



# FAMILY LAWYER

Official publication of the  
Atlanta Bar Association's  
Family Law Section

October 2006  
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### Quote of the Month

"Everything is complicated; if that were not so, life and poetry and everything else would be a bore."

—Wallace Stevens

## JUSTICE CAROL HUNSTEIN ADDRESSES THE FAMILY LAW SECTION

By Jon W. Hedgepeth, Hedgepeth & Heredia, LLC

Justice Carol Hunstein, who is up for re-election in November, spoke to the Family Law section's monthly breakfast on September 14th. She was elected to the Superior Court of DeKalb County in 1984, which made her the first female Superior Court judge to sit on the DeKalb bench and one of the few female Superior Court judges of that time. In 1992, she was appointed to the Supreme Court of Georgia by Gov. Zell Miller, making her the second woman in history to serve

as a permanent member of that Court. During her years of practice and on the bench, Justice Hunstein saw clearly the impact of family law and its impact on our society and on future generations. She chaired the State Commission on Child Support, has served on the Chief Justice's Commission on Professionalism, and serves as the Supreme Court liaison to the Gender Equality Commission. In addition to her judicial

duties, Justice Hunstein is an adjunct professor at the Emory University School of Law.

Justice Hunstein began by talking about her practice of family law and how important she always thought that it was and the incredible impact it has on the average citizen of the State of Georgia. The Chief Justice just formed a new Supreme Court commission called "Marriage, Family and Children," to look at the increasing number of domes-

tic cases being filed in Georgia's court system and what, if anything, can be done to help families get through a system that is very difficult and sometimes disturbing and destructive, and to see what the court system can do to keep families together.

The Justice recounted a story of her trial law days that had a good outcome for herself and client. According to Justice Hunstein, the husband

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## MESSAGE FROM THE CHAIR

By Lauren G. Alexander

On September 30, 2006, the Atlanta Bar Family Law Section had the privilege of starting a Habitat House on the first day. Peachtree Presbyterian Church was the sponsor of the house, their 123rd one. I have worked on two houses for the section in the past, but being in on the ground floor, literally, was an amazing experience. We began in the warehouse, building the exterior and interior walls. While we were at the warehouse, members of church were at the site, preparing the foundation. Once we arrived at the site, we filled the walls with foam board and then actually raised them. It was a feat and incredible to participate in. To begin the day with no walls and end it with all exterior and interior walls up was a great way to spend a Saturday!

I especially want to thank Gary Graham for organizing our involvement which also included providing lunch for all of the volunteers. Special thanks go to the volunteers that came to help on Saturday: Steve Andrews, Jon Rotenberg and his wife Meg, Dawn de Klerk and her husband Cristian, Megan Miller, Stacy Sax, Lindsay Verity, Bobby Burnett, Gary Alembik, Kyla Lines, Caroline Pineres and my husband Tim

Mescon. Debra Gold, unable to build due to a recent illness, brought ice and water for all of the volunteers which was much appreciated.

On another note, while this organization is not a political one and does not take official positions on candidates or legislation, our practices and our clients are significantly impacted by the laws that are passed in this state. The legislature identifies topics to study early on and as evidenced by the new child support guidelines, they continue to be focused on domestic issues. I urge each of you to keep yourself informed of what the legislature is considering and to be aware of the various bills that will be introduced in the upcoming session. The impact that the new child support guidelines will have on our clients and our courts as well as our practices is something no one can foresee, but the fact that the law was changed is something we should have foreseen. The same momentum that moved the legislature to create an entirely new system for the determination of child support is building to completely change how child custody is viewed in this state. Before we find ourselves wondering how

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**HUNSTEIN, continued from page 1**

was planning on remarrying, and this was back when the court granted bifurcated cases where the divorce could be finalized and the assets and other issues addressed later. The parties had been divorced, and this was the trial portion of the case. The wife, whom Justice Hunstein represented, had an intimate interlude with the now former husband, who was now remarried, after the granting of the divorce. The Justice was worried about her client looking bad. Justice Hunstein asked, "You're Catholic, aren't you?" to which her client replied, "Yes." In voir dire, she asked the jury pool whether they would hold it against her client because of her beliefs. "She is Catholic, and there are certain beliefs they hold dear," she said. The prospective jurors of course said "no" and the trial began. The Husband immediately asked the wife during cross examination whether she had had sexual relations with the husband since he had been remarried. "Yes," She replied. "In eyes of God, he will be my only husband." That, the Justice said, is why she became a judge. She added, "I loved being in a courtroom. I loved the drama, the surprises and the fast pace."

