

Leah Ward Sears

Partner | Atlanta

Leah Ward Sears is a Partner in the Litigation Practice of Smith, Gambrell & Russell, LLP.

As a retired Georgia Supreme Court Chief Justice, Ms. Sears draws on her background as a former jurist and elected official to bring a unique combination of skills and outstanding value to her clients. Among her many roles, she is an appellate lawyer, oral advocate and strategist, in addition to often serving as a neutral in arbitration proceedings and mediations. Ms. Sears also devotes much of her time assisting managers and institutions facing misconduct allegations, especially sexual, and other claims of bias, prepare and respond, minimize legal exposure, and protect their reputations.

As an appellate lawyer since returning to private practice in 2009, Ms. Sears prosecutes appeals in both the state and federal courts of the United States. She has courtroom experience as a trial lawyer and judge either hearing and/or defending businesses in product liability, business torts, medical malpractice, employment, contract and other commercial disputes. She also consults with other lawyers on trial and appellate briefs and presides over mock arguments to offer insights as to how appellate jurists will react. She is particularly adept at crafting arguments that are clear, compelling and convincing. In addition, her approach to the practice of appellate law has often included strategic involvement long before the appeals process begins. Clients retain Ms. Sears not only for her excellence in oral advocacy and post-verdict briefing, but also to work closely with trial counsel to develop and execute pretrial and trial strategy, build evidence, and optimize the positioning of a case for trial and appeal.

Ms. Sears was twice on the President's shortlist for appointment to the United States Supreme Court. She has consistently been on the list of Georgia Super Lawyers, a distinction for Georgia's pre-eminent attorneys who attain a high degree of peer recognition and professional achievement. Ms. Sears is also a Fellow of the prestigious American Academy of Appellate Lawyers, an invitation only organization whose membership is limited to 500 lawyers and is open exclusively to persons "who possesses a reputation of recognized distinction as an appellate lawyer."



Contact Information

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Areas of Practice

Appellate Practice

Arbitration

Mediation

Litigation/Trial Practice

White Collar Crime

Bar Admissions

Georgia

U.S. Supreme Court

U.S. Court of Appeals for the
Second Circuit

U.S. Court of Appeals for the
Ninth Circuit

U.S. Court of Appeals for the
Eleventh Circuit

U.S. District Court for the
Northern District of Georgia

U.S. District Court for the
Southern District of New York

Ms. Sears's represents both large and small companies and corporations, governments, colleges and universities and health care providers, to name just a few. Her trial and appellate, arbitration, mediation and internal investigation work has been wide-ranging and given rise to hundreds of reported decisions concerning civil rights, medical malpractice, class actions, insurance fraud, mass tort as well as property damage cases following the events of 9/11 in New York City, with successful results.

Ms. Sears's practice experience includes:

- Retained to submit amicus curiae briefs including by the Council of State Court Judges of Georgia and the Medical Association of Georgia, among others
- Successfully defended the City of Atlanta, as lead trial and appellate counsel, in a lawsuit by other 90 plaintiffs filed over Hartsfield/Jackson International Airport's fifth runway. Kangiser et al. v. The City of Atlanta, Georgia, Case No. S17C0505; Bowles et al v.The City of Atlanta, Case No.: S17C0506 (Georgia Supreme Court 2016)
- Successfully defended an insurance company client, which had issued a mortgage bond, in the argument that it was entitled to summary judgment as to a claim against the bond because the acts that gave rise to the judgment occurred before the bond was in effect. In so doing, the Georgia Court of Appeals set a new industry standard as well as reversed the finding of the trial court which had ruled against the client. Hartford Fire Insurance Company v. iFreedom Direct Corporation, 312 Ga. App. 262, 718 S.E.2d 103 (Ga. App. 2012)
- Successfully persuaded the Virginia Supreme Court that the client insurer did not have a duty to defend its insured in the face of a climate change nuisance case, because intentional emissions, even if they have unintended results, are not an "accident" under the insurance policy. This case was widely watched and reported as the first of its kind, pitting the new breed of climate change defendants against their insurers. AES Corporation v. Steadfast Insurance Company, 283 Va. 609, 725 S.E.2d 532 (Va. 2012)
- Successfully defended The Port Authority of New York and New Jersey against a developer seeking damages pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) for damage stemming from the terrorist attacks of September 11 by arguing that the "act of war" defense

nixes its indemnification claims and is otherwise consistent with more than 200 years of consistent interpretation and definition of the term “war” by Congress and the Supreme Court. The case was closely watched to establish liability in the most tragic terrorist attack in U.S. history. In re September 11 Litigation: Cedar & Washington Associates, LLC, v. The Port Authority of New York and New Jersey et al.

- Won sensitive case for client insurance company against jurisdiction and forum non conveniens claims made in a lawsuit filed in Georgia wherein the client was seeking to rescind a policy for losses arising out of a fatal 2012 plane crash in the Democratic Republic of the Congo. Was able to avoid setting dangerous precedent in airplane insurance arena in client’s favor. Certiorari to the United State Supreme Court was denied. Lima Delta Company, et al. v. Global Aerospace, Inc., 325 Ga. App. 76, 752 S.E.2d 135 (Ga. App. 2013)
- Defended client, the Atlanta Braves baseball team, in the Court of Appeals for the State of Georgia, by arguing that the team met its duty to protect spectators from a lawsuit filed in 2010 wherein a 6-year-old girl sitting a few rows behind the visitor’s dugout was hit and injured by a foul ball. Case was closely followed nationally for the application of the “baseball rule” in stadium cases. Atlanta National League Baseball Club, Inc. v. F.F., individually, et al., 328 Ga. App. 217, 761 S.E.2d. 613 (Ga. App. 2014)

Additionally, Ms. Sears contributes her many talents to the community. She currently serves on the Board of Trustees for Emory University, The Carter Center, the Oakland Cemetery Foundation, and the Georgia Historical Society. She previously served on the Boards of Director of such organizations as the Woodruff Arts Center, the Alliance Theatre, the Sadie G. Mays Nursing Home, the Georgia Chapter of the National Council of Christians and Jews, the Advisory Board for the Georgia Institute of Technology, the Cornell University Council, the Board of Visitors of Mercer University Law School and the Emory University Law School Council. Ms. Sears has also taught courses on pretrial litigation as an adjunct professor at Emory Law School and also a course at the University of Georgia Law School.

