



ASSOCIATION OF  
FAMILY AND  
CONCILIATION COURTS



eNEWS

## President's Message

*By Arnold T. Shienvold, PhD, Harrisburg, Pennsylvania*

As I write this I am flying at about 38,000 feet over the interior of Australia on my way to the Great Barrier Reef. I left Sydney this morning after representing AFCC at the 6th World Congress on Family Law and Children's Rights for the last four days. I am sure you are all feeling sorry for me, being so far from home, but rest assured that as your president I am suffering through it for the sake of the association. It's just amazing how some friends, food and wine can make everything just fine!

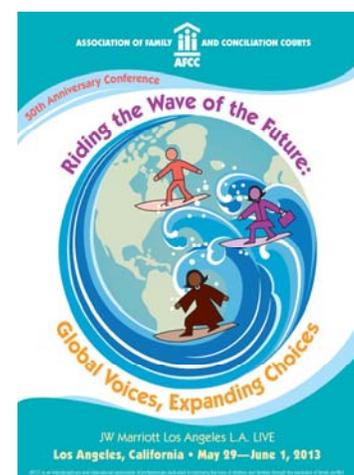
In all seriousness, this has been an amazing journey for me. I am not simply referring to Australia—the wonders of this trip go without saying—but the entirety of my AFCC presidency. To represent an organization that is held in the highest esteem by virtually everyone with whom I come into contact makes me incredibly proud and incredibly humble.

[Read more](#)

## AFCC 50th Anniversary Conference Riding the Wave of the Future:

MONTHLY E-  
NEWSLETTER  
VOL. 8 NO. 4  
APRIL 2013

### Upcoming Conferences



AFCC 50th Anniversary  
Conference  
*Riding the Wave of the Future:*

## **Global Voices, Expanding Choices May 29–June 1, 2013, JW Marriott Los Angeles L.A. LIVE Los Angeles, California**

### **Register Today—Rates Increase May 3**

There is still time to register at a reduced rate! Submit your registration information and payment before May 3 to take advantage of the last available discounts. If you are not yet a member of AFCC, join with your conference registration to register at the member rate and save \$10 on your first year's membership dues. This is a conference not to be missed—[browse the conference program brochure](#). An interdisciplinary faculty will present more than 100 sessions on the latest research, newest programs and most innovative practices. Take the opportunity to network with colleagues, premier researchers, practitioners and policy makers, all while earning up to 20.5 hours of continuing education credit, and enjoying exciting downtown Los Angeles. We hope you can attend and celebrate 50 years of interdisciplinary collaboration, education and work toward the best outcomes for children and families.

[Register today](#)

### **Make the Most of Your Trip**

There are countless ways to spend your free time in Los Angeles. Here are some suggestions, not just from AFCC, but also from more qualified authorities on the subject, Rob Lowe and Neil Patrick Harris.

[Read more](#)

### **Silent Auction**

The AFCC Silent Auction is a fun opportunity to support the organization's special projects and initiatives like the Shared Parenting Think Tank and the Domestic Violence in Child Custody Evaluations Task Force. You can help support these efforts by donating an item or attending the auction Friday, May 31 immediately before the banquet and bidding on the fabulous items. This year's items include vacations, jewelry, fashion accessories, electronics, collectibles, books and even a custom AFCC surfboard!

[Donation form](#)

### **Ask the Experts Ten Rules for Settlement Negotiations**

*By Gregg M. Herman, JD*

It should be easy. Both parties have a lot to lose. There are

*Global Voices, Expanding Choices*

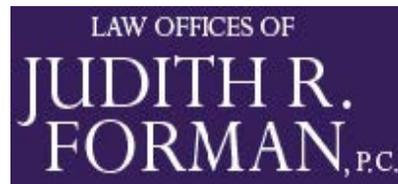
May 29–June 1, 2013  
JW Marriott Los Angeles L.A. LIVE

Los Angeles, California

[Register online](#)

[More information](#)

### **Conference Platinum Sponsors**



### **AFCC–AAML Conference**

*Advanced Issues in Child Custody: Evaluation, Litigation and Settlement*

September 26–28, 2013

Gaylord National Resort

Washington, DC Metro Area

[More information](#)

### **AFCC Regional Training Conference**

*There's No Place Like Two Homes:*

*The Complexities of Separation, Divorce and Co-parenting*

November 7–9, 2013

The Westin Crown Center

Kansas City, Missouri

substantial risks and certain substantial costs. There is (usually) a lot of room for compromise. But it's not easy. The emotional aspects cloud the rational ones. Marriages usually end due to the lack of the exact attributes that make settlement easier: trust, communication and cooperation. The legal system does not help as it is, by its very nature, adversarial. So lawyers need to help their clients get past the emotional impediments—past the lack of communication, cooperation and trust, to find common ground.

[Read more](#)

### **Two Families Now: Effective Parenting During Separation and Divorce**

With funding from the National Institutes of Health, IRIS Media, AFCC member Laura Backen Jones, PhD, and a team of researchers, media specialists, mediators and family law professionals partnered to create an online program, *Two Families Now*. The four module multi-media curriculum is available in English and Spanish, and was evaluated both on formative development and a demonstration of feasibility.

[Read more](#)

### **Sesame Street Resources on AFCC Website**

The AFCC website has a new page for Sesame Street's *Little Children, Big Challenges: Divorce*. AFCC members can order free kits to share with clients through the page, which also contains links to resources including a free mobile app, videos, a caregiver guide, tips for families, a children's storybook, and interactive activities. The *Little Children, Big Challenges: Divorce* initiative features Muppet Abby Cadabby and provides tools and language to help young children (ages 2-8) cope with and understand divorce at an age-appropriate level.

