

Juggling Life And a Solo Practice

I have been in practice since 1992. For most of those years, I have been a solo practitioner, and I love my practice. I have practiced since 1994 in Savannah, Georgia. However, it has at times been challenging when unexpected life experiences throw a monkey wrench in the otherwise well-running wheel of my solo practice.

I primarily practice in the areas of family law and probate law. I ceased practicing employment discrimination and civil rights law in 2019, which means that I no longer practice in Federal court. The first major life challenge was when I elected to have a preventive double mastectomy in 2015, when I learned that I carried the BRCA 2 gene mutation. I elected the preventive course because my mother had had breast cancer. And while she successfully lived for years after her radical mastectomy and radiation, I prayerfully considered my options and elected the breast tissue removal procedure.

The operation was extensive and required a long hospital stay (in Charleston, SC, for reasons too long to go into) and an even longer recuperation period, which necessarily meant that I was going to be absent from my practice for weeks. Thankfully, I had the most capable administrative assistant that the world has EVER known! But of course, I had to file a leave of absence to the court and opposing counsel pursuant to Unif. Sup. Ct. Rule 16. Leaves of Absence.

Uniform Sup. Ct. Rule 16.1 provides for leaves requested for thirty (30) days or less to be granted provided the requests are not *on a published calendar for court appearance, nor noticed for a hearing during the requested time*. Counsel must submit a notice of the request leave to the clerk of court, the judge and opposing counsel at least 30 calendar days prior to the effective

date for the proposed leave, the notice must include the list of actions and the action numbers, the reason for the requested leave and the duration.

Uniform Sup. Ct. Rule 16.2 provides for applications for leaves for more than 30 days, or *for leaves not submitted within the time limits in 16.1* with the same notice requirements as 16.1.

It is important to note that any leave granted “shall relieve any attorney from trials, hearings, depositions and other legal proceedings in that matter” but **does not** extend any deadline set by law or the court. The leave shall be granted unless opposing counsel files a written objection within ten days with the clerk of court, with a copy to the filing attorney and judge.

Failure to notify the judge and opposing counsel after filing a Leave of absence was mentioned in the disbarment case Matter of McCalep, 318 Ga. 260, 265, 897 S.E.2d 846, 850 (2024). While it was not a condition of the disbarment, as the judge generously rescheduled the hearing for McCalep, but it was mentioned by the Supreme Court.

I have never had opposing counsel file an objection to any leaves that I filed, and my medical leave was no exception.

Federal court was slightly different, leaves were requested pursuant to Local Rule 83.9. I filed the following Motion for leave in a federal case:

MOTION FOR LEAVE OF ABSENCE

The undersigned, counsel of record for Plaintiff, moves the Court to grant her for Leave of absence for the period of Friday, September 4, 2015 – Monday, October 5th, 2015, pursuant to Local Rule 83.9, counsel will be out of the office for a scheduled surgery and recovery and shows the Court the following:

1. Counsel is currently attorney of record in the case listed above, and referenced case and requests this leave of absence be applicable to all proceedings which might otherwise be scheduled in the above referenced case.

2. All interested counsel of parties in the case above have been notified of the Petitioner's motion to apply for said leave of absence.

This ____ day of July, 2015.

Federal Court does not really grant leaves as shown in its standard order:

O R D E R

Application for leave of absence has been requested by Gwendolyn Fortson Waring for the period of September 4, 2015 through and Including October 5, 2015.

The above and foregoing request for leave of absence is approved; however, the attorney must make arrangements for other counsel in the event the case is scheduled for hearing or trial during such leave.

As a solo practitioner, I did not have "other counsel in the event the case (was) scheduled for hearing or trial during such leave. In all of my years practicing in Federal Court, I was fortunate not to have a hearing or trial scheduled during any requested leave. But, I can't say that I didn't have nightmares about it during my leaves.

Client communications were more difficult. I did not want to go into the details of the extent of my medical leave and had to notify my clients that some of their cases would be delayed during my leave depending upon whether they were anxiously awaiting a temporary or final hearing. Email communications were read, but during the time that I was on pain medication, I could not respond and responded with an away message. My administrative assistant helped me stay on top of the deadlines and made any needed requests for extensions.

Gwendolyn Fortson Waring, Esq.