

# AFCC NEWSLETTER



VOLUME 22, NUMBER 4

Association of Family and Conciliation Courts

FALL 2003

## AFCC Revisits Best Interests and San Antonio

Mark your calendar for May 12-15, 2004 as AFCC returns to San Antonio, Texas for its 41st Annual Conference. The conference hotel is the Adam's Mark on the Riverwalk and the conference theme is *Best Interests Revisited: Challenging Our Assumptions*.

Featured conference presenters will include:

- Dr. Sherri Z. Heller, Commissioner of the Federal Office of Child Support Enforcement
- Hon. Charlie Gonzalez, former family court judge and presently serving Texas in the United States House of Representatives
- Dean Katharine T. Bartlett, J.D., Duke Law School
- Richard Warshak, Ph.D., researcher and author of *Divorce Poison*
- Nina Meierding, M.S., J.D., former President of the Academy of Family Mediators
- Christine Coates, J.D., M.Ed., co-author, *Learning from Divorce*

Highlighting this year's conference will be a series of workshops on the latest research in the field. Special programs on parenting coordination and domestic violence are also being planned. The conference will get underway Wednesday, May 12, 2004 with pre-conference institutes:

**Attachment in Divorcing Families: Problems and Solutions**, presented by Leslie M. Drozd, Ph.D., Newport Beach, CA and Nancy Williams Olesen, Ph.D., San Rafael, CA.

**Communication in Mediation: Face-to-Face to On-Line** with Nina Meierding M.S., J.D., Mediation Center for Family Law, Ventura, CA and James C. Melamed, J.D., The Mediation Center, Eugene, OR.

**Parenting Coordinators and High Conflict Families**, featuring Christine A. Coates, J.D., M.Ed., Co-author, *Learning From Divorce*, Boulder, CO; Robin M. Deutsch, Ph.D., Co-director, Children and the Law Program, Harvard Medical School and Massachusetts General Hospital, Boston,

MA; and Matthew J. Sullivan, Ph.D., Palo Alto, CA.

**International Institute: Best Interests Beyond our Borders**, with Janet Walker, Ph.D., University of Newcastle Upon Tyne, England; Knut Ronbeck, psychologist from Norway; and other international AFCC members.

**Trial Practice for the Expert and the Lawyer: How to be Effective in the Courtroom**, presented by Mary M. Ferriter, J.D., M.P.A., Packerham, Schmidt & Federico, Boston, MA; Jonathan Gould, Ph.D., Author, *Clinicians in Court*, Charlotte, NC; R. John Harper, LL.B., Harper Jaskot, Hamilton, ON; Hon. Arline Rotman (ret.), Norwich, VT; and Shelley Probbler, Ph.D., San Antonio, TX.

**Making Divorce Work: The Coming (R)evolution in Divorce Law**, featuring Karen L. Broussard, M.S.W., L.C.S.W., Facilitator, Focus on Children, Orlando, FL; Sheldon Finman, J.D., Past President, AFCC Florida Chapter, Fort Myers, FL; Michelle M. Glover, M.S., Director, Court Care Center, Orlando, FL; and Hon. James C. Hauser, Circuit Court Judge, Orlando, FL.

**The Best Interests of Children: What Every Judge Needs to Know**, with Hon. Linda M. Dessau, Family Court of Australia, Melbourne, Australia and Mindy F. Mitnick, Ed.M., M.A., Licensed Psychologist, Minneapolis, MN.

AFCC will offer more than 50 sessions on the latest research, practice and policy developments in the field including the Approximation Rule, same-sex relationships, stepfamilies, domestic violence, mediation techniques, ethics and custody evaluations and much more.

The Adam's Mark hotel is located directly on the Paseo del Rio, most commonly referred to as the Riverwalk. The Riverwalk runs below street level through downtown San Antonio. The AFCC room rate is a low \$149, single or double room. Restaurants, shopping, sports and entertainment venues are within a leisurely stroll of the hotel or accessible via a bus, trolley or river taxi.

The Early Bird conference registration is available to AFCC members only through February 20, 2004. Early hotel reservations are encouraged to ensure a room at the Adam's Mark Hotel on the Riverwalk. Contact Adam's Mark central reservations at (800) 444-ADAM (2326) or call the hotel direct at (210) 354-2800 to make your hotel reservations at the special AFCC rate.

For additional information, keep an eye on the AFCC website at [www.afccnet.org](http://www.afccnet.org).

## AFCC Sets its Sights on Nashville for Custody Symposium



Mark your calendar for October 14-16, 2004 for the Sixth Annual Symposium on Child Custody Evaluations at the Sheraton Downtown in Nashville, Tennessee. In addition to a first-class conference program, participants will enjoy time in the music capital of the world, with dozens of country, jazz and blues clubs located within just a few blocks of the Sheraton.

AFCC has negotiated an outstanding hotel rate of only \$118 per night, single or double, and Nashville is an easily accessible and affordable destination.

Keep an eye on the AFCC website at [www.afccnet.org](http://www.afccnet.org) for additional information.



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The AFCC Newsletter is a publication of the Association of Family and Conciliation Courts. The newsletter is published four times a year. Deadlines for news items and advertising are March 1, June 1, September 1, and December 1. Advertising copy must be camera ready and payment made in U.S. funds.

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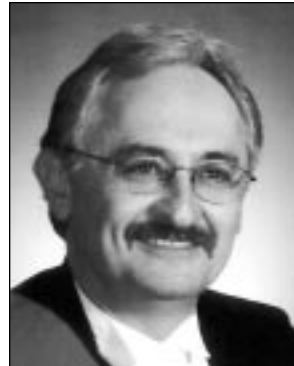
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## PRESIDENT'S MESSAGE

### Communicating and Keeping in Touch in the Modern Age



Hon. George Czutrin  
Hamilton, Ontario, Canada

When we ask AFCC members what most appeals to them about our association, a large number invariably respond that it is the ability to share information, create professional networks and communicate with colleagues from a variety of disciplines and in other parts of the world. I could not agree with this sentiment more and, as President, I encourage the AFCC Board of Directors, Committee Chairs and staff to stay in communication with one another and I do my best to keep them informed and solicit regular feedback on association business.

Ongoing communication can be a bit trickier than it seems for several reasons. First, AFCC members are located in different time zones throughout the world. When I arrive at work in the morning it is late in the day for Dr. Janet Walker, AFCC Board member in the U.K. When I am leaving my office in the evening, Justice Linda Dessau is just arriving at her office in Melbourne, Australia.

A second barrier to effective communication is that we all work demanding jobs and are often on the bench, meeting with clients, involved in staff meetings or otherwise involved in activities that leave us unavailable for communication.

