

DAILY REPORT

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► IN THE TRENCHES

Decker Hallman lawyers go their separate ways

BY MEREDITH HOBBS

DECKER, HALLMAN, BARBER & Briggs has disbanded, spawning an environmental firm, **Hallman & Wingate**, and a litigation shop, the **W. Winston Briggs Law Firm**.

Decker Hallman's principals said **Richard P. Decker's** decision to semi-retire prompted the shake-up.

Decker and **F. Edwin Hallman Jr.**, who had been college classmates and fraternity brothers at Wake Forest University, founded the eight-lawyer firm in 1977. Decker described it as primarily a litigation firm that also handled environmental law. Located at 260 Peachtree St., Decker Hallman shut its doors on June 30. The firm's trial lawyers, who've handled a number of noteworthy cases, have scattered.

Hallman and **Richard A. Wingate** opened Hallman & Wingate, one block off the square in Marietta, on July 1, bringing along Decker Hallman associate **Zachary M. Wilson III**.

Jay M. Barber has joined Lewis



ZACHARY D. PORTER/DAILY REPORT

Winston Briggs decided to start his own shop in west Midtown to expand into plaintiffs' work.

Brisbois Bisgaard & Smith, along with associate **Janis M. Seanor**.

Robert D. Feagin has joined **Martensen, Hasbrouck & Simon**.

W. Winston Briggs has gone solo.

Decker, 63, is continuing his litigation practice at Hallman & Wingate, where he is of counsel. "I've got some pretty big irons in the fire," he said. He is representing the estate of Nancy Benoit, who was slain by her husband, wrestler Chris Benoit, along with their son two years ago. Benoit, who had overdosed on steroids, then hanged himself.

Nancy Benoit's mother, who is Decker's client, is suing Hustler magazine for publishing nude photographs of her daughter after Benoit's murder. The photos were taken in Nancy Benoit's youth. The suit was dismissed in federal district court on First Amendment grounds but on June 25, the decision was reversed by the 11th U.S. Circuit Court of Appeals. The federal appeals court ruled that Hustler invaded Benoit's privacy and remanded the case to the trial court to decide damages. Decker said the local firm representing Hustler, McKenna Long & Aldridge, is filing a motion for a rehearing en banc by the 11th Circuit.

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Decker is enjoying a long-planned sabbatical, touring the eastern United States with his wife. He said it's a rustic trip, and they're staying in cabins. "We're avoiding the big cities," he said.

"I'm not getting any younger," he said of his decision to scale back his practice. "I want to do active things while I can still do them."

Hallman & Wingate is a full-service environmental shop, which also will do some general civil litigation, said Wingate.

The firm is presently handling a lot of sludge litigation. "It's ongoing stuff, all over the country," Wingate said. The clients are farmers whose land has been contaminated by sewage sludge.

A recent high-profile win was the 2008 verdict in *McElmurray v. Dept. of Agriculture*, brought by Robert A. McElmurray III, a dairy farmer outside of Augusta. U.S. District Court Judge Anthony A. Alaimo ruled that the city of Augusta had fabricated reports saying the sewage sludge it spread over McElmurray's pasturage and cropland as fertilizer was safe and that McElmurray was eligible for disaster assistance from the Department of Agriculture for almost 2,000 acres of corn and cotton cropland that is too contaminated to be planted.

Hallman has represented McElmurray and another farming family for a decade in suits against the city of Augusta over sludge contamination, in which they've prevailed. Wingate said the first

sludge jury verdict in the nation was *Boyce v. City of Augusta*, in which he represented the Boyce family.

Hallman, who was out of town, has been doing environmental work since the mid-1980s. Wingate, a former biologist, started working with him at Decker Hallman after receiving his law degree in 2003 from Georgia State University.

Feagin, now of counsel at Martensen, Hasbrouck & Simon, partnered with Irwin W. Stolz Jr. on the class action against the city of Atlanta that struck down the old occupation tax for Atlanta lawyers. The total award for the class was \$18.3 million in refunds for taxes paid from 1996 to 2004. Feagin and Stolz collected one third of it as their fee.

Briggs has launched his own litigation practice to expand into more plaintiffs' work. He brought three paralegals from Decker Hallman—Brandi Davis, Kira Langoussis and Jessica Joa—and has hired a second-year associate, Robert F. Glass, from Balch & Bingham.

Briggs, 46, said he'd practiced at Decker Hallman for more than 20 years. "Rick Decker was my mentor," he said. "When he said last year he was ready to go into semi-retirement, it seemed a good time to branch off."

"I talked to a lot of lawyers, judges and people I respect around town," he added. "They said, 'If you want to do plaintiffs' work, you've got to go out and do your own thing.'" He explained that Decker Hallman was known for defense work.

Briggs said he's still handling insurance defense work for longstanding clients such as Liberty Mutual, Travelers, American Safety Insurance Services and Atlanta Casualty Co. He said he'll take plaintiffs' cases for personal injury

and wrongful death, as long as they do not present conflicts with his insurance clients.

By coincidence, Briggs tried a Georgia case on this issue in 2006, when he successfully represented Atlanta Casualty Co. in a suit against a Columbus law firm for representing a plaintiff suing a defendant insured by the company. The firm was also representing a defendant insured by Atlanta Casualty. A Columbus jury awarded Atlanta Casualty \$462,000 in damages and attorney fees. Briggs said at the time that it was the first case in Georgia to decide on the issue.

In March, Briggs successfully defended Peachtree Pest Control against claims that an office worker contracted Reactive Airways Dysfunction Syndrome (RADS) from pesticide sprayed in the vicinity of her work space. Briggs said he plans to branch out into plaintiffs' cases over RADS as well.

Barber has joined Lewis Brisbois as a partner, along with Seanor, who'd been a second-year associate at Decker Hallman. Lewis Brisbois is a Los Angeles-based defense litigation firm that opened an Atlanta office at the beginning of the year. Barber, who also counts Decker as his mentor, remains a defense litigator, with a focus on environmental, pest control and asbestos cases. The asbestos cases, he said, are second-generation, where people were contaminated from asbestos fibers carried on their work clothes into their homes.

He said he moved to Lewis Brisbois to have a national platform for his clients, whom he declined to name without their permission. ☞

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