Ms. Sears received her B.S. degree from Cornell University in 1976 and J.D. from Emory University School of Law in 1980. She earned an advanced degree in Appellate Judicial Studies from the University of Virginia School of Law in 1995. In 1988, she was elected to the Superior Court of Fulton County, Georgia, the first woman to serve on that court. Four years later she was appointed, and later elected, to serve as a Justice on the Supreme Court of Georgia, the first woman

and youngest jurist ever to hold that position. From 2001 to 2005, Ms. Sears was the Presiding Justice of the Georgia Supreme Court, and in 2005 she was elevated by her colleagues to Chief Justice, where she served until she retired from the court in 2009. As Chief Justice, Ms. Sears was instrumental in helping to establish the Georgia Office of Dispute Resolution of the Administrative Office of the Courts. She also chaired the Judicial Council of Georgia, and was a member of the Board of Directors of the National Conference of Chief Justices.

In recognition of her many accomplishments, Ms. Sears holds honorary degrees from Spelman, Clark Atlanta, Piedmont, LaGrange, Morehouse and Savannah State Colleges and Universities, as well as John Marshall Law School. In addition, she is a recipient of the Emory Medal, the American Bar Association's Margaret Brent Award, the Daily Report's Lifetime Achievement Award, as well as being named one of the 50 Top Innovators, Visionaries, and Legal Leaders in the Law (Fastcase, 2012), to name just a few.

Ms. Sears is admitted to practice in Georgia, as well as the U.S. Supreme Court; U.S. Court of Appeals for the Second Circuit; U.S. Court of Appeals for the Ninth Circuit; U.S. Court of Appeals for the Eleventh Circuit; U.S. District Court for the Northern District of Georgia; and U.S. District Court for the Southern District of New York.

Publications:

- *Seizing Serendipity, The Biography of Leah Ward Sears*, written by Professor Rebecca Davis and to be published by The University of Georgia Press, September, 2017
- "Oh Man! My Shoes Make me Feel Like a Woman," *Linkin.com*, July, 2017
- "You've Got to Have a Plan," an essay in *Herstory, Lessons in Success from Lawyers who Live it*, published by the American Bar Association, June, 2017
- "A Conversation with Justice Leah Ward Sears," *State Bar of Georgia Journal*, Spring, 2017
- *Smart Living Magazine*, "Pioneer Justice, Savannah Native Leah Ward Sears Forged her Path to the Georgia Supreme Court, *Fall, 2016*
- "One Little Engine and the Power of Grit," *Linkin.com*, June, 2017
- "Once Common Words Can Now Be Offensive," *Daily Report*, June 22, 2016
- Keynote Speaker, Georgia Association of Women Lawyer's Annual Gala, May, 2017
- Keynote Speaker, Girl Scouts Second Century Breakfast, March 28, 2017
- Keynote Speaker, 100 Years of Women at Emory, March 18, 2017

- Keynote Speaker, “The Important Role of Lawyers in our Society,” DeKalb Lawyer’s Association, January 11, 2017
- Women’s Day Speaker, Ebenezer Baptist Church West, Athens, Georgia, November 21, 2016
- Keynote Speaker, Criminal Justice Day, University of Georgia (Griffin Campus), November 11, 2016
- Town Hall Meeting Moderator, “A More Perfect Union”, The Rights of LGBTQ Americans, The Center for Civil and Human Rights, September 2, 2016
- “Recent Changes in the Appeal of Family Law Cases”, 35th Annual Family Law Institute, May, 2017
- “Practicing Law in the Spotlight”, Gate City Bar Association, March 21, 2017
- “A Summit on Ferguson”, Administrative Office of the Courts, Macon, Georgia, December 16, 2016
- WAOK, “Interview with Justice Leah Ward Sears, April 7, 2017 (YouTube.com)
- Restoring Historic Oakland Cemetery’s African American Grounds, April, 2017 (YouTube.com)
- NPR Interview, “Justice Leah Ward Sears Talks Diversity, Police Reforms and Obama’s Legacy,” February 23, 2017
- BlackAmericaWeb.com, “Little Known Black History Fact: Leah Ward Sears” (on the Tom Joyner Radio Show), February, 2017
- Interviewed by D.C. Circuit Court Judge Douglas H. Ginsberg for the PBS Documentary on The United States Constitution (set to air in 2018)
- Documentary, “Balancing the Scales--The History of Women in Law and what has Changed and what hasn’t in the Last 50 years” by Sharon Rowen, released in December, 2016, and airing on PBS stations around the country
- WABE Radio (90.1FM) “A Closer Look”: Leah Ward Sears discussed the Georgia Supreme Court; Homeless Students; and more

Honors and Awards

- Georgia Association of Black Women Attorneys bestows the annual Leah Ward Sears Award for Distinction in the Profession, July 2017
- Girls Scouts of Greater Atlanta “Changing the World Honoree,” March, 2017
- *SuperLawyers*, Named Top Rated Appellate Attorney, 2017
- Recognized by *Best Lawyers in America*, 2017
- On the cover of Georgia *SuperLawyers Magazine*, 2017