



## GOVERNMENTAL LIABILITY

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# Governmental Liability

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Those who serve in government jobs face increasingly complex challenges and intricacies in balancing the demands of local, state and federal government in addition to the needs of the business community and the public. Enforcing statutes and ordinances while also fostering business growth often makes public entities and officials targets in today's litigious society.

Hall Booth Smith's Governmental Liability and Government Law and Services Practice Groups take a comprehensive and holistic approach to counseling leaders on all legal needs, from risk mitigation and litigation prevention to rigorous defense when litigation ensues.

HBS attorneys bring extensive government experience to the table, including previous service in numerous elected positions, and government leadership and administrative roles. HBS has defended more than 250 government entities on a wide range of matters. Our attorneys are active in the courtroom and the day-to-day business of local and state government, and we are active in influential government organizations and associations.

The voice of our law firm is heard through the individual involvement of our attorneys in serving the people:

- Metropolitan North Georgia Water Planning District's Basin Advisory Council for the Ocmulgee River Basin and the City of Covington, Georgia's Urban Redevelopment Authority
- City Attorney for the City of Attapulgus and the City of Bogart
- County Attorneys of Madison, Tift, Ware, Decatur, Mitchell, and Coffee, Georgia
- Former peace officers and deputy sheriff
- A P.O.S.T. certified guest instructor
- Frequently speak at continuing education seminars

With over 15% of the nation's work force employed in the public sector, local public entities and officials are prime litigation targets nationwide. By their respective jobs' very natures, these servants interact with local and national business, the financial sector, the public itself, and most every other industry there is on a daily basis. The regularity of these contacts invites everyday significant risks into play. Every. Single. Day.

Serving those who serve the public has long been one of the cornerstones of HBS' promise – Serving to Achieve Excellence. Historically covering the entire State of Georgia, and now offering expertise throughout the Southeast, the HBS Governmental Liability, and Government Law and Services Practice Groups each lend their expertise to combine to offer the most comprehensive level of public sector representation in the Region.

In Georgia alone, HBS serves as General Counsel throughout the State, counting over 20 individual governments that rely on our day-to-day proactivity, accessibility, and attentiveness. We are continually asked to serve as litigation counsel, special counsel, and in top-end investigations. We serve our clients through all major carriers as insurance counsel, and have won Section 1983 jury trials in every Georgia Federal District. Separately, and more narrowly, the Firm has also won public sector employment cases in every Georgia Federal District. HBS has defended 325-plus public entities throughout the Southeast.

We partner with our clients to successfully defend against every form of public sector claim that can be brought, to include the categories below. Join our passion in serving those who serve.

- Law Enforcement
  - Wrongful arrest
  - Excessive force
  - Search and seizure claims
  - Jail issues
- Employment
  - Sexual harassment-Title VII
  - State and federal anti-discrimination laws
    - Gender discrimination-Title IX
    - Racial discrimination
  - Local Government Liability

- Water and infrastructure projects
- Ordinances and resolutions
- Contracts
- Land acquisition for public purposes
- Statutes and regulations
- Open meetings and public records
- Violations of property rights
- Zoning
- Constitutional deprivations
  - 42 USC 1983
  - First Amendment claims
  - Prisoner rights claims
- Defend local governments in property tax appeals
- Assist in intergovernmental sales tax agreements

With professional integrity and skill, HBS lawyers have successfully resolved many cases for our clients through mediation, motion practice, administrative bodies, and both bench and jury trials. Our successes include:

- Received numerous summary judgment rulings for local government entities
- Received a defense jury verdict in an excessive force case involving an officer involved shooting
- Received a defense bench verdict in an excessive force claim against an officer in the apprehension of a parole violator
- Successfully defended a county zoning ordinance challenged on multiple grounds
- Successfully defended numerous entities in front of the EEOC

## Leadership



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## Related Industries

### **Construction**

HBS assists the construction industry in a wide variety of private and public construction projects, including commercial, residential, industrial, and mixed-use properties. In addition to managing risk and defending and asserting liability claims on

### **Education**

Hall Booth Smith provides transactional and operational counsel as well as investigative and litigation services to a wide variety of public and private school entities, their administrators and boards, and others involved with the education

behalf of clients, we regularly advise on the myriad of issues that arise in the course of planning, managing and completing construction projects. As a full-service law firm, we offer services in construction related fields, such as real estate, litigation, ADR/arbitration, finance, environmental, land use, energy, regulatory, and utilities.

