIENCE | CREDENTIALS | MEMBERSHIPS | RECOGNITION | PRESENTATIONS | PUBLICATIONS | IN THE PRESS

Biography

Phil Friduss is a Partner in the Atlanta office with strong practice ties to the Firm’s 6 Georgia regional offices. His practice focuses on the defense of high-exposure cases in the areas of governmental liability, labor and employment, correctional health care, and education. In over 30 years, Phil has had the pleasure of representing over 225 public entities.

For the success of his team, Phil has been named a Georgia Super Lawyer by *Atlanta Magazine* 16 times, and he has also been an honored member of *Georgia Trend Magazine’s* Legal Elite in the area of labor and employment law. For over 20 years, he has been AV Preeminent® Peer Review Rated™ by Martindale-Hubbell.

Phil has been a member of DRI's Governmental Liability Committee for over 20 years, serving as its Chairman from 2012 to 2014. He is a national level speaker and author. His legal column, Towns and the Law, appeared monthly from 2011 to 2018 in Georgia Municipal Association’s flagship print publication, *Georgia Cities*.

Services

Correctional Health Care

Education

Governmental Liability

Labor & Employment

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Experience

Correctional Health Care

Having represented the largest private correctional health care provider in the world for nearly 20 years, Phil has seen every type of correctional health care case imaginable. Delays in treatment, suicides, tasering cases, excited delirium death cases, medical negligence, class actions, and claims under brought under 42 U.S.C. Section 1983 – Phil has been at the forefront of correctional health care cases since they started popping up with regularity in the 1990s.

Education

Phil has successfully represented Georgia school districts and officials in every manner of education law, including Title IX matters, IDEA cases, and FERPA matters to name a few.

Phil also serves as counsel to school districts in matters related to Georgia's Fair Dismissal Practices Act. Phil currently serves as the Advisory Chair to the Defense Research Institute's newly minted Education Substantive Law Group

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Governmental Liability

In representing now well over 200 different public entities, Phil's governmental liability practice covers every corner of Georgia, often in tandem with the firm's regional offices in Georgia. He has successfully defended jury trials in every federal district in the state.

Phil works closely with public entities and officials as insurance, special, and outside counsel in all manner of 1983 litigation and state law matters. With a governmental practice ranging from police misconduct to First Amendment cases, from land use to

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wrongful death suits, and from high-speed pursuits to jail cases, he is a go-to lawyer in the highest exposure cases.

Phil is a widely known speaker and author on both the state and national levels. He served as Chairman of the powerful Defense Research Institute's Governmental Liability Committee (where he presently serves on the Advisory Board), and also chaired the American Bar Association's Sub-Committee on Civil Rights / First Amendment Liability. From 2011 to 2018 he served as the legal columnist for the Georgia Municipal Association's flagship print publication *Georgia Cities.*

Labor & Employment

Over 30 years, Phil has successfully defended employment discrimination cases in every Georgia federal district. Phil has worked as insurance counsel, special counsel, outside counsel, and as an investigator within both the private and public sector communities. *Georgia Trend* magazine has awarded Phil the honor of being a member of Georgia's Legal Elite in the area of labor and employment law.

Credentials

Admitted

State Courts:

- Georgia

Education

- J.D., Mercer University, 1989
- B.A., Belmont College, 1983

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Memberships

- Georgia Defense Lawyers Association
- Defense Research Institute, Governmental Liability Committee:
  - Member, 2000-Present
  - Chairman, 2012-2014
- Senator Paul Coverdell's Crime and Law Enforcement Task Force, 1998-2000
- American Bar Association:
  - Committee on Civil Rights Liability, 1998
  - Sub-Committee on Civil Rights / First Amendment Liability, 1997

Recognition

- AV Preeminent® Peer Review Rated™, Martindale-Hubbell
- Georgia Super Lawyers, Super Lawyers®, 2003-2018
- Legal Elite, *Georgia Trend Magazine*

Presentations

Since 1996, Phil has regularly presented at numerous national and local engagements such as those for DRI, ABA, Georgia ICLE, ACHSA, USLAW, the Texas Bar Association, and others.

Publications

- **Supreme Court Expands Fourth Amendment Protections**
  HBS Governmental Liability Blog; March 30, 2021
- **Supreme Court Quietly Hammers Fifth Circuit in Conditions of Confinement Case, Reversing Qualified**

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Immunity Ruling
HBS Governmental Liability Blog; November 5, 2020

- **Supreme Court Takes on New Fourth Amendment Case**
  HBS Governmental Liability Blog; October 27, 2020
- **Supreme Court Refuses To Stop Order To Move Inmates From Virus-Ravaged Prison**
  HBS Correctional Healthcare Blog; June 4, 2020

