

January 2019 Newsletter

Visit Our Website

President's Corner :

By Jon Setzer

Happy New Year! As we begin 2019, I'd like to mention a few things about where I hope to be with the Bar Association by the time my term as President concludes.

E-Filing has finally arrived in Gwinnett County. E-Filing has been in many of the surrounding counties for some time now, so many of you with whom I've spoken are excited about this change. This month there are several opportunities to hear about what this means for the practice of law in Gwinnett County. At our monthly luncheon, the Clerk of the Court, Richard Armond, will be speaking about the new system and how it will be implemented. The Gwinnett Pro Bono Project hosted a CLE to introduce E-Filing earlier this week, and they will host a second luncheon next week. As I'm sure many of you have heard, the E-Filing process is long enough to remember when snafus with the Court of Appeals and Supreme Court had to be explained in a particular way, with the backing and sufficient copies for the appropriate court. The change to E-Filing in those courts made practice before those courts so much easier. I think we'll find the same of our practice in Gwinnett Superior Court going forward.

On the horizon, we hope to be able to make this transition as smooth as possible and to continue the excellence that our Bar Association has represented for so many years. It is my hope that, as a Bar Association, we are able to provide opportunities for education, networking, and fellowship as we have in the past, but also that we are able to strengthen as a group as we enter the new year. Over the holidays, I took a few days to spend time with family, but I did come to the office for a short period of time. Then, like in most years, I try to take the opportunity of the New Year to reflect on those things that I do well professionally and those things that need improvement. In that light, I look to improve the leadership that I have the opportunity to provide as President of our organization. I look forward to what 2019 will bring.



Jon Setzer
Gwinnett County Bar Association
President
2018-19

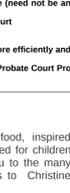
January Luncheon

Friday January 18, 2019 12:00pm

The 1818 Club
6500 Sugarloaf Parkway #300
Duluth, GA 30097

Join us in the new year for our first meeting of 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!](#)

GCBA NEWS AND SECTION UPDATES

Mark Your Calendars!

This Year's Monthly Meetings:

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

EPSPS 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.

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.

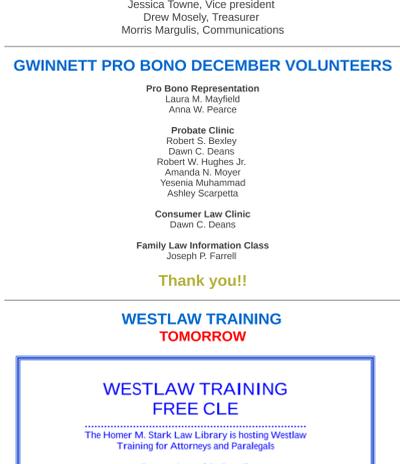
Please remember our Volunteer Opportunities:
Probate Court Pro Bono Clinic - Monthly

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 4:30pm - 4:30pm
Why: To help our citizens and the Probate Court in processing petitions more efficiently and effectively
How: Please contact [Elizabeth Stuppe](mailto:Elizabeth.Stuppe) with questions or to sign up for the Probate Court Pro Bono Clinic

GCCDB Section Update

by Morris Margulis, GCCDB Communications Officer

The 2018 Toyraiser event was a great success - delicious food, inspired conversation, and most importantly, a wealth of donations secured for children and families spending their holidays at the hospital. Thank you to the many judges, attorneys, and staff who attended, and a special thanks to Christine Koeltner for planning the event.



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. This month, the section meets with newly-elected Judge Tracey Mason to provide Judge Mason with some insights into the Defense perspective of a criminal case.

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 Mossoly, Treasurer
Morris Margulis, Communications

GWINNETT PRO BONO DECEMBER VOLUNTEERS

Pro Bono Representation
Laura M. Mayfield
Anna W. Peatso

Probate Clinic
Robert S. Bexley
Dawn C. Deans
Robert W. Hughes Jr.
Amanda N. Moyer
Yesenia Muhammad
Ashley Scarpetta

Consumer Law Clinic
Dawn C. Deans

Family Law Information Class
Joseph P. Farrell

Thank you!!!