Third, our options for communicating with one another have multiplied, seemingly exponentially, in the last decade. For some reason that can make communication more difficult. In the old days, I would make a telephone call and patiently await a response. Now I send an email, but if I don't hear back I might just check in by phone to be certain that my intended recipient's email is functioning. If that doesn't work, I could always try faxing, or use the instant messaging.

I want to be accessible. I have a home and office computer that are on at all times. I have several e-mail addresses, instant messaging with voice capabilities, a web cam and voice mail on my office, home and cell phones. I also carry a hand held computer, enabling me to download email or word processing documents when I am trav-

eling between my office and home computers and telephones (if I am not participating in a conference call using my cell phone.) I am thoroughly prepared to communicate at a convenient time and in a timely fashion.

Yet, I am reminded periodically that this method of communication also has its annoyances and limitations. I recently sent an email to 31 members of our Board of Directors, Committee Chairs and the AFCC staff. I asked them a series of questions about the frequency of email usage and the extent to which it is helpful. The responses I received were most informative and served to remind me of the many issues created by email.

Clearly, we have different styles, habits and expectations. I sent my original email on September 12, 2003 at 9:14am eastern time to various cities in the United States, Canada, Australia and England. I have thus far received 21 responses. I anxiously await the remaining 10. The first response was returned in eight minutes from a former AFCC President who, like me, answers email almost immediately. The twenty-first reply arrived 13 days later from someone who apparently has slightly less of a sense of urgency about these matters.

In addition to differences in timeliness there are other issues. I am generally very busy and must confess that in my efforts to be diligent and answer all of my email I have been guilty of many email *faux pas*. I have been informed that I send too many emails. I have also been told that I often hit "reply to all" when a simple "reply" would have sufficed. Apparently the entire AFCC Board of Directors does not need to be copied when I email our administrative office to request that they send me some conference brochures.

At other times I have hit "reply" instead of "reply to all" and incurred the wrath of others for leaving them out of the loop, although I am still not certain how they found out they didn't receive my response.

I frequently use an old email to initiate a new exchange and forget to change the subject line. I might send an email labeled "AFCC 40th Annual Conference" on a completely different matter after the conference is over. For some reason this confuses the recipient.

My own pet peeve is from colleagues on aol, which does not automatically include the original message in a reply. Thus, I sometimes receive a response such as "I agree" several days after the original message was sent by which time I have long since forgotten the original question. Agree to what? At least they agree.

I have tried my best to correct my own email misconduct however my survey of our Board and Committee Chairs does not

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# INTERNATIONAL SPOTLIGHT

## Ending One Thousand Years of History: Major Changes in English Family Law

by Professor Janet A. Walker  
Newcastle Upon Tyne, England

Legal scholars around the world may often have been puzzled by the quaint English office of Lord Chancellor. There have been many famous holders of that office—the Lords Selbourne, Birkenhead, Gardiner, Hailsham and Mackay to name but a few—who have had a significant influence on developments in our legal system over the centuries. The British Government, however, has announced its intention to abolish the role of Lord Chancellor. Such was its confidence that this ancient office could be removed at a stroke, thus taking from the Cabinet the one member whose role it is to uphold the rule of law, that the Lord Chancellor's Department was suddenly renamed in June 2003 as the Department for Constitutional Affairs and the Lord Chancellor, Lord Irvine of Lairg, resigned since he no longer had a job. Everyone was taken by surprise, but the Prime Minister quickly found that it is not quite so simple to abolish the office of Lord Chancellor. Indeed, it takes an Act of Parliament. The rather unseemly haste meant that the new Minister for Constitutional Affairs, Lord Falconer of Thoroton, has also to be the Lord Chancellor for the time being, although he has rejected the full-bottom wig, the 18th century ceremonial breeches and buckled shoes, and the palatial accommodation in the House of Lords.

This historic change does not merely indicate a change in nomenclature, but has far-reaching implications for family law. The simultaneous appointment of a Minister for Children—the first office of its kind in England—located in the Department for Education and Skills, has heralded a critical shift in Ministerial responsibilities. Although the new Department for Constitutional Affairs is retaining responsibility for divorce legislation, all responsibility for family law and family policy, including legislation relating to residence and visitation, has been transferred to the Department for Education and Skills under the new Minister for Children. While it is a positive move for all policy relating to children to be dealt with by one Government department, it seems extraordinary that policy relating to the legal process of divorce has been retained in a completely

separate Department. Even more peculiar is the decision to transfer policy relating to marriage support and the Children and Family Court Advisory and Support Service (CAFCASS) to the Minister for Children, yet leave mediation policy under the remit of the Department for Constitutional Affairs.

Not surprisingly, a number of us have serious concerns that the Government has taken critical decisions without thinking through some of the consequences. Professor Stephen Cretney, an eminent legal scholar, has questioned whether the Department for Education and Skills has the appropriate qualifications to deal with family policy and family law. At a time when judges, lawyers, mediators and counsellors in England and Wales have been campaigning for the establishment of a Family Justice Council, which would promote interdisciplinary co-operation and better co-ordination in family law, it is worrying that policy responsibilities have been allocated to two strikingly different Government departments. What hope can there be that new policy initiatives will take into account the complexities associated with marital breakdown and family dissolution?

And there is more! Such is the close relationship between the UK and the USA, it seems, that Tony Blair has proposed the establishment of a 'Supreme Court', along US lines, whose judges would not sit in the House of Lords, thus losing the important contributions currently made by the Law Lords to debates in our Upper House. We are promised that there will be extensive consultation before all the proposals are implemented, but it is quite clear that the English legal system is being substantially overhauled. No one should underestimate the significance of this process of 'modernisation'.

There is at least one positive outcome, however, as I and others will no longer have to explain what the Lord Chancellor is or does when talking to colleagues in other jurisdictions. We might well be asked, however, why we do not have a Ministry of Justice. The establishment of a Ministry of Justice was long considered to be a reasonable replacement for the Lord Chancellor's Department, but this is not to be. However, we may not have heard the end of the story yet, so watch this space ...



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## AFCC COMMITTEE CHAIR PROFILE

### Kelly Browe Olson, Professional Development and Technical Assistance Committee Co-chair



Kelly Browe Olson, J.D., LL.M.

**K**elly Browe Olson is Director of Clinical Programs and an assistant professor at the University of Arkansas at Little Rock. She also co-chairs the Professional Development and Training Committee with Eileen Pruett and likes this committee because it focuses on the future of AFCC. Developing talented professionals is an area she already knows about, and helping AFCC members to develop their skills and their practice is important for their future and the future of AFCC.

Kelly's committee works with the talented staff at AFCC on programs and trainings. She and the committee members hope to expand the influence of the committee and work to create successful, interesting programs and trainings.