The Justice took questions from the audience, one being whether the pilot program would continue. The Justice said to rest assured that it will continue, although, technically, it must be renewed from

year to year. Justice Hunstein said "I really think we have had recognition of how important it is for the Court to speak. The policy before was "did the trial judge get it right"? If the trial judge got it right, there is no error and we are not going to grant an application. I think that has changed, and I think it's really important for us to say, in our opinion, that the trial judge got it right and this is how it should be done." Again, a question was asked about the program's permanence, and Justice Hunstein said that, unless things substantially change on the court, the program will remain part of their policy.

Another question had to do with the unanimity of the Justices' support for the Pilot Project and the fact that now all Justices favor it. The Justice said "there was a great deal of concern and some misunderstanding about the importance of building a body of case law and not just letting the trial judge continue along a path where one thing would come out of one court and another from another court, and that was essentially why the Supreme Court was created in the first place." The Justice told of the history of the creation of the court: "There used to be Superior Court judges across the state in the 10 judicial districts in the 1850s. One would get different rulings in different judicial districts. So, very reluctantly, the Georgia legislature decided to create the Supreme Court to review those decisions across the state and bring uniformity. Those Justices, which started as a panel of three, used to travel the state, going to the various judicial districts to hold their hearings. There was only 300 miles of railroad at that time, so, via rail, horseback, and wagon, they would travel, deliver their remarks orally, and only later would a written opinion would be sent out. The feeling in the legislature was that the Supreme Court would only have to be in existence for probably ten years and then all the legal issues will have been resolved. Needless to say, we are still here".

**THE COLLABORATIVE LAW INSTITUTE OF GEORGIA**

Proudly congratulates the newest collaborative professionals:

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 Alison Arce, Attorney, Atlanta  
 Daniel Bloom, Attorney, Atlanta  
 Michael Buda, Attorney, Alpharetta  
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 Janis Cohen, Mental Health, Atlanta  
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 Judge Sheryl Jolly, Augusta  
 William Kenneth Pittman, Financial, Atlanta  
 Gwendolyn Smith, Mental Health, Augusta  
 John Andrew Tisdale, Attorney, Evans  
 Gregory Sapp, Attorney, Savannah  
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 Jack Strother, Attorney, Savannah  
 Jenni Swann, Attorney, Savannah  
 Martin Varon, Financial, Smyrna  
 Sue Varon, Attorney, Atlanta  
 Tory Vornholt, Attorney, Marietta  
 Ron Washburn, Financial, Savannah  
 Kemberly Younts, Mental Health, Augusta

**The Following Attorneys have taken on Pro Bono Cases:****June - August**

GAL  
 Jessie Altman  
 Maria Baratta  
 Nora Kalb Bushfield  
 Richard Campbell  
 Frank and Susie Derrickson  
 Janis Dickman  
 Paula Frederick  
 Geoffrey Gavin  
 Rebecca Gupta  
 Monica Hanrahan  
 Mary Hebert  
 Laurel Henderson  
 Reed Horsley  
 Kimberly Haynes  
 Andrea Jones  
 Victoria Kealy  
 Tywanda Harris Lord  
 Jessica McKinney  
 Jenny Mittelman  
 Cynthia Parks  
 Nicole Richardson  
 Erinn Kelly Robinson  
 Frank Slover  
 Stephen Worrall

**September**

GAL  
 Bob Barnaby  
 Joanna Deering  
 Carol Geiger  
 Ryan Harden  
 Tywanda Harris Lord  
 Rebecca Hoelting  
 Ashley Hurst  
 Pia Koslow  
 Deborah Lubin  
 R. Sean McEvoy  
 Jessica McKinney  
 Cynthia Parks  
 Michelle Rapoport  
 Carmen Roja Rafter

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Paula Arzu  
 Elyse Aussenberg  
 Elizabeth Campbell  
 Richard Campbell  
 Deborah Ebel  
 Marvin Solomiany  
 Tamara Woodard

**Please contact Dawn Smith at AVLf if you can help next month**

**WHAT'S COMING UP...****October 12, 2006**

Family Law Breakfast with Melissa McMorries on Life Insurance Trust Issues, 1 CLE Hour will be available

**October 27, 2006**

Park Pride - We will plant flowerbeds in Grove Park on Donald Lee Hollowell(formerly Bankhead Hwy)

**November 9, 2006**

Family Law Luncheon honoring the Fulton County Superior Court Judges with Justice Robert Benham as our speaker

