



February 2019 Newsletter

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President's Corner :

By Jon Seizer

The first weekend in February, this year's High School Mock Trial Competition began. For those who know me well, my involvement with this program cannot be overstated. The regional competition in Gwinnett featured nine teams from across the county, with numerous talented and capable students. Gwinnett County was the only team to advance to the state level, with representatives from Gwinnett County at the district competition at the end of the month, and hopefully help Gwinnett return to the State Finals.

In 2011-12, I was the chairperson of the Georgia High School Mock Trial Committee, and that year, we began the process of scaling back the State Finals. In 2012, there were 16 teams at State Finals, and a few weeks later, I made a proposal to add a third round of competition to save on time, space, and money at State Finals, and two years later, the district competition began in between the regional competition and State Finals. Unfortunately, in the five years since the plan that I helped put into place began, Gwinnett has not had a representative at the State Finals.

Many of you have generously volunteered your time as coaches, judges, and evaluators over the years, and I would like to move forward. I hope that Gwinnett returns to the State Finals and competes for national championships again. Gwinnett does boast one of Georgia's national championships, with South Gwinnett winning in 1992. I assure you, though, that Gwinnett's absence at State Finals has nothing to do with a decline in the program here. Programs all over Georgia are becoming better and better, to the point that Georgia has one of the premier operations in the country.

Georgia has a storied history when it comes to High School Mock Trial. Our four national championships are more than any other state. In the last year since Jon Seizer High School won back to back national championships, we finished in the top ten in the nation seven times, including two consecutive finishes and two first-place finishes. Atlanta has hosted the national competition twice before, and this year, Georgia hosts for a third time, again, more than any other state. This year, however, we are hosting the competition in Athens. There wouldn't be a better time for Georgia to bring home an unprecedented fifth national championship. I hope you'll be there with me this May.



Jon Seizer
Gwinnett County Bar Association President

January Luncheon



We would like to thank Richard Alexander for coming to talk to us, at our January Luncheon, about the new E-Filing system that is now being used in civil cases. He answered many questions about how the systems works and what we can expect in the future.

February Luncheon

Friday February 15, 2019 12:00pm
The 1818 Club
6500 Sugarloaf Parkway #300
Duluth, GA 30097

We are happy to welcome back the authors of **Carson on Evidence, Ronald and Michael Carson** for a presentation of the Georgia Evidence Code.

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

GCBA NEWS AND SECTION UPDATES

Mark Your Calendars!

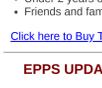
- This Year's Monthly Meetings:
- February 15
 - March 15
 - April 19
 - May 17

Other Events:

- March 1-2 Sip & Swine BBQ Fest
- March 15 GCDB CLE
- Gwinnett Gladiators Hockey Game

GCBA Night Out

Come out to watch the Gwinnett Gladiators hockey game against the Florida Everblades!



Friday March 15, 2019 at 7:35 p.m.
Infinite Energy Center
6400 Sugarloaf Pkwy, Duluth, GA 30097

Payment is being collected by ADA Stephen Fern in the District Attorney's Office, and at the next Bar Meeting on February 15, 2019. Tickets will be distributed in the same manner and at the March Bar Meeting, the day of the event.

- Ticket prices: \$13 \$15, \$17, or \$19 depending on the level you select, on a first come first serve basis
- Under 2 years old are free!
- Friends and family are welcome.

[Click here to Buy Tickets](#) or for more information email [Stephen Fern](#)

EPPS UPDATE: Future Meetings and Volunteer

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

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](#) or [Laurie Strube](#).

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)
When: Provide guidance to pro se prothonotaries in probate court
Where: Gwinnett Justice and Administration Center
When: Third Thursday of each month 12:00pm - 4:30pm
Why: To help our citizens and the Probate Court in processing petitions more efficiently and effectively
How: Please contact [Elisabeth Strube](#) with questions or to sign up for the Probate Court Pro Bono Clinic

GCDB Section Update

by **Morris Margulis, GCDB 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.

The GCDB is gearing up for its much-anticipated Spring CLE event. We will be hosting a series of discussions updating the section on developments in doctrinal law, trial and motions practice tips, appellate mindfulness, and ethics. Make sure to save the date of **March 28, from 8 AM to 5 PM.**

We will be meeting at GJAC in Conference room C, and space will be limited. Please contact Sean Goldstein, section president, at sean@goldsteinlaw.com, for details and RSVP information, or to join the group.

