

MONDAY  
AUGUST 22, 2005  
2 SECTIONS

Special Issue: 2005 On the Rise

# DAILY REPORT

\$1.50 VOL. 116, NO. 163

ESTABLISHED 1890

FULTON COUNTY DAILY REPORT



on the rise

## Early Risers

Regina Molden is one of 10 young Georgia lawyers we predict will continue to make their marks on the profession.

—Page 8

## The Cost of Acclaim

On-the-Risers open up about the choices they made along the way.

—Page 4



*Young achievers—all under 40—are on the rise in Georgia's legal community*

Straight out of Emory University School of Law, D. Brandon Hornsby began making a name for himself as former Clayton County District Attorney Robert E. Keller's young avenger.

Within 18 months, Hornsby became Keller's chief death penalty prosecutor, securing the first death penalty verdict in that county in more than a decade.

By the time he was 29, Hornsby had handled more than a dozen potential death penalty cases, secured five death penalty verdicts and been named Georgia assistant district attorney of the year by the Georgia District Attorneys Association.

A tireless worker willing to push the envelope to secure justice for his murder victims' survivors, Hornsby was relentless in court, unabashedly challenging county judges and state laws that he said gave defendants the edge in trial.

In 1999, just shy of his 30th birthday, Hornsby gave it up for the relative anonymity of being an associate at product liability boutique Alembik, Fine & Callner. Two years later, he left Alembik to become of counsel to L. Lin Wood Jr., a sole practitioner then making a national name for himself as a plaintiffs' libel lawyer. Barely a year later, Hornsby struck out on his own.

Comfortable with the media and imbued with an affinity for the underdog and a hereditary attraction to plaintiffs' litigation, Hornsby opened a solo practice mirroring that of his

## D. Brandon Hornsby

*Sole practitioner*



BARTRAM NASON

- **Age:** 36
- **Law School:** Emory University, 1994
- **Motivation:** "There is nothing that motivates me more than representing the underdog."
- **Last book read:** "Don't Think of an Elephant: Know Your Values and Frame the Debate—The Essential Guide for Progressives" by George Lakoff.
- **Best advice received:** "Be good to people on the way up, because you're going to meet them on the way down, and dance with the one that brought you. I'll probably take those two to my grave."
- **As a kid he wanted to be:** "I wanted to be a lawyer, probably because my father was a lawyer. I knew I wanted to be a lawyer before I knew why I wanted to be a lawyer."
- **Interesting fact:** Olympic swimmer and five-time gold medalist Johnny Weissmuller, who was Hollywood's legendary Tarzan of the '30s and '40s, taught Hornsby how to swim as a child.

father's. (J. Russell Hornsby practiced for decades in Orlando, Fla.) The elder Hornsby died in 1986 when Brandon was 18.

Considered one of Orlando's most flamboyant lawyers, the senior Hornsby once was described by the *Orlando Sentinel* as having a courtroom manner "between that of a Southern gentleman of the old school and that of an avenging angel who will shred to smithereens any witness who dares to say things that hurt his client."

He was, according to his son, "larger than life."

Alston & Bird partner Judson Graves, Brandon Hornsby's mentor since law school, called Hornsby a fearless advocate driven by determination, "a love of the law, an inquiring mind and an appreciation of the magic of the courtroom."

Graves said Hornsby's "raw talent, intellectual curiosity and inherent showmanship fueled by solid self-confidence ... will, in the long run, cause Brandon to stand out from the crowd."

After three years in a small but elegant office in Midtown, Hornsby is beginning to attract just that kind of attention as a civil litigator. He is representing Fulton County Deputy Cynthia Hall, who was escorting accused rapist Brian G. Nichols to his trial in March when he allegedly attacked her, escaped and gunned down Fulton Superior Court Judge Rowland W. Barnes, Barnes' court reporter and a Fulton deputy.

Hornsby sued Fulton County

Commissioner Robb Pitts on behalf of campaign workers in Pitts' failed 2001 mayoral campaign. The workers claimed Pitts owed them \$130,000 after paying them with checks that bounced.

