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CHATTANOOGA, HAMILTON COUNTY, TENNESSEE

February 26-March 4, 2021

HAMILTON COUNTY HERALD



YEARS AGO

What was going on in Chattanooga in 1971?

Saturday, February 27 to Friday, March 5:

Chattanooga's Model Cities program has been granted approval by the Department of Housing and Urban Development which carries a grant of \$2,075,000 to finance 21 programs in the area. Other grants from federal agencies are estimated at a little more than \$1.5 million.

Former Chattanooga Mayor P.R. Olgiati has endorsed Attorney Mitchell Crawford in his bid for the office of mayor. Olgiati, who announced earlier for a try again at the office, withdrew from the race last week.

R.C. Thatcher Jr., president of Standard-Coosa-Thatcher Co., was elected president of the Chattanooga Rotary Club at its meeting Thursday. Other new officers are Hugh Huffaker Jr., first vice president; James Wann, second vice president, and Tommy Cline, treasurer. Elected to the board were Frank Duff, Gerry Stephens, Andy Trotter, Henry Unruh and outgoing president, D.R. Harris Jr. The new officers and directors will be installed July 1.

Lew Boyd, executive vice president of the American General Agency, has been named chairman of the allocations committee of the United Fund, F.L. Chapin III, UF president, announced. Vice chairmen of the committee are Morris Ellman and C.W. (Jack) Lusk.

Mrs. Wayne E. (Booney) Fullam,

See 50 YEARS AGO, page 13

Familial path guides Logan

First-year lawyer joins father's firm, will team with him on murder defense

By David Laprad

Every attorney begins their career in the shadows of the jurists who are walking ahead of them. Before they can travel their own path, they must learn from their colleagues in the law who have knowledge, experience and wisdom to pass down.



RELATED STORY

Page 2

At 26 and only one full year out of law school, Logan Davis is standing in a particularly long shadow – that of her father, renowned criminal defense lawyer Lee Davis.

Logan also is working under the same roof with him at Davis & Hoss, a small firm located in a stately Fort Wood neighborhood house in downtown Chattanooga.

When Logan started her undergraduate studies at Tulane University in New Orleans, she didn't envision working there someday – or any other law firm, for that matter.

Instead, she majored in French because she liked it and studied abroad in Paris because she wanted to. Beyond that, she had no plans.

"I didn't know what I was going to do," Logan says, speaking through a Davis & Hoss mask while seated at a long table in her firm's conference room. "But while I was in Paris, I took a French law class and a death penalty seminar, which started me thinking about becoming an attorney."

Even as Logan continued her education at Tulane Law School, working at Davis &



Photo by David Laprad | Hamilton County Herald

Logan Davis is a criminal defense attorney with David & Hoss, the Chattanooga firm her father, Lee Davis, co-founded. She says watching her father work over the years swayed her in that direction.

Hoss as a criminal defense attorney was not on her radar. Instead, she spent her summer internships at prosecutors' offices, and was considering going in that direction after becoming licensed.

However, time spent volunteering at the school's domestic violence clinic opened

Logan's eyes to how her work on even a small case can have a big impact on a client's life, and the next thing she knew, she was settling in at her father's firm.

Logan says even that connection from her

DAVIS >> PAGE 9



News and
notes from the
Chattanooga
Bar Association

Bar Association

Davis recalls his nervous first murder defense

By David Laprad

Watching his daughter Logan defend her first murder case has sent criminal defense attorney Lee Davis strolling down more than 30 years of memory lane to when he handled his first homicide – a case in which the odds and the facts both conspired to put his client behind bars.

A Philadelphia native, Davis attended law school at Boston University School of Law and then remained in the Massachusetts capital to begin a career in criminal defense – the only area of the law in which he was interested.

As a solo attorney trying to get his footing, Davis took on as many appointed cases as he could handle, principally in juvenile court. While there, he became friendly with one of the mentors, a young Black man named Courtney.

“He had grown up in a housing project, earned a college degree and was working at Massachusetts General Hospital,” Davis recalls. “He was a success story.”

As Davis learned during a startling 3 a.m. phone call, however, Courtney’s achievements did not shield him from misfortune.

Hazy from sleep, Davis listened as Courtney’s girlfriend said the young man needed a lawyer. He initially thought Courtney wanted to help a juvenile who was in trouble, but that was not the case.

Instead, Courtney had been charged with first-degree murder and was insisting Davis, who had never defended anything above a misdemeanor, be his attorney.

Courtney could not have assembled a greener and more untested defense, Davis says. Not only was Davis fresh out of law school, but his co-chair was a third-year law student. Plus, Davis and his colleague were going up against two of the top prosecutors in Middlesex County.

