

**31ST ANNUAL
FAMILY LAW INSTITUTE**



Program Materials 2013

CO-SPONSORS:

Family Law Section, State Bar of Georgia
Institute of Continuing Legal Education in Georgia

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FOREWORD

The Institute is especially grateful to our outstanding Seminar Chairpersons, Jonathan J. Tuggle and Kelly Anne Miles, for providing the necessary leadership, organization and supervision that has brought this program into a reality. Indeed a debt of gratitude is particularly due our articulate and knowledgeable faculty without whose untiring efforts and dedication in the preparation of papers and in appearing on the program as speakers, this program would not have been possible. Their names are listed on the program at page v of this book and their contributions to the success of this seminar are immeasurable.

I would be remiss if I did not extend a special thanks to each of you who are attending this seminar and for whom the program was planned. All of us hope your attendance will be most beneficial as well as enjoyable. Your comments and suggestions are always welcome.

May, 2013

Lawrence F. Jones
Executive Director
Institute of Continuing Legal
Education in Georgia

PROGRAM

Presiding: *Jonathan J. Tuggle*, Program Chair, Chair-Elect, Family Law Section, State Bar of Georgia; Boyd Collar Nolen & Tuggle, LLC, Atlanta
Kelly Anne Miles, Chair, Family Law Section, State Bar of Georgia; Smith Gilliam Williams & Miles, P.A., Gainesville

THURSDAY
MAY 23, 2013

7:30 **FIRST-TIMERS BREAKFAST**

7:30 **REGISTRATION AND CONTINENTAL BREAKFAST**

8:20 **OPENING REMARKS AND PROGRAM OVERVIEW**

Jonathan J. Tuggle
Kelly Anne Miles

8:30 **WAKE-UP! FORGOTTEN AND OVERLOOKED TECHNIQUES FOR THE DIVORCE LAWYER IN THE CIVIL PRACTICE ACT**

Jeffrey B. Bogart, Bogart & Bogart, P.C., Atlanta

9:00 **TAKING EFFECTIVE DEPOSITIONS IN DIVORCE CASES**

Richard D. Tunkle, English Tunkle & Smith LLP, Clayton

9:30 **CUSTODY TRENDS AND EMERGING ISSUES—WHAT THE EXPERTS ARE SAYING**

Moderator: *Daniel A. Bloom*, Pachman Richardson, LLC, Atlanta
Barrie Alexander, Ph.D., Cliff Valley Psychologists, P.A., Atlanta
Howard Drutman, Ph.D., Atlanta North Psychotherapy Center, Roswell
Michelle L. Green, Ph.D., Clinical Psychologist, Atlanta

10:00 **BREAK**

10:10 **INTERACTIVE SESSION: CUSTODY CONUNDRUMS**

Moderator: *Regina M. Quick*, Regina M. Quick, P.C., Athens

Hon. John J. Goger, Judge, Superior Court of Fulton County, Atlanta

Hon. M. Cindy Morris, Judge, Superior Court, Conasauga Circuit, Dalton

Hon. Bonnie Chessher Oliver, Judge, Superior Court, Northeastern Circuit, Gainesville

Hon. Russell W. Smith, Chief Superior Court Judge, Mountain Circuit, Toccoa

10:55 **ANNOUNCEMENTS**

11:05 **INTERACTIVE SESSION: ALIMONY SCENARIOS—GUESS THE AWARD**

Moderator: *John L. Collar, Jr.*, Boyd Collar Nolen & Tuggle, LLC, Atlanta

Hon. Robert E. Flournoy, III, Chief Judge, Superior Court of Cobb County, Marietta