[Visit the new page](#)

### **Chapter News**

#### **Welcome to New Chapter Presidents**

Massachusetts: Jennifer Sevigney Durand

Minnesota: Hon. Mary Madden

New Jersey: Ann Ordway

Washington: Dana Dean Doering

The March edition of the *Wisconsin Law Journal* featured a write up on **Dolores Bomrad**, President Elect of the Wisconsin Chapter of AFCC. The Wisconsin Chapter is one of the newest chapters of

[More information](#)

#### **AFCC 51st Annual Conference**

May 28-31, 2014

The Westin Harbour Castle

Toronto, Ontario, Canada

#### **AFCC 11th Symposium on Child Custody Evaluations**

November 6-8, 2014

Westin La Cantera Hill Country  
Resort

San Antonio, Texas

#### **AFCC 52nd Annual Conference**

May 27-30, 2015

Hilton New Orleans Riverside

New Orleans, Louisiana

#### **AFCC Chapter Events**

##### **Ontario Chapter Conference**

*Our Families' Faces*

October 18, 2013

Toronto Public Library

Toronto, Ontario

[More information](#)

##### **Join AFCC**

Are you a member?

[Join](#) or [Renew](#)

AFCC offers member benefits that promote excellence in practice.

[View member benefits](#)

##### **AFCC Chapters**

Network and share your interdisciplinary view of family court matters on a local level. There are currently chapters in the following states and provinces:

**Alberta**

**Arizona**

**California**

**Colorado**

**Connecticut**

**Florida**

**Illinois**

AFCC.

[Read more](#)

**Ronald G. Silikovitz**, West Orange, New Jersey, was the recipient of the Philip N. Sobel Award at the New Jersey Chapter Annual Meeting on April 3. Dr. Silikovitz is a founder and was the first president of the chapter. Philip N. Sobel, Esq., was the second president of the chapter. His dream was to help litigants collaborate and resolve conflict without going to court; he passed away in February 2012.

### **Q & A with Conference Keynote Speaker James P. Steyer**

AFCC will welcome James P. Steyer, the CEO and founder of Common Sense Media and author of *Talking Back to Facebook* as the keynote speaker at the 50th Anniversary Conference in Los Angeles. He will speak at the Opening Session, 8:30am-10:00am, on Thursday, May 30. Mr. Steyer began his career as an educator, was a public interest lawyer and now teaches at Stanford University. *Talking Back to Facebook* looks at the effects of digital media on children and families and offers advice to parents on digital media issues affecting infants through adolescents.

[Read more](#)

### **Honoring Families Initiative Launches a New Project**

A three-year demonstration project at the University of Denver will be launched in September 2013 in an effort to develop an alternative method to allow separating and divorcing families to reorganize their lives and legal status. The Resource Center for Separating and Divorcing Families (The Center) will provide services to parents to enhance parenting and co-parenting skills and collaboration; plan for financial stability; help children cope with the anxiety and uncertainty of separation and divorce; and reduce conflict and reach agreement through non-adversarial legal frameworks (e.g. mediation and early neutral evaluation). The Center will provide graduate and law students at the University of Denver an opportunity to engage in interdisciplinary training and provisions of services. The project is part of the Honoring Families Initiative (HFI) at the Institute for the Advancement of the American Legal System (IAALS), a national, independent research center dedicated to continuous improvement of the process and culture of the civil justice system.

[Read more](#)

### **Submit a Workshop Proposal for the AFCC Regional**

**Indiana**  
**Louisiana**  
**Massachusetts**  
**Minnesota**  
**Missouri**  
**New Jersey**  
**New York**  
**Ontario**  
**Texas**  
**Washington**  
**Wisconsin**

[Add an AFCC Chapter to your membership](#)

#### **Ask the Experts**

Is there a topic you would like to see covered by an AFCC Ask the Experts piece?

[Email your suggestion](#)

#### **About AFCC eNEWS**

Readers are welcome to forward this e-newsletter to interested colleagues. All opinions expressed are those of the author and do not necessarily reflect those of AFCC.

#### **Editor:**

Erin Sommerfeld  
[editor@afccnet.org](mailto:editor@afccnet.org)



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## **Training Conference**

Submit a proposal for a workshop to be presented at the AFCC Regional Training Conference, *There's No Place Like Two Homes: The Complexities of Separation, Divorce and Co-parenting*, November 7-9, 2013, in Kansas City. AFCC is accepting proposals for three-hour training workshops on the complex issues related to separation, divorce and co-parenting. Topic suggestions include: relocation, domestic violence, special needs children, same-sex parenting, abuse allegations and the child's voice. Workshop proposals should focus on research and theory, as well as skill development to incorporate into practice. Proposed presenters should be able to present a balanced view of a complex issue. The submission deadline is May 16, 2013 and the conference program brochure will be available in August 2013.

[More information](#)

## **Thank You Scholarship Fund Contributors**

Thank you to all the generous members who have donated to this year's annual appeal. If you have not donated yet—there is still time—we are just \$3,000 away from our goal. As the annual conference approaches and scholarship recipients are in communication with the office, we are reminded of how important this effort is. Although AFCC registration fees are among the lowest for national conferences, when combined with travel and hotel it can become quite costly for many. Please know that the colleagues your donation assists are both grateful for and worthy of your support.

[Scholarship Fund Contributors 2012-13](#)

[Make a contribution](#)

## **Membership Notice of AFCC Board Nominations**

At the AFCC membership meeting on June 1, 2013, the following individuals will be nominated to serve on the Board of Directors for a three-year term beginning July 1, 2013 and concluding June 30, 2016: Annette Burns, patti cross, Jacqueline Hagerott, Mindy Mitnick, Marsha Kline Pruett, and Robert Simon. The AFCC Executive Committee is elected by the Board of Directors. For informational purposes, the following individuals have been nominated for positions on the Executive Committee: President: Nancy Ver Steegh, JD; President Elect: Magistrate Richard Altman; Vice President: Hon. Peter Boshier; Secretary: Marsha Kline Pruett, PhD, MLS; and Treasurer: Annette Burns, JD.