**Childhood:** I was born in St. Paul Minnesota and grew up in the Chicago Suburbs. I am the oldest of four children. My two sisters and I are close in age and this often required me to use mediation techniques. It would be said, especially by my brother, that my technique was directive.

I went to my first Cubs game at age three and have been a sports fan ever since. I cheer for Marquette basketball, Michigan football and the Cubs. I played competitive soccer and tennis through high school, but I what I enjoyed most was coaching younger kids in soccer.

**Education:** I graduated from Stevenson High School in Lincolnshire, Illinois. I went to Marquette University for undergraduate studies and the University of Michigan for law school. I started graduate school when my son Barrett was 5 weeks old. I was a graduate assistant and a teaching assistant and Instructor at Loyola University Law School in Chicago. I took two years to finish my LL.M. degree, but stayed at Loyola for 6 years. While I was there I learned an incredible amount about children, the laws that affect them and how to teach. In 2001, I moved to Little Rock, Arkansas to be a Visiting Assistant Professor and the Mediation Clinic Director.

**Favorite teacher who greatly influenced me:** Diane Geraghty, a professor at Loyola. She was a teacher, a mentor and an authority figure. She taught me about generosity, about balancing family and work, and how to work with students, professionals and community members. More than any other teacher in my 21 years of school, she made me the professor I am today.

**Family:** My son, Barrett, and our dog, Sydney. I share Barrett with his dad and stepmother and his little brother Evan, who live outside of Chicago. Having a long-distance shared parenting arrangement that works (most of the time), allows me to have some added insight into what families in similar situations are going through.

**What led to my present career:** I have worked since I was 15 at a variety of jobs. Lifeguard, swim coach, and clerk and assistant manager at a bookstore were all early jobs. I clerked at law firms during my summers of law school. After graduation, my father and I established a small telecommunications company. I worked there as the President and General Counsel. After three years, I decided that I wanted to work with families and children, not documents. At that time Loyola University Chicago School of Law was establishing their LL.M. program in ChildLaw. While I was attending Loyola, they asked me to supervise some clinical students and I started teaching. I've never been sure whether they asked me to teach because of my personality, my stellar grades and underused teaching abilities or the fact that I was a warm body with a J.D. They needed an Illinois lawyer to supervise the students, so it was probably the latter.

I really enjoyed clinical teaching, where there are real people and real problems. After teaching in the clinic, Diane Geraghty and Stacey Platt convinced me to work on a mediation project. I was trained at the Center for Conflict Resolution (CCR) and soon began mediating and training. I combined my interests and started teaching a clinical mediation course at Loyola where the students were trained at CCR and would help me to facilitate cases for the Department of Children and Family Services. I also worked as a consultant to the Department of Children and Family Services, on a mediation and family group conferencing project.

Today, I am the Director of Clinical Programs and an assistant professor at the University of Arkansas at Little Rock. I love my job. I started as the Mediation Clinic Director. This past spring, after a national search, I was selected as the main director. I am responsible for all the clinical programs, including litigation, tobacco, tax and mediation. I love the interaction with students and

clients and developing programs for the community. Currently we are developing partnerships with the Arkansas Department of Health, the Arkansas Department of Education and with the Administrative Office of the Courts for a Tobacco Project, a Special Education Mediation Project and a state-wide dependency neglect mediation program.

**Proudest Personal Achievement:** Passing the Arkansas Bar Exam this summer. Taking the Illinois bar exam and passing it, right after law school was hard. Taking the Arkansas Bar, after spending the summer attending the AFCC conference in Ottawa, starting a new job, writing an article for the *Family Court Review* and raising an eight year old, was really hard. Having my son say, "You did all that for this piece of paper" at the swearing in ceremony, put it in perspective.

**Favorite Book:** To Kill a Mockingbird. This book is a great look at justice, or the lack thereof, human nature and how attitude and perseverance always matter. I liked it before I moved to Little Rock, and now that I am here, it resonates even louder. I often recommend that my law students read it again during law school.

**Career other than my own that I would like to do:** I would love to be a paperback writer. I think it would be great to be able to write the great American novel. But I haven't gotten beyond the dedication page, so I am glad that I love the work that I do.

**Career I would least like to have:** I admire elementary school teachers tremendously, but could not ever teach kindergarten through third grade. One of my best friends teaches first grade and every time I visit her classroom, I'm exhausted after 20 minutes. We should value teachers more and pay them more, and anyone who doubts that should have to spend a day teaching 20-25 first graders.

**Favorite AFCC memory:** Helping out with the Chicago conference in 2001. The part of the conference that is dedicated to youth is always important to me. In Chicago, we had great speakers and were able to have a good discussion with some Chicago high school students who didn't know anything about mediation before the conference. It was great to see the leaders of AFCC, like the President, interacting with these young people at the conference.

**Best thing about AFCC:** See Favorite AFCC memory. The friendships I have made and the knowledge I have gained from other AFCC members has been wonderful.

# Unbundling 2004



by Forrest S. Mosten, J.D.  
Los Angeles, CA

In the past decade, unbundling has emerged from an academic concept to become an integral part of law practice worldwide. In 1996, unbundling was hailed by the American Bar Association in its Comprehensive Needs Survey as one of the most important legal access initiatives of the 21st Century.

This brief article is intended to touch on some of unbundling's current developments that will hopefully encourage further study and training in this exciting method of meeting the needs of the judiciary, legal practitioners and, most importantly, the underserved public.

In October 2000, over 200 legal access pioneers met in Baltimore at the first national Unbundling Conference. In addition to keynote addresses by the President of the American Bar Association and this author, there were two days of workshops and 26 Recommendations covering the following topics: Systems Recommendations; Court-Related Recommendations; Organized Private Bar-Related Recommendations; and Legislative Recommendations (see [www.unbundledlaw.org](http://www.unbundledlaw.org)). Following the conference, the *Family Court Review* (January 2002) published a special issue on unbundling.

The nominees for the ABA Louis M Brown Legal Access Award, given each year since 1995 at the ABA's prestigious awards luncheon, provide a who's who of successful unbundling efforts currently in operation throughout the United States (see <http://www.abanet.org/legalservices/delivery/brown.html>). In virtually every community, courts, organizations, and private lawyers are delivering affordable accessible services. Some representative programs include the following award winners:

- 2003: The Self-Represented Litigant Task Force of the State of Maine
- 2002: Civil Justice, Inc.
- 2001: Legal Grind, Inc.
- 2000: The Houston Bar Association Modest Means Program
- 1999: The Senior Citizen Judicare Project
- 1998: AARP Legal Hotlines Project

1997: Superior Court of Arizona in Maricopa County Self-Service Center

1996: Orange County Bar Association Modest Means Program

1995: Tele-Lawyer, Inc.