WESTLAW TRAINING TOMORROW

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: Friday, January 11, 2019

12:00 noon to 1:00 p.m.

Location: Judges' Conference Room
Second Floor, GJAC

Please RSVP to Grace Holloway at 770-822-8571 or grace.holloway@gwinnettcourts.com

High School Mock Trial Volunteers Needed for CLE Credit

The 2019 Regional High School Mock Trial Competition will be held on February 1st and 2nd, and we need volunteers! We hope that you will help judge and evaluate these young students again.

The Bar's Commission on Continuing Lawyer Competency (CCLC) will extend CLE credit to attorneys serving on Georgia High School Mock Trial Competition judging panels! If you are interested in participating as either an evaluator or a judge, please complete the short volunteer form (will take less than a minute)

Or contact Brittany Partridge directly with any questions or comments at 678-518-6866.

FEATURE

Judge George Hutchinson Installed as New Chief Superior Court Judge

By Jon Setzer

Beginning this month, Judge George Hutchinson undertakes a new role as he continues to serve Gwinnett County as a Superior Court Judge. He becomes the newest Chief Superior Court Judge of the Gwinnett Judicial Circuit. Judge Hutchinson began practice as an attorney after graduating from Emory Law School in 1989. He began his legal career as an Assistant District Attorney, first in the Criminal Courts, and then here in Gwinnett, beginning in 1991. In 2004, he was appointed to serve as a full-time Magistrate Judge by then-Chief Magistrate Warren Davis. When Judge Davis was appointed to the Superior Court, Judge Hutchinson was appointed to be his successor. He held that position until he was also appointed to the Superior Court in 2013.

In the midst of growing into his new role, he took a few minutes to talk about his perspective on becoming the Chief Judge. He first acknowledged the big shoes that he is still around. While there are a large number of tasks that fall upon the Chief Judge in addition to the day-to-day responsibilities of being a Superior Court Judge, Judge Hutchinson noted that the role of Chief Judge was so well-managed by Judge Corner that he is not particularly worried about how daunting the task might seem. He also said that the Administrative Office of the Courts has been a big help.

He also discussed the challenge of a bench that is much larger than it was when he first came to Gwinnett County. Additionally challenging is the expansion of the courthouse and the impending move to a new courthouse. It is Judge Hutchinson's hope that, because all the courtrooms in the new courthouse will have the ability to hear criminal matters, scheduling will be easier. Judge Hutchinson said that he's going to take some time to assess the current status of the role of Chief Judge so he can become comfortable with such a large project. In the end, he said, "To be selected is tremendously humbling, and I appreciate the confidence the other Superior Court Judges have in me."



GWINNETT CONNECTION

MLK Day in Gwinnett: Monday January 21, 2019

MLK Day Parade | Lawrenceville
The United Way Society of Gwinnett County, Inc. will host the 17th Annual Dr. Martin Luther King, Jr. Celebration on Monday, January 21, 2019 at 11am in Lawrenceville, GA. The theme is, "Leadership: You Are The Difference!" The 2.1 mile parade route is from GJAC to Moore Middle School along Lawrenceville Hwy (SR 29)

MLK Day of Service | FREE!
January 21 from 9:00am-12:00pm. Start the year off right by giving back to your community. Join us for National Day of Service to help empower and strengthen local communities. Families, service organizations, and scout groups welcome. Join us in beautifying Little Mulberry Park at the Hog Mountain Entrance located at 3800 Hog Mountain Road with a wonderful rewarding opportunity to serve with other volunteers. This is a rain or shine event. Please wear sturdy shoes and bring work gloves if you have them! Activities include mulching, stumping, invasive plant removal, and more. Meet at the pavilion. 30 Volunteers needed.

Register at www.volunteerwinnett.net or call 678.277.0900 for more information. Little Mulberry Park, 3800 Hog Mountain Road, Decatur.