## **Family Law in the News**

### **Study of Men's Falling Income Cites Single Parents**

*By Binyamin Appelbaum, courtesy of the New York Times*

The decline of two-parent households may be a significant reason for the divergent fortunes of male workers, whose earnings generally declined in recent decades, and female workers, whose earnings generally increased, a prominent labor economist argues in a new survey of existing research. David H. Autor, a professor at the Massachusetts Institute of Technology, says that the difference between men and women, at least in part, may have roots in childhood.

[Read more](#)

### **Common-Law Couples as Good as Married in B.C.**

*Courtesy of CBC News*

A new legal definition of "spouse" came into effect in British Columbia on Monday, meaning that common-law couples that have lived together for two years have the same rights and responsibilities as married couples. Under the act, a spousal relationship begins either the day a couple is married, or on the day they move in together—whichever comes first. And once an unmarried couple spends two years living together, it's a done deal.

[Read more](#)

# Bomrad finds fulfillment in family law

POSTED: Friday, March 15th, 2013 at 11:17 am  
Wisconsin Law Journal



Dolores Bomrad (Staff photo by Kevin Harnack)

**BY: JESSICA STEPHEN**

Dolores Bomrad admits she fell into family law.

“It wasn’t what I planned to do,” said Bomrad, who worked in private practice and with the corporation counsel offices in Walworth and Kenosha counties before getting into family court.

But, since 1991, she has overseen primarily family law cases as a circuit court commissioner in Washington County.

“It’s a calling,” she said. “It’s not something you do to make a lot of money or because it’s easy, because it’s not.”

The work has left Bomrad with a sense of satisfaction, knowing she might have had a positive effect on children's lives.

Now, as president-elect of Wisconsin's new chapter of the [Association of Family and Conciliation Courts](#), she wants to give lawyers and other family court professionals the tools to have the same effect.

Despite having its headquarters in Madison, the international organization did not have a Wisconsin chapter until June.

"There is room here for the AFCC," Bomrad said. "We fill a niche that no other organization does," offering educational and support services for lawyers, commissioners, judges, psychologists, sociologists, mediators, social workers and financial planners, among others, all in an effort to improve the system for families.

AFCC international does that through a series of education events, including brown bags and annual conferences.

Still, Bomrad said, the Wisconsin chapter is still young, and even with more than 150 members, it is too soon to know what direction it will take.

But the group offered its first half-day educational program in October and expects to host another in fall. Leaders also want to offer lunchtime teleconferences so members from around the state can participate in brown bag-style events.

**Wisconsin Law Journal:** What do you consider your biggest achievement so far?

**Dolores Bomrad:** I don't know about a biggest achievement, but I'm proud to be a two-time recipient of the Washington County Child Abuse Prevention Blue Ribbon Award. I'm proud to be an active member of the Wisconsin State Bar. I'm a former president of the Wisconsin Family Court Commissioners Association. I'm a member of the Wisconsin Inter-professional Committee on Divorce. And I am especially proud to be part of the group that founded the chapter of Association of Family and Conciliation Courts.

**WLJ:** What is the best part of being a commissioner?

**Bomrad:** It's being able to, hopefully, make a positive difference in the lives of children. The second best is it's endlessly interesting. Not a day goes by that I don't learn something. There never comes a day where you've heard it all. At least once a week, just when you think you've heard everything or you've dealt with most things that would come up in family court, there's something new. I love the intellectual challenge in family court. I like the child-focused part of it and the personalities.

**WLJ:** What can you spend hours doing that's not law-related?

**Bomrad:** Reading purely for pleasure, being on or near the water, kayaking, bicycling, cooking, walking in my woods. Just being outside.

**WLJ:** What trait do you most like in others?

**Bomrad:** Politeness. It really is becoming a lost art. I savor the rare instance where people say 'Please' or 'Thank you' or wave when they let you in a line or in traffic. I also

enjoy people who are intelligent, and I really enjoy people who are funny. I'm terrible at telling jokes.

**WLJ:** What do you consider to be the most overrated virtue?

**Bomrad:** I can't think of a virtue that is overrated. I can think of virtues that are difficult. I think patience is the most difficult virtue.

**WLJ:** What was your least favorite course in law school?

**Bomrad:** Uniform commercial code. I'm certainly a fan of commerce, but I'd rather have a tooth pulled than study the uniform commercial code because tooth pulling only last a few minutes. I absolutely could not stand that course.

**WLJ:** What was your most useful course in law school?

**Bomrad:** Legal research and writing. Those are the most important tools of our trade, no matter what we do as lawyers.

**WLJ:** If you could develop one CLE course for credit, what would it be about?

**Bomrad:** I have had the opportunity to do it. But, in my ideal world, I'd do a weeklong course — no one would come to it — but it would focus on how important interdisciplinary study and collaboration is in family and juvenile law. I'd include some mental health classes, some child development, some information on personality disorders, some information on alienation, some information on domestic abuse, as well as legal information.

**WLJ:** Which famous person would you most like to have a drink with? What would you drink?

**Bomrad:** I would love to have a drink with Lavinia Goodall. She is the first woman admitted to the Wisconsin State Bar back in 1874. I would love to have a glass of wine with her, but I would probably drink whatever she drank. I'm guessing probably tea, but I don't know.

**WLJ:** What is your greatest fear?

**Bomrad:** My greatest fear is losing compassion, patience, becoming burned out, succumbing to political pressure. Anything that would make me less effective doing this work because I really am dedicated, and I really do feel privileged to be able to do it.

Reprinted courtesy of Wisconsin Law Journal, [wislawjournal.com](http://wislawjournal.com)



## **Two Families Now: Effective Parenting During Separation and Divorce**

*An online multimedia program for mothers and fathers*

### **The Stress of Separation and Divorce can Impact Children's Healthy Development**

Many parents face significant stress during separation and divorce—stress that can seriously undermine the co-parenting relationship and interfere with their ability to parent effectively. Studies show that education can make a difference, yet parenting education through separation and divorce is usually limited to brief large group trainings in a classroom setting. While these trainings can be beneficial, significant barriers such as distance from the training, time constraints, language, class size, and course availability limit parent's ability to access and engage in the trainings. There is an urgent need for flexibly designed programs that accommodate psychologically and economically stressed parents' needs by providing inexpensive, accessible, and effective training.