HBS construction attorneys have handled the entire gamut of claims that can be brought in the construction industry, including successfully representing property owners, developers, contractors, subcontractors, architects and engineers, construction managers, suppliers, transportation providers and haulers, individuals, corporations, electric companies, engineering companies, government entities, insurance carriers and sureties regarding construction industry issues.

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## **Energy, Utilities and Power Systems**

Hall Booth Smith provides comprehensive service, representing energy industry clients in a broad array of matters, including transactions, business operations, regulatory compliance, finance, tax, and litigation challenges.

Representing a wide variety of clients, including owners and developers of energy projects, energy

sector. We have represented K-12 educational institutions, colleges and universities, school district board members, administrators and staff, handling the full range of school-related issues they encounter, including civil rights, First Amendment rights, student discipline, school violence, special education, testing/promotion, access to student records, and fraternity and sorority matters. Our Education lawyers also advise on and resolve employment and labor issues including teacher evaluations, remediation and discipline, teacher dismissals, at-will employment, sexual harassment, and Title VII, as well as represent professional educators in internal investigations and disciplinary proceedings and other matters related to their employment.

Recognizing that the most effective solution is prevention, we review our clients' existing policies and help them devise risk avoidance strategies and comprehensive rules, policies, and procedures to minimize their exposure. As an added value, HBS lawyers offer training programs to assure that our clients' administrators, school board members, school system officials, educators, and staff fully understand the rules and the importance of compliance. Through these workshops, attendees learn to readily identify and address issues and concerns before they become problems.

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## **Government & Municipalities**

producers, suppliers and consumers, municipal and investor-owned utilities, joint-action agencies, electric cooperatives, industrial end-users, independent power producers, and natural gas companies we help our clients identify and leverage business opportunities, establish and implement long-term strategic business plans, manage risk, assure regulatory compliance, and devise effective solutions to the many challenges arising in their constantly evolving industry.

We offer strategic guidance throughout the life cycle of our clients' businesses, assist with lobby efforts and government relations, and assure that our clients' interests are protected. As national coordinating counsel for a major insurance company on all of its catastrophic electric line contact cases, we are particularly knowledgeable about and adept at handling insurance issues affecting the industry.

HBS Energy attorneys are members of industry organizations, frequently speak on energy-related issues and regularly monitor legislative, judicial and regulatory developments and industry trends in order to help our clients effectively integrate these changes into their business practices, policies, regulatory compliance efforts and approach to litigation.

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## Transportation

With a team of former and current government leaders, and those actively involved in various areas of government, HBS offers comprehensive representation and advice to those in government, including states, counties, cities, non-profits and other related industries.

Our team members are regarded as among the most influential leaders in the state of Georgia and are repeatedly recognized for their work on behalf of clients in the government arena. Regularly interacting with legislative leaders concerning client needs, we maintain close working relationships with elected officials, appointed officials, and agency staff, enhancing our ability to provide expertise and counsel. Leveraging our connections, regulatory know-how and legal experience, we work with local, county and state government officials to craft good policy and address our clients' legislative, regulatory and legal concerns.

HBS attorneys assist clients with the full range of local, county and state government affairs, regulatory matters, lobbying efforts, and political and campaign finance issues. Understanding the regulatory framework which affects our clients' business operations, we are particularly adept at helping related regulated industries such as utilities, energy and trade associations, telecommunication companies, health care, insurance, local governments, and nonprofit organizations with compliance matters.

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**Hall Booth Smith** has decades of experience providing transportation industry clients with comprehensive, strategic business and regulatory advice and effective legal representation.

Our firm represents a wide array of entities in transportation-related litigation, including owner-operators, insurers, insureds and various self-insurance funds, as well as aviation companies, oil and gas companies and railroads.

HBS attorneys have counseled transportation industry clients regarding virtually every issue affecting the industry and have litigated disputes throughout the country on nearly every facet of transportation law.

We also regularly work with clients to devise, implement and enforce risk avoidance strategies. Applying the experience gained from decades litigating industry-related disputes, we offer clients effective and cost-efficient representation in courts as well as before government agencies such as the Federal Highway Administration, the Federal Motor Carrier Safety Administration, the Federal Railroad Administration, the National Transportation Safety Board, state Departments of Transportation, and other regulatory bodies.

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