

Gwinnett County Bar Association

Upholding and Defending the Constitution of the United States and of Georgia

December 2018 Newsletter

Visit Our Website

President's Corner :

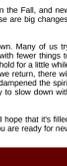
By Jon Setzer

The hustle and bustle of the holiday season is upon us. For many, that means getting decorations put up and shopping for the perfect gift for everyone on the list. Many people traditionally get their trees up the weekend after Thanksgiving. In fact, in my family, most years, we go to the Lighting of the Tree in downtown Lawrenceville on Thanksgiving night. It is the time of year when it can sometimes seem as though there are more events than one can possibly attend.

Since Thanksgiving, we have had several events that have marked not only the end of the year, but the end of several notable careers. We've said goodbye to Superior Court Judges Tom Davis and Debra Turner, State Court Judge Joseph Iannazzone, and Recorder's Court Judge Patricia Muse. We've also welcomed Superior Court Judges Tracie Cason and Tracey Mason, State Court Judge Ronda Colvin-Leary had her swearing-in ceremony earlier in the Fall, and new Recorder's Court Judge Ramon Alvarado will be sworn in during the coming weeks. While these are big changes, they are fantastic changes for so many reasons.

It is also the time of year where we, in the legal profession, must truly take time to slow down. Many of us try desperately to conclude the year in a productive fashion so that we can begin the New Year with fewer things to worry about. Sometimes doing so can be cathartic, but sometimes it can be nice to put work on hold for a little while and enjoy time with family and friends. While stepping away causes the legislation that when we return, there will be much more work than we left, I have yet to find such an experience so daunting that it has dampened the spirit of the holidays. Our Annual Holiday Party this year, as every year, was the perfect opportunity to slow down with fellow members of the Bar for just a short while to enjoy the holiday spirit.

As we wind down for the year, I want to wish everyone a peaceful and joyous holiday season. I hope that it's filled with giving and fellowship and kindness. And I hope that when you return after the New Year, you are ready for new challenges and new solutions.



Jon Setzer
GCBA President
2018-19

November Luncheon

We hope you enjoyed hearing from our in-coming Superior and State Court Judges, Tracey Mason, Tracie Cason, and Ronda Colvin-Leary at our last meeting. They each shared some words about the preparation they are taking on to being their service on the bench without a hitch!

January Luncheon

Friday January 18, 2018 12:00pm
The 1818 Club
 6500 Sugarloaf Parkway #300
 Duluth, GA 30097

REMEMBER: There is NO December meeting

Join us in the new year for our next meeting in January 2019!

We will learn about the upcoming E-Filing system that is set to begin in Gwinnett Courts in 2019 from the County Clerk, Richard Alexander.

[Click Here to Register for the January Luncheon!](#)

#GCBAGIVES

Criminal Defense Bar's Annual Toy Raiser

On **Tuesday, December 18, 2018 at 11:30 a.m.**, GCDBB will hold our annual Toy Raiser at the Gwinnett Historic Courthouse in downtown Lawrenceville. This is our biggest event of the year, headed up by attorney Christine Koehler.

Bring an unwrapped toy or make a \$20 donation (or more) that will benefit patients at Children's Healthcare of Atlanta's Egleston Hospital. Come have lunch paid for by GCDBB (with donation) with many Gwinnett judges and prosecutors for a great cause.

For more information, including how to donate if you can't attend the lunch, contact [Katie Huckaby](#).

Covenant Counseling Golf Tournament

On behalf of Covenant Counseling, I wish to thank all the Gwinnett Bar members who participated in the 4th Annual Covenant Counseling Golf Tournament on September 17, 2018. We had a number of Gwinnett Bar members to participate as players, sponsors, or donors. The tournament was a great success in raising money for this charitable institution that offers counseling for those in drug addiction, their families and loved ones. The amount raised for the charity was almost triple that of last year. We're looking forward to having the event again next fall and hope we will have even more members of the bar involved. Attached are a couple of pictures showing the purple balloons that signify awareness of the addiction problem. A significant number of participants are holding the balloons which means they have a friend or loved one with addiction problems.

David S. Walker, Attorney At Law
 David Sinclair Walker, Jr, P.C.

GCBA NEWS AND SECTION UPDATES

Mark Your Calendars!