Remember, GJAC will be closed on January 21st in observance of the MLK Holiday

New Year, New Judges, New Standing Orders

By Dodie Sachs

As you all know, our county Court's website (www.gwinnettcourts.com) is a phenomenal resource to the attorney's and public of Gwinnett County. The new year is a great time to stop by the website and look at all the other things on the website you may not have noticed previously.

With the new year, the three new judges are present on the website. Judge Rhonda Colvin Leary is State Court Division 4, and her contact information and her staff's contact information is on the website, under State Court Judges. Judge Tracey Mason is Superior Court Division 2 and Judge Tracey Mason is Superior Court Division 9. Their contact information and their staff's contact information is on the website, under Superior Court Judges.

Also remember, with the election and installation of the new judges, the Court's standing orders have all been updated with the new judges' signatures. If you are interested in participating as either an evaluator or a judge, please complete the short volunteer form (will take less than a minute)

Magistrate Court, Probate Court, and Recorders Court all have a wealth of information on their courts and the court administration. Frequently Asked Questions, forms and other information online. In addition to information on types of cases that Magistrate Court has jurisdiction over, there is a link to a video to have information about your traffic citation texted to you...

[Read Full Article Here](#)

New commissioners take office

Gwinnett County officially has two new commissioners effective January 1.

Newly sworn in District 2 Commissioner Ben Ku and District 4 Commissioner Barbara Fouque took the ceremonial oath of office in late December at the Gwinnett Justice and Administration Center amid friends and well-wishers.

Ku is a software and mobile app developer and Georgia Tech graduate. He also graduated from Gwinnett 101 Citizens Academy. He received the County's Inauguration Service Award for Most Volunteered Hours in 2017. He also serves in the Mentor Jacks program.

After 20 years in the health insurance industry, Fouque retired from Aetna Inc. in 2017. She holds a Bachelor of Science in Business Management from Shorter University and a Master of Public Administration from Regent University. She moved to Gwinnett County in 2003. She previously served as an elections poll manager and completed Community Emergency Response Team training in 2015.



Gwinnett's bicentennial draws to a close

Gwinnett County capped an exciting yearlong bicentennial observance on December 15 with a day of family-friendly festivities and a 200th birthday party celebration at the Infinite Energy Center.

In the preceding 12 months, Gwinnettians gathered to salute our past, to embrace our present, and welcome our future. They came together in 365 separate bicentennial-themed events: some fun, some educational, and some somber.

High school distance runners carried the Bicentennial Torch on 36 legs totaling 227 miles, visiting 14 city halls, four libraries, and eight courts. In addition to Gwinnett's history toured the county. The Gwinnett Historical Society held monthly lectures about the county's history, ranging from our namesake, Butler Gwinnett, to Union Civil War soldiers from Gwinnett, to the impact of railroads on the county's development.

The Gwinnett County Communications Division produced more than 170 videos of Gwinnettians, including natives and newcomers, each telling personal stories about their lives in Gwinnett. Those fascinating remembrances and more about Gwinnett history can still be viewed on the nationally recognized website, www.Gwinnett200.com.

To view a video of the bicentennial festivities on December 15, [click here](#).

LEGAL UPDATES

BRIDGER v FRANZE: Legitimation, child support, parenting, Gummy Fish

By Margaret Gettle Washburn, P.C.

820 S.E.2d 223, Court of Appeals
12/18/2018; reconsideration denied 1/15/2018

In this interesting case, the Father, Martin Franze, filed a petition for legitimation, joint legal and secondary physical custody, visitation, name change, and child support of child. The Mother was represented by counsel. The trial court awarded the parties joint legal and physical custody, with Mother retaining primary physical custody, along with a self-executing custody provision. The trial court also awarded Mother child support and denied Mother's request for reimbursement of past child support expenses and attorney fees.

