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Schedule |

Fees |

Contact

Trial Experience

While my trial experience is very broad, in some areas of the law its not very deep. I've attempted here to list each type of case I have handled during my career as a lawyer. I never kept up with how many jury trials I tried to verdict, but my best estimate looking back is over 60 civil trials and over 200 criminal trials.

A. Civil Cases

My practice always consisted of civil trial work. From day one I handled whatever civil case walked in the door (it never occurred to me that I may not have been competent in a particular area). In order to be accurate about the kinds of civil cases I have tried, I went to the Official Code of Georgia Annotated, started at Title 1, and went through Title 53. In going through that exercise, I remembered that I've settled or tried to verdict the following types of civil cases (listed by title in O.C.G.A.): alcoholic beverages - suit against a local government to require issuance of a liquor license; banking and finance - preemptive suit against a bank officer by the bank for his Regulation O violations, legal malpractice suit against a law firm that botched a conversion from a mutual to a stock bank; civil practice – mandamus actions against a clerk, a school board and a county commission, suits to revise and enforce judgments, suits to enforce foreign judgments, civil forfeiture actions; commerce and trade – suits involving sales and finance of motor vehicles, a uniform deceptive trade practices act case, a trademark infringement case, lemon law cases; commercial code – suits arising from breach of UCC sales agreements; contracts – all types of contract cases from construction to divorce; corporations, partnerships and associations – disputes between owners and or corporations and partnerships, dissolutions of corporations and partnerships, association disputes (a number of church fights); domestic relations – many of virtually every kind of domestic relations case

(annulment, divorce, separate maintenance, legitimation, determination of paternity, child custody, child support, alimony, family violence); education – suits representing teachers in contract disputes and discipline cases, hearings before school tribunals; elections – suits to force recall elections; suits to have candidates for public office removed from the ballot; eminent domain – many condemnation cases; equity – many suits for equitable relief including setting aside wills and deeds for fraud, suits for injunctive relief, suits for specific performance; guardian and ward – petitions for the appointment of guardians for minors and/or incapacitated adults; insurance – suits against insurance companies in life insurance, fire loss and uninsured motorist cases; labor and industrial relations – sex, age and race discrimination cases; minors – petitions to emancipate minors; nuisances – suits to abate public and private nuisances; property – boundary line disputes, quiet title actions, suits to reform deeds, suits to set aside deeds; torts – wrongful death, personal injury, professional negligence, premises liability, libel and slander, false arrest, abusive litigation, fraud and deceit, trespass, conversion of timber, slander of title; and, wills, trusts and administration of estates – suits to set aside wills, suits for year's support, suits against executors and administrators.

B. Criminal Cases

I began the practice of law in 1979. During the first 8 years of my practice I did a lot of criminal defense work (Judge Jackson appointed me to a burglary case from the bench during the first week after I was sworn in when my purpose for being in court was to meet him – it was on a Friday and the case was set to be tried before a jury the following Monday – luckily my “client” pled guilty!). I tried my first jury trial within a couple of months after being sworn in as a lawyer. In 1987 I got married to Monique who went to work in the District Attorney's Office. Since I was conflicted from doing any criminal defense work, Robert Whatley, the Solicitor-General of Troup County at the time, hired me as an assistant Solicitor-General, a part-time job I kept for 5 years. In 1992 I ran for and was elected Solicitor-General of Troup County, a part-time job I kept for 12 years.

In order to be accurate about the kinds of criminal cases I have tried, I looked to Title 16 of the Official Code of Georgia Annotated and went down the list of criminal offenses in the order they are listed in the code. In going through that exercise, I found that I've pled or tried to verdict either as a prosecutor or defense lawyer, the following types of criminal cases: murder, voluntary manslaughter, involuntary manslaughter, simple assault, aggravated assault, simple battery, battery, aggravated battery, kidnapping, false imprisonment, interference with custody, reckless conduct, hazing, stalking, elder abuse, rape, sodomy, aggravated sodomy, statutory rape, public indecency, prostitution, pimping, pandering, sexual battery, burglary, criminal trespass, arson, every species of theft (by taking, conversion, deception, of services, of lost or mislaid property, by receiving stolen property, by shoplifting by extortion, and by entering an automobile), armed robbery, forgery, deposit account fraud, illegal use of financial transaction cards, impersonating an officer, obstruction of a law enforcement officer, giving false name to an officer, hindering the apprehension of a criminal, bail jumping, escape, false swearing, influencing a witness, tampering with evidence, affray, unlawful assembly, loitering, disorderly conduct, harassing communications, public drunkenness, disorderly house, eavesdropping, possession of dangerous weapons, contributing to the delinquency of a minor, cruelty to animals, gambling, distributing obscene materials, violation of the Georgia controlled substances act, and violation of the racketeer influenced and corrupt organizations act (RICO).

I don't claim to be an expert in any area of the law, but I do have more than a passing acquaintance with most areas of the law. More importantly, most of the lessons I learned during my life as a trial lawyer were learned the hard way. More recently my time presiding over trials as a Superior Court Judge allowed me to observe a lot of trials, while being freed from being invested in their outcome. I believe that my current perspective allows me to reality check both litigants and their attorneys in ways that someone without my background could not.

My goal for the rest of my life in the law is to help others avoid unnecessary litigation by sharing the benefit of my experience.