

## Leah Ward Sears

Partner | Atlanta

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

With decades of experience as an attorney, a jurist and an elected official, Ms. Sears brings a powerful combination of strategy, analytical thinking and tactical action that gives her clients a compelling edge in complex litigation, appeal, and arbitration and mediation.

Her first-hand knowledge as a retired Georgia Supreme Court Chief Justice gives her extraordinary insight into the thinking and mindset of both trial and appellate courts in state and federal jurisdictions across the United States.

Known for her talent for breaking down complex matters to find the most elegant and straightforward solution that may not be apparent to others, Ms. Sears is also a gifted oral advocate, trial strategist and thought leader who can play devil's advocate to reveal potential weaknesses and holes in both trial and appellate strategy. She is often called upon to serve as a neutral in arbitration proceedings and mediations, and has the ability to meet people where they are and bring them along toward a mutually agreeable solution.

Her efficiency, pragmatism and realistic approach to every legal matter create considerable value for her clients at every stage of litigation and appeal, whether it's writing briefs that capture the attention with wit and authoritative command of the law or delivering convincing arguments before a jury or the bench.

Recognized as one of Georgia's leading legal luminaries and role models, Ms. Sears broke numerous barriers in her swift rise to the highest court in Georgia. When she was elected to the Superior Court of Fulton County, she became the first woman to ever serve on that court. Later she was appointed, and then elected, to serve as a Justice on the Supreme Court of Georgia — again, the first woman as well as the youngest jurist ever on that court.

She rose to Presiding Justice and in 2005 her colleagues elevated her to Chief Justice of the Georgia Supreme Court, where she served until



### Contact Information

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### Areas of Practice

Appellate Practice

Arbitration

Mediation

Complex Litigation

Litigation/Trial Practice

### 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

retiring from the bench in 2009. During her tenure at the Georgia Supreme Court, Ms. Sears spearheaded an effort to establish the Georgia Office of Dispute Resolution, which is a policy-making body under the auspices of the Georgia Supreme Court that oversees the development of court-connected alternative dispute resolution (ADR) programs in Georgia. She also chaired the Judicial Council of Georgia, and was a member of the Board of Directors of the National Conference of Chief Justices.

Since returning to private practice, Ms. Sears has concentrated on prosecuting appeals in both the state and federal courts in many jurisdictions across the United States. This often means embedding with the trial team to develop and execute pretrial and trial strategy, build credible evidence, and begin positioning for an appeal while the trial is underway by preserving evidence and proactively looking for narrowly focused issues at trial that will help protect a hard-fought victory or overturn an unfavorable outcome.

She often consults with other lawyers on trial and appellate briefs, and presides over mock arguments to probe for weaknesses in their strategy or their application of the law and offer piercing yet pivotal insights on how appellate jurists will react.

Ms. Sears is also a trusted advisor to executives and institutions that face misconduct allegations including sexual harassment and other claims of bias, where she works with them to prepare and respond to claims, develop strategies to minimize legal exposure, and move swiftly to protect their reputations. She also defends businesses in a wide range of product liability, business torts, medical malpractice, employment, contract and other commercial disputes.

Twice shortlisted by the President for appointment to the United States Supreme Court, Ms. Sears has been consistently ranked among Georgia Super Lawyers, a distinction for Georgia's preeminent attorneys who are highly respected by peers for their professional achievements. She was also named in Best Lawyers in America<sup>®</sup>, and she was recognized as Lawyer of the Year for Appellate Practice for Atlanta.

Ms. Sears is a Fellow and a Board Member of the prestigious American Academy of Appellate Lawyers, an invitation-only organization limited to 500 lawyers who achieve distinction in their field. In 2019 and 2020, she was featured in an exhibit at the Atlanta History Center that commemorates the centennial anniversary of women winning the right to vote. The exhibit featured her judicial robe and gavel, and documented how women have gained and wielded political power over the past 100 years. Ms. Sears was the subject of a biography called "Seizing Serendipity" by author and Georgia Southern University associate professor Rebecca Shriver Davis, which recounts her career and advancement to Chief Justice of the Georgia Supreme Court, as well as her upbringing that shaped her mindset of determination, grit and a relentless drive to prevail.

