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Supreme Decision

Leah Ward Sears is off the bench and in the game

by JERRY GRILLO photography by STAN KAADY

Leah Ward Sears made history in judge's robes, but today she's wearing high-heeled boots and a pencil skirt.

"Women lawyers are often afraid to admit they like feminine things because, you know, that's not part of the tough image," says Sears, the first African-American woman chief justice of a state Supreme Court and now partner at the Atlanta office of Schiff Hardin, where she leads the national appellate team. "But I like high tea at the Ritz, I like to go shopping and I do like nice clothes."

Colleagues talk about her intelligence, her poise and professionalism, her accessibility and open-mindedness. They talk about her work ethic. She turns on the lights at the office most mornings.

Her husband says she is probably the most Type A person you will ever meet: a voracious reader with a brilliant mind and a real love of fashion. Vintage clothing, she says, "especially the 1950s. Ultra feminine stuff, the thin waist. Do you watch *Mad Men*? Anyway, it's a big collection."

Surprised? Sears has a habit of surprising people.

She surprised everyone when, at 32, she was elected a Fulton County Superior Court judge in 1988, becoming the first African-American woman and youngest person to win a Superior Court seat in Georgia. Four years later she became the first woman and the youngest person, at 36, named to the Georgia Supreme Court.

"She gave a great interview, and, I'll never forget, I made a comment about her age, her youth," says former Georgia Gov. and U.S. Sen. Zell Miller, who appointed Sears as a justice to the high court. "She fired right back with, 'Well, Thomas Jefferson was only 33 when he wrote the Declaration of Independence.' What could I say to that?"

She retained her seat later in 1992, becoming the first woman in Georgia to win a contested statewide election.

"I don't think an election is the best way to pick our judges," Sears says, "but frankly I haven't figured out a better system."

She won re-election in 1998 and in 2004—a year in which then-Gov. Sonny Perdue, a Republican, targeted her

Leah Ward Sears

- ▶ Schiff Hardin
- ▶ *Georgia Super Lawyers: 2011*
- ▶ **Firsts: First African-American woman and youngest person to win a Superior Court seat in Georgia (1988); first woman and youngest person to sit on the Georgia Supreme Court (1992); and first African-American chief justice of a state Supreme Court (2005)**



"I retired because, after 17 years, I felt I'd done all I could do on that particular court," says Sears. "The other factor is something I don't talk about a lot."



Sears had a *Great Santini* childhood. Her parents, Onnye, a teacher (seated, right), and Thomas, an Army pilot (in photo above mantel), raised her, she says, “to get out there and compete in a man’s world.”



specifically for defeat in what is typically a nonpartisan election. Sears won with 62 percent of the vote.

In 2005 her colleagues elected her chief justice. But she surprised everyone again in October 2008, when she announced she’d be retiring at the end of June 2009.

“I had done or mastered everything I felt I could on the Supreme Court,” she says. “I could have stayed, sure. People were saying, ‘Please don’t go,’ which is a nice thing. Another five years, though, it could have been, ‘When is she gonna go?’”

There was speculation early on that Sears was clearing the decks for a shot at the highest court in the land. Barack Obama was about to be elected president of the United States, and several members of the U.S. Supreme Court were nearing retirement, creating vacancies that had to be filled.

And, to no one’s surprise, Sears has been given serious consideration. Twice she has made Obama’s short list for U.S. Supreme Court—for vacancies left by Justices David Souter and John Paul Stevens. Those seats went to Sonia Sotomayor and Elena Kagan.

George Carley, presiding justice of

Georgia’s Supreme Court and one of Sears’ closest colleagues there, says, “She did not leave this court with the idea of getting on the U.S. Supreme Court. Of course, she always wanted it, and of course she was glad when she was on the short list. But that was not her ambition.”

She was flattered to hear her name bandied about. “But I would never organize my life around such a chance,” Sears says.

“Just thinking that the president of the United States has you on his list or on his mind is incredible, a huge honor, something I never thought could happen to me. I mean, wow. But I would never turn my career over to the pie-in-the-sky kind of thing.

“No, I retired because, after 17 years, I felt I’d done all I could do on that particular court. The other factor is something I don’t talk about a lot.”

ON NOV. 5, 2007, Sears’ phone rang before daybreak. It was an officer with the U.S. Foreign Service. Her brother, William Thomas Sears—Tommy—had committed suicide in Dubai while on assignment as a lawyer for the U.S. Department of State. It devastated

her. She started thinking about making changes in her own life.

“That was a real turning point,” she says. “Tommy was only 53, a year older than me. His death got me thinking about how short life is. It is finite, and you have to do the things you want to do while you can.”