This Year's Monthly Meetings:

REMEMBER, There is no December meeting

- January 18
- February 15
- March 15
- April 19
- May 17

Other Events:

- December 18 Criminal Defense Bar's Annual Toy Fundraiser
Historic Courthouse

EPPS UPDATE: Future Meetings and Volunteer

The Estate Planning & Probate Section will hold future meetings as follows. Meetings will be held at noon. Location and Guest Speakers TBD.

- January 15, 2019
- March 12, 2019
- May 14, 2019

Please note that you do not have to be a member of the section to attend the meetings (please feel free to forward the message or bring a friend!). If you are interested in joining the section, or simply being added to the section email list, please email [Melody Glouton](#) or [Lauren Bryant](#).

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 Strupe](#) with questions or to sign up for the Probate Court Pro Bono Clinic

GWINNETT PRO BONO NOVEMBER VOLUNTEERS

Pro Bono Representation
 Lauren A. Bryant
 Adriana de la Torre
 Alan B. Gordon
 John W. Hagan
 Vanessa I. Kosky
 Patricia Analee McKenzie
 S. Carlton Rouse
 Dorothy "Dodie" Sachs

Probate Clinic
 Walter J. Clarke
 James N. Cline
 Dawn C. Deans
 Patricia Analee McKenzie
 Yesenia Muhammad
 Patricia O'Kelley
 Lauren M. Prendley
 Craig W. Sherrer

Consumer Law Clinic
 Michael A. Armit
 Christina D. Wagner

Family Law Information Class
 Dorothy "Dodie" Sachs

Thank you!!

Lawyer Jokes



GWINNETT CONNECTION

Gwinnett County Appoints New Recorder's Court Judge



Judge Patricia Muse of Division 3 of Gwinnett County's Recorder's Court will be retiring on January 4, 2019. Ramon Alvarado was appointed by the State Court bench to replace Judge Muse.

Read Alvarado's Bio below:

After graduating from the University of Wisconsin, Ramon was admitted to the Georgia Bar in 2005. He began his career as a public defender in Lagrange, Georgia and opened his own law practice in Gwinnett County in 2006. Ramon has dedicated his time to representing the underprivileged.

While in private practice, Ramon was an active member of the Georgia Association of Criminal Defense Lawyers and was also appointed by the Georgia Supreme Court to serve as a member of the State Bar Investigative Review Panel where he handled attorney disciplinary issues.

Dedicated to serving the community, Ramon and his wife are active volunteers with Atlanta Beagle Rescue and the Cystic Fibrosis Foundation. Ramon also spends time volunteering as a teacher at trial advocacy programs across the country.

In his free time, Ramon spends time attempting to garden and fix things around the house. He also enjoys signing up for races and then procrastinating on his training.

Congratulations Ramon Alvarado!

Gwinnett Transit Update

Gwinnett's Historic MARTA Referendum is Officially On

The Gwinnett County election board formally called for a special election to be held March 19 - an election in which the sole question before voters will be if they want to officially join MARTA. The price of membership is a new 1 percent sales tax for the next several decades. The plan: greatly expanded transit services, including heavy rail to the Norcross area and, maybe, Gwinnett Place.

County spokeswoman Heather Sawyer said \$768,937 was set aside in the county's \$1.8 billion proposed 2019 Budget, which was unveiled Tuesday. For the referendum, it had previously been estimated that the election would cost about \$500,000, and that figure had been floated around for months.



Gwinnett Will Have Representation on the Transit Link Authority

Gwinnett County residents will make up nearly one-quarter of the 16-member board that will decide metro Atlanta's transit future. The Atlanta-Region Transit Link Authority announced Lawrenceville City Manager Chuck Washington and Gateway's Community Improvement District Executive Director Marsha Anderson Bonar will fill two of the 10 "Transit District" seats on the ATL Board of Directors.

They will join Gwinnett County Commission Chairwoman Charlette Nash, who was previously appointed to the board by Georgia Speaker of the House David Ralston, on the body. The board will craft a plan for the future of transit expansion in metro Atlanta. Transit District representatives on the board were chosen by caucuses that included local elected officials and state legislators, according to the authority.

LEGAL UPDATES

Priorities: Child Support and Alimony, or Vegas? In the immortal words of the Eagles: " They throw outrageous parties, They paid heavenly bills"

By Margaret Gettle Washburn

Bernard v. Bernard, 819 S.E.2d 688 (Ga. Ct. App. 2018)
 In this fun case, the Court of Appeals, Chief Judge Dilias for the Court, affirmed the trial Court's finding the Defendant, James Bernard, the former Husband, in contempt, finding that the state governing the powers of the Courts to punish for contempt did not require jury trial, and that the trial Court did not abuse its discretion in concluding former husband had the ability to pay and ordering him incarcerated for civil contempt until he paid the full amount owed former wife.