Hon. Sheryl B. Jolly, Judge, Superior Court, Augusta Circuit, Augusta

Hon. Wendy L. Shoob, Judge, Superior Court of Fulton County, Atlanta

Hon. James G. Tunison, Jr., Judge, Superior Court, Southern Circuit, Valdosta

11:50 **BREAK**

12:00	<p>HOT TIPS Moderator: <i>Shiel G. Edlin</i>, Stern & Edlin, P.C., Atlanta</p> <p>A View from the Supreme Court <i>Hon. Keith R. Blackwell</i>, Justice, Supreme Court of Georgia, Atlanta</p> <p>A View from the Court of Appeals <i>Hon. John J. Ellington</i>, Chief Judge, Court of Appeals of Georgia, Atlanta</p> <p>The “Usual” Deposition Stipulations. Is that Agreeable? <i>David S. Givelber</i>, Givelber Law Group, LLC, Atlanta</p> <p>Judicially Hosted Settlement Conference—Not Mediation <i>Hon. Melvin K. Westmoreland</i>, Senior Judge, Superior Court of Fulton County, Atlanta</p> <p><i>Johnson v. Johnson</i>—Death of the Parenting Coordinator? <i>Sarah McCormack</i>, Kessler & Solomiany, LLC, Atlanta</p> <p>Life in the Cloud: Pro’s and Con’s of Dropbox and Other Virtual Document Storage <i>R. Scot Kraeuter</i>, Johnson, Kraeuter & Dunn, LLC, Savannah</p>	1:00	<p>SECTION COMMITTEE MEETING (Anyone interested is welcome)</p> <p>1:00 (OPTIONAL) ASK THE EXPERTS: A CUSTODY ROUND TABLE (Attendees are encouraged to “bring their file” and/or custody related questions for discussion with various mental health professionals) <i>Nancy A. McGarrah, Ph.D.</i>, Cliff Valley Psychologists, P.A., Atlanta <i>Katie K. Parker</i>, Boyd Collar Nolen & Tuggle, LLC, Atlanta</p> <p>2:00 TENNIS TOURNAMENT</p> <p>6:30– 7:30 WELCOME RECEPTION</p> <p style="text-align: center;"><u>FRIDAY</u> MAY 24, 2013</p> <p>8:30 ADVANCED EVIDENCE IN DIVORCE CASES <i>Hylton B. Dupree, Jr.</i>, Dupree & Kimbrough, Marietta</p> <p>9:00 SEPARATE PROPERTY—HOW TO SATISFY YOUR TRACING BURDEN <i>Sherri S. Holder, CPA</i>, Thurman Holder Gibbon, LLC, Marietta <i>Barry B. McGough</i>, Warner, Bates, McGough & McGinnis, Atlanta</p> <p>9:30 THE MARITAL BALANCE SHEET: CAPTURING ALL THE ASSETS <i>Pilar J. Prinz</i>, Lawler Green Prinz & Gleklen, LLC, Atlanta</p> <p>10:00 BREAK</p>
12:00	<p>SUCCESSFULLY RECOVERING ATTORNEYS FEES <i>Adam M. Gleklen</i>, Lawler Green Prinz & Gleklen, LLC, Atlanta</p>		
1:00	<p>RECESS</p>		