The ABA and various State Bar Associations have played a leading role in the growth and acceptance of unbundling. In addition to its annual Legal Access Award, The ABA's Standing Committee on Delivery of Legal Services studies the effectiveness of unbundling efforts, works with other ABA Sections and Committees to address anti-unbundling statutes and ethical rules, and sponsors educational programs for lawyers throughout the country. The committee is composed of lawyers from various fields, with differing views about unbundling, and has a diverse membership of scholars, unbundling practitioners, and ABA leaders (see <http://www.abanet.org/legalservices/delivery/delmodesthelp.html>).

State Bar Associations have published meaningful studies on unbundling and have promulgated progressive rules to encourage the use of unbundling and to make it safe for practitioners while protecting the public. Maine, Colorado, Florida, and California are credited with the most innovative approaches.

**Maine:** As indicated by the ABA, by selecting this state's work as its 2003 Legal Access Award Winner, the Self-Represented Task Force has taken a "policy and programs" approach to institutionalize the delivery of responsible unbundled legal services in the state. Within little more than two years, and without a budget, the Task Force:

- Drafted and successfully advanced amendments to Maine's ethics rules, enabling limited representation, including a model limited representation agreement;
- Drafted and successfully advanced amendments to Maine's rules of civil procedure, enabled limited representation in the courts;
- Developed and presented continuing legal education seminars and state bar programs about unbundled legal services;
- Worked with lawyer referral projects to incorporate unbundled panels to serve those who can benefit from this type of legal services; and
- Initiated a statewide roster of lawyers willing to provide unbundled services, which will be available at courthouses, through lawyer referral services and through Maine's Volunteer Lawyers Project.

**Colorado:** Through its amendments to the Code of Professional Responsibility issued by its Supreme Court in 1999, Colorado broke ground by affirming the right of

lawyers to limit the scope of their representation. It requires lawyers to advise clients of the risks and benefits of unbundling and protects lawyers from malpractice exposure by permitting them to rely on the client's representation of the facts utilized in limiting the scope of representation. The Supreme Court also affirmed that a lawyer is liable for any negligent advice within the scope of representation. Colorado's unbundling scheme also requires lawyers who ghost-write court pleadings to disclose their involvement to the court on the face of the pleadings to put the other party and the court on notice of this shadow legal help.

**Florida:** The 2002 proposed Florida Supreme Court Rule (led by active AFCC member, Judge Judith Kreeger) provides for a notice of appearance of an unbundling lawyer and requires the other party's lawyer to communicate with an unbundling lawyer within the limited scope of the representation. However, the proposed rule requires any limitation of scope of services to be "reasonable under the circumstances." Like Colorado, Florida requires ghostwriters to disclose their existence. It also provides for lawyers to make limited appearances in court on a single issue but in order to withdraw, the lawyer must obtain court permission.

**California:** In effect July 1, 2003, the California Judicial Council enacted Rule of Court 5.170-1 that differs from Colorado and Florida in two major respects. First, lawyers making limited court appearance with proper notice can withdraw without leave of court if the proper Judicial Council issued forms are filed and served. Second, ghost-writing lawyers are not required to disclose their involvement in the preparation of court documents.

The most significant case in unbundling is *Lerner v Laufer* decided April 8, 2003 (New Jersey Superior Court Appellate Division). In this case, the court absolved a family lawyer from malpractice who had reviewed a mediated settlement and had limited his scope to the review of the agreement—specifically excluding any investigation or discovery. When the client (the wife) discovered later that the husband's company was more valuable than she thought, she successfully vacated the decree and negotiated a better deal. The client then sued the lawyer for \$10,000,000 contending that the stock had been more valuable at the time of the original agreement. The court held that the client's expectations were for limited representation, she received limited representation, and the lawyer had no duty to perform outside the limited scope of representation.

## Conclusion

With the rise of unbundled programs in the private sector, innovative efforts to

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# New Standards for Child Representation in Custody Cases

by John Crouch, J.D., Arlington, VA

Everyone complains about the confusion surrounding the roles of Guardians *Ad Litem* (GALs). Now someone is doing something about it.

At the August, 2003 American Bar Association annual meeting, the full ABA House of Delegates approved the ABA Family Law Section's Standards of Practice for Lawyers Representing Children in Custody Cases. The Standards resulted from the work of three successive drafting committees over a decade, with input from the Association of Family and Conciliation Courts (AFCC) and several other organizations. The full text is available via <http://www.abanet.org/family/>.

## The Need for Standards

Child representation is ethically and conceptually messy under current law. It is also extremely important, rewarding work, mostly performed with dedication by good lawyers. Thus we usually ignore or gloss over the flaws in the system. However, that messiness makes GALs' work less useful than it could be in adjudicating what is best for children. It also encourages litigants' unreasonable expectations and their resulting disillusionment and anger, which they direct against GALs and the legal system in unproductive ways.

Everyone expects Guardians *Ad Litem* to use their mysterious, unspeakable powers to make the system produce the best outcome for the child. Thus in the end, they often become scapegoats for dissatisfied parents. In South Carolina and Virginia, complaints about biased and power-hungry GALs have recently led to draconian anti-GAL legislation being introduced. Those states have joined Florida, Illinois and Texas in initiating fundamental reforms in their child representation systems.

The final push for nationwide child representation standards for custody cases began at the Fall 2000 Wingspread conference, a retreat where leaders of the ABA Family Law Section and the AFCC brainstormed about problems in family court systems and directions for reform. Participants observed that professionals in the family court system, including GALs, have been too loose in defining their roles, which confuses, disillusiones and alienates litigants. The resulting report, "High-Conflict Custody Cases: Reforming the System for Children"—called for several innovative reforms, including standards for child representation.

## What the Standards do

The Standards abolish the role of Guardian *Ad Litem*, in the sense of a lawyer who makes a report about the child's best interests but also acts as a lawyer. It may still be appropriate to appoint someone to investigate and report or testify, but that is not the job of a lawyer *per se*, and thus the Stan-

dards do not include rules about it. (That role does of course need standards, but that task is left to others. The Standards do give extensive guidelines on how to investigate the case and talk to children, which could provide a starting point for standards for non-lawyer investigators.)

A lawyer may be appointed as either: (1) a "Child's Attorney," with all the ethical duties of an attorney-client relationship, including confidentiality and loyalty to the client's decisions and objectives, or (2) a "Best Interests Attorney," who independently investigates and advocates the child's best interests, as a lawyer. A lawyer can do either of these, but not both in the same case.