2018-19 GCDB Slate of Officers:
Sean Goldstein, President
Richard Armond, President-elect
Jessica Towne, Vice president
Drew Moseley, Treasurer
Morris Margulis, Communications

GWINNETT PRO BONO JANUARY VOLUNTEERS

Pro Bono Representation
Sarah Avraham
Tracy S. Drake
Vanessa I. Kosky

Probate Clinic
Laurie A. Bryant
Walter W. Clarke
Dawn Deans
Robert W. Hughes, Jr.
N. Wallace Kellerman
John M. Miles
Ashley Scarpatta

Consumer Law Clinic
Dawn C. Deans

Family Law Information Class
Cheryl Kelly

Thank you!!



March 1st and 2nd
Cool Ray Field
2500 Buford Dr.
Lawrenceville, GA 30043

For our 2019 Law Day Project we are going back to the Sip and Swine Festival! Volunteers are needed to help pour beer. Various time slots available.

[Click here for time slots and Volunteer Application](#)

[Click here for more details about the 2019 Sip and Swine Festival](#)

WESTLAW TRAINING FREE CLE

The Homer M. Stark Law Library is hosting Westlaw Training for Attorneys and Paralegals

Earn one hour of CLE credit

(Fees paid and lunch provided by West)

Legal Research Using Westlaw

DATE: Tuesday, February 12, 2019
12:00 noon to 1:00 p.m.

Location: Administrative Office of the Courts Conference Room (AOC)
Third Floor, CJAC

Please RSVP to Grace Halfway at 770-822-8571 or grace.halfway@gwinnettcourts.gov

[Click here for flyer](#)

Wrightslaw Special Education Law and Advocacy Conference with Pete Wright, Esq.

Wrightslaw Special Education Law and Advocacy Conference, a Wrightslaw training program featuring Pete Wright, Esq., is being sponsored by A. Kelley Neal, Esq. This is a fundraiser and community event for the benefit of Georgia Legal Services Program - Macon.

Thursday February 21, 2019 9am-4:30pm
Real Life Church
2181 Gray Highway
Macon, GA 31211.

Registration Fee: \$115, \$150 with CLE credit included

Program Description
One-day special education law and advocacy programs focus on five areas:

- special education law, rights and responsibilities
- McKinney-Vento Homeless Assistance Act
- tests and measurements to measure progress & regression
- SMART IEPs
- introduction to tactics & strategies for effective advocacy

Conference fee includes lunch, a Wrightslaw highlighter pen and the three Wrightslaw books which retail for \$62.85 [Click here to register](#)

ATTORNEYS WANTED

Litigation Associate Attorney

Job Description
Fenwick Thompson & Associates, LLC is seeking a Full-Time Litigation Associate Attorney to join its team of highly motivated and experienced professionals. This is a wonderful opportunity for a motivated associate with family law and personal injury litigation experience, as well as exceptional written, organizational and communication skills to be part of a team which handles entertainment law, family law, and personal injury law cases.

The Position
Minimum Qualifications:
• JD from an accredited law school;
• 20 from an accredited law school;
• Admitted to practice in the state of Georgia;
• 5 years of family law and personal injury litigation experience; and
• Superior communication, writing, and research skills.

Responsibilities:
• Independently manage a litigation caseload, working cases from intake to conclusion;
• Represent clients in family law and personal injury cases;
• Regularly handle court appearances, depositions, and mediations;
• Communicate regularly with clients and provide status reports.

Education:
• Litigation: 5 years (Required)
• Legal:
• Georgia Bar (Required)
• Other State Licenses, a plus



[Click here for full details and how to apply](#)

Juvenile Court Attorney II

Class Summary
Juvenile Court exercises jurisdiction in cases involving delinquent, unruly, deprived, and runaway offenders under the age of 18. Juvenile Court has concurrent jurisdiction with the Superior courts involving capital offenses, custody, child support cases, and termination of parental rights.

The position will work at the Courthouse Annex Building in Lawrenceville, Georgia. The incumbent will be responsible for opening cases, preparing and reviewing a variety of legal documents, offerings, and requests for information, and conducting a variety of legal research, analysis, and document preparation. The incumbent will also consult with and respond to County employees, victims, witnesses, and/or other interested parties on proper legal procedures and will appear in court to participate in prosecution or defense activities and state of Georgia cases.

