

# AFCC NEWSLETTER



VOLUME 19, NUMBER 1

An association of family, court and community professionals

WINTER 2000

## Senator Paul Wellstone and Sheila Wellstone to Present Meyer Elkin Address at AFCC Annual Conference

by April Burke, AFCC Intern, Madison, WI

United States Senator Paul Wellstone and his wife, Sheila Wellstone, will present the Third Annual Meyer Elkin Address on the opening night of AFCC's 37th Annual Conference in New Orleans. The conference, *Alienation, Access and Attachment: Balancing Legal Issues with the Needs of the Family*, will be held May 31-June 3, 2000 at the Hilton Riverside Hotel.

The Meyer Elkin Address is presented annually by those whose work has significantly improved the lives of children and families. Senator and Ms. Wellstone join a distinguished list of Meyer Elkin Address presenters including Marian Wright Edelman, founder of the Children's Defense Fund; Jonah Edelman, Executive Director, Stand for Children; and Professor Peter Edelman, Georgetown University Law Center (1998); and George Thomson, former Deputy Attorney General of Canada (1999).

Senator Wellstone is the senior senator from Minnesota and a longtime supporter of legislation which supports children and families, focusing his efforts on family leave, education and health care. Ms. Wellstone is nationally recognized for her leadership as an advocate against domestic violence. See page six for more information on the work of this dynamic couple.

AFCC's 37th Annual Conference will feature more than fifty sessions including a wide array of interdisciplinary programs as well as sessions designed specifically for judicial officers, lawyers, mediators, court services administrators, custody evaluators and others. Other highlights will include:

### Defining the 21st Century Family

Friday morning's plenary session, "Defining the 21st Century Family," will feature a spirited discussion among those who have different perspectives on the form of the family. The impact of gay, lesbian and

never-married families, extended families and more traditional families will be examined by Mary Bonauto, J.D., Civil Rights Director for the Gay & Lesbian Advocates & Defenders; Dr. Ronald Mincy, Senior Program Officer for Workforce Development and Welfare in the Ford Foundation's Program in Human Development; Professor Katherine Spaht, author of Louisiana's Covenant Marriage Law and Catherine Smith, J.D., counsel for *Troxel v. Granville*, the Washington State grandparent visitation case recently heard by the U.S. Supreme Court.

### Special Alienation Sessions

Members of the Northern California Task Force on the Alienated Child will present the most current thinking on addressing the alienation of children from a parent. Task Force members Drs. Joan Kelly, Janet Johnston, S. Margaret Lee, Matthew Sullivan, Nancy Olesen and Steven Friedlander will present a pre-conference institute, plenary session and three workshops which will include clinical and systemic interventions to help professionals address these very challenging cases. The Task Force members will be joined in their presentations by Hon. James Williams, Halifax, Nova Scotia, former AFCC Presidents Hon. Susan Snow and Christine Coates, and presenters Shelly Probbler, Psy.D., San Antonio, TX, Sara Bonkowski, Ph.D., Aurora (IL) University, Hon. Terrence Sheen, Wheaton, IL, Judith Ryan, M.S.W., L.L.M., Helen Goudge, M.S.W., Toronto, ON and Lorie Nachlis, J.D., San Francisco, CA.

### AFCC Youth Forum

AFCC's Kids Count Club, in collaboration with the Law & Civic Education program of the Louisiana State Bar, will sponsor the 2000 Youth Forum. This year's program will feature Ronald Johnson, Executive Director of the National Family Life and Education Center in Los Angeles. Mr. Johnson is a

former New York gang member who went on to graduate from Columbia University and now works with teen parents. His inspirational keynote address at AFCC's Southwest Regional and California Chapter Conference in November 1999 resulted in numerous requests for a repeat performance. Mr. Johnson will also give the luncheon address at the AFCC Awards Luncheon, Thursday, June 1, 2000.

