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DAILY REPORT

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First Case A Big One As New Firm Notches \$705,000 Jury Verdict

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Fulton Court Week

TWO MONTHS AFTER OPENING, the **firm** of Loewenthal & Fleming won its **firstcase** in Fulton County State Court.

The **firm's** client, real estate broker Vivian Mouzon-Wilson, had accus-ed developer Booker T. Brantley Jr. of breaching her exclusive right-to-sell agreement for the Guilford Forest subdivision off Cascade Road in Southwest Atlanta. The **case** had been pending for seven years, as it made its way between three judges' calendars, and lead counsel Robert J. Fleming brought the **case** to trial in February. After deliberating three hours, jurors returned a **\$705,000** plaintiff's **verdict**. Wilson v. Brantley, No. 93VS78337 (Fult. St. Feb. 22, 2001).

When the **verdict** came in the plaintiff broke her foot, Fleming says. She was so excited she twisted her ankle.

Wilson said she had **an** agreement, signed by Brantley's son Booker T. Brantley III on behalf of his father, entitling her to a commission of 2.5 percent on 90 percent of the price of homes sold. However, in July 1993, after three months, Brantley told Wilson that it would be best if they part company, according to the complaint.

For the next five weeks, Wilson charged, Brantley tried to force her to change the terms of the agreement or face losing all commissions. At the same time, she said in her complaint that Brantley forced buyers to cut Wilson entirely out of any purchasing agreements. Finally, on Sept. 1, 1993, the plaintiffs charged, Brantley Jr. told Plaintiff that



Robert Fleming

he no longer wanted anything to do with brokers and Plaintiff was not to have any access to the sales office or files.

Wilson said she was trying to collect commissions on sales after that date and for a few sales going back to March 1993, according to court documents.

The **case** had been through three judges before coming to trial in Judge Myra H. Dixon's courtroom, Fleming says.

The defense claimed that Brantley's son had no authority to sign for his father and the

agreement wasn't valid. Brantley III said on the stand he never signed documents for his father, Fleming says. Plaintiffs countered the claim by introducing copies of 10 documents the younger Brantley had signed for his father.

[The younger Brantley] said we had to define what we meant by the word document, D' Fleming says, joking that Brantley's son defined it as any piece of paper.

When Fleming and his partner Glenn Loewenthal started their firm in January, they said they decided Wilson's case needed to go to trial quickly. It was the firm's first, and Fleming's first as lead counsel.

This was a fun case, he says. We want them all to be like this one.

Clerk's office restructures

The Fulton County Superior Court Clerk's office is reshuffling its divisions in an effort to give judges closer contact with clerks.

The office's civil, criminal and court services divisions will be replaced by work groups assigned to each judge. Each work group will comprise three members, including a senior supervisor, and will be on the fifth floor of the old courthouse.

Deputy Clerk Karen Calloway says the system will be phased in, with the first teams being assigned Tuesday to Judges Stephanie

Manis, Phillip Etheridge and Elizabeth Long. The rest of the new system should be in place by March 13, Calloway says.

It's a beginning and it gives us a way to iron out any of the bugs that may come up, she says.

Calloway says the clerk's office originally sought four full-time clerks for each judge, but the Fulton Commission would not appropriate enough money.

After talking with the judges we decided we would just try it with three-person workgroups and see how we did, she says.

Calloway says using temporary workers still causes some concerns. Permanent staff members complain that temp workers create a perpetual training situation, because they routinely leave for outside, full-time positions, she says.

For those who need to file documents, little will change, she says. New suits still will be filed at the central office on the fifth floor. But lawyers may file existing suits with the central office or file directly with the work group assigned to the judge handling the lawyer's case, Calloway says.

Nolan retiring

The reorganization in the clerk's office comes as one of its longtime staffers is retiring.

Martha Nolan, 50, who has supervised the criminal division since 1985, will retire March 13, coincidentally the same day the new system is slated to be completed. Nolan says she will do something I've always wanted to do-be a wife and mother. Her son, she says, is graduating from high school in May, and she wants to spend more time with him.

Nolan has worked for the county more than 30 years, including a brief early stint at the health department. She has spent most of her time with the clerk's office, though, except for a brief time in the early '70s when her husband was in the military and stationed in Berlin.

Nolan says she knew the time when she could retire was approaching fast, but she avoided paying much attention to it until a few months ago.

I wouldn't even allow myself to go and check when the date was until the first of this year, she says, adding that she knew her retirement date would be sometime in 2001. I knew it was soon.

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