



August 2018 Newsletter

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President's Corner

By Jon Setzer
Welcome to the 2018-19 Bar Year. As we begin a new year, I would like to talk mostly about how to get to the point and what I hope to accomplish during the year. In 2014, I was told, "One year removed from having completed the Young Lawyers Division Leadership Academy through the State Bar, and at the end of that program, rather than give us a letter with the State Bar, I received to become more involved in my local bar. Up to that point, I had only been to one or two luncheons. I was recruited by Chuck Bost as an emergency Law Day Chairperson in 2014, and he became my mentor and more involved as my leadership roles have grown for me.



Now as I step into my first role in our Bar's leadership structure, it's time for me to think about what I would like my year as President to look like. Over the last few years, we, as the Board for the Bar Association, have focused on sharpening the roles and tasks for our officers and doing our best to make sure the association runs well. We've tried to bring engaged, helpful community service projects, vital continuing legal education, and enjoyable events. Over the last year or so, the most prominent question we've gotten has been, "What does the Gwinnett Bar Association do?" My biggest goal for this year is to answer that question by asking two questions that I would like to answer in the coming year: "What is it that you would like the Bar Association to do?" and "What can you do for the Bar Association?" Doing so will give us a much clearer and stronger picture of what it means to be a member of the Gwinnett County Bar Association so that we can better serve Gwinnett County, both its lawyers and its members of the broader community.

Meet the 2018-19 GCBA Board!

Jon Setzer, President
Jon Setzer is a Senior Assistant District Attorney with the Gwinnett Judicial Circuit District Attorney's Office, where he has been for the last five years. Prior to joining the Gwinnett District Attorney's Office, he worked for the Gwinnett Judicial Circuit District Attorney's Office in Marietta, Georgia for two years. Jon earned his law degree from Emory University in 2006 and his Bachelor's Degree in Economics and Sociology from Vanderbilt University in 2003. Jon is the President of the Gwinnett County Bar Association, having previously served as the Law Day Chairperson, Treasurer, Vice-President, and President of the Georgia Bar Association. He is also the Chairperson of the Georgia High School Mock Trial Committee and continues to serve on the State Finals Planning Board of the Georgia Bar Association and the Georgia Bar Association's Young Lawyers Division's Leadership Academy and a 2017 graduate of Leadership Georgia's Georgia Gwinnett Program. Jon lives in Marietta with his wife, Heather, and their sons, Caleb and Evan. He plays soccer for Brook Street Football Club and is a United States Soccer Federation National Coaching License. He is a founding member and season ticket holder for Atlanta United, in what little spare time remains, an avid reader, runner, and cyclist.

Donald Lee, President-Elect
Donald was born in Silver Spring, MD, went to Cornell University for undergrad in biology and then attended Thomas Jefferson School of Law in San Diego for law school. Donald was a public defender in Fulton County Superior Court for three years and then in Fulton County Juvenile Court for another three. For the last four years, he has been in GAL, here in Gwinnett County handling DP/CS, child custody and guardianship cases, he and his spouse, Allison, have been married for 16 years. They have three boys (5 y.o., 2 y.o and 4 months old) and Max, their 7 year old standard poodle. Donald is a Leadership Georgia 2018 graduate, board member for K&A (Korean American Bar Association) and Gwinnett Clean and Beautiful. He loves Gwinnett and wants nothing but to see it continue to grow.

Dodie Sachs, Vice-President
Dodie Sachs is an attorney in the Ovelley & Sorehan Litigation Department and is the lead attorney in the Family Law Division of the firm. Dodie is a frequent speaker at CLEs in the areas of trial practice and family law. Dodie developed the Family Law Information Class taught at GCBA with Gwinnett Local and Judge P. Rogers for 2.5 years. Dodie was appointed to the Supreme Court of Georgia as a member of the Transition Into Law Practice Program in 2015. Dodie was selected to participate in the Georgia Association of Women Lawyers (GAWL) Leadership Academy class in 2014. Dodie was awarded the Volunteer of the Year Award from the Atlanta Local Aid Society for her work with the Gwinnett Homeless Project and Gwinnett Aft. In addition to the GCBA, Dodie is also active with the Gwinnett Chapter of GAWA, and the Gwinnett Pro Bono Project. Dodie earned her law degree from Wake University School of Law in 2004, and her Bachelor's Degree from the University of North Carolina at Chapel Hill. Dodie and her husband, Jeremy, have two children, Isaac (16), Emma (14), Mia (13), Rob (11), and Jacob (10).

