

April 2019 Newsletter

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President's Corner :

By Jon Setzer

Several years ago now, a friend of mine talked me into applying to the Young Lawyers Division's Leadership Academy. Over the course of the six months of that program, I developed many lasting relationships with other young lawyers across the state, many of whom have ascended to leadership positions in a variety of ways. For my part, I had already served in a leadership role with a YLD committee before I participated in the Leadership Academy. Just the year before, I was the Chair of the High School Mock Trial Committee. Nevertheless, when I finished the Leadership Academy, I decided that I would do what I could to take on a greater role in leadership more locally.



Jon Setzer
GCBA President
2018-19

Through the Leadership Academy, I developed relationships that showed me what a valuable resource the State Bar could be. Just as our Bar Association is a valuable resource for us locally, the State Bar can be just as valuable in the event that your practice takes you elsewhere in the state.

Finally, this month Judge Ken Hodges of the Court of Appeals and the current State Bar President is our featured speaker for our luncheon. And, just this past weekend, at the Spring Meeting of the State Bar of Georgia, the Board of Governors debated whether to impose mandatory malpractice insurance rules for the members of the State Bar. This new rule proposal highlights the role that the State Bar can play in our daily lives.

Speaking of the Board of Governors, for the first time in quite some time, there is an open election for one of Gwinnett's posts on the State Bar Board of Governors. We have three of our members seeking that seat. John Burdges, Lyle Porter, and Chuck Ross are all on the ballot for this position. While the State Bar elections often go unnoticed this year, it is important for us to take the time to look into it so that our voters can be heard, as the year the elections affect our Bar Association.

More than that, as we wind down our Bar Year, it is a good time to start thinking about the roles that you might want to play, either in the State Bar or our Bar Association. It's as good a time as any to think about stepping into a leadership role for some of the best organizations in our profession.

April Luncheon

April 19, 2019 at 12pm

The 1818 Club
6500 Sugarloaf Pkwy
Duluth, GA 30097



Our guest speaker will be **Judge Ken Hodges**, from the Georgia Court of Appeals and President of the State Bar

[REGISTER TODAY](#)

GCBA NEWS AND SECTION UPDATES

Mark Your Calendars!



- This Year's Monthly Meetings:
- April 19
 - May 17
- Other Events:
- April 25 Law Day Banquet
 - May 1 Law Day Judicial Reception

Law Day 2019

This year's Law Day theme is
Free Speech, Free Press, Free Society

Law Day Banquet
Thursday April 25, 2019
6:00pm

Laundry Events
235 North Perry St
Lawrenceville, GA 30046



Program to include: Dinner, keynote address, and awards

GCBA Members: \$40
Non-members: \$50

[Register Here](#)



Judicial Reception

LAW DAY
Wednesday May 1, 2019
12:00pm

in the GJAC Breezeway

Join us for lunch as we honor all of our Gwinnett County Judges.

For more details contact Law Day Chair, [Robert Thomas](#)

EPPS UPDATE: Future Meetings and Volunteer

by *Melody A. Glouton*

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

GCCDB Section Update

by *Morris Margulis, GCCDB Communications Officer*

The criminal defense section generally meets the first Friday of every month. At our monthly meetings, we serve a catered lunch and have a featured speaker.

Please contact Sean Goldstein, section president, at sean@seangoldsteinlaw.com, for details and RSVP information, or to join the group.

2018-19 GCCDB Slate of Officers:

- Sean Goldstein, President
- Richard Armond, President-elect
- Jessica Towne, Vice president
- Drew Mosely, Treasurer
- Morris Margulis, Communications

GWINNETT PRO BONO MARCH VOLUNTEERS

Pro Bono Representation

- Vanessa I. Kosky
- Donald W. Osborne
- Bridget Scanlin
- Holly N. Stewart
- Christina D. Wagner

Probate Clinic

- Walter J. Clarke
- Dawn Deans
- Donald S. Horace
- John M. Miles
- Lauren M. Pendley
- Deana M. Spencer
- Jammie Taire
- Eric P. Wilborn
- Nancy R. Wasdin

Consumer Law Clinic

- Craig W. Sherrer
- Christina D. Wagner

Family Law Information Class

- Dawn Deans
- Kedra Gotel

Thank you!!