Beyond her work as a litigator, Ms. Sears is a passionate change agent who cares deeply about giving back to her local community and strengthening the social fabric that binds us together.

In 2021, Ms. Sears began serving a full term as Outside General Counsel to the Metropolitan Atlanta Rapid Transit Authority (MARTA). And in 2019, Ms. Sears was appointed by Atlanta Mayor Keisha Lance Bottoms to serve as Chair of the Task Force for the Promotion of Public Trust. The 13-member committee was created by the mayor and the Atlanta City Council to explore ways to improve integrity, accountability and transparency in city government amid an ongoing federal investigation of corruption that resulted in indictments of former city officials from a previous administration.

Many months of rigorous meetings with local stakeholders, leading legal scholars, inspector generals in other cities, and independent and oversight leaders culminated in an October 2019 report from the Task Force that recommended creating a new Inspector General's Office to identify and investigate any allegations of misconduct, corruption, ethical violations, waste, fraud and abuse in the City of Atlanta. The proposed independent office would have direct subpoena power, budgetary protection and a fixed term of appointment to minimize the potential for conflict and political pressure. Mayor Bottoms praised the "diligent and thoughtful work" by the Task Force. "The end result of their efforts has laid the groundwork for the Administration and City Council to come together and work toward the shared goal of delivering the transparent and accountable government the people of Atlanta deserve," Mayor Bottoms said.

In 2021, Ms. Sears was selected to Chair of the Federal Nominations Advisory Commission (the Commission reviews candidates for federal judges, United States Attorneys, and U.S. Marshalls in all three of Georgia's federal districts).

Ms. Sears also serves on the Board of Trustees for Emory University and The Carter Center. She is also on the Campaign Committee for Oakland Cemetery, Atlanta's oldest public park and the final resting place for many of the city's most noted citizens including former Atlanta mayors Maynard Jackson and Ivan Allen, Jr.; golf legend Bobby Jones; Selena Sloan Butler, the co-founder of the National PTA; and Dr. Joseph Jacobs, whose downtown Atlanta drug store sold the very first drink of Coca-Cola in 1886.

Ms. Sears previously served as a Curator for the Georgia Historical Society, and on the Board of Directors for organizations including the Woodruff Arts Center, the Alliance Theatre, the Sadie G. Mays Nursing Home, and the Georgia Chapter of the National Council of Christians and Jews. She also served on 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 taught courses on pretrial litigation and legal writing as an adjunct professor at Emory Law School, as well as a course on family law at the University of Georgia Law School.

Ms. Sears earned an advanced degree (LLM) in Appellate Judicial Studies from the University of Virginia Law School, and she completed a Juris Doctorate (JD) at Emory University School of Law. She also holds a Bachelor of Science degree from Cornell University.

Honorary degrees have been conferred on Ms. Sears by Spelman College, Clark Atlanta University, Piedmont College, LaGrange College, Morehouse College, Savannah State University, and John Marshall Law School. Ms. Sears is the recipient of the Lifetime Achievement Award by the Anti-Defamation League, the Emory Medal, the American Bar Association's Margaret Brent Award, and the Daily Report's Lifetime Achievement Award. She was named, in 2020, one of ten Georgia women of the Century by USA Today, and was one of the "Fastcase 50" Award Winners in 2012, which recognizes the most courageous innovators, visionaries, disruptors and leaders in the law.

### **Representative Experience:**

Ms. Sears represents companies, large and small, as well as national and multinational corporations, governments, colleges and universities, health care systems, health care providers, executives and individuals on a wide variety of legal matters and has a successful track record of obtaining favorable outcomes.