### **An Online, Multimedia Program for Parents**

With funding from the National Institutes of Health, IRIS Media, Laura Backen Jones, PhD, and a team of researchers, media specialists, mediators and family law professionals partnered to create an online program, *Two Families Now*. *Two Families Now* is a four-module multi-media curriculum available in English and Spanish. Designed as a "resilience resource" to strengthen and sustain family processes during separation and divorce, the content focuses on: (1) easing stress and developing a support network, (2) strengthening the co-parenting relationship, and (3) key parenting practices known to buffer children from the impact of separation and divorce. The interactive program features a system of instructionally sound activities, including video-based models, interactive exercises, and printable resources. *Two Families Now* focuses on parenting skills that moms and dads can use to protect their children during separation and divorce such as:

- Discover and act on their parenting values
- Strengthen the co-parenting relationship
- Keep children out of the middle of co-parenting conflict ([Protect Children Through Conflict YouTube sample video](#))
- Build on structure and routine
- Create healthy transitions between households
- Monitor and nurture their children
- Listen and communicate effectively ([Effective Listening YouTube sample video](#))
- Apply problem solving strategies
- Handle stress effectively
- Build their own support network
- Practice self-care

## **Evaluations of Two Families Now Underlines the Promise of Online Training**

This program was evaluated on both formative development and a demonstration of feasibility. Social validity assessments were included in the initial formative stage with separate focus groups of separating and divorcing mothers and fathers and input from an expert key informant panel. Information regarding program relevance, acceptability, feasibility, sustainability, and ease of integration were collected from both groups. This formative activity allowed us to learn more about the unique needs of separating and divorcing parents, and to develop a program that fits well into existing systems of delivery for education of divorcing parents. In the following section, we briefly summarize two trials of the program that followed our formative development: (1) An initial feasibility test on a prototype of the program and (2) A follow up waitlist-randomized controlled evaluation. For more detailed information about these studies, please contact Kelly Ross ([kross@irised.com](mailto:kross@irised.com)) at IRIS Educational Media.

**Initial feasibility test.** First, we developed and evaluated a prototype of the program that focused on reducing conflict in the co-parenting relationship. To demonstrate the feasibility of this prototype, evaluative activities took place with: (1) A panel of professionals with expertise in the area of families and divorce and (2) Mothers and fathers who had filed for divorce in the preceding 12 months.

*Professional Panel.* The professional evaluation was conducted by our expert Key Informant panel and the project consultant, Joan B. Kelly. Professionals completed a questionnaire of approximately 20 items using both Likert-type scales and open-ended questions. We designed these items to assess professionals' views concerning the social validity, systematic fit, and practical utility of the program in their work with divorcing families. Our feasibility benchmark was that the professionals rate the program highly (at the upper ends of Likert scales). On the whole, reviewers were very impressed with the program. Mean ratings by scale ranged from 4.2 to 5.

*Parents.* Parent assessments included knowledge, efficacy, and behavioral intentions to use the skills taught in the program as well as measure of co-parenting conflict adapted from scales used by researchers in previous parent-divorce studies. Forty-three females and eight males participated in the study. Their ages ranged from 21 to 48. Ninety-six percent of the sample was non-Hispanic; with 77% white, 19% black, and 4% Native American.

*Program Efficacy.* To test the efficacy of the program with parents, pre-post paired t-tests were conducted on the four primary outcome measures: conflict, importance, self-efficacy, and behavioral intention. Significant effects were obtained in the predicted direction for all of the outcome measures. The Phase I prototype produced a modest pre-post effect for conflict ( $p=.027$ ), and significant pre-post changes in perceived importance ( $p<.001$ ), self-efficacy ( $p<.001$ ), and behavioral intention to use the skills taught in the program ( $p<.001$ ). In addition, parents rated the program highly in terms of satisfaction, engagement and usefulness. These promising results provided support for the feasibility of the intervention approach.

**Randomized-controlled evaluation of the complete program.** After we completed development, the program was evaluated in waitlisted randomized-controlled feasibility trial with 99 mothers and fathers who completed a baseline (T1), immediate post (T2) and two-month follow up assessment (T3). Our primary measures included parental knowledge, self-efficacy and behavioral intentions to use the skills from the program. Secondary measures included co-parent conflict, family functioning, parent stress and support and child pro-social behavior. Eighty-one females and 18 males participated in the study. Our participant group had the following ethnic breakdown: one Native American, two Asian, four black, five people who identify as more than one race, 85 white and two of unknown race.

*Condition Effects at Immediate Post.* A multivariate analysis of covariance (MANCOVA) was conducted comparing the two study conditions on the three primary outcome measures assessed at T2; T1 outcome measures were included as covariates. An overall multivariate model was tested, followed by three univariate models. The multivariate test was significant in which the Treatment participants were found to have significant and large overall differences compared to the Control participants,  $F(3, 79) = 5.84, p = .001, \text{partial } \eta^2 = .181$ , large effect size. The Treatment group differed significantly from the Control participants in the hypothesized direction on two of the three outcome measures. The largest effects were obtained for behavioral intentions ( $\eta^2 = .118$ , medium effect size) followed by knowledge ( $\eta^2 = .078$ , medium effect size); a trend-level difference was obtained for self-efficacy ( $\eta^2 = .035$ ; small effect size).