“One was a former Boston Bruin, and the lead prosecutor was a humorless senior ADA who never made an offer in the case,” Davis remembers. “And we had a retired Marine colonel – Robert A. Barton – as our judge. If you were late, he’d charge you \$100 a minute for contempt.”

While Courtney’s family held a bake sale at their church to raise money for his



Photograph provided

Criminal defense attorney Lee Davis recalls his first homicide case, which jumpstarted a career during which he has served as lead counsel in over 200 felony jury trials.

defense, Davis assembled the facts of the case.

As Davis tells the story, Courtney was on his way to the housing project in which his parents lived when multiple assailants robbed him, beat him unconscious and “damn near killed him.”

The aggressors then dragged Courtney to his parents’ unit, dropped him on the doorstep, rang the doorbell and ran, Davis says.

After convalescing for several days, Courtney had healed enough to return to work. On his way to the hospital, he stopped at a Popeye’s Chicken, where one of his attackers was working in the kitchen.

“So, the issue was, did Courtney go to Popeye’s looking for this guy, or did he go there to order chicken?” Davis says.

What happened next changed three lives: Courtney’s, the assailant’s and Davis’.

“The guy came out of the kitchen, said, ‘Do you want to finish this?’ and then he and Courtney stepped outside,” Davis continues.

Although there was contradictory testimony regarding what happened next, no one disputed the following: Courtney drew a scalpel out of his back pocket and struck his attacker once with enough force to sever his carotid artery and part of his spinal cord.

“He killed him on the spot in front of plate glass windows and a restaurant full of witnesses in the middle of the day,” Davis says. “Then he dropped the scalpel and ran.”

The state called for life without parole. Davis maintained it was involuntary manslaughter.

“I believed it was self-defense. Courtney committed a crime, but it had been under extreme provocation.”

Determined to save Courtney from a life of incarceration, Davis made a rookie mistake: He overprepared his client. As a result, during the trial, Courtney’s testimony sounded canned and rehearsed.

Making matters worse, the prosecutor bore down hard on Courtney while cross-examining him, and the young man broke apart like a crumbling statue, Davis says.

But then something surprising happened: The real Courtney emerged, the truth about what happened surfaced and his case became more believable.

Just like it’s easy for the now-seasoned Davis to see his blunders in this early case, he can also pick out the things he did well.

One, he called an eye doctor as an expert witness. Courtney wore prescription glasses, but those had been shattered in the attack, making it impossible for him to see into the kitchen, the doctor attested.

This put a chink in the state’s case, which asserted that Courtney went to the restaurant to kill his attacker and had therefore committed premeditated murder, Davis says.

Judging by the verdict that followed, Davis also delivered a closing argument worthy of “Law & Order.”

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Newsmakers

Gersch, Holloway join Austin Hatcher



Gersch

Two staff members have joined the Austin Hatcher Foundation for Pediatric Cancer team.

Julie Gersch, Ph.D., has joined as the foundation's licensed psychologist. Gersch graduated with her doctorate in counseling psychology from the University of Akron in Ohio.

For over 15 years, she has overseen clinical and business operations



Holloway

in both a large national health care company and a small statewide boutique firm.

Gersch also ran a private practice in North Texas that specialized in the cognitive evaluation and treatment of children.

She will provide counseling, cognitive and behavioral health therapy, sibling support and neurocognitive testing.

Paige Holloway has joined the team as the foundation's marketing and events coordinator.

Holloway is a 2020 graduate of the Uni-

versity of Tennessee at Chattanooga. She graduated with degrees in communications and English literature.

Holloway also served as the marketing and events intern for the foundation before being added as a full-time staff member.

She's responsible for supporting the foundation's mission and efforts through fundraising, event coordination and brand marketing.

Saf haven names Ricketson business resource development liaison

Stroke survivor and case management veteran Jacqui Ricketson is bringing 30 years of experience in clinical coordination and medical administration to the Jimmy Simpson Foundation's brain injury program, Safehaven.



Ricketson

Safehaven has tapped Ricketson to serve as its business resource development liaison, charging her with serving residents, their families and Safehaven employees in various operational capacities ranging from marketing to administrative duties.

After experiencing a stroke at a young age, Ricketson devoted her career to health care, gaining experience as a Certified Workers Compensation Professional and working for a large case management company based in Atlanta.

When not working, Ricketson is an avid photographer and regularly participates in kickboxing and women's self-defense classes.

>> DAVIS

From page 2

Seated in a packed courtroom and reeling in the wake of the prosecutor's "kickass closing argument," during which she recapped each horrific detail of the killing, Davis says he stood and walked toward the jury emptyhanded.

