



Insights From a County Attorney

The Privilege of Government Service



BY JENNIFER DORMINEY HERZOG
BERRIEN COUNTY ATTORNEY

I was born and raised in Tift County and after law school returned to my hometown where I am now employed as a partner and shareholder at Hall Booth Smith PC. I focus my practice in government liability and have the honor to serve as county attorney for Berrien County. Daily, I also assist Tony Rowell, a managing partner of the HBS Tifton office, with his duties as county attorney for Coffee, Tift, Ware, and Ben Hill counties, and I represent Mitchell and several other counties in tax appeal litigation.

During the past 15 years, I have attended hundreds of county meetings, including Board of Commissioners, Board of Elections, Board of Tax Assessors, Board of Health, etc. I have been pleased and humbled to observe good and honorable elected officials and county staff who work diligently, on a daily basis, to provide service to their communities. I have likewise been equally dismayed to witness some truly bizarre events, including having to step in while eight months pregnant with my first child as one commissioner threatened to whip another, having to notify the governor of a sheriff's arrest and subsequent federal imprisonment, and attempting to manage the sovereign citizen and first amendment auditor. Learning to handle differing temperaments and personalities, competing interests, and managing expectations while also calming anxieties are skills I am still striving to hone.

The joy and nemesis of a county attorney is the broad subject matter range impacting county government, which never allows true mastery in a subject but certainly keeps the day interesting. In the morning, you may be reviewing an intergovernmental agreement with the

local school board, researching and answering questions on Georgia's Open Records Act while educating a public employee that, yes, emails they thought were private have to be produced, fielding calls and document production to the Department of Justice about an investigation of a local jail, or answering employment questions related to the Fair Labor Standards Act or Family and Medical Leave Act. Then in the afternoon, you could be preparing for and attending a statutorily required settlement conference for a tax appeal, followed by a public hearing on a controversial rezoning request for commercial development in a residential area, culminated with answering questions off the cuff in a commissioner's meeting in the evening, and in 2020 specifically, being on speed dial with your county's election supervisor because of many election-related issues and questions. SPLOST, TSPLOST, LOST, local ordinances, local legislation, redistricting, the list is never-ending. We have also served as counsel for governmental entities on various litigation issues. In short, a county attorney's work includes a broad array of topics, and every day is an adventure!



emotional and physical costs of preparation for and attendance at trial, I came to believe there was real value in discussing settlement earlier in the life of a case than the day before trial. This value is true in lawsuits involving corporate clients and millions of dollars at stake, but also, and possibly even more so, in a domestic case involving issues related to shared parenting time and debt division or in a probate case involving long-standing years of emotional pain and hurt between family members. Most mediators in South Georgia are older men, so I was candidly as surprised as anyone when my mediation practice blossomed. I work hard to see patiently above the fray, calm explosive personalities, and formulate creative solutions to complicated problems.

I turned 40 during the pandemic year of 2020. It was a good opportunity for reflection on what my goals and aspirations are in this life. I sincerely hope and pray it will be that I love and serve the Lord; that I love, honor, care for, and encourage my husband and my daughters; that I spend time with and support our extended family well; that I provide excellent service to my clients and kindness and friendship to my coworkers; and that I serve my church and my extended community with the talents and time with which God has blessed me.

I am so eternally grateful to have spent my childhood running barefoot beside my younger sister on our family's farm, playing sports, and participating in church activities. We played "house" among the long-leaf pines, went swimming in the pond down the hill with my daddy many afternoons, and learned to "can" vegetables and jam guided by the experienced hand of my mama (which we still do!). My husband, Scott, and I now live on a farm just a couple of miles from where I grew up. We have two beautifully active and very noisy daughters, Bess (six) and Mari (four), who love to swing under our pecan trees and eat blueberries straight from the vine and whose dirty feet tracking in mud have made me appreciate my own mama's patience in a way I could not before understand. South Georgia summers are no joke, but the sunsets over the cotton field make the gnats and humidity worth the sweat. I am thankful for the opportunities I have been given professionally to practice government law in South Georgia and hope to continue to learn something new every day for many years to come. ■

Jennifer Dorminey Herzog serves as the county attorney section president on the 2021-2022 ACCG Board of Managers.

In late March/early April 2020, when many Georgia lawyers found their practices at a standstill due to the shutdown related to COVID-19, county attorneys were busier than ever. Calls were pouring in with questions concerning drafting and instituting local declarations of emergency and how those might be preempted by Gov. Kemp's declaration, analysis and application of the Families First Coronavirus Response Act, questions and research concerning compliance with Georgia's Open Meetings Act considering exposure risks and technology limitations, etc. Many county attorneys, like myself, found themselves working from home for weeks or months. In some ways, it was easier—pajamas, no travel, stepping in the kitchen between Zoom calls to start dinner. In other ways, it was more difficult—technology challenges with virtual meetings, balancing work and family responsibilities with kids out of school, the general anxiety and fear surrounding COVID-19, etc. Although not perfect, our firm had wisely invested significant time and money in technology infrastructure resulting in a relatively seamless transition for attorneys and staff to work remotely.

I have spent the entirety of my legal career at HBS. HBS' mission statement is to, "Ethically and professionally serve our clients by providing the highest quality legal representation in a personally satisfying firm environment." Although an attorney's ethical responsibility to governmental clients is no greater than it is to any other, we recognize the unique privilege one has to represent a governmental entity. That privilege stems from the awesome responsibility vested in the attorney to assist elected officials in their fiduciary capacity of making decisions for their constituents and protecting the public's trust. Recognizing each individual as an image-bearer of God is at the heart of what it means to be a Christian and is at the heart of my law practice. It governs my ethics, calling me to see every person (not just those who look or speak like me or those I like) as valuable and to treat every individual with dignity, respect and honor.

In addition to my county work, I also maintain an active mediation practice in South Georgia and am trained in general mediation, domestic mediation, and arbitration and serve as a registered mediator in Georgia. Seeing the financial,