Her husband, Haskell Sears Ward (they took each other’s last names as their middle names), about 15 years older than she is, offered additional perspective. A former deputy mayor of New York City during the Ed Koch administration, Ward had seen plenty of burnout in the public arena.

“He said, ‘You don’t want to make your whole life about public service, because other people need to come along and serve,’” Sears says. “He’d seen people hang on too long and they had to be pushed out. He didn’t want that for me.”

So she decided to leave the high court on a high note, do some teaching (for a while, at the University of Georgia) and consider her options (she was one of the five finalists to become dean of the University of Maryland School of Law, but withdrew from consideration).

She accepted a fellowship at the Institute for American Values, a private, nonprofit, nonpartisan organization focused on strengthening families and civil society. At her request, the fellowship is named for her brother—Sears is The William Thomas Sears Senior Fellow in Family Law.

But she surprised everyone again when she announced in May 2009 that she was planning to join Schiff Hardin.

“This community was shocked,” says Eric Barnum, a partner at the firm who helped recruit Sears. “She could have gone anywhere: a large multinational firm, dean at a law school. This was like Muhammad Ali knocking out Sonny Liston—nobody expected it.”

It’s exactly what she wants, Sears insists.

“I came to Schiff Hardin because the law firm included a talented group of lawyers with a wealth of experience in almost every aspect of the law, with a fairly new and growing commitment to the Southeastern United States, and I believed I had the unique ability to help foster that growth,” she says. “I also think that this firm had a clear vision of what kind of contribution they thought a retired jurist could make.”

That contribution includes helping the firm grow its market share and mentoring young associates, as well as partners. She’s a not-so-secret weapon.

“One of the reasons we brought the chief into our firm was to establish, head and really grow our national appellate practice, because she has appellate court experience that few people can rival,” Barnum says. “The chief has seen it all. How many litigants, criminal or civil, would love to know what the judge is thinking? The chief gives us that insight.”

“It’s amazing what lawyers don’t know,” Sears says. “Lawyers tend to be specialists and tend to be very impressed with the fact that they are specialists, so they write for themselves, getting excited about their brilliance.

“For example, an industry lawyer tends to write his briefs for other industry folks, using industry speak. Judges are very smart people who need to be generalists; they need to know criminal law, industry, products liability and so forth. But it’s hard to get lawyers to write

for generalists who spend a lot of time reading a lot of briefs.

“I always stress that you’ve got to zero in and get to the point. A brief is called a brief for a reason. And it has to be clear. I have found most briefs are not.”

She offers the example of a case involving the destruction of World Trade Center Building 7 on 9/11. She’s working with the defense team representing the Port Authority of New York & New Jersey before the 2nd Circuit Court of Appeals.

“We’re trying to establish that the building didn’t fall down as a result of design defects, but as a result of a terrorist attack,” she says, and then describes the confusing brief she had to work with.

“To me, it was all about jurisdiction and insurance and all that. Tell a story that will hook me! Start with, ‘On the morning of Sept. 11, 2001 ...’ and tell the story of what actually happened.”

SEARS’ OWN STORY starts in 1955, in Heidelberg, Germany, where she was born—the second of three children—to Onnye J. Sears, a teacher, and Thomas E. Sears, an Army pilot. She didn’t touch U.S. soil until she was 6, and experienced what she calls a *Great Santini* sort of upbringing.

“Back in those days, being black, in the minds of many people, meant being not as smart as white kids. It meant you couldn’t read as well, you couldn’t do numbers as well,” she says. “But my parents made sure my English was perfect, always made sure I was dressed very well. I was reared to get out there and compete in a man’s world and not whine.”

The family moved from post to post, finally settling in Savannah when she was 12. But Sears was ordering law school catalogs from the time she was 7 or 8.

“I got interested because I wanted to be in a profession that had the power to change things, to make things right in the world,” she says about her precocious interest in the law. “This was in the 1960s so, for me, a lot needed changing. I thought being a lawyer would be my avenue to help. I never dreamed I could one day be a judge.”

After graduating from Emory University School of Law, she went to work for Alston & Bird in Atlanta, where she

specialized in unfair trade practices and intellectual property. While there, she served as founding president of the Georgia Association of Black Women Attorneys and got to know another young attorney, Andrea Young, daughter of Atlanta Mayor Andrew Young.

“Andrea told her father that if he wanted to see more African-American and female judges one day, he needed to start appointing them early to some of the lower court judgeships,” Sears says. “He planted some seeds while he was mayor and watched them grow. I think that’s why he takes such pride in my having become chief justice.”