Danielle Britt Mays, Treasurer
Danielle Britt Mays practices family law and criminal defense at Chandler, Britt & Joy, L.L.C., a boutique law firm located in Buford, Georgia. Danielle was born and raised in Gwinnett County where she received her high school diploma in 2005 in 11th grade at High School. Danielle graduated with her B.A. in History from the Lin College of Arts and Sciences in 2009 and her M.A. in History from the University of Georgia in 2012. After graduation, Danielle practiced law in Marietta, Georgia, where she also served as the defense attorney for the Tallapoosa Circuit Drug Treatment Court Program and the President of the Tallapoosa Bar Association in 2014. Danielle returned with her husband to Gwinnett County and joined CBI, Danielle practicing law with her husband at Gwinnett County District Attorney's Office. Danielle is also a frequent speaker at CLEs and has been a frequent speaker at the Georgia Bar Association's Leadership Academy. Danielle also serves as the defense attorney for Gwinnett County Drug Treatment Court Program. In her spare time, Danielle enjoys yoga, cycling, hiking, reading, traveling, being a bookie, and spending time with her three dogs.

Amira Bakari, Secretary
Amira Bakari grew up in Richmond, VA. She received her B.A. in Political Science from Hampton University in Hampton, VA in 2010. She moved to Georgia and received her J.D. from the University of Georgia in Athens in 2013. After studying in Athens, she interned at the Athens-Cleburne County District Attorney's office during her 3L year. Upon graduation, she completed a fellowship with the Gwinnett County District Attorney's office. Amira was admitted to the Georgia Bar in October 2013 and began working at the Gwinnett County Solicitor's office. Amira is a lead assistant solicitor. Amira enjoys getting to know and working with the members of the Gwinnett County criminal law community. She is looking forward to serving the Gwinnett Bar as Secretary this year.

Robert Thomas, Law Day Chair
Robert Thomas is an associate in the Litigation Group of Anderson, Tate & Carr. His practice focuses on both commercial litigation and construction law matters, including contract disputes, business torts, fiduciary issues, and shareholder claims. Robert actively litigates such disputes in state courts, federal courts, and before arbitral forums across the Southeast. While in law school at the University of Georgia, Robert was named a finalist in the Russell and Tammage Moot Court competitions, was a member of the winning team at the Georgia speaker Competition, and received "Best Oral" awards in both the "Tammage and Russell Moot Court (Southeast Region)" competitions. He also worked with the Sun and Associates, a law firm in New York, India, with a focus on international commercial arbitration. An active member of Georgia Gwinnett community, Robert recently graduated with the 2017 class of Leadership Gwinnett. Robert is the Regional Coordinator of the Georgia High School Mock Trial Tournament in Gwinnett, and serves as Chairman of the Unlicensed Practice of Law for District 9 (Gwinnett). Robert also is a board member of GRIP, Gwinnett's Ki-Ethi television program.

Congratulations 2017-18 GCBA!

GCBA Wins Big at State Bar Meeting



Outgoing President, Carlton Rouse, Law Day Chair, Amira Bakari, and State Bar President Brian D. "Buck" Rogers

The Gwinnett County Bar Association was recognized by the State Bar of Georgia at its annual meeting on June 5, 2018. GCBA took home three local attorney group awards: Best Newsletter, Best Website and the Law Day Award. Carlton Rouse and Amira Bakari traveled to Amelia Island, FL to accept these awards on behalf of the Gwinnett County Bar Association.

