



One Atlantic Center

1201 West Peachtree St. NW
Suite 3900
Atlanta, GA 30309

Education

University of Georgia
School of Law, LL.B., 1960,
magna cum laude

University of Georgia, A.B.,
1958, *cum laude*

- Phi Beta Kappa
- Phi Kappa Phi

Harvard Law School, LL.M.,
1962

Previous Experience

Law Clerk, Judge Clement
F. Haynsworth, Jr., U.S.
Court of Appeals for the
Fourth Circuit, 1960-1961

Admissions

State Bar of Georgia
U.S. Supreme Court
U.S. Court of Appeals for
the Third Circuit
U.S. Court of Appeals for
the Fourth Circuit
U.S. Court of Appeals for
the Fifth Circuit

Emmet J. Bondurant, Partner

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Emmet Bondurant is a nationally recognized trial lawyer with more than 50 years of experience representing both plaintiffs and defendants. He is a Fellow of the American College of Trial Lawyers and of the American Academy of Appellate Lawyers and has been recognized by the *National Law Journal* as one of the Top 10 trial lawyers in the United States, as the 2010 Lawyer of the Year for Antitrust and Bet-the-Company Litigation by *Best Lawyers in America*, a Leading Antitrust Lawyer by *Chambers USA*, the 2012 Lawyer of the Year for Arbitration and First Amendment Litigation by *Best Lawyers in America*, and listed by *Atlanta Magazine* as among the top 10 Georgia Super Lawyers.

Emmet's career has included a strong commitment to community service and pro bono litigation, including death penalty, habeas corpus, reapportionment, and other civil rights and constitutional cases, including representation of Guantanamo detainees. He has served as President and a Director of the Atlanta Legal Aid Society, President of the University of Georgia Law School Alumni Association, Chairman and a member of the board of the Georgia Resource Center, a Trustee of the American Inns of Court Foundation, a member of the board of *Gideon's Promise* and is currently a member of the National Governing Board of Common Cause. He also served as chair of the Atlanta Charter Commission, a successful two-year effort to completely rewrite the 100-year old Atlanta City Charter.

Emmet has had a career long commitment to democracy issues and indigent defense.

In 1964, when Emmet was 26, he successfully argued *Wesberry v. Sanders*, which held for the first time that congressional districts throughout the United States must contain equal populations (the one-person-one-vote rule). He was also the youngest member of a team of lawyers in *Toombs v. Fortson* that forced Georgia legislature to comply with the Equal Protection Clause by reapportioning both state senate and house districts to comply with the one-person-one-vote rule.

In 1966, he argued (unsuccessfully) *Fortson v. Morris*, in which the Supreme Court rejected, 5-4, a challenge to an 1824 provision of the Georgia Constitution that required the Governor of Georgia to be elected by a malapportioned state legislature rather than by a vote of the people in a run-off election, after Lester Maddox and Howard Bo Callaway failed to receive a majority of the vote in the 1966 general election.

Emmet is currently serving as lead counsel in *Common Cause v. Rucho* (appeal pending), the first case in which a federal court has declared a partisan gerrymander of congressional districts violates the U.S. Constitution.

Emmet also successfully represented Elizabeth Hishon, the plaintiff in *Hishon v. King & Spalding*, in which the Supreme Court ruled 9-0 that law firms are subject to Title VII and prohibited from discriminating against women in the selection of partners.

Emmet is also a leader in the fight to reform the indigent defense system beginning as a young lawyer in 1964, and culminating in 2003 with the passage of the Indigent Defense Act, which created for the first time a uniform state-wide indigent defense system under the supervision of the Georgia Public Defender Standards Council, of which he was elected and served as its first chairman from 2003-2007. Emmet and the firm also represented Gary X. Nelson, who was held on Georgia's death row for

U.S. Court of Appeals for the Tenth Circuit

U.S. Court of Appeals for the Eleventh Circuit

U.S. Court of Appeals for the Federal Circuit

U.S. Court of Appeals for the District of Columbia Circuit

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

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

Supreme Court of Georgia

over twelve years before his conviction was set aside and he was ordered released by the Georgia Supreme Court in 1991.