More +

- **COVID-19 In Jails And Prisons – US Supreme Court Asked To Stay Ohio Injunction Requiring Transfer Of Inmates**
  HBS Correctional Healthcare Blog; May 28, 2020
- **US Supreme Court Ready To Sit Down To A Full Plate Of Qualified Immunity**
  HBS Governmental Liability Blog; May 6, 2020
- **Yes, It's True: You Cannot Sue A Dog— Or A Cat, For That Matter**
  HBS Governmental Liability Blog; April 29, 2020
- **Of Dogs And Privacy: The Warrantless Seizure Of A Dog's Blood, And All That Comes With It**
  HBS Governmental Liability Blog; April 15, 2020
- **US Supreme Court Hands Down Pro-Law Enforcement 4th Amendment Ruling**
  HBS Governmental Liability Blog; April 7, 2020
- **Gun Store Owner Sues Over Shelter-In-Place Ordinance**
  HBS Governmental Liability Blog; March 30, 2020
- **Forced Labor in Privatized Prisons? Eleventh Circuit Cries Foul!**
  HBS Governmental Liability Blog; March 10, 2020
- **The Modern Suicide Case In The Correctional Healthcare Setting**
  HBS Correctional Healthcare Blog; February 24, 2020
- **2(B), or Not 2(B) – Show Me Your Papers Survives to See Another Day**
  DRI Today, 2016
- **Today's Correctional Healthcare World**
  White Paper, 2017
- **Municipal Courts' Practices Involving Incarceration of**

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Indigent Defendants Under Fire
ACCG Annual Meeting, 2016

- **Georgia's Wistleblower Act as Applied to Local Governments**
  62nd Annual Institute for City and County Attorneys, 2015
- **Georgia Municipal Association's Georgia Cities**
  Legal Columnist, 2011-Present
- **A Legal Fight, for Freedom: The Dred Scott Decision**
  For the Defense, 2011
- **Defending the Indefensible: Racial Profiling Hits the Courts**
  For the Defense, 2000
- **The Telecommunications Act of 1996**
  For the Defense, DRI, December 2008
- **Public Entities and Public Officials' Liability Under 42 U.S.C.**
  1981 and 1985
- **Justices Give the War on Drugs a Significant Boost: The Year in the Fourth Amendment**
  The Urban Lawyer: The National Quarterly on State and Local Government Law 787-93, 1997
- **Update on Fourth Amendment Search Cases: The New and Confused Framework**
  The Urban Lawyer: The National Quarterly on State and Local Government Law 679-700, 1996

In the Press

Supreme Court Expands Fourth Amendment Protections

March 30, 2021

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Written by: Phillip E. Friduss, Esq. Getting hit by a bullet but still escaping in the getaway car implicates the Fourth Amendment after all sayeth Chief Justice Roberts in a heated 5-3 Opinion along ideological lines. Justice Amy Coney Barrett took no part in the case, which was argued in October before she took her

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Supreme Court Quietly Hammers Fifth Circuit in Conditions of Confinement Case, Reversing Qualified Immunity Ruling

November 5, 2020

Written by: Phillip E. Friduss, Esq. This past Monday, in a per curiam decision (Justice Barrett not participating; Justice Alito concurring to suggest cert should not have been granted, but otherwise

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concurring with the judgment; and, Justice Thomas, dissenting without written opinion) the Supreme Court reversed and remanded a Fifth Circuit conditions of confinement qualified

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Supreme Court Takes on New Fourth Amendment Case

October 27, 2020

Written by: Phillip E. Friduss, Esq. Last week, the Supreme Court agreed to hear Lange v. California, Docket No. 20-18, where the issue has been coined in two different, but similar ways: Whether the pursuit of a person whom a police officer has probable cause to believe has committed a misdemeanor categorically qualifies as an

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Supreme Court Refuses

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to Stop Order to Move Inmates From Virus-Ravaged Prison

June 4, 2020

Written by: Phillip E. Friduss, Esq. Thus is the title of Adam Liptak's New York Times coverage of the Ohio inmate transfer case, Williams v Wilson case we reported on last week. The piece begins: "The Supreme Court on Tuesday refused a request from the Trump administration to block a trial judge's ruling that had ordered

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COVID-19 in Jails and Prisons – US Supreme Court Asked to Stay Ohio Injunction Requiring

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Transfer of Inmates

May 28, 2020

Written by: Phillip E. Friduss, Esq. There have now been any number of COVID-related challenges to the conditions of confinement in jails/prisons nationwide, especially with respect to the elderly inmate population. Two weeks ago we reported on the Texas case that had made its way to the US Supreme Court. That case, Valentine v Collier,

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US Supreme Court Ready to Sit Down to a Full Plate of Qualified Immunity

May 6, 2020

Written by: Phillip E. Friduss, Esq. Our Supreme Court Justices are about to sit down to an unprecedented feast of qualified immunity. That feast will be served during its May 15 conference, where the Court will consider

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thirteen different qualified immunity cert petitions, several of which that have been specifically rescheduled to that date. We

