

## LAW DAY 2007

Law Day 2007 approaches! Law Day is the opportunity for members of the bar to highlight the positive contributions of the legal profession to the Gwinnett County community. National Law Day is May 1, 2007. Among the Law Day activities you can get involved in are the following:

**Law Day Banquet, May 18, 2007:** Hilton Atlanta Northeast, 5993 Peachtree Industrial Blvd., Norcross, Georgia, 6:00 p.m. cocktail party, 7:15 p.m. banquet. Share an evening with members of the local bench and bar as we present the Liberty Bell award, Law Enforcement award, Pro Bono award, and other awards for exemplary service. Tickets are \$35.00, and sponsorships are welcome. Invitations will arrive soon.

**Judges Reception, May 2, 2007:** 11:45-1:00, GJAC Auditorium Breezeway. Enjoy a wonderful lunch prepared by Kathy Schrader's aunt again and show your appreciation to our local Judges, judicial staff, and court personnel.

**Community Service Project:** Rain or shine, Bar members are invited to paint the interior of the Adolescent Wing at the Gwinnett Children's Shelter in Buford on Saturday morning, May 5, 2007 from 9:00 a.m. to 12:00 noon. Please bring paint brushes/rollers, paint trays, and tarps; paint will be provided. A lunch with a brief presentation about the good work of the Gwinnett Children's Shelter will follow. Directions to follow by email and at the April bar luncheon.

**Educational campaign:** Law Day Education Subcommittee Chair Tuwanda Rush Williams prepared an educational packet which was distributed to Gwinnett County schools for students to compete for awards relating to the Law Day 2007 theme, *Liberty Under Law: Empowering Youth, Ensuring Democracy*. Awards will be announced and presented at the May GCBA Bar Luncheon. T-shirts will be available soon based upon the winning design by local middle school students. Also, Trey Phillips is organizing a GJAC tour and speakers bureau for local students. Contact Trey at (678) 985-9400 to join the educational speakers bureau.

**Resolutions and Public Relations:** Once again, we will propose a resolution for Gwinnett County to commend the Bar's efforts relating to Law Day, and pursue local media coverage of our Law Day activities. This year, we will also pursue the passage of Law Day resolutions by the cities located in Gwinnett County. To assist in the effort of obtaining resolutions and media coverage, please contact Torin Togut at ttogut@uga.edu.

Thank you for your involvement in Law Day 2007!

Matt Reeves  
Andersen, Tate & Carr, P.C.  
2007 Law Day Chair / (770) 822-0900

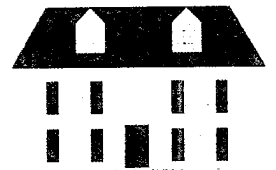


## Give an Inch, Lose the Whole Yard!

By: Austin Buerlein, 2L  
John Marshall School of Law

Recently, many parties have learned the "hard way" of the law governing the character of property as set forth in *Lerch v. Lerch*, 278 Ga. 885 (2005). The Supreme Court of Georgia held that when one party gives part of his or her separate property to the marital couple, that entire property may become marital property subject to equitable division upon divorce, absent evidence of a contrary intent by the donor. *Id.* In *Lerch*, the Husband owned a home as separate property that he brought it into the marriage.

During the course of their marriage, the Husband deeded the home to both his wife and himself to be held as tenants in common with right of survivorship. The Court explained, "In so doing, Husband manifested an intent to transform his own separate property into marital property." Regardless of his subjective intentions behind his gratuitous conduct, the result was not only that both Husband and Wife now each owned an undivided one-half interest in the property, but the entire home was now labeled as marital property.



Accordingly, the trial court's decision to treat only one-half of the home as marital property must be reversed." *Id.* Furthermore, the court shot down Husbands claim in the alternative that the parties had a prenuptial agreement where the wife promised not to make any claims against Husband's property in the event of a divorce.

The Court explained, "even if that agreement might have precluded Wife's claim before Husband executed the gift deed, however, it certainly did not preclude such a claim afterwards. Once Husband deeded the property to the marital couple, the property ceased to qualify as his separate property." *Id.*

This case demonstrates that the act of giving a piece of separate property to the marital partnership -- even though in doing so essentially only "gave" the wife just one-half interest therein -- changes the status of that property and makes the entire property subject to equitable division upon divorce.

Although the law does say that the giving party may avoid this classification change if he or she demonstrates evidence of a contrary intent of giving such property to the marital couple, this case suggests that by adding other parties name to the deed, giving them one-half interest, demonstrates such intent as a matter of law.