"I never use notes during a trial; I just talk with the jury," Davis explains. "This was the first time I did that, mainly because I was terrified. I knew if I held a notepad, it would be shaking like a leaf."

Using his inexperience to his advantage, Davis said, "If what the prosecutor tells you is true, then you should convict my client of first-degree murder. But you have to believe the following: That Courtney's plan was to go to Popeye's in broad daylight in front of 30 people and kill the victim, and to not take a gun or other weapon that would ensure death but to bring a scalpel from work.

"But is that of proof of first-degree murder, or proof that Courtney was so afraid, he was protecting himself?" Davis asked. "And was the depth of the strike proof of premeditated murder, or proof of how frightened he was?"

The jury was out for four days. Not only was Davis unable to eat (he says he lost six pounds while waiting for the verdict), but he also had to shave with both hands to keep from cutting himself.

When the jury finally returned to the courtroom and the foreperson stood to deliver the verdict, Davis says the people in the box were crying.

First, the foreperson announced the jury had found Courtney not guilty of first-degree murder; the foreperson then announced the jury had also found him not guilty of second-degree murder.

The jury did, however, find Courtney guilty of involuntary manslaughter. However, since he'd been incarcerated

since his arrest, he had to serve only a few more weeks before being released.

"Some of the kids in neighborhood thought Courtney had left his roots," Davis submits. "He had a good job, a girlfriend and a car, and they thought he had become too big for himself, so they beat him down."

Their brutal lesson didn't stick. Years later, Davis received a friend request from Courtney on Facebook and learned he had married his girlfriend, had three children with her and was working as a nurse in the Boston area.

Immediately after the case, Barton called Davis and his co-chair into his chambers and told them they had done well. He also suggested they might have been lucky and advised them to think long and hard before taking another murder case.

Since then, Davis has served as lead counsel in over 200 felony jury trials, including six death penalty cases.

Although Davis wasn't looking for a case like Courtney's, he says it was the fount from which his practice sprung. He also says the ripples from the splash can still be seen more than 30 years later as Logan prepares her first murder case.

His stroll down memory lane over, Davis returns his thoughts to the present and his preparations to serve as co-chair on his daughter's case. He says he's looking forward to watching her work.

As Logan's father, Davis could be pardoned for being nervous on her behalf, but having full confidence in her abilities, he seems calm and assured.

That said, he still might want to start shaving with both hands.

>> HASTIE

From page 4

and colleague, to become the first Black Supreme Court justice in 1967.

Judge Hastie died April 14, 1976. He was survived by his wife and two children, both of whom had become lawyers.

Born at a time in our nation's history when the future of a Black child was at best uncertain and, in many instances, bleak; when African American talent often went unrecognized, unrewarded and unused; and when few doors were open for Black advancement and progress, Judge Hastie assembled an unsurpassed record of accomplishment.

He was first in many things, often

under hostile circumstances: academic star, law review editor, law school professor, law school dean, government servant, U.S. District Court judge, governor of the U.S. Virgin Islands and U.S. Court of Appeals judge.

Hastie was a trailblazer in every sense of the word. Our nation today is a better place because of him. He blazed a bright trail for so many of us to follow.

Curtis Collier

U.S. district judge
Chair, Eastern District of Tennessee
Civics and Outreach Committee

Carrie Brown Stefaniak

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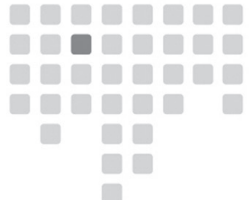
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>> DAVIS

From page 1

thought process about her future to working at Davis & Hoss is thin. But she does say seeing her father work through the years helped to shape her journey.

This includes her earliest memories of him practicing the law, from when she was 4 or 5 years old.

"He was handling the exhibits for a trial with rubber gloves. I remember being in the courtroom and playing with the gloves," she laughs.

Logan also recalls the afternoons she spent in her father's former office on East 5th Street and serving as his runner during her summer breaks from high school.

"I liked doing that, but I was apprehensive about following him into his profession," Logan notes. "Once I was in law school, though, I realized I was genuinely interested in it and enjoyed it."

Logan says her father was encouraging and supportive throughout her search for direction, but never tried to steer her in any particular direction.

"He never said I needed to return to Chattanooga, or that I needed to do defense work," she says. "But the way he lives his life and practices the law had an impact on me."

"When you speak with lawyers of a certain generation, there can be a jadedness, and they'll jokingly say, 'You don't want to be a lawyer,' or 'You don't want to go to law school,'" she continues. "But my dad has never been like that. He loves the law and the legal profession. He's one of those people who still believes it's a noble pursuit."