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Yes, it's True: You Cannot Sue a Dog— Or a Cat, for That Matter

April 29, 2020

Written by: Phillip E. Friduss, Esq. This column originally appeared in the June 2017 issue of the Georgia's Cities newspaper. After suffering from brain freeze and writer's block just days before my deadline, and on the verge of writing some mundane offering on the differences between ministerial and discretionary acts—Boom! Just when I think I've

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Of Dogs and Privacy: The Warrantless

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Seizure of a Dog's Blood, and all that Comes with it

April 15, 2020

This article originally appeared in the September 2016 issue of the Georgia's Cities Magazine. Written by: Phillip E. Friduss, Esq. State v. Newcomb, 359 Or. 756 (2016) Act I: Juno Rescued Amanda Newcomb is out of money. Because of that, she is unable to regularly feed her dog, Juno. Her neighbor, apparently following Juno's plight,

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US Supreme Court Hands Down Pro-Law Enforcement 4th Amendment Ruling

April 7, 2020

Written by: Phillip E. Friduss, Esq. Action from the Barren Chambers Monday morning

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as the Supreme Court handed down a pro-law enforcement ruling in Kansas v. Glover. Lighting Round Facts – Officer on road runs tag. The license plate and truck belong to Glover, who has a suspended license. Pullover Arrest. Game on, as the

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Gun Store Owner Sues Over Shelter-In-Place Ordinance

March 30, 2020

Written by: Phillip E. Friduss, Esq. Gun store Clyde Armory has sued Athens-Clarke County, Georgia over its shelter-in-place ordinance. The suit claims that that the ordinance is an overstep of power and violates the equal protection and due process clauses as well as the right to bear arms in both the U.S. and Georgia constitutions.

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Useful Guide

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For The New Leave Entitlements Under FFCRA

March 26, 2020

Written by: Phillip E. Friduss, Esq. Below is the most useful guide we have located on The New Leave Entitlements Under FFCRA – Issues Unique to the Public Sector: COVID-19 Resource. There is an outstanding and helpful Question and Answer section. If you have any questions please reach out to Phil Friduss or any other

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Forced Labor in Privatized Prisons? Eleventh Circuit Cries Foul!

March 10, 2020

Written by: Phillip E. Friduss, Esq. On February 28, 2020, the Eleventh Circuit Court of Appeals (the federal appellate court for Alabama, Florida,

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and Georgia) ruled that a federal statute designed to combat human trafficking applies to a privatized federal corrections facility's alleged practice of punishing and withholding basic human necessities from inmates who refuse

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Is a Gunshot Wound a Seizure?

March 2, 2020

Written by: Phil Friduss, Esq. In recent news: https://verdict.justia.com/2020/02/26/is-a-gunshot-wound-a-seizure Out front right now is Torres v. Madrid, the pending Supreme Court case involving the suspect shot by the police who escaped – the question of whether a Fourth Amendment seizure being front and center. Below is a link to Sherry Colb's (C.S. Wong Professor of

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The Modern Suicide Case

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in The Correctional Healthcare Setting

February 24, 2020

Written by: Phillip E. Friduss, Esq. I. INTRODUCTION Today's correctional healthcare world is the product of a half-century mix of social, legal, and moral paradigm shifts. Ever since the 1976 Supreme Court's world-spotlight decision in Estelle, the obligation to provide meaningful healthcare to the incarcerated has skyrocketed – as has the quality of attorneys bringing

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HBS Attorneys Recognized in 2017 Georgia Super Lawyers

February 21, 2017

In the 2017 edition of the Georgia Super Lawyers magazine, the law firm of Hall Booth Smith (HBS) will once again be recognized for its

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outstanding legal work as seven of its attorneys are on the list of Super Lawyers: Phillip E. Friduss, John E. Hall, Jr., and Rush S. Smith, Jr. of the Atlanta office; James B. Durham and N. Daniel

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HBS Attorneys Recognized in 2016 Georgia Super Lawyers

February 22, 2016

In the 2016 edition of the Georgia Super Lawyers magazine, the law firm of Hall Booth Smith (HBS) will once again be recognized for its outstanding legal work as nine of its attorneys are on the list of Super Lawyers: Alex H. Booth, Phillip E. Friduss, John E. Hall, Jr., and Rush S. Smith, Jr. of the Atlanta office; James B. Durham and N.

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HBS Welcomes

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Phillip Friduss as Of Counsel to the Atlanta Office and Kirk Carter to the Brunswick Office

August 31, 2015

HBS is pleased to welcome Phillip E. Friduss as Of Counsel in the Atlanta office and Kirk A. Carter as an Associate to the Brunswick office. Mr. Friduss' practice focuses on the defense of high exposure cases in the areas of governmental liability, correctional health care, appellate advocacy, and labor and employment. He is devoted to the betterment of

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