This accomplishment was featured in the Gwinnett Daily Post. [read the full article here.](#)



August Luncheon

Friday August 17, 2018 12:00pm
The 1818 Club
6500 Sugarloaf Parkway #300
Duluth, GA 30097

Our guest speaker for the first Luncheon of the year will be Professor Robert Schapiro, former Dean of Emory Law. He will present a round up of the Supreme Court. Prof. Schapiro teaches Constitutional Law and clerked for the Honorable Justice John Stevens.

Click Here to Register for the August Luncheon!

#GCBAGIVES

Covenant Counseling Institute Fourth Annual Golf Tournament

Monday, September 17, 2018
Stone Mountain Golf Club
Registration Fee: \$100 (includes 18 holes of golf, clubhouse access, and a complimentary lunch)

Click Here for Registration Form

Click Here and Here for Sponsorship Forms

GCBA NEWS AND SECTION UPDATES

Mark Your Calendars!

- This Year's Monthly Meetings:
- August 17
- September 21
- October 19
- November 16
- January 18
- February 15
- March 15
- April 18
- May 17

- Other Events:
- August 21: Gate City and GABWA Judicial Reception from 6-8pm
- King & Spalding LLP, 1180 Peachtree St NE, Atlanta, GA 30309
- October 13: Law Enforcement Appreciation Day (LEAD) Picnic
- Rhodes Jordan Park

Gate City Bar and GABWA Annual Judicial Reception

It's time for the Gate City Bar Association and the Georgia Association for Black Women Attorney's Annual Judicial Reception! This year's reception will be held on Tuesday, August 21, 2018, from 6:00 - 8:00 p.m. at King & Spalding LLP, 1180 Peachtree Street, N.E., Atlanta, Georgia 30308.

As a co-sponsor of this event, all the members of GCBA can attend the reception at no charge. (There will be a \$15.00 fee for non-members).

We invite you to enjoy an evening with fellow lawyers and members of the judiciary who exemplify the glowing diversity of our legal profession. Should you have questions, please contact me at jsteean@gmail.com. Thank you and we look forward to partnering with you.

Renew Your Membership TODAY!

Download Paper Membership Application
Send dues and applications to:
Gwinnett County Bar Association, P.O. Box 576, Lawrenceville, GA 30046

OR
Submit Online Membership Application

GCBA works to ensure all of its member lists and referral lists are kept as up to date as possible. Please feel free to contact [Danielle Lee](#) for any membership queries, to update your contact information or for any questions regarding the attorney referral list.

CRIMINAL DEFENSE SECTION UPDATE:

by Morris Margulis, GCCDB Communications Director
The criminal defense section meets the first Friday of every month. At our monthly meetings, we serve a catered lunch and have a featured speaker. In addition, we offer a two-day CLE every March.

The Gwinnett County Criminal Defense Bar held its August 2018 monthly meeting at the Gwinnett Justice & Administration Center on August 3, 2018. This month's speaker, Sheila Baldwin, Membership Benefits Coordinator for the Georgia Bar Association, offer ed tips and tricks for the recently updated Fastcase legal research suite.

2018 GCCDB State of Officers:
Sean Goldstein, President
Richard Armond, President-elect
Jessica Toomey, Vice president
Drew Moseley, Treasurer
Morris Margulis, Communications

Join the Section!
Interested in joining the section or want to RSVP for a monthly meeting? Please contact section President Sean Goldstein at sean@seangoldsteinlaw.com.