She counsels clients on business and contractual disputes, litigation, appeals, arbitration and mediation, internal investigations, class actions, fraud, mass tort, medical malpractice and civil rights matters. She also successfully represented clients in property damage cases in New York City following the 9/11 terrorist attacks.

- Rice et al v. Fulton County et al, a large class action filed in Fulton County Superior Court in which the president of the Atlanta City Council and four other people accuse Fulton County of inflating property tax valuations by “sales chasing,” which means raising the tax values of homes that were recently sold while leaving the rest of the neighborhood unchanged or little changed. In addition to Fulton County, the suit names 14 other cities within the county including the City of Atlanta.
- Rachkova vs. Fulton County et al, a large class action lawsuit in which a Fulton County homeowner claims the county missed a crucial deadline to complete thousands of property value appeals and now must accept lower assessed values for those properties. Tens of millions of dollars of potential county revenue are at risk.
- Copart of Connecticut, Inc. v. Lynette T. Riley in her official capacity as Commissioner of the Georgia Department of Revenue. Ms. Sears served as a Judge Pro Tempore in the Georgia Tax Tribunal to resolve a tax dispute.
- Thomas v. Tenet Healthsystem GB, Inc. Ms. Sears was appellate counsel in an appeal to the Georgia Supreme Court that overturned long standing case law in medical malpractice actions.
- Ms. Sears represented a medical practice on appeal of a \$45 million verdict in a medical malpractice case involving pleading issues and the statutes of limitations and repose.
- Ms. Sears represented a large hospital and doctors on appeal from a decision in a medical malpractice case.
- Ms. Sears serves as ongoing appellate counsel for a very large insurance company on a number of their appeals in the Southeastern United States.
- Ms. Sears is often retained to submit amicus curiae briefs including by the Council of State Court Judges of Georgia, the Medical Association of Georgia, the Georgia Chamber of Commerce, among others.
- 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). Ms. Sears was lead trial and appellate counsel and successfully defended the City of Atlanta in a lawsuit by over 90 plaintiffs over Hartsfield-Jackson Atlanta International Airport’s fifth runway.
- AES Corporation v. Steadfast Insurance Company, 283 Va. 609, 725 S.E.2d 532 (Va. 2012). Ms. Sears 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.

- In re September 11 Litigation: Cedar & Washington Associates, LLC, v. The Port Authority of New York and New Jersey et al. Ms. Sears 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 9/11 terrorist attacks 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, large-scale and deadly terrorist attack in U.S. history.
- Lima Delta Company, et al. v. Global Aerospace, Inc., 325 Ga. App. 76, 752 S.E.2d 135 (Ga. App. 2013). Ms. Sears won a high-risk and sensitive case for an insurance company client 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. The successful outcome for her client avoided setting dangerous precedent in the airplane insurance industry. Certiorari to the United State Supreme Court was denied.
- Atlanta National League Baseball Club, Inc. v. F.F., individually, et al., 328 Ga. App. 217, 761 S.E.2d. 613 (Ga. App. 2014). Ms. Sears successfully defended the Atlanta Braves Major League Baseball team in the Court of Appeals for the State of Georgia by arguing that the team met its duty to protect spectators. The lawsuit stemmed from a 2010 incident wherein a 6-year-old girl sitting a few rows behind the visitor’s dugout was hit and injured by a foul ball. The highly publicized case was covered by national media, and closely watched by attorneys and sports teams across the nation for the application of the “baseball rule” in stadium cases.

