

## GOVERNMENTAL LIABILITY

HBS offers a team of talented attorneys who protect the interests and rights of those who encounter complex challenges as they serve in government jobs.

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### Overview

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 service group 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

### Leadership



#### Russell A. Britt

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# HALL BOOTH SMITH, P.C.

- 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

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## Service

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 practice group lends its expertise alongside our [Government Affairs](#) team 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 over 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.

**Full Team**

# HALL BOOTH SMITH, P.C.

- 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

## Outcomes

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

# HALL BOOTH SMITH, P.C.

violator

- Successfully defended a county zoning ordinance challenged on multiple grounds
- Successfully defended numerous entities in front of the EEOC

## Blog



The [Governmental Liability Blog](#) provides strategic analysis and shares actionable insights on noteworthy cases as well as legal developments on matters that impact the liability and interests of state and local governments, their employees, law enforcement, public school systems, and entities who do business with governmental partners.

Hall Booth Smith's specialized team of governmental liability attorneys keep readers up to date on new case law in tort and Constitutional questions; legal theories; issues that impact sovereign, qualified and official immunities; and emerging regional, national, and international legal trends in the business of government.

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## **“How Long Do We have to Keep This?” Record Retention for Local Law Enforcement Documents**

[January 28, 2022](#)

Written by: Rebekah Maddox Ditto, Esq. and Jennifer D. Herzog, Esq. Having the honor to represent numerous local law enforcement agencies we often get the question (usually in response to an open records request but sometimes as a result of a lack of space for storage), “How long do we have to keep this?” The

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## **Whose Precedents Count for Qualified Immunity?**

[December 28, 2021](#)

Written by: Pearson Cunningham, Esq. On October 18, 2021, the Supreme Court summarily reversed the Ninth Circuit’s denial of qualified immunity to a Union City, California police officer in *Rivas-Villegas v. Cortesluna*. Many commentators and critics of the qualified immunity defense were a bit surprised. Just last fall, the Court seemed to signal that its

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## **Insights From a County Attorney: The Privilege of Government Service**

[November 9, 2021](#)

Written by: Jennifer Dorminey Herzog, Esq. This piece was published in the Fall 2021 edition of Georgia County Government Magazine. I was born and raised in Tift County and after law school returned to my hometown where I am now

# HALL BOOTH SMITH, P.C.

employed as a partner and shareholder at Hall Booth Smith PC. I  
focus my practice in

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