### Judicial Officers Forum

The AFCC Judicial Officers Committee will sponsor the second Judicial Officers Forum. This is an opportunity for judges, referees, court commissioners and magistrates to attend a special workshop and then join committee co-chairs Hon. Linda Dessau and Hon. Fred Newton for networking opportunities. The workshop topic will be "Child Sexual Abuse, Myths and Reality." The Judicial Forum takes place from 3:15pm-6:00pm on Thursday, June 1.

### Five-Star Faculty Presents Mediation Training

Don't miss the opportunity to participate in a 12-hour Post-Conference Training in Juvenile, Child Protection and Dependency

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## AFCC NEWSLETTER

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### AFCC Newsletter Editor

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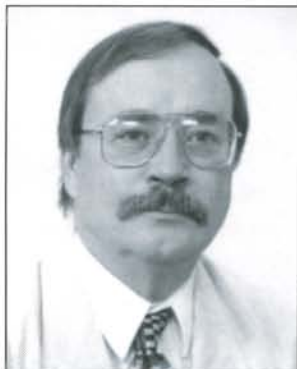
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Quarter page (3 3/4" x 4 1/2") .....\$175

## PRESIDENT'S MESSAGE



Phil Bushard, Reno, NV

In 1993 AFCC received the first of two three-year grants from the William and Flora Hewlett Foundation. Hewlett funding has enabled AFCC to enhance administration operations and member services, including centralized conference planning, implementation of our Professional Development and Technical Assistance training programs, special topic conferences—including Parent Education Congresses and Child Custody Evaluation Symposia—and mobilization of the AFCC Development Committee and its efforts to create a Resource Development Fund for AFCC.

The second grant from the Hewlett Foundation, received in 1997, included provisions for an organizational assessment. The organizational assessment has two major components both of which are underway at this time. The first component is the membership survey. During February 2000, current AFCC members were mailed a survey regarding membership services and benefits. AFCC's Executive Committee and staff worked with an independent research firm with experience in non-profit organizations to develop the survey. I would like to thank everyone who responded.

We anticipate that the survey results will provide valuable information regarding membership and services. In addition to surveying active members, a second survey was sent to former AFCC members. This follow-up is intended to guide our efforts in membership recruitment and retention. The data analysis will be completed later this spring and will be discussed at our Board meeting in New Orleans. Results will be presented to our membership in future newsletters.

The second component of our organizational assessment is a review of organizational structure, governance and administrative structure of AFCC. This assessment was conducted by consultant Maureen Robinson of Bethesda, Maryland. The organizational assessment involved several components including a review of AFCC's governance history, a visit to the AFCC office in Madison, WI, a survey of

Board members, attendance at our Executive Committee and Board meetings in Newport Beach in November 1999 and interviews with more than twenty former and present members of AFCC leadership.

The written report and recommendations will be the major subject of our Board meeting at the Annual Conference in New Orleans this spring. Governance of AFCC combines the efforts of the Officers, Board and Administrative Committees. We are charged with establishing goals and objectives for the future. Administration of the Association is in the capable hands of our Executive Director Ann Milne and her staff.

AFCC leadership and staff will be challenged by the wealth of information and recommendations provided through the membership surveys and organizational assessment. As our goals and objectives develop, we will endeavor to keep AFCC members informed. This is an exciting time for AFCC. Thank you for this opportunity to serve.

## Special Thanks

I would like to say a special word of thanks to the AFCC Arizona Chapter and offer my congratulations for putting together an outstanding conference in Sedona, AZ. The program was dynamic and Sedona was beautiful. Thank you for having me as your guest and best wishes to the 2000-2001 Arizona Chapter Officers.