The Grade for this position is 104.

MINIMUM QUALIFICATIONS:

- Juris Doctorate;
- Four years of experience as an attorney;
- Or, an equivalent combination of education and experience sufficient to successfully perform the essential duties of the job.

Apply by **February 11, 2019**

[Click here for full details and to apply.](#)

UPDATED Judiciary Contact List

[Click here for a FULL directory](#) of all Gwinnett Courts and auxiliary services

GWINNETT CONNECTION

To Kill a Mockingbird
6:20 pm on Wednesday January 30th

Movie Tavern - Suwanee
2855 Lawrenceville-Suwanee Rd
Suwanee, GA 30024

Meet at the bar inside the movie theater at 5:45pm. Buy your own ticket.

Transit Referendum set for March 19 on Gwinnett Ballots

Gwinnett County residents will go to the polls March 19 to vote on a contract for the provision of expanded transit services. If the referendum passes, Gwinnett's transit system and services will expand by 50%.

The expansion will be funded through a one-cent sales tax for transit. The contract provides control to Gwinnett over funds, expenditures, projects, and services. It requires Gwinnett funds to be spent for the benefit of Gwinnett. It sets Gwinnett's transit plan, Connect Gwinnett, as the source of transit projects. It also provides Gwinnett with three seats on the MARTA board.

In preparation for the March 19 transit contract referendum, the County will host a series of open house education sessions:

Monday, February 11 - 6:00pm to 8:00pm
Dacula Park Activity Building
2725 Old Auburn Road, Dacula

Tuesday, February 12 - 6:00pm to 8:00pm
Sugar Hill City Hall
5039 W. Broad Street, Sugar Hill

Thursday, February 21 - 6:00pm to 8:00pm
Shorey Howell Park Activity Building
2750 Pleasant Hill Road, Duluth

Saturday, February 23 - 10:00am to 1:00pm
Stonellville City Hall
2342 Oak Road, Stonellville

Thursday, February 28 - 6:00pm to 8:00pm
Gwinnett Fire Academy
3605 Braselton Highway, Dacula

[Click here for the full schedule](#)

For more information about the contract, please visit [the website](#). For more information about the transit plan, visit the [Connect Gwinnett Transit plan website](#).

Liburn Police Department Citizen's Academy Accepting Applications

The Citizen's Police Academy (CPA) is a 13-week program designed to educate and inform citizens about issues that face law enforcement officers in the City of Lilburn. Each CPA session consists of 13 consecutive, two-hour Thursday night classes. The instruction is comprehensive, and each week a separate area of the department is covered. Topics include crime prevention and community based policing, drugs, K-9, traffic enforcement and accident investigations, criminal investigations, the Use of Force Model and use of force training, firearms safety and other topics.

The goal of the Liburn Police Department Citizen's Police Academy is not only to help local residents better understand police work in their community, but to develop stronger ties between our community and the department.

Who Can Apply?
• Minimum age of 21
• Preference given to those who live or work within the city limits of Lilburn
• No prior felony arrests or crimes of moral turpitude
• No misdemeanor arrests within one year of the application
• Must consent to attending a minimum of 10 out of 13 classes
• Must possess a valid Georgia Driver's License

Registration deadline is Feb. 15, 2019.

[Click here for the Citizen's Police Academy application](#)

Liburn Camp Creek Cleanup and Protection

Saturday, February 23, 2019
9am-1pm

Volunteers are needed to help with removing litter and doing invasive plant species removal. Volunteers will meet at Gartrell Nash Pavilion in Lilburn City Park. Please wear closed-toe shoes or boots and long pants. Long sleeves are recommended. Other items to consider bringing include a water bottle, snack, sunscreen, and bug spray.

Get out and get busy helping us make trash removal! Removing litter from our local water bodies helps to protect our shared water resources and gives us pride in our community. In addition to removing litter, we will also be doing invasive plant species removal.

Liburn City Park
16 Main St
Lilburn, GA 30047

To volunteer email [Jordan Grant](mailto:Jordan.Grant@liburnga.gov) and register at volunteergwinnett.com

LEGAL UPDATES

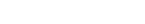
STRICKLAND v. THE STATE: \$ 40 - 6 - 49 - Following too closely: What does this mean?

By Margaret Gettle Washburn

This is a new and very interesting case, that will undoubtedly be cited in most State, Recorders and traffic courts.