In these consolidated appeals, the former husband, hereinafter referred to as Husband, appealed the Gwinnett Superior Court Judge Ronnie Balthasar, on the Court's orders finding him in contempt for failing to pay his former wife, Theresa Bernard, hereinafter referred to as Wife, child support and alimony. The Court incarcerated the Husband until he purged the contempt.

In Case No. A18A1347, Husband argued that the trial Court erred in denying his motion to set aside a prior contempt order and his request for a jury trial.

In Case No. A18A1346, the Husband contended that the trial Court erred in ordering him incarcerated because he lacked the ability to pay his child support and alimony arrearage. The Court of Appeals affirmed this decision as well.

This case started in 2012, when the Court entered an Order on the Wife's prior petition for contempt. The Husband was to pay \$24,728.38 in child support and \$24,728.38 in alimony, immediately pay \$10,000 and make monthly payments toward the remaining arrearage.

In 2014, the Wife had to file another contempt proceeding, alleging that Husband failed to pay both the arrearage and his ongoing child support and alimony obligations. The Husband failed to appear in February 2015, and no responsive pleading was filed by the Husband or an attorney.

[Read Full Article Here](#)

Are you Ready for Your 2018 Final Tax Bill?

by Toni Schwahn

The Tax Cut and Jobs Act is the most sweeping tax law change in many years. Most of the provisions in TCJA took effect on January 1, 2018. Now is the time to review some of the tax provisions to effectively plan for the end of 2018.

ITEMIZED DEDUCTIONS VS. STANDARD DEDUCTION
 The 2018 standard deduction increased to \$24,000 for married filers who are filing jointly. This is almost double what it was under the old tax law. If your itemized deductions usually fall below the \$24,000 mark you may want to consider accelerating your deductions into 2018 so you can benefit. Consider if a donor advised fund to front load your charitable contributions. With a donor advised fund you will get the charitable contribution deduction when you fund the account and then you can use the money to make your charitable contributions at a later date. Also, the medical expense phase out for 2018 is 7.5%, if your clients are anticipating being near the 7.5% threshold they may want to pay the medical expenses in 2018 as opposed to paying them in 2019 when the threshold is raised to 10%.

[Read Full Article Here](#)

Peace Requires Acceptance

By: Diane Dierks

October 15, 2018

I wish I had a dollar for every co-parent who has told me they "just want peace" in their co-parent relationship. If the other parent is not going to give it to you willingly, you may have to rely on acceptance in order to create it for yourself. To put it bluntly, someone who intentionally or unintentionally chose to have a child with that fatherly might many years ago, has a legal right to be a parent, even if you have now decided it was a poor choice. The law protects parental rights and they are very difficult to remove without hard evidence and lots of professional involvement. Why? Because everyone knows that children benefit greatly from having access to BOTH parents, even if one of them is not that great. We spend a lot of time in our parenting classes talking about the importance of at least one parent being stable, dependable, consistent and predictable.

But that doesn't mean they only need ONE parent. They need one to be those things, but having access to both parts of themselves is key to their identity formation as children. Of course, if one parent is found to be abusive or harmful to their children, then the alternative of having only one parent, or surrogate parents, to fill the role is necessary, but parents should never assume a child should discard a parent simply because he or she is not as capable as the other. It's way more complicated emotionally and psychologically for your children than simply who appears to be the better parent. With that said, as co-parents emerge from difficult divorces or custody battles, they would do well to accept who they are co-parenting with at face value. They are who they are and no amount of angry texts, condescending emails, or modified court orders are going to change them. Just accept they are not likely to be as good as you want them to be, nor are they likely to agree with the way you conduct your home or your parenting style.

Give it up. Just be what your children need you to be in your own home and muddle through the best you can with what you feel are the many deficiencies of your co-parent. Trying to get more than you have power to control will just send the message to your child that he/she is not good enough either because of who they come from. The long-term consequences of that will mess with your sense of parental peace in more ways than you can imagine.

Articles and Updates Welcome!

If you would like to contribute to the GCBA Monthly Newsletter, e-mail submissions by the 5th of each month to Editor [Amina Bakari](#).

Visit our [Facebook Page](#) and our [Website](#) to stay updated until our next newsletter.

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