Hornsby has teamed with Albert M. Pearson III, a partner at Moraitakis, Kushel, Pearson & Gardner, to sue Doctors for Medical Liability Reform—a group that campaigned for damages caps in medical liability suits—on behalf of the family of an elderly patient who was filmed without

her permission in the emergency room of St. Joseph's Hospital here. The film appeared in an infomercial promoting changes in tort laws.

"He's got a good instinct about cases," Pearson said. "He's a very hard worker ... very aggressive, willing to stick his neck out. And if you are going to do plaintiffs' work, the exposed neck is a hazard of the trade."

This month, Hornsby won a 15-month-long public records battle against DeKalb County on behalf of residents living near DeKalb-Peachtree

Airport. On Tuesday, DeKalb CEO Vernon Jones announced the county would honor the public records request.

Susan S. Gouinlock, an airport neighbor and Hornsby's co-counsel in the case, said: "He works all the time. I would get voicemails from him at 2 a.m. He would be thinking about the case. ... He was ridiculously intense. ... But he thrives on it. He is absolutely as dedicated as any lawyer I've ever worked with."

—R. Robin McDonald



Just so many

# HOURS

If you were to construct a Venn diagram of this year's On the Rise picks, you'd be hard-pressed to find an obvious, singular trait they share. As you might expect, there are those on the list who enjoyed privileged childhoods. Others who shared their "by-the-bootstraps" stories with our team of reporters. Just as varied are their educations, firms, practice areas and early influences.

BY MARY SMITH JUDD PHOTOGRAPHY BY BARTRAM NASON

---

So why these 10? Why not the other 80-plus impressively credentialed lawyers nominated this year by Atlanta's legal community?

This crystal ball stuff is not easy.

Excellent legal skills were a given. A strong work ethic was expected. Ditto on self-discipline and motivation. And multiple nominations for the same candidate did not guarantee shortlist placement.

Ultimately, we determined those chosen should be not only the precocious lawyers (who may or may not have "peaked") or those whose names we repeatedly saw in the press, but also those under-40s who were developing momentum with a clear path ahead. In other words, we weren't looking to recognize early lifetime achievement, but rather to predict who will continue to influence Atlanta's legal community.

When we scratched the surface of this year's picks, sacrifice of some finite resources—time, money, family, even sleep—proved to be the common denominator.