EPPS UPDATE: Future Meetings and Volunteer

Please save the date for the future meetings:
September 11, 2018 - Guest speaker, Jenny Mittelman, Deputy General Counsel for State Bar of Georgia
November 13, 2018 - Guest Speaker TBD

Please remember our Volunteer Opportunities:
Probate Court Pro Bono Clinic - Monthly
Who should volunteer: Attorneys with probate and/or guardianship experience (need not be an expert, but some experience is required to assist attendees)
What: Provide guidance to pro se petitioners with their filings in probate court
Where: Gwinnett Justice and Administration Center
When: Third Thursday of each month from 1:30pm - 4:30pm
Why: To help our citizens and the Probate Court in processing petitions more efficiently and effectively
How: Please contact [Elizabeth Struge](#) with questions or to sign up for the Probate Court Pro Bono Clinic

It's Always Happening in Magistrate Court

We're proud to share some recent accomplishments from our Magistrate Court Crew. Judge Ruth McMullin just returned from Dar es Salaam, Tanzania with Lawyers Without Borders for a week long training seminar. Judge McMullin was part of a global team lead by the Hon. Ann Claire Williams, retired, Seventh Circuit Court of Appeals. The team was brought in to train prosecutors, witness officers, and Magistrates who handle wildlife trafficking cases on a variety of legal issues. Judge McMullin presented a lecture on cross-examination techniques and she also lead small group presentations on effective charging, sentencing and judicial case management. Earlier this year, Judge McMullin traveled to Kingston, Jamaica with a team from the National Center for State Courts. There, she conducted a program for the Jamaica Criminal Defense Bar on strategies for more effective use of plea negotiations....



Read the Full Article Here

Thank You to Gwinnett Pro Bono Volunteers for May, June and July!

Pro Bono Representation
Sequira C. Ayala
Robert S. Baskley
Marquet A. Cole
Troy S. Drake (2)
Alan B. Gordon
Jennifer Hickey
Sarah R. Jett
Vaiana I. Kosky
Danielle Hudson Laughlin
Timothy D. Lyman (4)
Laura M. Maryland (2)
Zole S. Park
Holly N. Stewart
Nelson H. Turner
David M. Wittenberg

Probate Clinic
Robert S. Baskley
Michelle L. Block (2)
Raymond D. Burns
Walter J. Clarke
Dawn C. Deas (3)
Donald S. Horace
Robert W. Hughes Jr.
Todd A. Larsen
John M. Miles (2)
Kaita Jeaner Nader

Family Law Information Class
Joseph P. Baskley
Vaiana Kosky
Dorethy R. Sachs
Sarah Seale

Consumer Law Clinic
Michael A. Amdt (3)
Marquet A. Cole
Christina D. Wagner

LAWYER JOKES

A doctor, an architect, and a lawyer were lunching together and got to discussing whose profession was the oldest.
"Obviously, a surgeon had to be involved,"
"Perhaps," said the architect, "but it's also written that the Earth was created from chaos. Someone had to have designed the Earth, which suggests that an architect was present."
"You both may be right," said the lawyer. "But who do you think created the chaos?"

The district attorney strode to the witness box and said to the alleged mobster, "Where were you between the eighth and nine?"
The mobster thought for a moment, then replied, "I was in the second grade."

Job Announcement

Staff Attorney Position
State Court - Division 1
\$60,038 - \$79,842
(Commensurate with years of experience)

Position Summary:
The Gwinnett County State Court is seeking an attorney to assist the judge by conducting a variety of legal research, analysis and document preparation related to cases, disputes, records and related information.

Essential Duties and Responsibilities:
- Perform legal research;
- Make recommendations to judge regarding dispositions of motions;
- Draft, edit, and proofread legal correspondence;
- Attend and assist with case conferences, motions hearings, and trials;
- Respond to inquiries from law enforcement personnel, county employees, elected officials, the general public, and/or other interested parties.

Qualifications:
- Juris Doctorate;
- Member in good standing with the Georgia Bar;
- Minimum three years legal experience.

The applicant selected for the position is subject to a criminal background check.

TO APPLY:
Submit your resume to:
Kimberly Cicciaglione
Director of Court Services
Gwinnett Judicial Circuit
75 Langley Drive
Lawrenceville, GA 30046
kccicci@winnettcourts.gov
or apply online at <https://www.winnettcourts.gov/jobs>

OFFICE FOR RENT

Kennery & Medina Law Firm
Two attorney offices for rent, historic renovated office on Main Street in Downtown Suwanee; asking \$700 each.