*Condition Effects at Follow up.* A MANCOVA was conducted comparing the two conditions on the outcome measures assessed at T3 controlling for the T1 levels. The multivariate test was significant in which the Treatment participants were found to have significant and large overall differences compared to the Control participants,  $F(9, 66) = 3.58, p = .001, \text{partial } \eta^2 = .328$ , large effect size. The Treatment group differed from the Control participants in the hypothesized direction on our primary outcome measures: self-efficacy ( $\eta^2 = .063$ , medium effect size), and knowledge ( $\eta^2 = .061$ , medium effect size); a trend-level difference was obtained on behavioral intentions ( $\eta^2 = .045$ ; small effect size). With respect to our secondary measures, change was seen in satisfaction with social support ( $\eta^2 = .113$  medium effect size) and child prosocial behavior ( $\eta^2 = .067$ , medium effect size). The two conditions did not significantly differ with respect to the more distal outcomes of family functioning, parent distress, acrimony, and unmet social support needs. Thus, large program effects were obtained overall with moderate effects obtained on four of the nine outcome measures.

*Consumer Satisfaction.* Upon completion of the program, Treatment participants rated their satisfaction with the program on nine items using a 6-point Likert-type scale. Items assessed perceptions of program quality, usefulness, importance, and ease of learning. Overall, participants were very satisfied with the program. Mean satisfaction ratings ranged from 5.4 to 5.8; each item received over 95% of favorable ratings by the participants. When asked whether the program gave them new ideas for dealing with stress, 85% of parents indicated that it did.

Eighty-five percent of parents said that the program motivated them “quite a bit” to “very much” to improve their relationship with their co-parent. Seventy-six percent of parents indicated that they would make changes in their parenting, based on what they learned. Ideas for changes were included: “I have set up daily family routines, such as eating dinner together,” “I am taking care of myself and preparing to stay calm and upbeat during drop-offs and pick-ups,” “I had no idea that verbal altercation and statements were so damaging. I am proceeding with caution re: children’s father,” and “I react positively to what my children have to say about the fun they’ve had at my ex’s.”

This early research supports the promise and utility of an online program for making a positive difference in the lives of mothers and fathers undergoing separation and divorce. More research is needed. We are currently applying for additional funding to conduct a larger scale evaluation of the program.

More information for professionals and families about Two Families Now is available at [www.twofamiliesnow.com](http://www.twofamiliesnow.com).



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eNEWS

VOL. 8 NO. 4  
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## Make the Most of Your Trip

### Los Angeles

There are countless ways to spend your free time in Los Angeles. Here are some suggestions, not only from AFCC, but also from more qualified authorities on the subject, actors Rob Lowe and Neil Patrick Harris.

#### My LA to Z: Rob Lowe

*by Marielle Wakim, courtesy of Los Angeles Magazine*

The *Parks and Recreation* show-stealer, and new curator for men's lifestyle venture InsideHook.com, loves Los Angeles--"literally." Here he tells us where to find great custard pie, how to travel in style and who the real celebs are in this town.

[Read more](#)

[Click here for an archive of My LA to Z](#)

#### Center Theater Group

Center Theater Group will provide AFCC conference attendees with a 10% discount code for tickets to *The Scottsboro Boys* and *Joe Turner's Come and Gone*. Both shows will be presented downtown at the Music Center, on Grand between 1<sup>st</sup> and Temple Streets, which is approximately two miles from the JW Marriott. *The Scottsboro Boys* is set in the boxing world of the early 1900s and is loosely inspired by the story of Jack Johnson, the first African American world heavyweight boxing champion (1908–1915). *Joe Turner's Come and Gone* is set in August 1911 as the Great Migration (the movement of 6 million African-Americans out of the rural South to the Northeast, Midwest, and West) brings a revolving band of strangers to the door of Seth and Bertha Holly's Pittsburgh boarding house. Use the links above to receive the discount. Conditions may apply.

#### The Sunset Dinner Ride

Ride a horse on a beautiful 4-plus hour trip, covering over five miles of trail through Griffith Park. The group stops for dinner at the Viva Fresh Mexican Restaurant in Burbank.

[More information](#)

#### Accomplice: Hollywood

Produced by Neil Patrick Harris, this game/tour/show takes you (in a group) on a mission through the city streets. You will be aided by clues and mysterious cast members as you make your way through street corners, bars, iconic landmarks, and out of the way spots. (Accomplice Hollywood is currently on hiatus; perhaps back in time for the conference?)

[More information](#)

#### Black & White Biplane Adventure

Take a ride in a 275 horsepower WWII-style biplane. Your pilot will share the story of the plane, and then you'll climb into the cockpit, sitting up front in a traditional helmet and goggles. From there, get ready to take off! Two fly for the price of one and the route can be customized for you. Flights take off and land at the Santa Monica Airport.

[More information](#)



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eNEWS

VOL. 8 NO. 4  
APRIL 2013

## Ten Rules for Settlement Negotiations

By Gregg M. Herman JD.

It should be easy. Both parties have a lot to lose. There are substantial risks and certain substantial costs. There is (usually) a lot of room for compromise. But it's not easy. The emotional aspects cloud the rational ones. Marriages usually end due to the lack of the exact attributes that make settlement easier: trust, communication and cooperation. The legal system does not help as it is, by its very nature, adversarial. So lawyers need to help their clients get past the emotional impediments—past the lack of communication, cooperation and trust, to find common ground. Perhaps some basic rules would be helpful. Like all rules, they have exceptions. But, if generally followed, it is submitted that they would make a peaceful outcome in an adversarial process more likely.

**1. Be cordial.** This is not as simple as it sounds. Many clients believe that lawyers should posture and put on a show for their clients. Of course, that is rarely conducive to a peaceful resolution.

Lawyers need to carefully explain to the client at the outset the reason for a cordial atmosphere with opposing counsel. The explanation may be as simple as increasing the likelihood of settlement. After all, most clients want their cases settled. But, sometimes, clients need to be reminded that settlement is more likely if both sides behave with cordiality, rather than with threats and intimidation.

Other clients can be reached through their pocketbooks. If lawyers maintain civility towards each other, it is far easier to pick up the phone and discuss issues. If they cannot do so, then the result is innumerable court hearings. It is, obviously, far cheaper to have a phone conversation than to go to court.

The method that gets the understanding through to the client will, obviously, depend on the individual client. What is important is that the lawyers explain the strategy to the client at the outset.