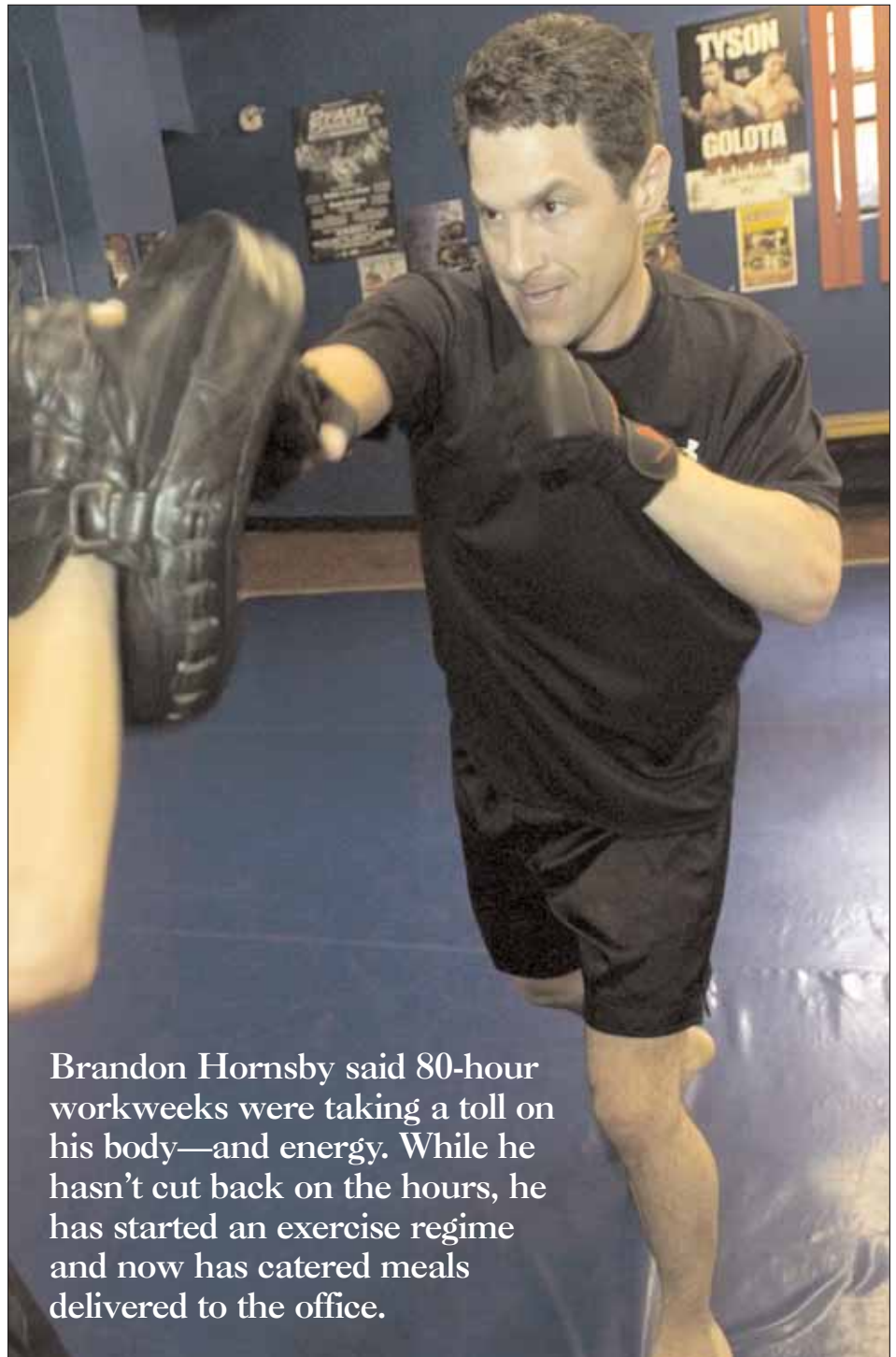
Take for example Regina S. Molden, managing partner of the new corporate litigation boutique Molden Holley Fergusson Thompson & Heard. The firm garnered attention in recent months for its creative, if not daring, raid of minority partners from Alston & Bird and other large firms.

Molden conceded her days are long, adding, "The hours you spend at the office don't tell the whole story."

After unwinding with a book, she sleeps only a couple of hours, getting up about 2:30 a.m. to work on the computer throughout the night. "I can never really shut down," she said. At about 4:30 or so, she may drift off for another hour, but she gets up to "check in" with her 15-year-old son before his school bus arrives at 6:30.

Eating "is a terrible thing," Molden acknowledged. "I rarely eat dinner." A supportive husband who works close to their home keeps the family going.

Molden recalled her even more demanding schedule months ago when she spent days practicing law at Alston and evenings putting together the details of launching the new firm. "My son said,



Brandon Hornsby said 80-hour workweeks were taking a toll on his body—and energy. While he hasn't cut back on the hours, he has started an exercise regime and now has catered meals delivered to the office.

'Mother, I'd just like to see you every day. I try to wait up for you, but sometimes I just can't.' That broke my heart," she said.

Her 18-year-old daughter lives with family in Alabama and soon will start college there.

### Show Me the ... Causes

Long office hours are no longer an issue for Atlanta Legal Aid Society lawyer Adrienne P. Ashby, but she gave up 73 percent of her Kilpatrick Stockton associate's salary for the practice satisfaction and family life she now enjoys.

The mother of two preschoolers, Ashby starts her day at 5:15 a.m. by reading the Bible. She's home to wake, dress and feed her kids. And most days, she's the one who drops them off at day care.