**Publications:**

- Interviewed by D.C. Circuit Court Judge Douglas H. Ginsberg for the PBS Documentary on The United States Constitution (set to air in 2020)
- “‘These Aren’t Good Numbers,’ Former Chief Justice Writes About Court’s Diversity,” Daily Report, September 2018
- “Ruth Bader Ginsburg: She’s Come a Long Way Baby!” Daily Report, August 2018
- “Ruth Bader Ginsburg Says She’ll Stay on the Supreme Court for Five More Years,” CNN, July 2018
- “Seizing Serendipity: The Biography of Leah Ward Sears,” written by Professor Rebecca Davis and published by The University of Georgia Press in 2017
- “Oh Man! My Shoes Make Me Feel Like a Woman,” LinkedIn.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



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- “One Little Engine and the Power of Grit,” LinkedIn.com, June 2017
  - Keynote Speaker, Georgia Association of Women Lawyer’s Annual Gala, May 2017
  - “Recent Changes in the Appeal of Family Law Cases”, 35th Annual Family Law Institute, May 2017
  - “Interview with Justice Leah Ward Sears,” WAOK on Youtube.com, April 2017
  - “Restoring Historic Oakland Cemetery’s African American Grounds,” Youtube, April 2017
  - “A Conversation with Justice Leah Ward Sears,” State Bar of Georgia Journal, Spring 2017
  - Keynote Speaker, Girl Scouts Second Century Breakfast, March 2017
  - “Practicing Law in the Spotlight”, Gate City Bar Association, March 2017
  - Keynote Speaker, 100 Years of Women at Emory, March 2017
  - “Justice Leah Ward Sears Talks Diversity, Police Reforms and Obama’s Legacy,” NPR Interview, February 2017
  - “Little Known Black History Fact: Leah Ward Sears,” on the Tom Joyner Radio Show published on BlackAmericaWeb.com, February 2017
  - Keynote Speaker, “The Important Role of Lawyers in our Society,” DeKalb Lawyers Association, January 2017
  - “Balancing the Scales – The History of Women in Law and What has Changed and What Hasn’t in the Last 50 years,” Documentary by Sharon Rowen released in December 2016 that aired on PBS stations around the country
  - “A Closer Look,” Leah Ward Sears discussed the Georgia Supreme Court, Homeless Students and more on WABE Radio in Atlanta (90.1 FM)
  - “A Summit on Ferguson,” Administrative Office of the Courts, Macon, Georgia, December 2016
  - Keynote Speaker, Criminal Justice Day, University of Georgia (Griffin Campus), November 2016
  - Women’s Day Speaker, Ebenezer Baptist Church West, Athens, Georgia, November 2016
  - Keynote speaker, University of Georgia, Criminal Justice Day, November 2016
  - Town Hall Meeting Moderator, “A More Perfect Union: The Rights of LGBTQ Americans, The Center for Civil and Human Rights,” September 2016

- “Pioneer Justice: Savannah Native Leah Ward Sears Forged her Path to the Georgia Supreme Court,” Smart Living Magazine, Fall 2016
- “Companies are Looking to ‘Invest’ in High-Net-Worth Divorces,” Wealthmanagement.com, August 2016
- “Once Common Words Can Now Be Offensive,” Daily Report, June 2016
- “Ten Things You Need to Know about Georgia Family Law Appeals...But were Afraid to Ask,” The National Law Review, April 2016
- Keynote speaker, University of Georgia, The Institute for Women’s Studies, March 2016
- “Win an Appeal Without Being a Heel: Appellate Lawyers and Professionalism,” Georgia Bar Journal, August 2014
- Speaker, National Bar Association 89th Annual Convention: The Art of Oral Advocacy, Appellate Law Section, July 2014
- Keynote speaker, “Asian Pacific Lawyers: Reaching Higher Heights,” 2014 Annual Gala, Georgia Asian Pacific American Bar Association (GAPABA) in Atlanta, May 2014
- “Civility, Compromise and Zax,” TedxEmploy Conference in Atlanta, April 2014
- Keynote Speech at the Annual Bench and Bar Dinner, DeKalb Bar Association in Atlanta, April 2014
- Keynote speaker: “Breaking the Glass Ceiling: Silent Stigmas in the Legal Field,” Atlanta’s John Marshall Law School, March 2014
- “Telephone Talk: Five Tips for Lawyers,” Co-author of guest column in the Daily Report, January 2014
- “What Is the Role of Live Theatre in a Democracy?” Woodruff Arts Center “Neil Asks” Series, Atlanta, October 2013
- “Rule of Preservation in Appellate Law,” Co-author of guest column in the Daily Report, September 2013
- “Specialized Appellate Counsel: An Invaluable Asset,” Corporate Counsel, March 2013
- Moderator of a panel titled “Criminal Law Issues for In-House Counsel,” 12th Annual CLE Expo, Minority Corporate Counsel Association in San Diego, California, March 2013
- “The Importance of Diversity” Hillside International Truth Center, Atlanta, February 2013
- “Defending Our Courts Against Anti-LGBT Assaults: Strategies for Keeping State Courts Fair & Impartial,” Panelist discussion at the National Conference on LGBT Equality in Atlanta, January 2013