Both kinds of lawyer are purely lawyers, not witnesses, referees, substitute judges, or mediators. The drafting committee found it impossible to square the duties of a lawyer with those of a witness, not only in theory but also in practice. The common toleration of hearsay in GAL reports was seen as not just a theoretical problem—it introduces unreliable, misleading allegations into the process, with little effective opportunity to challenge them. GAL testimony or its equivalent is not necessary when children's lawyers, doing their jobs as lawyers, prove facts to the court within the same rules other lawyers follow.

## Giving Children Real Lawyers

Members of the drafting committee held very divergent views on whether lawyers should advocate the child's position or the child's interests. Longtime children's lawyer Ann Haralambie of Tucson, Arizona, a leading architect of the Child's Attorney concept, sees unhealthy delusions of grandeur in the concept of an omniscient GAL, shape-shifting from lawyer to witness to deputy judge. The Child's Attorney model downsizes and humanizes this job, cutting it down to tasks that lawyers are already trained for, such as pursuing a client's objectives, or an incapacitated client's basic *legal* interests, within the court system.

But some drafters were skeptical of Child's Attorney representation. Fort Worth, Texas district court judge Debra Lehrmann warned that children's expressed preferences can be the result of fear and intimidation, and are very changeable. She pointed out that legal representation for the child's preference encourages children's unhealthy involvement in parental conflict, making the child a tool of whichever parent controls the child.

## Getting Everyone on the Same Page

The drafting committee, though initially very divided, all agreed that an appointed lawyer—and everyone else involved—needs an explicit statement of the nature, powers and duties of the appointment. The Standards include a model two-page Child

Representation Appointment Order, which the parties, their lawyers, and the appointed lawyer must get copies of at the beginning of a case, stating:

- which kind of lawyer is being appointed;
- a brief summary of each kind of lawyer's duties, incorporating the Standards by reference;
- the rate the lawyer will be paid;
- who will pay the lawyer; and
- the reasons for the appointment, in the form of a handy checklist of possible reasons, which judges can review and check off when deciding whether to appoint a lawyer.

The Standards recognize that a lawyer may consider one form of child representation to be unethical or harmful. Such lawyers must (1) tell courts beforehand that they will only serve in one role, (2) decline unconscionable appointments, or (3) ask the court to change the nature of an appointment.

## The Child's Objectives

All the drafters were eager to discard the term "preferences." "Preferences" tells children to pick a winner and a loser, which is not what most children want to do in a custody case. However, children do have legitimate, age-appropriate preferences, such as baseball vs. ballet, as well as more fundamental priorities that may be better served by one parent, or one living arrangement, than another. Unable to come up with a better word for "preferences," the drafters returned to the Model Rules, which speak of a client's "objectives" and "decisions." We all agreed that these seemed healthier for the child, and gave lawyers better guidance. This was one of many instances where debates that seemed to go around and around, tangled in the contradictions between GALs' various roles, were resolved by going back to the texts of the applicable Model Rule and discovering that its drafters had already worked through our conflicts, and found wording that best expressed what members on both "sides" of an argument were trying to say.

## Confidentiality

Under the Standards both kinds of lawyer are fully bound by state ethics rules on confidentiality, but the Best Interests Attorney may use, but not reveal, confidential information in the client's interest. For example, if a child tells the lawyer that a parent uses drugs, the lawyer can help get that information before the court by seeking other evidence of the drug use. The Standards keep many confidentiality dilemmas from arising by making lawyers use a lawyer's traditional tools of witness examination and argument to prove the case, instead of filing a report. They also remind lawyers of confidentiality exceptions already found in the Model Rules.

## Payment

The Standards call for lawyers to be paid at their normal rates, subject to locally prevailing legal standards on reasonable hourly rates. Low, state-set uniform rates have created an impression, sometimes justified, that this is second-class work for second-class lawyers. The Standards try to ensure that parties know, as soon as possible, who will be responsible for payment, and what the lawyer's rate is. Ongoing billing and prompt payment are required. The Standards encourage pro bono child representation, but prohibit "involuntary pro bono."

## Reasserting Custody Law in Child Representation

The drafters were concerned about GALs with little family law background. My own state has mandatory basic GAL training, but in some years it concentrates wholly on abuse and neglect cases and never mentions custody. A non-family lawyer who has only been trained to find the abuser, or to check out a home and verify that the children are okay where they are, can be a disaster in a custody case. The Standards address this problem in three ways:

- Assessments of best interests must be based on objective criteria of custody law, not personal feelings, rules of thumb, extra-legal ideologies, etc.

- Appointments in custody cases must be from a separate list of lawyers who have volunteered for such cases and are qualified by custody training and/or experience.
- Training for such lawyers must include child custody and visitation law, and a basic introduction to custody jurisdiction, enforcement, and child abduction law, plus ten other topics already required by the Abuse and Neglect Standards.

## Making the Standards Work in Practice

It is vital to refrain from painting the various lawyer roles as extreme caricatures of themselves, and remember some limited common-sense exceptions:

- Telling the judge what the client wants to ask the judge to do is not testifying, and usually does not violate confidentiality. It is something all effective lawyers do.
- Lawyers can and do assert facts without becoming witnesses; they just have to back them up with admissible evidence.
- Investigating is still part of both lawyer roles; every lawyer has some responsibility to investigate the facts from which he or she makes a case.
- The Best-Interests Attorney does not ignore the child's views. Those views are

one of the legally relevant factors in the best interests, and Best Interests Attorneys must report the child's expressed desires to the court (unless the child does not want them reported).

- The Child's Attorney is not oblivious to the concept of best interests—just like the lawyers for the parties, he or she tries to persuade the court that what his/her client wants is in the child's best interests, since that is the legal standard the judge will apply.
- The Child's Attorney is not only an advocate for the child's position, but also an advisor, helping the client make decisions in the client's interests.

## Conclusion

These ABA Standards do far more than the drafters expected when we began the process. We knew we could beef up the professionalism of child representation, give useful advice, and promote clarity. We did not realize we would transcend our conflicts and eliminate many contradictions and dilemmas. We were able to break child representation down into coherent job descriptions that make practical and ethical sense to children's lawyers and litigants. The unique work that children's lawyers are able to do was not destroyed or hampered in this process, but was instead strengthened.

## Parents are Forever

This newly revised and internationally acclaimed pamphlet is used by family courts, lawyers, counselors and mediators to help families in the divorce process. The pamphlet provides tips on how parents can help their children deal with separation and divorce and provides suggestions for making visitation (or parenting time) work for parents and children alike.