### President

Frederic Mitchell  
Tucson, AZ

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Sidney Buckman  
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### Vice President

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Prescott, AZ

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Scottsdale, AZ

### Past President

Hon. Fred Newton  
Flagstaff, AZ

—Phil Bushard, AFCC President



## MEMBER PROFILE

# New Orleans Member Leslye Hunter



Leslye Hunter

New Orleans member Leslye Hunter is the perfect choice to chair the local committee for AFCC's 37th Annual Conference. Not only is she an AFCC devotee, she has a high level of energy, extraordinary persistence and an uncanny ability to create opportunities for success. These are important qualities given her stated goal of tripling AFCC's Louisiana membership by the time the conference has ended.

Leslye was born in New York City and she seized her first opportunity when she was only six years old while tagging along to her brother's voice lessons. "The teachers saw me sitting there and asked me if I could sing and dance. They must have thought I was okay, because they sent me to audition for *The Dave King Show* and I got the part."

*The Dave King Show* was a summer replacement variety show and although it was short lived, Leslye's acting career was not. "I was bi-coastal at an early age," she said. "I did television in Los Angeles and lived and acted in the theatre in New York." Leslye's television credits included *Route 66* and *Ben Casey*, where she played a victim of child abuse. Back in Manhattan she was starring on (and off) Broadway with Robert Preston in *Music Man*, Henry Fonda and Olivia DeHavilland in *A Gift of Time* and Maureen O'Hara in *Christine*. Leslye also attended New York's Professional Children's School with actresses Amy Irving and Carole Kane, cellist Yo Yo Ma and dancer Gelsey Kirkland. And whatever happened to her brother's career? "Actually, he went to law school," Leslye said. "But he never lost the theatre bug. He's now back in the theatre, working on his doctorate in directing at the University of Texas."

At age 16 Leslye decided to move on to other interests and after completing high school she attended Beloit College in Wisconsin. "I had lived my whole life in the city and I wanted to see how the other half lived," she said. Leslye graduated Phi Beta

Kappa from Beloit with a psychology degree but she didn't hang around Wisconsin for long. By graduation day she was back in New York getting married and preparing for graduate school.

After earning a master's degree in clinical psychology from Long Island University, Leslye accepted a position with Harlem Valley Psychiatric Center coordinating a neighborhood mental health clinic and serving as liaison to the family court. It wasn't long before Leslye showed her interdisciplinary leanings as she collaborated with the lawyers and court personnel to set up the first program in New York's Westchester County to conduct custody evaluations for the courts.

Leslye continued to work as an administrator and psychotherapist until 1983 when her daughter Katie was born and a six month maternity leave turned into new opportunities. "I had planned to stay home for six months but I just couldn't go back to work full time and leave Katie," Leslye said. One day while grocery shopping with Katie, Leslye had a brainstorm. "Katie kept throwing her bottle on the floor, and being the fastidious mother that I was, I wouldn't let her put it back in her mouth. So I went home and made a rainbow-colored elastic strip with snaps on it and a loop that holds the bottle securely. That way I could snap the bottle belt onto a car seat, stroller or grocery cart."

When several people asked Leslye where they could get one of her inventions, she got a patent and put her product on the market. "They sold it at Bloomingdales and through several sales representatives," she said. "I made just about enough money to pay for the cost of getting the patent."

Parenting and a budding career as an inventor were not enough to keep Leslye busy. "I was going nuts at home, so I started catering for a few friends," Leslye said. Soon it grew to full time and Leslye's business, *Romancing the Stove*, thrived for three years before Katie started kindergarten and Leslye returned to her mental health career.

In 1991 after two years in private practice, Leslye moved with her family to New Orleans. She began volunteering with Planned Parenthood and was quickly hired as Director of Clinical Services. Leslye also found her way back to the kitchen, offering gourmet cooking classes in her home. "We'd have between eight and ten people come into my house, cook a three course meal and then eat it," she said. "It was great fun and I made some wonderful friends."

Leslye then went to work at Family Service of Greater New Orleans. "During my divorce we went through mediation and although we didn't come to an agreement I was so impressed with the process that I became trained as a mediator and took a

job doing mediation and custody evaluation," she said.