Probate Court

New Management System Coming

On behalf of the Gwinnett County Courts, we are excited to announce the transition to a new case management system. This is the first step towards e-filing and ultimately a better service to the community. **The transition period will begin Wednesday, May 1, 2019 and go through Friday, May 10, 2019.** Please plan accordingly for major delays and longer wait times during this transition period. Gwinnett County Probate Court will only be accepting credit/debit cards and personal checks during this time. Thank you for your understanding and we look forward to serving you with the new case management system.

Position Open

ASSOCIATE MUNICIPAL COURT JUDGE POSITION

The City of Duluth is seeking an attorney to fill the position of Associate Judge of the Duluth Municipal Court. The Court handles traffic cases, city ordinance cases and certain other misdemeanor cases arising under state law. This is not a full time position. The associate judge would be expected to serve in the absence of the Chief Judge.

Interested person should submit a letter of interest and resume to:

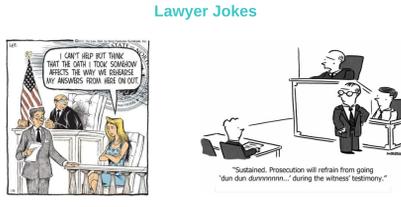
Charles L. Barrett, III
Chief Judge, Duluth Municipal Court
3276 Buford Highway, Duluth, GA 30096

The application period will remain open until April 30, 2019.

OFFICE SPACE FOR LEASE

One or two offices available for rent in existing, local law office. Rent of \$750 includes use of phone number, utilities, conference rooms and reception services. Please call 770-466-6149 to inquire.

Lawyer Jokes



GWINNETT CONNECTION

Visitation Supervision and Monitoring Services Available



Often in cases involving custody, there is a need for one parent or the other to have supervised visitation, whether that is a breaking in period after an absence, a need for therapeutic intervention or in more serious cases involving addiction or abuse. When such a need arises, the first question often asked is, where do we find a professional, experienced visitation supervisor? And second, when to conduct this visitation other than a parent's home, a park or the ever-popular McDonald's playground.

Ellen Sever and Diane Wichman now offer supervised visitation in a safe, family friendly location. Ellen and Diane are not new to assisting families in crisis. In fact, between them, they have 85 years of combined experience working with families and children and enjoy an excellent reputation among the bench and the bar. For many years, Ellen served as Director of North Metro, a psycho-educational facility for troubled youth. Diane spent 20 years as a partner in Choices for Growth, providing hundreds of hours of visitation supervision for both Juvenile and Superior Court cases. Both women have been qualified as expert witnesses in this arena.

Ellen and Diane say, "after all of these years, we realized we weren't finished. So we went to the judges and asked what we could do to be of service to the community." What became clear is the absence of a supervised visitation center in Gwinnett County for families to spend time together in a more natural, safe setting.

The meeting space is located at the Oak Grove Child Development Center in Lawrenceville. "We have 8 rooms, 2 playgrounds, a kitchen, toys and art supplies." There are 10-12 professionals on their roster, all of whom are trained and experienced...

[Read Full Article Here](#)

Gwinnett helping to address homelessness

Gwinnett is teaming up with United Way, the Premieria Foundation, and other partners on a new collaborative program to better coordinate assistance for people in our community who are homeless.

Called the HomeFirst Gwinnett Initiative, the program is establishing an assessment center and a 20-bed shelter for women and children in the Norcross area. At the center, visitors' needs will be determined and they will be referred directly to the appropriate agency or provider.

"Several organizations and individuals in the community are addressing different aspects of the homelessness, but it is not always well-coordinated," said Gwinnett County Board of Commissioners Chairman Charlotte Nash. "Partnering with the private sector and the United Way, the County is helping fund the HomeFirst Initiative to help create a system that is coordinated and does the most with each dollar."

Instead of a groundbreaking, work on the center was recently launched with a Break-Thru event where dignitaries, including Nash and several district commissioners, used sledge hammers to pummel signs representing obstacles for the homeless.

HomeFirst hopes to open a second assessment center and shelter later this year on another site yet to be selected. To learn more, visit [United Way Atlanta's HomeFirst Gwinnett page](#).

Hunt for Easter Across Gwinnett

Easter Egg Hunt | Saturday April 13th | Lilburn
11:00am - Easter Egg Hunt at Lilburn City Park for children up to 12 years of age. Children will be divided into age categories. Each group will take turns finding eggs, with eggs being replenished on the field between groups. Don't forget to bring your basket!