Includes: receptionist; phone; reasonable use of two digital (color) copiers and postage meter; two conference rooms; breakout; overflow/retail work possible.

Please call us at 678.218.8100 for more information and pricing!

LEGAL UPDATES

Part-Time Work Can Be a Reasonable Accommodation under the ADA

By Lisa B. Cohen, Attorney at Law
A new case out of the Sixth Circuit debunks the oft-cited premise that full-time presence at work is an essential function of a job. In *Hooters, Inc. v. Plaza, et al.*, 2018 U.S. App. LEXIS 18122 (2018 FED. App. 01409) (6th Cir. July 17, 2018), an HR Generalist who suffered from postpartum depression and associated anxiety requested a reasonable schedule after her return from maternity leave. Her employer initially granted the request, but fired her when she asked for an extension, asserting that she could not perform her job while working part-time. The District Court granted the Collier's motion for summary judgment on Hooters's disability discrimination claim, holding that full-time work was an essential function of her job.

In opposition to her employer's motion, Plaintiff submitted her own testimony and that of a former colleague that she was able to successfully complete her essential functions while working part-time, including by working after hours from home. She also stated that she had offered to increase her hours. Although her employer disputed this and contended Plaintiff modified schedules postpartum on the rest of the department, it had given her a satisfactory review and did not restate her with a full-time employee for several months. The Court found this compelling evidence precluded summary judgment and reversed the decision of the District Court. [Read Full Article Here](#)

Federal vs. Georgia

How different will your two tax returns be thanks to the Tax Cuts and Jobs Act?
By Tom Schuchman, CPA, CFP
In December 2017 Congress passed one of the most comprehensive tax reform packages with the Tax Cuts and Jobs Act (TCJA). As much as we would like to think our federal tax laws are also applicable to our states, nothing could be further from the truth. States choose which federal tax laws they will adopt and which ones they won't.
On March 2, 2018 House Bill 918 was signed into law. This Bill incorporates some of the changes from TCJA but not all of them. Below are some of the key areas where Georgia does not conform to the new Internal Revenue Code.... [Read Full Article Here](#)

RECENT CASES RE: IMPLIED CONSENT

Georgia v. State A18A0764 3/29/18: Construing if Defendant Was Under Arrest
The Defendant Carakas contends that the trial court erred in denying his motion to suppress his test results because he was not properly advised of his actual, valid arrest prior to the reading of the implied consent notice. Specifically, he argues that the "first" arrest by the officer in this case was a complete failure to read the implied consent notice. Because he was not under arrest, and because he had not been advised of his traffic accident that resulted in serious injuries or fatalities as defined by law, he argues, the implied consent reading given to him was therefore invalid.

Under Georgia law, "a suspect who is not involved in a traffic accident resulting in serious injuries or fatalities must be under arrest before implied consent (or any) tests are read to him" and a chemical test demanded. *Boyer v. State*, 279 Ga. 721, 724 (2016) (6/20/16) 301 L.O.P. [Read Full Article Here](#)

Co-Parenting Tips for the Month

Children are those little ones that feel frustrated by their personal differences. Changes in those relationships prior to the relationship breakdown, but the ultimate root problem as you try to navigate those differences after divorce or separation. A parent's right to custody for the children are important, but it is also important for the parent to try to communicate important information about the children, as these parents may not be able to do so. Co-parenting relationships are made of adversity and it is important to make a case about what is best for the children, not just for the parent. It tends to take more than just words in love, emotion and money.... [Read Full Article Here](#)

Articles and Updates Newsletter!

If you would like to see content in the GCBA Monthly Newsletter, e-mail submissions by the 5th of each month to Editor [Amira Bakari](#). Visit our [Facebook Page](#) and our [Website](#) to stay updated until our next newsletter.