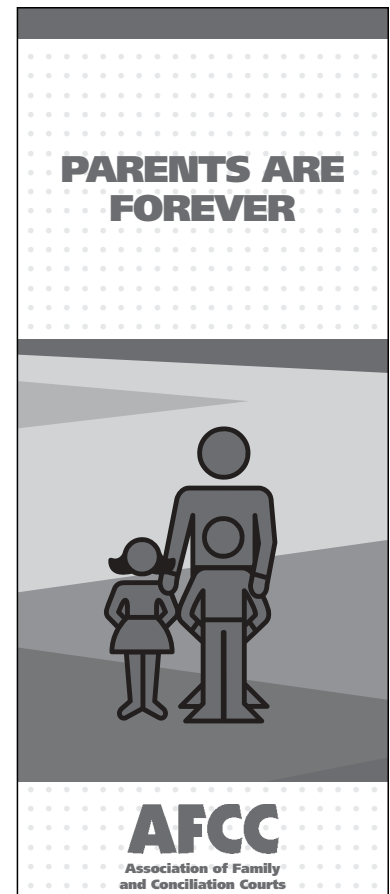
### Tips for Parents include:

- Be honest and sensitive when you tell your children about the separation or divorce.
- Assure your children that they are not to blame.
- Make sure your children feel loved and accepted.
- Allow time for adjustments to family change.
- Support your children's relationship with the other parent.
- Be consistent with discipline and develop a regular schedule; children need continuity.
- Help your children understand the financial changes that may occur.

### Visitation tips:

- Maintain communication between the children and both parents.
- Spend as much time with your children as is practical.
- Have your children spend time in both parents' homes.
- Make your time with your children pleasant and avoid attacking the other parent.
- Give your children time to adjust at the beginnings and ends of visits.
- Develop a parenting plan and adjust it as needed.

*AFCC offers eleven new and newly revised pamphlets to help parents and children experiencing issues related to separation and divorce. Discounts are available for orders of more than 1,000 pamphlets. For a complete list of pamphlets and pricing, or to order, go to the AFCC website at [www.afccnet.org](http://www.afccnet.org) or contact the office at (608) 664-3750 or [afcc@afccnet.org](mailto:afcc@afccnet.org).*



## Midwest Regional Conference A Smashing Success

High conflict and low budgets were the focus of more than 250 participants attending the AFCC Midwest Regional Conference November 13-15, 2003. The conference highlighted AFCC's newly chartered Missouri Chapter and featured the leading experts sharing their strategies for providing services in today's challenging economic climate.

Hon. Ronnie White, Chief Justice of the Missouri Supreme Court, greeted conference attendees on opening night and was followed by Representative Margaret Donnelly, a family law practitioner and a new member of AFCC. The keynote address was presented by Hon. Susan Block, Administrative Judge, Family Court of the St. Louis County Circuit Court. Judge Block highlighted the important work of AFCC and the outstanding efforts of the Missouri Chapter in bringing AFCC to St. Louis.

Friday's plenary session featured a panel of experts moderated by Bill Howe, J.D., tackling the tough issues of High Conflicts and Low Budgets. Panelists included Lorraine Martin, M.S.W., Coordinator of Social Work, Office of the Children's Lawyer, Ontario, Canada; Diane Nunn, J.D., Director, Center for Families, Children and the Courts, San Francisco, CA; Isolina Ricci, Ph.D., Director of the New Family Center, Tiburon, CA; Irwin Sandler, Ph.D., Prevention Research Center, Arizona State University; and Hon. Hugh Starnes, Fort Myers, FL.

Conference institutes and workshops topics featured a wide range of topics including treatment groups to high conflict parents, unbundling legal services, collaborative law, reinventing court services and use of volunteers in private custody cases.

AFCC would like to thank those whose efforts made the 2003 Midwest Regional Conference possible, including Ellen Cowell, Andrea Clark, Hon. Winston Davis and the entire Board of Directors of the Missouri Chapter. Special thanks to the volunteers who worked on site make the conference a success: Chris Jones, Nadia Abdelazim, Cynthia Kluzak, Shante Lampley, Myrna Murdoch and Tom Weber.

## Congratulations to AFCC Scholarship Winners

AFCC congratulates the winners of conference scholarships to the AFCC Midwest Regional Conference. Scholarships to AFCC conferences are funded by the AFCC Development Committee and offered in conjunction with the Awards and Scholarship Committee. This year, for the first time, scholarships were awarded for the AFCC fall conference.

Scholarships applicants are asked to describe their need for the scholarship, the impact their presence at the conference will have on services for children and families in their community, and how their presence at the conference will add diversity to AFCC.

Scholarships to AFCC's Midwest Regional Conference were awarded to:

- Richard Gale, doctoral student in psychology from Indianapolis, Indiana
- Susan McCabe, new mediator and collaborative lawyer from Cary, Illinois
- Jamie Clark, CASA volunteer and coordinator of a volunteer program in Utica, New York
- Ellan Heit, family law practitioner with a substantial pro bono practice from Hackensack, New Jersey.

Watch the AFCC website for the announcement of scholarships for the 41st Annual Conference, *Best Interests Revisited: Challenging Our Assumptions*, in San Antonio, Texas, May 12-15, 2003.

## Thanks to Sponsors and Exhibitors

AFCC wishes to thank conference sponsors and exhibitors for their support:

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Freedom 22 Foundation  
Kids' Turn  
Our Family Wizard.com  
Dr. Arnold Shienvold  
Skill-Based Co-Parenting, Solutions for Families  
Springboard Publications  
Zena Zumeta and Mediation Training & Consultation Institute

## Seeking Public Comment

The Joint Committee on the Model Standards of Conduct for Mediators is seeking public comment on the original standards and any subsequent revised drafts. The Joint Committee consists of two representatives from each of the organizations that developed and approved the model standards in 1994. Eric Tuchmann and John Wilkerson represent the American Arbitration Association, Wayne Thorpe and Susan Yates represent the American Bar Association Dispute Resolution Section and Sharon Press and Terry Wheeler represent the Association for Conflict Resolution. The Joint Committee also selected Ohio State Law Professor Joseph Stulberg to serve as the reporter. AFCC has been invited to designate an official contact for on-going communications related to the model standards. Eileen Pruet, Supreme Court of Ohio, Columbus, is AFCC's designated contact. Information regarding the revised drafts and open forums is accessible at [www.moritzlaw.edu/dr](http://www.moritzlaw.edu/dr).

## ACR Looks at Mediator Certification

The Board of Directors of the Association for Conflict Resolution (ACR) created a task force to design a mediator certification program for ACR. The task force recommends that ACR create the Mediator Certification Program with the following elements:

- Presentation by a mediator of a portfolio of years of experience and training
- Successful completion of a written knowledge assessment
- Periodic re-certification
- Possible initial waiver of certification requirements (i.e., grandparenting) for the most experienced mediators in the field, as well as waiver of subsequent re-certification requirement upon completion of the maximum threshold of experience.
- Potential de-certification for violation of ethical and professional standards
- Appeals of decisions at various stages in the certifying process

The ACR Mediator Certification Program will be purely voluntary and open both to members and non-members of ACR. You can view the Certification Task Force report at: [www.acresolution.org/research.nsf/key/CertTF2003](http://www.acresolution.org/research.nsf/key/CertTF2003).