Firm practice "wasn't what I thought I should have been doing," Ashby said. "I grew up in the projects and imagined being a crusader for the poor. I felt like I was supposed to use my legal talents for low-income [clients.]"

Despite her upbringing in relative poverty, Ashby was not influenced by the promise of affluence the big firm offered.

During her job interview at Atlanta Legal Aid, Ashby was asked, "Does your husband know you're here?" But he also is a lawyer and likewise was convinced that the money sacrifice was worth the time the family would recover.

Ashby said the tension between family and practice is not as taut as it once was. "As I look at it in the macro, I view myself as—in my teeny, tiny part of the world—trying to make the world a better place for my children."

The monetary forfeit is lightened by her husband's salary. "In all honesty, it would be a different story if I were a single parent, if we wanted to send the kids to private school," she said. "At the end of the day, [the payoff is] doing something to make clients' lives a little better."

### **Delayed Gratification**

For sole practitioner D. Brandon Hornsby, the time sacrifices he makes now are a down payment on the personal life he hopes one day to enjoy.

He talks of "delayed gratification," adding that an 80-hour workweek is par for the course while he builds his business. When he's involved in complex litigation, the hours can increase from there. "I don't have a tremendous personal life,"

Hornsby acknowledged. "I think it's fair to say I have run off wonderful people who have loved me. Girlfriends are few and far between."

Hornsby hasn't taken a vacation in three years. "When you start your business, you put your heart and soul into it," he said. "If it was easy, everyone would be doing it."

A former Clayton County prosecutor specializing in capital cases, he said he took for granted the strong support he had at his disposal at the district attorney's office. "I never really understood how lucky I was until I left," he said. "It takes so much to put on these cases."

Halfway into the sole practitioner's "five-year hump" toward self-sufficiency, Hornsby sees the light at the end of the tunnel. "I may not always be working on a case, but I'm working on my firm." Recently, he noted, the pace was taking a toll on his body and his energy.

Now he's up at 5 a.m. for either kickboxing or intense "Boot Camp" training at Piedmont Park. And he's taken to having three daily meals delivered to the office. He has renewed energy, which he has reinvested in the firm.

"Down the line it will pay off," he said. "I don't feel like I have reached the goal I want to accomplish. I don't know where the personal life will become a priority or how soon."

Success comes at extreme personal sacrifice, he said. "Certainly there are lawyers out there who are more balanced than I am. My life is balanced toward work."

### **Playing the Game**

Appellate lawyer Frank M. Lowrey IV of Bondurant, Mixson & Elmore has a happy family life with his wife of 15 years and a 7-month-old daughter. He works a relatively reasonable schedule of

45 to 50 hours a week, 35 to 40 of which are billable.

"I'm not going to be the story of the guy who does nothing but work, but that's not an accident," he said. "Organizational skills are absolutely indispensable—not only to success but also to quality of life."

Lowrey—who also does some anti-trust litigation—said he is motivated to make time for family obligations. "I like appellate practice because it rewards efficiency," he said. "A seven-hour deposition takes seven hours. The pace at which I work on appellate is much more controlled by me."

Still, he conceded the continual struggle to balance the demands of a legal career with other aspects of life. "I had years where the weeks were longer," he said.

And his sacrifice may be the glitz that other practice areas attract. "Any time you choose to devote to your personal life, you are taking away from your professional life," he said. "It's a zero-sum game."

Lowrey cautioned ambitious lawyers to pay attention to the time demands generated by an exceedingly complex job. "You are—in most styles of practice—selling your time. For a litigation attorney, you are talking about a job where you are constantly in conflict with smart resourceful people whose job it is to see that you fail," he said. "I don't think there are too many jobs like that. Brain surgery, I'm sure, is very difficult, but there's not another brain surgeon in the operating room trying to undermine you. It takes an emotional toll, depending on your person type. You need to be able to live happily in an environment where you are constantly struggling with other people." □

—mjudd@alm.com