Judge Trenton Brown, authored the opinion for the Court of Appeals. Jackie Patterson, Atlanta, Branch D. Dixon, represented the Appellant, Tasha Mosley, Solicitor General, Clayton County, for Appellee. The Defendant, Antonio Strickland, was charged by Solicitor General with "Following too Closely" in violation of OCGA § 40-6-49. At the close of evidence during his bench trial, the Defendant Strickland made an oral motion to quash the charge, which the trial court denied. The Defendant then moved for a writ of certiorari, claiming that the trial court erred in denying his motion to quash because the charge in the citation failed to allege the essential elements of the offense.

The Court of Appeals agreed with the Defendant and reversed the trial court, holding: "The true test of the sufficiency of an indictment or accusation or citation is not whether it could have been made more definite and certain (or that matter, perfect) but whether it contains the elements of the offense intended to be charged, and sufficiently apprises the defendant of what he must be prepared to meet, and in case any other proceedings are taken against him for a similar offense, whether the record shows with accuracy to what extent he may plead a former acquittal or conviction." *Thomas v. State*, 316 Ga. App. 447, 448 (2), 396 S.E.2d 78 (1980)



[Read Full Article Here](#)

Counterpoint: Keep Selling the Reasons You Need Time Off From Work

By Lisa B. Golan

Per the New York Times article "The Death of the Sick Day" due to new flexible work-from-home and limit-of-policies, "No longer does [an] employee have to 'sell' their sickness to the boss with a list of symptoms."

I disagree. If employees want to be protected against possible disciplinary action for taking leave, the better course is to "sell" it. Under the Family and Medical Leave Act (FMLA) eligible employees are entitled to 12 weeks of job protected leave, but only if the employee provides sufficient information for their employer to know that the leave may be for an FMLA qualifying reason. Qualifying reasons include their own or a close family member's serious health condition (including time off needed for chronic medical conditions), pregnancy and bonding with a newborn, adopted or foster child in their first year, and for qualified expenses for military personnel and their families. If employees meet FMLA notice requirements, their employers cannot use the taking of FMLA leave as a negative factor in employment actions... nor can FMLA leave be counted under no take interference policies (29 C.F.R. 825.220G), and, the FMLA not only allows employees to take off full-days, with limited exceptions, it also permits employees to work reduced-hours schedules or to take intermittent leave in increments as small as the shortest period of time the employer uses to account for other forms of leave, and at a maximum an hourly increments, 29 C.F.R. 825.202-205.

[Read Full Article Here](#)

Help your clients with Georgia Film Tax Credits

By: John Thomas, Partner at Whaley Hammonds Tomaseo, P.C.,

So many of Georgia's mature industries, from construction to technology, are participating in the State's growing film and television industry. Yalwood is growing and creating jobs and an economic impact at a rate that has surprised almost everyone. But while everyone here competes to entice and receive industry opportunities to benefit from new production projects, professional service firms have been slow to react to the growing need for specialized advice related to the tax credits. Attorneys can help their clients by educating them on how the growth of this industry can benefit them (beyond their state income tax savings).

The continued growth of this burgeoning industry depends heavily on the Georgia Entertainment Industry Investment Act. The Act created a direct tax benefit for production companies creating content in the state. The tax credit program is pretty simple. For every qualified dollar that companies spend producing qualified projects in the state of Georgia, the state awards a 20% transferable tax credit against Georgia income tax. The projects are qualified by the Georgia Department of Economic Development. Once the project has been completed, the tax credits generated by the production can be sold to other Georgia taxpayers, including individuals and corporations.

Attorneys with clients who pay income tax in the state of Georgia have an opportunity to help. As the industry grows, the need for buyers grows, and there is a clear market for your clients to participate. Every dollar of credit purchased by your clients will cost between 88 and 92 cents, providing between an 8 and 12 percent gross, the need for tax credits will be a major gain on the savings, the tax benefit is still clear. Additionally, this is now a mature state credit program, with clear guidelines for mitigating risk. These industries...

[Read Full Article Here](#)

Articles and Updates Welcome!

If you would like to contribute to the GCBA Monthly Newsletter, e-mail submissions to the [GCBA Monthly Newsletter](mailto:GCBA@GwinnettCountyGA.com), visit our [Facebook Page](#) and our [Website](#) to stay updated until our next newsletter.

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