## AFCC Member News

**Christine A. Coates**, J.D., M.Ed., former AFCC President from Boulder, Colorado, has co-authored her second book, *Learning From Divorce* (Jossey-Bass, 2003), written with E. Robert LaCrosse, Ph.D. of Denver. Ms. Coates also was recently awarded the 2003 Ron Porter Award of Merit by the Boulder County Bar Association, the organization's highest award, for her outstanding achievement, dedication to the legal profession and selfless service to the community.

**Diana Hegyi**, AFCC member from Phoenix, Arizona, has been appointed as the new Assistant Director of Maricopa County Conciliation Services. She previously served as Supervisor for Conciliation Services and office of the Attorney General.

**Denise McColley**, former AFCC President from Napoleon, Ohio, wrote the chapter, *Alternative Forms of Dispute Resolution*, that recently appeared in *Baldwin's Ohio Practice, Domestic Relations Law*, edited by Beatrice K. Sowald and Stanley Morganstern, West Group Publishing, 2002.

**Ann Milne**, former AFCC Executive Director from Madison, Wisconsin, received the President's Award at the Wisconsin Association of Mediators Emerging Issues conference this fall. This is the third time that she has received this prestigious award.

**Honorable Nancy Weiben Stock**, Supervising Judge for Family Law with the Orange County Superior Court, was elected by her peers to a two-year term as Assistant Presiding Judge beginning in January 2004.

## AFCC Award Nominations

AFCC is seeking nominees for the following awards, to be presented at AFCC's 41st Annual Conference in San Antonio, Texas, May 12-15, 2004.

**Distinguished Service Award:** Presented in recognition of outstanding contribution to the field of family and divorce.

**Stanley Cohen Research Award:** Recognizing innovative and outstanding research in the area of family courts and family law.

**Irwin Cantor Innovative Program Award:** Presented to an innovative program serving the family court community.

If you would like to nominate someone for one of the above awards, e-mail your nomination to the AFCC Awards and Scholarships Committee at [afcc@afccnet.org](mailto:afcc@afccnet.org). Please specify the award for which you are submitting a nomination. Include your name, address and telephone number along with the same information for the nominee. Please include a brief statement of no more than 200 words as to why you believe the nominee to be a good candidate for the award. The deadline for nomination is March 15, 2004.

*Electronic submissions in Word or WordPerfect are preferred, however you may mail or fax your nomination to:*

AFCC  
6515 Grand Teton Plaza, Suite 210  
Madison, WI 53719-1048  
Fax: (608) 664-3750

## AFCC Appoints Task Forces

Justice George Czutrin, AFCC President, has appointed two AFCC Task Forces to address issues of interest to AFCC members.

AFCC's Parenting Coordination Task Force was appointed to develop a set of standards of practice for the emerging practice of parenting coordination. The Task Force, chaired by former AFCC President Christie Coates, will build on the work of a previous task force that developed the report *Parenting Coordination: Implementation Issues*. The main report is available for free on the member section of the AFCC website, or in an expanded version with sample orders, forms and other resources, from AFCC's Publications Library.

Task Force members include: Christine Coates, J.D., M.Ed., Chair, Boulder, Colorado; Barbara Ann Bartlett, J.D., Tulsa, Oklahoma; Robin Deutsch, Ph.D., Boston, Massachusetts; Philip Epstein, QC, Toronto, Ontario; Barbara Jo Fidler, Ph.D., Toronto, Ontario; Linda Fieldstone, M.Ed., Miami, Florida; Jonathan Gould, Ph.D., Charlotte, North Carolina; Hon. William Jones (ret.), Charlotte, North Carolina; Joan Kelly, Ph.D., Corte Madera, California; Matthew Sullivan, Ph.D., Palo Alto, California; BeaLisa Sydlík, J.D., Salem, Oregon; and Robert Wistner, J.D., Dublin, Ohio.

The AFCC Court Services Task Force is charged with examining the challenges faced by court service agencies in today's economic environment, conducting a review of innovative initiatives and best practices and making a report and recommendations on the future direction of family court services agencies.

Task Force members include Professor Barbara Babb, Chair, Baltimore, Maryland; Steve Baron, M.A., San Jose, California; Hon. Leonard Edwards, San Jose, California; Stephen Grant, M.A., Whethersfield, Connecticut; David Hodges, M.A., Seattle, Washington; Judith Moran, J.D., New York; Pamela Ortiz, J.D., Annapolis, Maryland; Jan Shaw, MPA, Orange, California; Risa Sheriff, LL.B., Toronto, Ontario; and Robert Smith, J.D., Fort Collins, Colorado.

Both task forces will be actively soliciting input and feedback from AFCC members at conferences and in writing. Watch the *AFCC Newsletter* for further developments.

## AFCC Board of Directors Nominations

The AFCC Nominating Committee is seeking the names of individuals to serve on the AFCC Board of Directors. Recommended individuals must be AFCC members and have an interest and knowledge of AFCC and its work.

Nominations must be received by February 2, 2004 in order to be considered by the committee prior to election at the AFCC Annual Conference, May 12-15, 2004 in San Antonio Texas.

If you or another member you know is interested in serving on the AFCC Board of Directors, please forward name, contact information and a resume to:

Jan Shaw  
Chair, Nominating Committee  
c/o AFCC  
6515 Grand Teton Plaza, Suite 210  
Madison, WI 53719-1048  
Fax: (608) 664-3750  
Email: [afcc@afccnet.org](mailto:afcc@afccnet.org)

## Unbundling

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promulgate responsible safeguards for the public and for lawyers by the organized bar and the courts, and the start of reported litigation on unbundling, are exciting times for unbundling. As presented in this article, the trends are not uniform from state to state and cover a wide variety of issues. As many

initiatives are still in the formulation stage, we can expect even more current developments to add to our thinking about this important trend to open legal access to the underserved.