Emmet is the author of various articles on constitutional law and local governmental issues. See e.g. *The Senate Filibuster: The Politics of Obstruction*, 48 Harv. Jour. on Legis., 467 (2010); *A Stream Polluted at Its Source: the Georgia County Unit System*, 12 Emory Jour. of Pub.L. 86 (1963). He has spoken at numerous seminars sponsored by the American Bar Association, State Bar of Georgia, Atlanta Bar Association, and other organizations on a wide range of legal subjects including antitrust law, appellate practice, banking law, evidence, criminal antitrust problems, ethics, federal practice and procedure, Georgia civil practice and the Uniform Commercial Code.

Representative Work

- Reversed a \$456 million judgment against client Weyerhaeuser on appeal. The case involved a contractual dispute over whether Weyerhaeuser had agreed to indemnify Paragon for a patent infringement claim.
- Successfully defended the Hospital Authority of Albany-Dougherty County in defeating antitrust violation claims brought by the Federal Trade Commission (FTC) and the Georgia State Attorney General's office. The FTC sought to enjoin the \$195 million acquisition of Palmyra Medical Center by the Hospital Authority of Albany-Dougherty County. A district court judge ruled that the Hospital Authority and other defendants were immune from antitrust claims, dismissed the FTC's complaint with prejudice, and denied the FTC's request for an injunction to prevent closing of the \$195 million all-cash deal to acquire the 248-bed Palmyra hospital. The 11th Circuit Court affirmed the ruling and allowed the acquisition to move forward. Bondurant Mixson lawyers represented the Hospital Authority in Federal Court, the 11th Circuit Court, and during the FTC's administrative process.
- Represented one of the world's largest airlines in a variety of class action lawsuits filed around the country asserting claims of Sections 1 and 2 of the Sherman Act.
- Obtained a defense verdict for Wyle Laboratories that the National Law Journal recognized as one of the Top 10 defense verdicts of the year 2000. The firm successfully defeated the plaintiff's claim for \$150 million in damages.

Professional Activities

Fellow, American College of Trial Lawyers

Fellow, American Academy of Appellate Lawyers

Member, American Law Institute

Member, American Bar Foundation

Member, American Bar Association

Member, American Judicature Society

Member, State Bar of Georgia

Member, Atlanta Bar Association

Member, Lawyers Club of Atlanta

Honors & Awards

2011 Lewis F. Powell Award and the 2011 Eleventh Circuit Professionalism Award of the American Inns of Court

2015 Common Cause President's Award and the 2018 Common Cause Champion of Democracy Award

2013 Gideon's Promise Lifetime Achievement Award

2016 Georgia Chapter of the American Constitution Society

Jeffrey O. Bramlett Legal Legends Award

2018 Gate City Bar Association Hall of Fame Award

2001 Elbert P. Tuttle Jurisprudence Award

2013 Lifetime Achievement Award of the Southeast Region of the Anti-Defamation League

Harold G. Clarke Equal Justice Award of the Georgia Indigent Defense Council

2001 Ben F. Johnson Jr. Public Service Award of the Georgia State University Law School

2003 Epic Inspiration Award, Lifetime Commitment to Public Service, Emory University Law School

2004 ABA Litigation Section, Excellence in State Justice Initiatives Award
2005 AARP Georgia Power of One State Recognition Award
2009 Alumni Distinguished Service Award of the University of Georgia Law School
1992 Atlanta Bar Association Leadership Award
1992 Georgia Trial Lawyer of the Year Award of the American Board of Trial Advocates
1984 Bill of Rights Award of the ACLU of Georgia
1980 Good Government Award
2007 Sidney Marcus Award of the Atlanta Fulton County League of Women Voters

Other

Completed the Atlanta (1979, 1980), New York (1984), 95th Boston (1991) and 100th Boston (1996) Marathons