- “Appellate Advocacy and Climate Change Coverage Litigation,” DRI Insurance Coverage and Practice Symposium, New York City, December 2012
- “A View from the Other Side of the Bench – A Brief is Called a Brief for a Reason,” Georgia Bar Journal, December 2012
- “To Sue or Not to Sue, That is the Question: A Prudent Business Litigator Should Always Ask,” Daily Report, November 2012
- “Raise the Bar on Judicial Diversity,” Daily Report, September 2012
- “Region Has a Toolkit to Spur New Growth,” Atlanta Journal-Constitution, September 2012
- “The Case for Diversity is Not Yet Won,” Daily Report, August 2012
- Panelist, DRI Auto Insurance Legal Considerations Conference, August 2012
- “How Close Are You and Your Client?” Daily Report, July 2012
- Keynote speaker, National Black Summit of Black Women Lawyers, April 2012
- “Fathers Matter: Anonymous Sperm Donation and the Age-Old Problem and Father Absence,” Co-author of article published in the John Marshall Law Journal, 2011
- “Second Chances: A Proposal to Reduce Unnecessary Divorce,” Co-author of paper presented to U.S. State Legislatures, September 2011
- “Access to Justice: Fair and For All,” Georgia Bar Journal, June 2011
- “Criminal Justice Reform,” Atlanta Journal-Constitution, March 2011
- “Wise Choices are at the Heart of Success,” Daily Report, February 2011

**Recognitions:**

- Lawdragon 500 Leading Lawyers in America, (2021)
- The Best Lawyers in America©, Appellate Practice Lawyer of the Year, Appellate Practice, Commercial Litigation, (2017-2021)
- Georgia Super Lawyers, (2017; 2020-2021)
- 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)



- Super Lawyers, Named Top Rated Appellate Attorney, (2017-2019)
- On the cover of Georgia Super Lawyers Magazine, (2017-2018)
- Thomas R. Burnside, Jr. Excellence in Bar Leadership Award, Georgia State Bar, (June 2016)
- Savannah School of Art and Design, Women of Vision Honoree, (February 2016)
- “30 Most Influential Georgians in the Last 30 Years,” Georgia Trend Magazine, (September 2015)
- Atlanta Magazine’s “Women Making a Mark,” (June 2015)
- American Jewish Committee’s Judge Learned Hand Award, (October 2011)
- American Bar Association Spirit of Excellence Award, (2011)
- Millennium Gates Foundation Justice Award, (2009)
- The Logan E. Bleckley Award, Atlanta Bar, (2009)
- Rosalyn Carter Fellow in Public Policy, Emory University, (2007-2009)
- 100 Most Influential People in Georgia, Georgia Trend Magazine, (1992 and 2004-2008)
- Thomas O. Marshall Professionalism Award, State Bar of Georgia, (2008)
- Charles L. Welter Freedom of Information Award, Georgia First Amendment Foundation, (2008)
- YWCA of Greater Atlanta Woman of Achievement Award, (2007)
- Quill and Dagger, Cornell University Senior Honor Society