**December 2, 2006**

Planting Trees with Tree Atlanta

**December 14, 2006**

Family Law Breakfast, Judge Mark Anthony Scott, Superior Court of Dekalb County

**December 14, 2006**

Annual Holiday Party

**January 11, 2007**

Family Law Breakfast with Paula Frederick, General Counsel of the State Bar of Georgia, 1 Professionalism hour available

**COLLABORATIVE PRACTICE TRAINING****Advanced Interdisciplinary Collaborative Practice Training**

December 1, 2006

Cost: \$175.00

**Basic Interdisciplinary Collaborative Practice Training**

February 2-3, 2007 or September 28-29, 2007

Cost \$650.00

**Location:** Atlanta, GA

**Contact:** Betsy Geisler @ 770-441-2323 orbng@bngiesler.com

**PRO BONO OPPORTUNITIES**

Volunteers are needed for 30 minute consults with a pro se client, should Atlanta Legal Aid conflict out. With the upcoming child support changes, there may be many more conflicts.

**When:** Anytime you have 30 minutes to give for a consult

**Time:** 30 minutes

**Where:** At your office or the Family Law Information Center

**Who to contact:** Please email Michelle Jordan at MHJordan@AtlantaLegalAid.org to volunteer.

**MESSAGE, continued from page 1**

the laws changed so completely and without input from experienced family practitioners, take it upon yourselves to learn what laws are coming down the pike and take a few minutes to let your legislators hear from you, whether you support a bill or oppose it. The point here is that we can influence legislation and with a membership in excess of 200, the legislators should know that we are a family bar not only in name but in action as well.

**CONGRATULATIONS TO OUR RISING STARS ON THE BOARD**

Kurt Kegel

David Marple

Marvin Solomiany

**The Complete Guide to Divorce Practice with Larry Rice****What you need to know:**

**Date:** Wednesday, November 1, 2006

**Time:** 9:00 a.m. – 4:30 p.m.

**Location:** State Bar of Georgia Conference Center  
104 Marietta Street

**CLE credit:** 6 CLE hours • 3 Trial Practice • 1 Professionalism

**Cost:** Atlanta Bar Family Law Members, \$189; Atlanta Bar Members, \$199; Non Members, \$219; Law Students, \$25; Add \$20 for on-site registration

**Registration includes a copy of Larry Rice's Book, "The Complete Guide to Divorce Practice"!**

**Don't Miss the Judges' Panel Discussion Featuring:  
Hon. J. Stephen Schuster, Hon. Mark A. Scott and  
Hon. Melvin K. Westmoreland**

**To register,** please complete the form below and return it to the Atlanta Bar Association, or register by phone or email (404-832-6203; mljohn@atlantabar.org)

**REGISTRATION: Complete Guide to Divorce, 11-1-06**

Full name \_\_\_\_\_

First name for name tag \_\_\_\_\_ GA Bar # \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_

City, State, ZIP+4 \_\_\_\_\_

E-mail \_\_\_\_\_

**Payment options**

Check enclosed (payable to the Atlanta Bar Association)

Charge my:  Visa  MasterCard  American Express

Account # \_\_\_\_\_ Exp. \_\_\_\_/\_\_\_\_

Signature \_\_\_\_\_

**Check one:**

Atlanta Bar Family Law Member: \$189

Atlanta Bar Member: \$199

Non Member: \$219

Law Student: \$25

**Mail to:** Atlanta Bar Association, 229 Peachtree St. NE #400, Atlanta GA 30303.

**Fax to** 404-522-0269. **Register online** at [www.atlantabar.org](http://www.atlantabar.org). **Questions?**

Call 404-832-6203 or e-mail [mljohn@atlantabar.org](mailto:mljohn@atlantabar.org).

Atlanta Bar Association  
The Family Lawyer 752-06-004  
400 International Tower  
229 Peachtree Street NE  
Atlanta, GA 30303-1601

**Family Law Section Breakfast**

**Speaker: Melissa McMorries  
on Life Insurance Trust Issues  
1 Hour of CLE Available  
Thursday, October 12, 2006 at 7:30am  
The Buckhead Club, 3343 Peachtree Road  
\$15 pre-registered; \$18 at door**

Name \_\_\_\_\_

Yes, I would like \_\_\_\_\_ reservation(s)  
at \$15 each (\$18 at door).

Add \$5 for 1 CLE Hour

Check Enclosed

Please charge AMEX/VISA/MC

# \_\_\_\_\_

Exp. \_\_\_\_\_

Return this form to Atlanta Bar Association:  
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