Since joining Davis & Hoss, Logan has been cutting her teeth on minor drug charges and domestic disputes, but she doesn't think of them as small cases. Rather, she recognizes their importance to her clients, as well as her development as a lawyer.

"Representing a good person who made a mistake and steering their case to a positive outcome feels good," she explains. "Sometimes, there's the perception that only big cases are important, but being a rookie attorney and seeing how a small case can impact a client has been cool."

Logan's days of handling only lesser charges are coming to an end, however, now that Hamilton County Judge Barry Steelman has appointed her to defend a 15-year-old juvenile in a murder case.

The defendant is being charged as an adult after allegedly killing someone in a drive-by shooting. To date, he's been arraigned and is awaiting trial at Silverdale Detention Center as Logan navigates the discovery process.

She says the case is complex, but she feels fortunate to have three seasoned criminal defense lawyers at Davis & Hoss who can offer advice and guidance, including Bryan Hoss, Janie Parks Varnell and her father — who will serve as second chair during the trial.

If working with her father on the kind of case he's been handling for over 30 years intimidates Logan — or simply makes her nervous — she's not showing it.

Instead, she feels fortunate to have him at her side, as she knows his knowledge and experience will not only bolster her defense of her client but also her growth as a lawyer, she says.

For his part, the elder Davis says he's looking forward to trying the case with his



Photo by David Laprad | Hamilton County Herald

Logan Davis and her father will soon try her first murder case together, with her as the lead attorney and him as second chair.

daughter.

"I've trained many young lawyers, and I see great potential in this hardworking attorney," he says, referring to Logan professionally rather than familiarly.

"She's devoted to her case and client and understands that preparation is the key to her success."

"I'm going to enjoy watching her work and helping where I can."

One quality Logan says she's already assimilated from her father is his collegial approach to speaking with opposing counsel and the others involved in a case.

While she claims she can "come out swinging" if she has to, she'd rather find a place of mutual interest and agreement and use it to build a rapport with her opponent.

"We're professionals, we respect each other and we're working on the same case," she says. "You can't always find common ground — sometimes, things will get tense because you're on fundamentally different sides — but a lot of times, you can."

Logan says she used this approach to good effect when discussing discovery with the prosecutor on her murder case, and will carry what she learned forward in her practice.

"Some clients assume you're supposed to be a bulldog, but if you treat people with respect, you can accomplish a lot."

While Logan says she's benefited from her father's presence during the nascent stage of her career, she realizes she's going to have to learn many things about the practice of law on her own.

This includes understanding that some cases will do more than test her intellectual understanding of the law, they will also try her emotions.

"I'm finding that there can be an emotional component to a case, whether it's seeing what the defendant is going through or watching the defendant talk with family and seeing what the parents are going through," she says.

"That can humanize your clients, but at the same time, you can't let it overpower you

because you have to be able to do your job."

Logan is also getting a sense of what her role will be in the grand scheme of the U.S. justice system, but here again, she draws guidance from her father.

"It's easy to become jaded. You see a lot of injustice nationally, which can make you feel small, like there's nothing you can do," she says. "But my dad does a good job of focusing me on the things that are in my control and what my abilities can do and how they can impact this community."

Logan is drawing insight from more than her father, she's also immersing herself in the larger local bar and interacting with other attorneys, as well as judges.

As a member of the Chattanooga Bar Association, Logan attended the recent annual meeting virtually, and as part of the local Inns of Court, she's taking advantage of the educational and mentoring opportunities available.

All of this is stock and trade for a new attorney. But if there's one thing Logan would do differently, it's practice in court more often. She's also eager to become involved with community organizations such as Big Brothers Big Sisters, but is waiting out the pandemic.

To fill her spare time, Logan has taken on the care of a 5-pound Havanese. She took in the pup while quarantined and has found it to be a substantial, but joyful, responsibility.

Logan also spends time with her family, which includes her mother, Heather Ott, an English teacher at Baylor School, and her sister, Parker, a student at the University of Tennessee at Chattanooga. Her brother, Matthew, is a junior at Georgetown University in Washington, D.C.

Although some parents look forward to their children leaving the nest, the elder Davis says he loves that his daughter is starting her career at his office.

"Whether Logan is here only during the beginning of her career or longer, I'm trying to simply appreciate the time we have together," he says. "But I also know there are other opportunities out there for her. She should do what she wants, follow her interests and trust her instincts."

Just like when Logan studied French at Tulane University, she doesn't have a plan for her future. Instead, she's working at Davis & Hoss because she likes it and is practicing criminal defense because she wants to.

"It's what I'm doing for now."

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