Young made her a part-time traffic court judge in 1982. She went full time with the City Court of Atlanta in 1985. When she made Superior Court judge in 1988, her father wept through the swearing-in ceremony.

From the start—because of her skin color and youth, she says—she was labeled a left-leaning liberal. She never bought that argument but admits personal ideology was probably in play when she was on the losing end of many 6-1 and 5-2 decisions early in her Supreme Court career.

“I was brash and youthful and just going at it, but at some point, probably around 40, I got tired of always losing and realized that just having my say didn’t matter,” she says. “I wanted to have my way. I learned how to be a better listener, how to build consensus.

“The chief justice—no judge for that matter—can just stick around handing down edicts. You have to learn to bring people along, and these are very smart people with big egos. It’s like herding.”

Sears is a traditionalist in ways, formal when she needs to be—it’s the military upbringing. But she insists on being called ‘Leah.’

“If she told you to call her that, she meant it,” affirms Carley, who prefers to be called ‘Judge.’

Carley and Sears were cast as polar opposites on the seven-justice court: he as the most conservative, she as the most liberal. But she can’t be easily pigeonholed. She’s been called too conservative by liberals and too liberal by conservatives.

When she became chief justice, she asked Andrew Young and a friend who also grew up in the Savannah area—



"Around 40," Sears says about being a judge, "I got tired of always losing and realized that just having my say didn't matter. I wanted to have my way."

U.S. Supreme Court Justice Clarence Thomas—to swear her in. Her friendship and inclusion of Thomas in the ceremony brought plenty of criticism from the left—civil rights icon Joseph Lowery said he wouldn't attend Sears' historic swearing-in if Thomas was part of it. Sears stuck to her guns and so did Lowery: he stayed home.

"She took a lot of heat for inviting Clarence Thomas," says Haskel Ward. "They don't agree on a lot of things, but Leah is grounded in a concept called civility. And despite the differences, they are friends."

Sears first met Thomas when he congratulated her after she was named to the Georgia Supreme Court.

"Naturally, we have a lot to talk about. I don't understand why people would think we wouldn't be friends, just because I don't believe in every philosophical twist and turn that he does," Sears says.

She never has liked being labeled, and the brashness of her early days on the high court gave way to a more even-handed approach.

"Your personal feeling gets involved, but then you strive to set it aside for everybody's benefit, for the common good," Sears says.

"I learned how to be a judge that didn't just have her say, but held sway,

moved things in her direction. I did a very good job of that."

She wrote early dissenting opinions on Georgia's outdated sodomy laws (and the court later saw it her way, overturning the laws), but she admits she's struggling to formulate her thoughts about same-sex marriage. She wrote dissenting opinions on Georgia's use of the electric chair (another issue the court came around on), but does not oppose the death penalty.

She also guided the court in the landmark Genarlow Wilson decision. A high school honors student, Wilson was serving a mandatory 10-year sentence for having consensual oral sex with a 15-year-old girl when he was 17. In October 2007 the Georgia Supreme Court voted, 4-3, supporting an earlier court's ruling that Wilson's punishment was cruel and unusual.

"That was huge, it was close and it took a lot of skill," Sears says. "That's one I'm very proud of."

Not surprisingly, her old pal and fellow workaholic, Carley, dissented.

"She and I couldn't be further apart in our philosophy," Carley says. "I don't know how in the world we became such close friends. I guess it was because we really trusted each other. We could yell at each other, and this happened quite often, but we could always walk away happy."

THAT'S WHAT SEARS did in June 2009—she walked away happy.

"She says she's happy, and I hope she is," Carley says. "I've seen people leave the bench, then they don't realize it until they get out there that they're no longer a judge, and making the transition has been hard. So I hope she's enjoying it as much as she says she is."

Sears says the transition has been fine—for the most part.

"I'm still not a fan of having to keep up with my time like lawyers still do," she admits. "Then there's all the technology."

She never had to carry a BlackBerry when she was a judge. She didn't have to drum up business, either, but Sears actually enjoys the marketing aspect of her job. "I like people so much. And I like the variety of things that I can do now that I just couldn't do as a jurist.

"The flip side is that I'm finding there's a lot about the law and the legal system that other lawyers just do not, or could not, know, and I'm really enjoying having the chance to transmit that knowledge to other lawyers."

Still, there's concern and curiosity. *Is it working? Are you happy? Are you sure?*

"All I can say is, it was a good thing for me to leave when I did," she says. "I'm happy with what I'm doing right now. You can stay too long at the party." ◀