**2. Do not give ultimata.** Which of the following tactics are more likely to bring about a measured response leading to discussions of settlement and compromise?

*Approach A: Here is a settlement proposal. You have 48 hours to accept it or it is withdrawn.*

*Approach B: Here is a settlement proposal. It contains what we believe to be reasonable positions on all issues. If you or your client disagree, please provide us with the reasons you disagree and what you think would be reasonable under the circumstances.*

Clearly, Approach A puts the other side on the defensive. It is essentially asking for a fight and most lawyers do not need more than one invitation. On the other hand, Approach B is far more likely to bring out the type of reasonable discourse that can lead to a settlement.

**3. Do not give deadlines.** On occasion, I have received settlement proposals with a deadline for a response. A deadline is really a threat and usually brings out the type of response discussed in number two. Usually, these are not great proposals anyway or there would be no need for the deadline. After all, if the proposal was really that great, it would speak for itself and there would be no need for the accompanying threat.

When the other side gives a "Friday at 5 pm" deadline, try the following response:

*Dear Joe:*

*My client was going to accept your proposal on Friday when she noticed that it was 5:10 pm.*

If you want the case settled, do not use deadlines any more than you would use any other type of threat or ultimatum.

**4. Make full disclosure voluntarily and freely.** Ask yourself: Are you more likely to settle a case where the other side has given you everything you need voluntarily, freely and openly, or where they stone-wall discovery? The answer is obvious. Where the other side treats financial information as if it were a highly classified government secret, it makes settlement less likely. This tactic brings out the "What are they trying to hide?" question. This sort of mistrust is not conducive to settlement.

When you represent the side with all the information, give it to the other side *before* they ask for it. After all, you know what they will need in order to settle the case. By providing this information even before a request is made, you will have accomplished at least two positive things. First, if any court intervention is requested by the other side regarding discovery, the court will be impressed by the voluntary provision of large amounts of financial documentation. Family courts dislike discovery motions and routinely order everything to be provided unless absolutely outrageous. Second, and more important, providing the information voluntarily creates the type of atmosphere which allows opposing counsel to enter into settlement negotiations without the paranoia inherent in the cases where the stone-wall approach is used.

**5. Don't be afraid of taking the first step.** Some lawyers seem to have a fear that making the first step toward settlement is a sign of weakness. As result, some cases sit and wait, whereas a settlement conference can begin the process of resolution.

Someone has to take the first step or no case will ever be settled. To view this first step as a sign of weakness is a sign of insecurity on the part of the lawyer. On the other hand, taking the first step can be a sign of strength: The lawyer is so confident in his or her case, that the supposition is that the other side will want to settle to avoid the embarrassment of the eventual defeat in court.

In addition to the simple concept of just getting the ball moving, there may be a psychological advantage of making the first proposal. Psychological research shows that "branding" plays a large role in decision making by creating an expectation of likely results in people's minds. By making the first proposal, not only can it get the process started, but it may even improve the final negotiated result.

**6. Never negotiate backwards.** Backwards negotiating is what occurs when a subsequent offer is worse for the other side than a previous offer. There are times when new facts may alter settlement positions. However, assuming discovery was conducted before settlement (as it should be), once a proposal is made, subsequent proposals should be closer to the other side's position, not further away.

Backwards negotiating is a form of intimidation. It tells the other side that they are idiots for not jumping at the initial offer and that subsequent offers will be less unless they jump at the present offer. While the other side may in fact be idiots, it is not conducive to settlement to educate them to that fact. Moreover, it is not good faith negotiating and the response of a party who receives a backwards offer should be to stop negotiating.

**7. Never refuse to negotiate.** True, some cases are harder to settle than others and some cannot be settled. But you will never know unless you try. Unfortunately, a certain amount of legal services later turn out to have been avoidable, but were utilized in the event that it was thought necessary at the time. Settlement should be attempted in every case, no matter how remote the prospect might seem. As Winston Churchill once said, "It is better to jaw, jaw, jaw than to war, war, war."

This does not mean, of course, that it is never proper to walk out of a negotiating session, suspend negotiations or even stop them. It does mean that is improper to never enter into negotiations to begin with. Sometimes, the reluctance to call reminds me of the teenage boy afraid to call the girl for fear of rejection, while the girl sits by the phone, hoping for the call, but too timid to call on her own.

**8. Never get personal.** There is a scene in *The Godfather* where a character is about to be wiped out by the mob. One of the henchmen tells the victim that the Godfather wants him to know that it is nothing personal, it is just business.

Clearly, much of what is happening in the divorce is personal between the parties. It should never be personal between the attorneys, no matter how sensitive or important the issues.

**9. Never get angry at a settlement proposal.** If a settlement proposal comes in writing, we, of course, immediately send it out to our client. It is not unusual that our client calls us after reading, livid with anger at how outrageous the proposal is and how far from what the client perceives as fair.

True, some proposals are so low or so high as to be insulting. Some lawyers ask for the stars hoping to get the moon. Others misinterpret the parameters of reasonable settlement. Whichever is true, at least there is an attempt at settlement. Rather than get angry, if the proposal is in the stars, then start subterranean (or whatever is the opposite of the stars!). If the proposal is unreasonable due to a misunderstanding of reality, then educate the other side. But never get angry—any proposal, even a bad one, is better than no proposal at all.

**10. Be prepared!** Going into settlement negotiations without a prior face-to-face meeting with your client is as wrong as going into trial without such a meeting. Worse, it wastes the time and money of not only your client, but the lawyer and client on the other side. Spend time with your client to discuss starting points and ending points for negotiations. And, it wouldn't hurt to discuss these rules!

In conclusion, following these rules does not, of course, guarantee a settlement. They do, however, create the type of atmosphere that makes a settlement more likely. As with many other things in life, improving the odds is often the best we can do when we do not have full control over the circumstances. And we owe it to our clients to do the best we can.

