

“Effective Advocacy When Time is Short”

Presented by:

Randall M. Kessler, Esq.

Atlanta, Georgia

www.kssfamilylaw.com



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Kessler, Schwarz & Solomiany, P.C. provides legal representation in all areas of family law, such as divorce, child custody, child support, modification, paternity/legitimation, contempt and pre/post nuptial agreements. We look forward to answering your legal questions and to the possibility of representing you.



What do These Movies Have in Common?

- Saving Private Ryan
- Star Wars
- Back to the Future
- The Matrix
- Jaws
- King Kong



They each created a strong image to express a Theme

(which we all remember and recognize)

- Saving Private Ryan – The horror of battle.
- Star Wars – Good vs. Evil.
(Darth Vader vs. Luke Skywalker)
- Back to the Future – The Magic of Time Travel.
- The Matrix – Technology is Taking Over.
- Jaws – Man vs. Animal (& introduced the term “Maneater”).
- King Kong – Beauty and the Beast



So be sure you have a theme so the
Judge will remember YOUR facts

A few examples:

“Do the right thing” (if your client always does).

“What goes around comes around”.

“Death of a thousand cuts”.

“*Mea Culpa*” or “He asks forgiveness”.

“Enough is enough”.

“Everybody’s out of step except Gomer”.



Rule of Five

- Almost all cases can be summarized by 5 key facts.
- If limited on time, stick to these 5 main facts.
- Hammer these 5 facts home.
- Put them on PowerPoint, overhead or piece of paper.
- No offense to my fellow presenters, but some judges have short attention spans.



Example

- *Parties married 22 years – 3 children, all grown.
- *Husband earns \$23,000.00 per month; wife unemployed.
- *Estate is \$1.1 million (\$600K cash & \$500K in house).
- *Wife seeks house, ½ cash, \$8,000.00/month.
- *Leaves husband with \$300K in cash & \$15,000.00/month.



2nd example

1. 34-year marriage.
2. Children grown.
3. Wife has terminal cancer (life expectancy 6 yrs).
4. Husband takes home \$18K/month net.
5. Wife seeks half of the \$18K/month.
(will probably only be for 6 years due to illness)



And remember my suggestions about “Themes”?

- What was the theme of the case on the previous slide?
- **Cancer.**
- **Terminal Cancer.**



Using Timelines

- An excellent way to open.
 - Allows you to organize, present, and provide an overview of the case to the court.
- Put it on a PowerPoint or overhead if possible.
- Hand a printout of the timeline to judge.
- If objected to, you can say “Judge, this is going to be my opening, I’m just putting it up so you can follow along”.



Sample Timeline From a Complicated Case

- 1971 Parties divorce
- 1971 -1986 Ex-Husband timely pays alimony (15 years).
- 1986 Ex-Wife tells him to stop paying alimony.
- 1986 Ex-Husband stops paying alimony.
- 1986 - 2004 No communication (18 years).
- 2004 She asks for alimony to resume.
- 2004 He pays for a few months.
- 2005 He is in wreck at age 79, stops paying.
- 2007: She files Contempt case,
Wants alimony from 1986.

We just covered 36 years in 25 seconds.



One Liners Can Win A Case

- “Sir, you promised never to hit your wife again, right?”
- “Yes”
- “And two weeks later, what did you do?”
- “I hit her again”
- The one liner is: “I hit her again”
- That quote will remain in the judge’s mind.



In GA, must have a change of circumstances to modify custody.

Look at this “One liner”

(Mother moved to another county and Father sued in the new county to get custody):

Q (By Mr. Kessler) And are your concerns, has she gotten a little bit better, a little bit worse, or about the same? [what was the “change”]

A No, sir. In Cherokee County there would be no chance of me getting custody. It's the Fulton County Family Court that would make a difference. In Cherokee County I'd have to prove that she's shooting a line in herself right in front of him to get custody basically.



Or how about this “One Liner”?

“I was only arrested because
you called the police.”

Centennial Tower . 101 Marietta Street . Suite 3500 . Atlanta, Georgia 30303 T. 404.688.8810 F. 404.681.2205 mail@kssfamilylaw.com



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Recap - When time is short:

- Develop image,
- Make 5 points,
- Use timelines and,
- Create a “Theme”



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Any final questions?

- Other suggestions on how to shorten a case?
- Or how to get the judge's attention quickly?
- How many of you bring proposed Orders?
 - Consider it.
 - Makes it easier for the judge to conclude case.
 - Makes you look prepared.
 - Makes your client pleased.
 - How will you feel if other side has one, and you don't?



“PDF” versions of this power point presentation and others is available at:

www.kssfamilylaw/resources/presentations

Remember, enjoy what you do.

Life’s too short.

And thank you for your hospitality.

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