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## DAILY REPORT



### 'Caught Red-Handed': Lawyers Accused of 'Case Running'

A dispute between Georgia law firms over client solicitation practices advanced to an oral argument before the Georgia Court of Appeals Wednesday.

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[Litigation Reporter](#)

#### What You Need to Know

- Georgia Court of Appeals hears oral argument over personal injury law firm client solicitation practices.
- Cambre & Associates appeals its denied motion to dismiss a class-action lawsuit alleging engagement in case running, or soliciting auto tort plaintiffs before their police reports are made public.
- Underlying class-action filed in March 2024 in Gwinnett County State Court by Gainesville attorney R. Shane Lazenby.

A dispute between Georgia law firms over client solicitation advanced to an oral argument before the Georgia Court of Appeals Wednesday.

Appellants with Cambre & Associates in Tucker [challenged](#) a Gwinnett County State Court judge's denial of their motion to dismiss an uncertified class-action lawsuit brought against the firm by Gainesville plaintiff attorney R. Shane Lazenby.

Lazenby's complaint alleged the firm, founding partner Glenn T. Cambre Jr., attorney of counsel Hannah Moore and firm affiliate Erwin Minley engaged in weekly case running—[an allegedly illegal practice](#) of soliciting auto tort plaintiffs before their police reports are made public.

As appellant counsel with Lewis Brisbois Bisgaard & Smith in Atlanta argued Lazenby lacked standing to bring claims of infringement of a property right and violation of the Georgia RICO Act, appellee counsel with Cook Law Group in Gainesville countered that Lazenby had established sufficient proximate cause to support his claims.

### 'This Is Fatal to His Claim'



Sara E. Galloway of Lewis Brisbois Bisgaard & Smith in Atlanta, Georgia. Courtesy photo

Lewis Brisbois Bisgaard & Smith partner Sara E. Galloway reported to the lectern first to argue on behalf of the appellants before Presiding Judge Anne Elizabeth Barnes and Judges Jeffrey A. Watkins and Judge Brian Rickman—following a recusal by Judge Trenton Brown.

Keeping her oral argument succinct, Galloway attempted to convince the First Division intermediate appellate panel that Gwinnett County State Court Chief Judge Carla E. Brown erred by sustaining

Lazenby's claims for violation of the right to do business, recast property infringement and RICO.

Galloway contended the appellee lacked standing to pursue a property claim since the right Lazenby claimed the appellants infringed didn't exist. Appellant counsel explained that Lazenby's allegations centered around Robert Childres III, a nonparty who'd been involved in a motor vehicle collision.



(l-r) R. Shane Lazenby of Lazenby Law Group in Lawrenceville, Georgia, and Glenn T. Cambre Jr. and Hannah Moore of Cambre & Associates in Tucker. Courtesy photos

"The appellee alleges that the appellants improperly solicited Mr. Childres. He does not, however, allege the appellants improperly accessed his accident report, but instead that conspirators did so. And most importantly, he does not allege that Mr. Childres retained any of the appellants, and therefore does not and cannot allege that the appellants received any economic benefit that would otherwise have been recovered by him," Galloway argued. "Appellee also does not allege that he personally suffered any injury as a result of the allegedly improper accessing and data of solicitation of Mr. Childres, and this is fatal to his claim."

With regard to the appellee's RICO claim, appellant counsel challenged that Lazenby could not establish a proximately caused injury because the appellee had failed to allege a pattern of racketeering activity.

"The single statutory violation that he alleges which can constitute a predicate act under the RICO statute is [OCGA § 16-9-93](#), which prohibits the unauthorized use of a computer with the intent of examining another person's personal data. It protects the person whose data is improperly accessed," Galloway argued. "In this case, assuming there was harm, it was from the alleged solicitation—not accessing Mr. Childres information through the use of conspirators. [Lazenby] has failed to allege any fact showing that he was directly affected or injured by the improper computer access. Therefore, his RICO claim fails as a matter of law."

Attorneys with Chandler Law in Alpharetta, Conyers Law Firm in Conyers, Bovis, Kyle, Burch & Medlin in Atlanta and Lipscomb Law in Lawrenceville supported Galloway's arguments with their contributions to an appellant brief. In alignment with Galloway's oral argument, the collective briefed that the State Bar of Georgia [Rules of Professional Conduct](#) did not give rise to a civil claim and that Lazenby held no private rights of action under [O.C.G.A. § 15-19-15](#) nor [OCGA § 33-24-53](#).

### 'Caught Red-Handed'



Matthew E. Cook of Cook Law Group.  
Courtesy photo

Next to the podium, Cook Law Group litigator Matthew E. Cook attempted to convince the panel that Lazenby had standing to bring the claims. Cook began his oral argument with an inquiry of his own.