Gregg Herman is a family law attorney with the Milwaukee, Wisconsin, law firm of Loeb & Herman, S.C. He is a long time member of AFCC and is currently co-chair of membership for the Wisconsin Chapter of AFCC. This article is adapted from his newly published book by the ABA Family Law Section: [Settlement Negotiation Techniques in Family Law: A Guide to Improved Tactics and Resolution](#).



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## Q & A with James P. Steyer

AFCC will welcome James P. Steyer, the CEO and founder of Common Sense Media and author of *Talking Back to Facebook* as the keynote speaker at the 50th Anniversary Conference in Los Angeles. He will speak at the Opening Session, 8:30am-10:00am, on Thursday, May 30. Mr. Steyer began his career as an educator, was a public interest lawyer and now teaches at Stanford University. *Talking Back to Facebook*, looks at the effects of digital media on children and families and offers advice to parents on digital media issues affecting infants through adolescents.

### **AFCC: Could you give a quick overview of what Common Sense Media does and the resources it provides?**

JPS: Common Sense Media is the national authority on kids, media, and technology. As a nonpartisan, nonprofit organization, Common Sense provides critical information, tools, education, and advocacy to millions of families, educators, and institutions as they face the challenges of raising a generation of young people in a 24/7 media world. We achieve our mission via a four-pronged approach: Rate, Educate, Advocate, Investigate.

RATE: Common Sense provides free, up-to-date ratings and reviews of media from a child-development perspective, including more than 17,000 reviews of movies, TV shows, video games, music, websites, mobile apps, and books. We rely on developmental criteria from some of the nation's leading authorities to determine what content is appropriate for which ages. Our new learning ratings initiative also rates and reviews digital media products (games, apps, and websites) for their learning potential. Our goal is to give you trustworthy information so that you can decide what works for your family, and what will help your kids thrive.

EDUCATE: Common Sense Media educates parents, teachers, and young people in both formal and informal learning environments. Our education programs for parents and teachers are used in more than 50,000 schools worldwide. Our free K-12 digital citizenship curriculum helps kids think critically and create safely in a digital world, and we've created an entire series of online games (the Digital Passport) and professional development tools for teachers who are implementing them their classrooms. Our free online content includes hundreds of videos and tip sheets for parents and educators on topics ranging from cyber bullying to high-tech cheating, as well as the latest news and research updates on kids and media. Many of the materials are also available in Spanish.

ADVOCATE: Common Sense serves as a widely respected public leadership voice in Washington, DC, and across the US on the key issues concerning families and media and technology. Currently, we're using that platform to promote major advances in digital learning and citizenship, privacy, and other key issues that affect kids and education across the nation. Most recently, our work was instrumental in helping the FTC pass sorely needed updates to the Children's Online Privacy Protection Act.

INVESTIGATE (RESEARCH): The mission of Common Sense Media's Program for the Study of Children and Media is to provide parents, educators, health organizations, and policymakers with reliable, independent data on children's use of media and technology and the impact it has on their physical, emotional, social, and intellectual development.

**AFCC: How does your book, *Talking Back to Facebook* fit with the mission of Common Sense?**

JPS: My goal in writing *Talking Back to Facebook* was to raise awareness about how our media- and tech-saturated world is changing kids' lives, and to help parents help their kids avoid the pitfalls of the digital world while making the most of its opportunities. It's a natural extension of Common Sense Media's mission, which has always been to both speak up for and empower parents to control the quality of the media in their kids' lives. In the book, I identify three major areas of concern relating to kids' use of media and technology, something I call RAP: Relationship issues, Attention/Addiction problems and the lack of Privacy. The idea here is to help parents understand these issues and to give them the tools to address them with their kids. We can't completely shield children from online images and messaging, but we can help them navigate digital media in a way that is safe and valuable to them. It's imperative that we start a conversation at a national level and push back against these pitfalls so that our children are positively rather than negatively affected by their use of digital media.

**AFCC: Your book is largely devoted to giving parents practical advice about their children and digital media, as well as the resources on the Common Sense website. What are some of the things parents can do to ensure their child has a healthy experience with digital media? A lot of the recommendations seem to fit well with what makes good parents, involvement, communication, etc.**

JPS: Digital media is everywhere, and kids are exposed to it all the time. Teaching kids how to be good citizens online, how to protect themselves, and how to help protect their peers' privacy is now becoming as important as teaching kids to be polite and have good manners. Parents who talk to their kids about digital citizenship are helping to keep their kids safe, responsible and, ultimately, better equipped to thrive in this digital age. My book is a good starting point for these conversations, as is the Common Sense Media website: [www.commonsense.org](http://www.commonsense.org).

Here are my top ten tips for parents in the digital age:

1. Set firm time limits: Minimal or no screen time for tots under two and average two hours a day for older kids.
2. Unplug! Take personal technology time-outs. Spend unplugged time with your kids. Example: meals are no-media zones.
3. Do your homework: Choose age-appropriate material for all platforms.
4. Learn their world: Go online, play digital games and watch TV with your child.
5. Location, location, location: Keep family computers, digital games and TVs in a common room.
6. Role model: Set a good digital example and regularly share your values and judgment.
7. Teach your kid to self-reflect before they self-reveal. Think before hitting "send."
8. Make sure your child understands safe and appropriate online behavior.
9. Help your kids take advantage of great digital educational activities.
10. Stay involved: Know what your kid is seeing and doing in the digital world and talk about any issues that come up.

**AFCC: Could you discuss some of the more "hidden" risks associated with children using digital media, for instance child brain development?**

JPS: In this digital age, we are performing the world's largest experiment on our children—and we don't know what all the long-term social, emotional and cognitive effects of this experiment are going to be. In

*Talking Back to Facebook*, I explore what we do know. As I mentioned above, the three main effects I focus on are relationship issues, attention/addiction problems and the lack of privacy. According to experts, increased use of digital and social media can affect each of these three areas of a child's life. Studies show young people, for example, feel greater insecurity and social anxiety in a world where text messaging and posting have become appropriate platforms for personal confessions, breakups, anger and jealousy. In terms of brain development, the research is still in its early stages, but too much hypertext and multimedia content is often related to limited attention span, lower comprehension, less focus, information or cognitive overload, and diminished long-term memory. To top it all off, digital media has fundamentally altered our sense of privacy, and young people routinely share private information without first self-reflecting. The bottom line here is that children can sometimes make choices online that they later regret.