- Other activities:
- Photos with Easter Bunny (don't forget your camera!)
 - Inflatables
 - Petting zoo
 - Face painting

Egg-Cling Easter | Friday April 19th | Shellville
10:00am to noon. Have a hoppin' good time with an outdoor egg hunt, face painting, and snacks, while supplies last. Don't forget to bring your baskets and cameras. The festivities will be moved indoors in the event of rain (limited to 100 participants). For children up to 5 years old. [Click Here](#) for details.

Underwater Egg Hunt and Bunny Banquet | Saturday April 20th | Buford
9:00am to noon. Take the kids to Bogun Park to hunt for eggs in the pool, then head to the recreation center for photos with the Easter Bunny afterward, they can enjoy a snack and make a craft. For all ages. Cost: \$15 per person. Preregister online with code BOP11100 by April 15. Bogun Park Community Recreation Center.

LEGAL UPDATES

Are we still concerned about the Dependency Exemption?

By Elizabeth J. Garrett, JD, CPA, CVA

Since December of 2017 we have heard news reports, read articles, and heard speeches about the changes that were enacted to the IRS Code through the Tax Cuts and Jobs Act and how it would affect the average taxpayer. For those of us who are concerned about the alimony deduction and have the most widely discussed topic, however, the change to the dependency exemption and who can correctly claim a child as a dependent is an equally important topic to consider.

For tax purposes, the custodial parent is considered to be the parent with whom the child resides the greater number of nights during the tax year. As we are seeing equal custody arrangements more and more frequently, it is important to know that the second best is the parent with the higher adjusted gross income. The custodial parent is eligible to file as Head of Household rather than Single for the tax year.

The child dependency exemption is suspended from 2018 to 2025. This means that stating which parent will claim the dependency exemption in a settlement agreement is not as important or effective language. Instead, it should be determined that offering 1 week of summer visitation may not be acceptable to the non-custodial parent? Or, is requiring the parent to keep the child on the exact same bedtime schedule as the other parent, may not be realistic. Dealing with these clients can be difficult and equally challenging in mediation when they refuse to listen to you about their case. Here are 3 things you can do to help the unreasonable:

- 1) Be the "Counselor" for the Client
Your client will continue to live in a fantasy world until you give them a reason to come out. Changing someone's views takes time, and it's a good idea to start in advance of the mediation. Walk your client through a realistic and honest evaluation of the case. Be sure to highlight the strong points and the risk factors. What are the pros and cons from your viewpoint? Is there significant information missing or gaps in the facts? Is there thorough documentation of wage losses? Is there a demonstrated need for long term alimony if they have worked full-time for the last several years? Is there a strong case for custody if the parent has constantly defaulted on their parenting time? Have a very frank and candid conversation with your client and don't let them be the "bad guy." Your client has hired you because of your expertise and they desperately need your counsel.
- 2) Finish all Discovery before Mediation...

[Read Full Article Here](#)

2019's Dirty Dozen

by Toni Schwahn

The IRS has recently published its list of tax scams calling the "dirty dozen". This list names the most popular scams some taxpayer's are using to perpetrate fraud. While some may be new to the list, phishing and phone scams still remain popular.

1. **Inflating income to claim tax credits** - Taxpayers try to inflate self-employment or wage income to qualify for the earned income credit.
2. **Inflating deductions/credits** - This scam involves oversteering deductions such as, charitable contributions, medical expenses and business expenses to generate large refunds. Unfortunately this scam does not only involve taxpayer's who file their own returns but also tax preparers.
3. **Promises of inflated refunds** - This scam is perpetrated by fraudulent tax return preparers who promise large refunds. Their targets are usually the elderly or low income taxpayers who do not have an obligation to file.
4. **Identity theft** - While great strides have been made to reduce the number of victims, the IRS will continue to warn taxpayers about protecting their identity.
5. **Phone scams** - The IRS labels these scams vishing (voice phishing). Criminals pose as IRS agents and demand payment immediately or threaten more severe action if they don't receive payment.
6. **Phishing** - Scammers use fake emails, texts, websites and social media in an attempt to get the taxpayers personal information.

Stay tuned for next month's issue of the Newsletter when the rest of the "dirty dozen" will be published.

About the Author: Toni Schwahn, is a Partner at Whitey Hammonds Tomaseo, P.C., located in suburban Atlanta. Her practice includes tax, accounting and consulting services for mid-sized businesses with a special focus on the professional services industry.

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](#).

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