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| <p>10:10 INTERACTIVE SESSION: PROPERTY DIVISION—AS A MATTER OF LAW AND EQUITY
 Moderator: <i>Kelley O’Neill-Boswell</i>, Watson Spence, LLP, Albany
 <i>Hon. David L. Dickinson</i>, Judge, Superior Court of Forsyth County, Cumming
 <i>Hon. C. LaTain Kell, Sr.</i>, Judge, Superior Court of Cobb County, Marietta
 <i>Hon. Bensonetta Tipton Lane</i>, Judge, Superior Court of Fulton County, Atlanta
 <i>Hon. David R. Sweat</i>, Chief Superior Court Judge, Western Circuit, Athens</p> <p>10:55 ANNOUNCEMENTS</p> <p>11:05 INTERACTIVE SESSION: CHILD SUPPORT—“IN THE COURT’S DISCRETION...”
 Moderator: <i>Kathleen B. “Katie” Connell</i>, Boyd Collar Nolen & Tuggle, LLC, Atlanta
 <i>Hon. Gregory A. Adams</i>, Judge, Superior Court of DeKalb County, Decatur
 <i>Hon. Joseph H. Booth</i>, Judge, Superior Court, Piedmont Circuit, Jefferson
 <i>Hon. Amanda H. Mercier</i>, Judge, Superior Court, Appalachian Circuit, Blue Ridge
 <i>Hon. Tillman E. Self, III</i>, Judge, Superior Court of Bibb County, Macon</p> <p>11:50 BREAK</p> <p>12:00 ETHICAL & PROFESSIONAL DILEMMAS—WWPFD?
 Moderator: <i>Stephen C. Steele</i>, Moore Ingram Johnson & Steele, LLP, Marietta
 <i>Paula J. Frederick</i>, Office of General Counsel, State Bar of Georgia, Atlanta
 <i>Edward E. “Ned” Bates, Jr.</i>, Warner, Bates, McGough & McGinnis, Atlanta
 <i>Nancy F. Lawler</i>, Lawler Green Prinz & Gleklen, LLC, Atlanta</p> <p>1:00 RECESS</p> | <p>1:00 (OPTIONAL) DRAFTING TIPS FOR RECURRING TAX ISSUES
 (Attendees are encouraged to “bring their file” and/or related questions for discussion of the allocation of the dependency exemption, the use of the earned income credit in child support advocacy, apportionment of tax liability and indemnification, the child and dependent care tax credit, and other topics as time permits)
 <i>Regina M. Quick</i>, Regina M. Quick, P.C., Athens
 <i>Kevin G. Sweat</i>, Cook Noell Tolley & Bates, LLP, Athens</p> <p>1:15 FIRST ANNUAL ANDY PACHMAN MEMORIAL GOLF TOURNAMENT</p> <p>6:00–
6:30 YOUNG LAWYERS RECEPTION</p> <p>6:30–
7:30 SECTION RECEPTION WITH LIVE ENTERTAINMENT BY “SPECIFIC DEVIATIONS”</p> <p>7:30–
9:30 ENTERTAINMENT CONTINUES WITH CASH BAR</p> |
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SATURDAY
MAY 25, 2013

- 8:30 **POST-ELECTION FORECAST AND PRACTICAL TAX TIPS FOR THE FAMILY LAW PRACTITIONER**
Linda Schaeffer, CPA, Frazier & Deeter, Atlanta
- 9:00 **ISSUES UNIQUE TO LOW, MIDDLE AND HIGH INCOME/ASSET CASES**
Michelle Harris Jordan, Atlanta Legal Aid Society, Atlanta
Tera Reese-Beisbier, Reese-Beisbier & Associates, Cumming
Elizabeth Green Lindsey, Davis, Matthews & Quigley, P.C., Atlanta
- 9:30 **FERTILE GROUND: AREAS FOR CROSS AND DIRECT EXAMINATION OF CHILD CUSTODY EVALUATORS**
Nancy A. McGarragh, Ph.D.
Dawn R. Smith, Boyd, Collar, Nolen & Tuggle, LLC, Atlanta
- 10:00 **BREAK**
- 10:10 **(MORE) HOT TIPS**
Moderator: *Shiel G. Edlin, Stern & Edlin, P.C. Atlanta*
- Family Violence/TPO's—What You Need to Know**
Hannibal F. Heredia, Hedgepeth, Heredia, Crumrine & Morrison, LLC, Atlanta
- Work Product Doctrine—Tips for Protecting Your Experts**
Gary P. Graham, Stern & Edlin, P.C., Atlanta
- QDRO Band-Aid**
Matthew Lundy, The Matthew Lundy Law Group, Atlanta
- Testing the Limits of Enforceability of Prenuptial Agreements**
Theodore S. Eittreim, Mayoue Gray Eittreim, P.C., Atlanta

Personal Property: Preventing the Straw from Breaking the Camel's Back

James E. Holmes, Of Counsel, Shewmaker & Shewmaker, LLC, Atlanta

Court Reporter Fees: The Lawyer's Cross to Bear

John F. Lyndon, The Law Offices of John F. Lyndon, Athens

10:40 **ANNOUNCEMENTS**

10:50 **IMMIGRATION ISSUES IN FAMILY LAW CASES**

Teri A. Simmons, Arnall Golden Gregory, LLP, Atlanta

11:20 **REACTIVE DEVALUATION, ETC. WHY GOOD MEDIATIONS GO BAD**

W. Roy Finch, Finch Mediation & Arbitration Services, Athens

11:50 **BREAK**

12:00 **CASE LAW UPDATE**

Tyler J. Browning, Browning & Smith LLC, Marietta

Jonathan V. Dunn, Johnson, Kraeuter & Dunn, LLC, Savannah

1:00 **ADJOURN**

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