**AFCC: Oversharing, and regret over having shared something on social media, is a common concern. We often see examples of adults oversharing or posting something regrettable on social media, the regrettable Tweet from a celebrity in the news, or someone fired over a Facebook photo; or oversharing in the context of family law: postings on social media being used in court. How common is oversharing or experiencing regret about having shared something among kids? And can you offer some advice or tips on how can parents address this effectively when so many adults have the same experience?**

JPS: One of the main risks of constant connectivity and social media, in my opinion, is the issue of privacy. The impulse-enabling nature of social media platforms, coupled with the vulnerable and inexperienced social and emotional development of young people, can be combustible. They often, like I've said, "self-reveal before they self-reflect." In other words, they broadcast personal information and images to the public before they really consider whether or not they want the public to actually know or see those things. Millions of kids say and do things that they later regret, and because of the permanence and persistence of the Internet and digital media—the lack of an "eraser" button—the embarrassment and damage can last forever.

**AFCC: Some of the research that Common Sense Media does would likely be of interest to our members. Could you highlight some findings from the study, *Social Media, Social Life: How Teens View Their Digital Lives*, July 2012?**

JPS: Today's 13- to 17-year-olds are the first generation to go through their entire teen years with such an array of digital devices and platforms. Our *Social Media, Social Life* report reads as a primer for parents to teens and tweens—to help them understand how their kids are engaging with technology and to highlight any impact it might be having on their social and emotional well-being. The findings were really interesting:

Nine out of 10 teenagers in America have used social media, and the majority of them perceive it to be a more positive than negative influence in their lives. But in spite of their widespread use of today's technology, teens prefer talking in person over texting, tweeting, or connecting on Facebook, and many describe themselves as "addicted" to their digital devices.

- 90% of teens have used some form of social media; 75% have a social networking site, and more than half (51%) of all teens check their social networking site at least once a day.
- 52% of all teens who use social media say that it has mainly helped their friendships, while only 4% say it has mainly hurt their friendships.
- 29% of social network users believe that social networking makes them feel more outgoing (compared to 5% who say less); 20% say it makes them feel more confident (4% say less); 15% say it makes them feel better about themselves (4% say worse); and 10% say it makes them feel less depressed (vs. 5% who say more).
- Despite all this, 43% of teens express a desire to disconnect sometimes, 41% say they are "addicted" to their mobile devices, and 36% say they sometimes wish they could go back to a time when there was no Facebook.

The urge to unplug is highest among teens that either don't use social networking or have had bad experiences online. As many as a third of these teens talk about "often" encountering racist or sexist (32%) or homophobic (31%) content in the digital dialogue.

Somewhat surprisingly, teens' favorite way to communicate with their friends is by talking in person (49%), with texting next (33%) and social media a distant third (7%). Teens who prefer talking face-to-face say it's because it's more fun (38%), and they can better understand what people mean (29%). The telephone, a mainstay of teenage life just a generation ago, is virtually dead: Only 4% of teens prefer to talk on the phone.

**AFCC: Has there been, or does Common Sense Media plan to conduct, any research on social media use for children with separated or divorced parents specifically?**

JPS: Our research program is always considering different avenues of questioning around the issues that face parents raising kids in a digital world. We don't have formal research that addresses this concept planned at the moment, but it is an issue that our parenting editors tackle often in our parent advice on our [blog](#) and [website](#).



## President's Message

*By Arnold T. Shienvold, PhD, Harrisburg, Pennsylvania*



As I write this I am flying at about 38,000 feet over the interior of Australia on my way to the Great Barrier Reef. I left Sydney this morning after representing AFCC at the 6th World Congress on Family Law and Children's Rights for the last four days. I am sure you are all feeling sorry for me, being so far from home, but rest assured that as your president I am suffering through it for the sake of the association. It's just amazing how some friends, food and wine can make everything just fine!

In all seriousness, this has been an amazing journey for me. I am not simply referring to Australia—the wonders of this trip go without saying—but the entirety of my AFCC presidency. To represent an organization that is held in the highest esteem by virtually everyone with whom I come into contact makes me incredibly proud and incredibly humble. In Australia, the organizers and presenters of the World Congress consistently extolled the contributions that AFCC as an organization, and AFCC members, have made to the various fields associated with our work. Many of the presenters at the Congress were AFCC members, but even those who were not spoke highly of our journal, our conferences, our various resources and our members. There is great enthusiasm for AFCC "down under." While in Sydney, Peter Salem and I, along with Chief Justice Diana Bryant, Emile Kruzick Jennifer Neoh, former Chief Justice Alastair Nicholson, Linda Fieldstone, and close to 75 current and future members, helped to launch the newly forming AFCC Australia Chapter.

It is not only in Australia that AFCC's prestige holds fast. Over the past several months I have attended the International Academy of Matrimonial Lawyers conference in Phoenix, the National Council of Family and Juvenile Court Judges conference in San Antonio, the Association for Conflict Resolution conference in New Orleans and multiple American Academy of Matrimonial Lawyers chapter meetings. Each of these organizations openly recognizes the contributions of AFCC and wants to participate in and enjoy future projects with us. There is no doubt that AFCC is viewed as one of the premiere organizations in the field not only because we produce such high quality products, but also because we, as an organization, practice what we preach in the "field," i.e. interdisciplinary collaboration. Our willingness to hear other voices, to tackle the most difficult issues and to share new ideas from all areas gives us a unique perspective with which others want to associate.

So, as I say goodbye to you as your president, I want to thank you for allowing me to be the conduit for all of the praise and recognition directed to you and your good work.

Most humbly,  
Arnie