The Mother appealed the trial court's refusal to grant her sole custody and other aspects of a parenting plan and child support award. The Court of Appeals, Judge Cobbell for the Court, found that the evidence supported trial court's award of joint legal custody to both parents, with Mother retaining the primary physical custody; that a self-executing trial court custody provision was an abuse of discretion; that the trial court failed to include Mother's payment of health insurance premiums in calculating amount of Father's child support obligations; further, that the trial court failed to include all of Mother's work-related child care expenses in calculating amount of Father's child support obligations; that the trial court did not abuse its discretion in failing to award Mother medical, housing, and attorney costs she had already incurred; and that the Mother was not entitled to attorney fees just because this was a legitimation case...

[Read Full Article Here](#)

Is Time to Legally Protect Breast-Feeding to Bottle-Feeding Transition Protected?

By Lisa B. Golan

In a recent blog post, an attorney who represents employers declares that time spent "transitioning a child from breast-feeding to bottle-feeding is not legally protected."

Is that so? What about Family and Medical Leave Act (FMLA) and bonding provisions? Under the Family and Medical Leave Act (FMLA), eligible employees are entitled to 12 work-weeks of leave "because of the birth of a son or daughter... and in order to care for such son or daughter" during "a 12-month period beginning on the date of... birth." 29 U.S.C. § 2612 (a)(1)(A) and (a)(2).

According to Department of Labor regulations, both mothers and fathers are entitled to FMLA leave for the "birth of their child" and "to be with the healthy newborn child (i.e. bonding time) during (Shoelitz 12-month)"; 29 C.F.R. § 825.120 (a)(1) and (a)(2). If both parents work for the same employer, they are entitled to a combined total of 12 weeks of FMLA leave for that purpose. 29 U.S.C. § 2612(b)(1); 29 C.F.R. § 825.120(c).

So, is time off to transition a healthy infant from breast-feeding to bottle-feeding always FMLA protected leave? No, not always, such leave is protected only if an employee is FMLA-eligible, has not yet taken off 12 weeks of FMLA leave that year, and if baby is less than a year old. 29 U.S.C. § 2611(2), § 2612(1)(A) and (2).

Let's say this is the usual situation where mom is out for 6 weeks after baby's birth. Can she work half-time for the following 3 weeks, i.e. city halls, four libraries, and eight courts. In addition to Gwinnett's history toured the county. The Gwinnett Historical Society held monthly lectures about the county's history, ranging from our namesake, Butler Gwinnett, to Union Civil War soldiers from Gwinnett, to the impact of railroads on the county's development.

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The Step-Parent Dilemma

By Diane Dierks

November 9, 2018

NOTE: In this article, I use the phrase "bio-parent" when referring to a biological parent, legal guardian or adoptive parent. It is meant to be inclusive, and used as a matter of convenience, not as a technical description.

I love a good step-parent! Sometimes they can be way more level-headed than the bio-parents and can offer a more objective point of view to their respective spouses. Sometimes they are the ones the kids go to for emotional support because the children don't see them as part of the loyalty bind. Sometimes the kids can soften the message to their bio-parent by asking the step-parent to communicate a sensitive go to message for them. Sometimes, if you are interested in participating as either an evaluator or a judge, please complete the short volunteer form (will take less than a minute)

When it comes to the involvement of step-parents in co-parent communication or relationship with the children? Here are a few words of wisdom:

1. Co-parent communication is supposed to be between the two parents listed in the court-ordered parenting plan. The step-parent should be a confidant, sounding board, and voice of reason for his/her spouse, but should not take on the role of co-parent. Communication about major decisions (medical, education, religion and extra-curricular) should be between the two bio-parents, with behind-the-scenes help and support of their respective spouses. HOWEVER, if the other bio-parent is not threatened by communication with the step-parent about day-to-day issues (picking up/dropping off, activity details, etc.) AND the step-parent welcomes the day-to-day communication details to keep his/her own life straight then go for it! Whatever it takes to keep the kids out of the middle is okay by me, as long as it gets the job done with respect and civility. If that can't be achieved, then do your step-parent a favor and don't put them on the front lines of a battle they can't win. It will likely put your marriage in jeopardy.

2. --

[Read Full Article Here](#)

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

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