*Forrest (Woody) Mosten is in his third decade as an active AFCC member and frequent presenter at AFCC Conferences. Woody is a family lawyer and mediator who serves on the faculty at UCLA School of*

*Law and trains mediators and lawyers worldwide. He is known as the "Father of Unbundling" and is credited with originating and developing the concept. His book, Unbundling Legal Services (2000) is published by the American Bar Association. His other books include Complete Guide to Mediation (ABA, 1997) and Mediation Career Guide (Jossey-Bass, 2001).*

## Upcoming Events

### AFCC Arizona Chapter Conference

February 6-8, 2004  
Hilton Sedona Resort and Spa  
Sedona, Arizona  
[www.azafcc.org](http://www.azafcc.org)

### AFCC California Chapter Conference

February 20-22, 2004  
Downtown Omni Hotel  
Los Angeles, California  
[www.afcc-cal.org](http://www.afcc-cal.org)

### AFCC Massachusetts Chapter Conference

April 8, 2004  
Regis College  
Weston, Massachusetts

### AFCC 41st Annual Conference

May 12-15, 2004  
Adam's Mark on the Riverwalk  
San Antonio, Texas  
[www.afccnet.org](http://www.afccnet.org)

### AFCC Sixth International Symposium on Child Custody Evaluations

October 14-16, 2004  
Sheraton Downtown Nashville  
Nashville, Tennessee  
[www.afccnet.org](http://www.afccnet.org)

### AFCC 42nd Annual Conference

May 18-21, 2005  
Sheraton Seattle  
Seattle, Washington  
[www.afccnet.org](http://www.afccnet.org)



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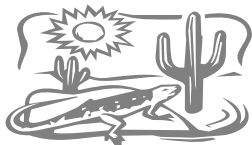
## AFCC Chapter Update

### AFCC Approves Missouri and Texas Chapters

AFCC wishes to congratulate its two newest Chartered Chapters from Texas and Missouri. The AFCC Board of Directors approved the applications of the Texas and Missouri Provisional Chapters at its Board meeting on November 15, 2004 in St. Louis. AFCC will present the Chapter Charters at the 41st Annual Conference, May 12-15, 2004 in San Antonio, Texas.

#### Arizona

Mark your calendar! The Arizona AFCC 2004 Annual Conference will be held February 6-8, 2004 in Sedona. The conference theme is *Childhood Interrupted* and the location is the Hilton Sedona Resort. Hotel information can be found at: [www.hiltonsedona.com](http://www.hiltonsedona.com) and registration information will be available soon at the Arizona Chapter website: [www.azafcc.org](http://www.azafcc.org).



#### California

Save the dates! The AFCC-Cal Conference will be at the Omni Hotel in Los Angeles, February 20-22, 2004. The conference theme is *21st Century Solutions for 21st Century Families: Developing Best Practices*. For more information, go to [www.afcc-cal.org](http://www.afcc-cal.org) or email [conference@afcc-cal.org](mailto:conference@afcc-cal.org).



#### Florida

The AFCC Florida Chapter is continuing to utilize a collaborative approach to address issues such as parenting coordination, domestic violence and custody evaluation. The Chapter is presently working



with interested professional organizations, governmental agencies and committees, and the Florida Bar to affect the development and legislative processes in these areas. Past President Greg Firestone, President Hon. Hugh Starnes, and Board Member Hon. Ray McNeal provide an excellent example of how cooperative resolutions can be reached utilizing AFCC values of inclusion. They have written an article on their experience to resolve and advance the domestic violence protocols in Florida, with FLAFCC impacting the entire process as Greg Firestone, at that time Chapter President, mediated the differences in viewpoints to reach a positive resolution for all. Under the direction of Past President Shelly Finman, the Florida Chapter has continued to thrive and forge ahead as a leader in encouraging non-adversarial resolutions to family conflicts, whenever reasonably possible, as well as issues pertaining to the development of procedures and processes that promote fair and meaningful approaches towards families, professionals, and the Court.

#### Massachusetts

Regis College, Weston, Massachusetts (just outside Boston) is the location for the April 8, 2004 conference. The title is *Power and Control in Intimate Relationships: Definitions, Assessment and Implications for Practice* and featured presenters are Richard Gelles, Ph.D. of University of Pennsylvania and K. Daniel O'Leary, Ph.D. of the State University of New York at Stony Brook.



President Linda Cavallero and Past President Robin Deutsch

## President's Message

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seem to assure me that this is the case. For example, I asked, "Do you find my e-mails helpful or annoying?" to which one respondent answered "yes."

Another tactful respondent noted, "We are all extremely busy and, like with the invention of the copy machine and fax, email communication carries the potential to consume significant time to manage unless used judiciously." Of course, as a judge my use of email is, by definition, judicious, right?

One of the recipients of my survey had someone else reply. Could this person possibly receive so much email that they need an email assistant? Did this individual write a conventional response (i.e., using paper and pen) and have someone else type it up and send it via email? Or did my email get relegated to the assistant?

One eye-opening response came from someone who was inspired to answer twice. He writes: "I opened and replied to your e-mail first thing this morning using "reply" and sending my message to you alone. In four hours this morning I was copied on nine other replies to you, each respondent having hit "reply to all." I am now using "reply to all" with some additional observations. Given that

your message was initially sent to 31 persons, if everyone responded "reply to all" that would generate 1,260 messages."

Clearly, face-to-face is still the preferred method of communication. We need to remember the little annoyances of emails and I resolve to do my best to improve my email etiquette. Meanwhile, I want to encourage you all to communicate with me, with our staff and with other members of AFCC. If you have any suggestions regarding communication within AFCC, please send an email to me c/o afcc@afccnet.org.

*Editor's Note: The AFCC administrative office will forward all responses directly to all of Justice Czutrin's email addresses with a hard copy backup.*

## Condolences

AFCC sends condolences to Sheldon Finman on the loss of his wife, Lynne, who died on November 5, 2003. In lieu of flowers, contributions are suggested to St. Michael Lutheran School, 3595 Broadway, Fort Myers, FL 33901.

## AFCC Resource Development Fund

AFCC's Resource Development Committee would like to thank AFCC members for their generous donations in response to this year's Annual Appeal. Special thanks to former AFCC President Hon. Arline Rotman (ret.) and Doneldon Dennis for their Diamond level contributions.

Contributions to the Resource Development Fund help provide conference scholarship and financial support of small nonprofit programs that serve children and families. If you have not yet contributed to this year's fund, please consider making a tax deductible contribution using the form below.

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Hon. Arline Rotman (ret.)

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Linda Fieldstone  
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Leslye Hunter  
Peter Salem

Robert Smith  
Hon. Hugh Starnes

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## Featured Presenters:

**Sherri Z. Heller, Ed.D.**

Commissioner, Federal Office  
of Child Support Enforcement

**Richard Warshak, Ph.D.**

Author, *Divorce Poison*

**Katharine T. Bartlett, J.D.**

Dean, Duke Law School

**Professor Andrew Schepard**

Author, *Children, Courts and Custody*

**Nina Meierding, M.S., J.D.**

Mediation Center for Family Law

**James C. Melamed, J.D.**

The Mediation Center

**Christine A. Coates, J.D., M.Ed.**

Co-author, *Learning From Divorce*

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**BEST INTERESTS REVISITED:  
CHALLENGING OUR ASSUMPTIONS**

**May 12-15, 2004**

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