"Is this court, and the courts of the state, going to say, 'there's civil immunity for lawyers who illegally run cases with the intent to injure one class of people: their competitors?'" Cook posed to the panel. "That's the question that's got to be answered."

Cook argued that Lazenby's right to practice law amounted to a property right since he held a law license.

He then clarified that appellee counsel had not pursued "a private right of action under the [runner statute](#)." Instead, Cook posited that Lazenby's claim fell under [O.C.G.A. § 51-9-1](#).

"[The statute] has been in the book since the 1800s. It says, 'if you have an established property right, anybody that interferes with it gives rise to a tort,' but to prove a cause of action, you've got to prove that ... the infringement was unlawful," Cook argued. "We point to the runner statute to say that's an unlawful interference with our property right."

When Cook doubled down that Lazenby's RICO claim had established the proximate cause needed for sufficient standing, Barnes questioned the existence of more than one predicate act. Appellee counsel replied that Lazenby's claims detailed admissions by the appellants of repeatedly obtaining "wreck reports and data" used to contact potential auto tort plaintiffs on a weekly basis. Cook also noted that unlike federal requirements, the appellee did not have to plead to specific acts under the Georgia RICO Act.

Upon Rickman inquiring what authority appellee counsel could cite to support Lazenby's property right argument, Cook highlighted the existence of what he considered a "circular argument" based on the appellants' alleged conduct.

"[The appellants] never give you the opportunity to get a relationship with the client. If you're trying to catch a fish and they get it out with a different net before you get to the pond, you don't have an opportunity. That's what's going on. They're taking away business opportunities," Cook argued. "Everybody has to stand back and wait for the client to call on them. You can't walk up and talk to the client—and that's what's going on."

Cook deemed it "disingenuous" to conclude Lazenby didn't have a relationship with the client since Childres had been allegedly solicited by the appellants. Appellee counsel added that in order to cultivate a relationship with Childres, Lazenby would then "have to violate contacting a represented party," given the appellants' prior solicitation.



(Top, l-r): Matthew E. Cook, Kate S. Cook, and Nathan R. Nicholson of Cook Law Group in Gainesville, Georgia. (Bottom, l-r): Joshua L. Bearden and Jonathan L. Greer of Cook Law Group in Gainesville, Georgia, and Gerald Davidson, Jr. of Mahaffey Pickens Tucker in Lawrenceville, Georgia. Courtesy photos

Cook's firm colleagues Kate S. Cook, Nathan R. Nicholson, Joshua L. Bearden and Jonathan L. Greer and Mahaffey Pickens Tucker Of Counsel Gerald Davidson Jr. supported Cook's arguments with their contributions to an appellee brief. In sequence with Cook's oral argument, the collective briefed that the claims and the harm alleged in Lazenby's class-action complaint fit the plain language of the RICO statute without any resort to case interpretations.

"Georgia's Civil RICO statute provides in pertinent part that 'any person who is injured by reason of any violation of [Code Section 16-14-4](#) shall have a cause of action for three times the actual damages sustained and, where appropriate, punitive damages. In turn, Title 16 also sets out the conduct that may constitute such a violation,'" appellee counsel briefed. "In this case, Appellee alleges that he and the proposed class have been injured in their business by Appellants' criminal enterprise to illegally obtain clients (and thus fees) by violating a specific predicate act enumerated in [O.C.G.A. § 16-14-3](#): the Georgia Computer

Systems Protection Act, which prohibits the unauthorized access of personal data using computers or computer systems. Appellee has alleged that Appellants' violations of the Georgia Computer Systems Protection Act deprived Appellee and other class members of profits and business opportunity and that those violations infringe on Appellee's property rights, including his right to practice law."

In his closing remarks, Cook called for reform. After acknowledging a lack of prosecutions for case running, Cook honed in on perceived inaction by law enforcement and the legal bar.

"[The appellants are] caught red-handed, according to the complaint," Cook argued. "If there is no consequences for the bar, it won't help the reputation of the bench, the bar, or anybody else related to legal."

On rebuttal, Galloway reasserted the appellee's failure to state a claim. Appellant counsel posited that while any Georgia plaintiff's lawyer could file suit against a defendant "taking away specific business opportunities" by engaging in case running, Lazenby's claims remained insufficient because he lacked direct damages.

"He hasn't asserted damage. No matter how he describes his claim, he is trying to privatize enforcement of the State Bar rules, and that is not allowed under Georgia Law," Galloway argued. "The trial court erred by granting the motion to dismiss and we ask this court to reverse."

The 40-minute oral argument concluded with Barnes thanking the parties for their arguments before pausing the oral argument session to allow for Rickman's departure and Brown's return to the bench.