The only problem was that Leslye hadn't conducted a custody evaluation in 15 years. "I knew nothing about custody evaluations and my boss came into my office with a brochure for AFCC's Custody Evaluation Symposium in Clearwater so I went. I've been a loyal member ever since."

Leslye as  
a pouting  
nine-year  
old . . .



. . . and  
as a budding  
teen idol.



Leslye has now established a successful private practice. She served as an officer for the New Orleans Chapter of the Family Mediation Council of Louisiana and is faculty for Voices for Children, a mandatory divorce education program. She is a contributing expert to *Parents* magazine and writes an Internet Q&A column for *Commitment* magazine.

While Leslye's plate is quite full she has managed to carve out enough time to serve as local chair for the New Orleans conference. "AFCC conferences are very important to me," she said. "This is a very stressful, high burnout area of practice and when I get to the point where I just don't want to do anything anymore, all I have to do is attend an AFCC conference or talk to AFCC members on the Internet and it recharges my batteries. I get new ideas and see new ways of looking at old problems. The burnout goes away and the excitement of being able to make a positive impact comes back."

There is certainly no question about the positive impact Leslye is having on this year's conference. However, one question remains: How is she planning to reach her goal of tripling the number of Louisiana AFCC members? The answer: Leslye has already purchased her first gift membership for a local parent education program.



# Tribute to Daniel Hamoline, Q.C.

by Barbara Landau, Toronto, ON; Linda Girdner, Gambrills, MD; and Tom Gullason, Saskatoon, SK



Daniel Hamoline, Q.C.

**W**e are writing this article to share our appreciation of the gifts of this remarkable man who left us far too soon. He died of cancer, having been diagnosed in June 1999, shortly after his 50th birthday. We were lucky to have known him, witnessed his brilliance, shared his commitment to mediation and been his friend. For those who attended any of Daniel's presentations, you are aware of this larger than life man and we invite you to share your memories.

Daniel was quintessentially Canadian. His mother is of French Canadian descent and his father is of Belgian descent. Daniel was the first of eight children born to Annette and Leo Hamoline (five daughters and three sons). As the oldest child, Daniel was destined to be both complex and unique. He succeeded in so many things he touched. He had a number and variety of achievements that could easily fill any resume. Daniel was a lawyer, social worker and mediator extraordinaire. Shortly before he died, Daniel was granted one of the highest honors bestowed on a Canadian lawyer. On the recommendation of his peers, Daniel was appointed a "Queen's Counsel."

Forever Daniel's name will carry the designation Daniel Hamoline Q.C. Daniel maintained an active practice as a therapist while at the same time pursuing his two primary interests, mediation and training. In the last several years, Daniel's practice mushroomed beyond family issues into workplace and other cases involving ongoing relationships. He was a Board member of AFCC, Family Mediation Canada and an active participant in the Academy of Family Mediators and the Network.

Whatever arena he entered, Daniel demonstrated an exceptional level of competence, although he was always the first to

critically evaluate his own performance. He was the least arrogant and most honest assessor of his own skills and limitations. For example, he was gifted as a trainer but struggled when asked to write down the ideas he taught — and he was the first to admit it and invite assistance. He always had so many ideas that for Daniel writing was like harnessing several unconnected tributaries all rushing in different directions.

I (Tom) began a 27-year friendship with Daniel as a social work student at the University of Toronto. Daniel, while truly being my mentor in the field of mediation, would repeatedly ask me why I continued to take his training and I would respond, "Because I want to and I always learn something new."

On a more personal note, he was the best man at Bernice's and my wedding. Daniel had a glorious voice and sang Ave Maria as it had never been sung before or after at a Lutheran Church. As wonderful as that was, I still told him "Daniel, you cannot marry Bernice!"

Daniel's special passion as a mediator was in the area of Domestic Violence. At the Toronto Forum on Woman Abuse in 1992 and the annual meetings of FMC and AFM, Daniel was a strong, sensitive and strategic male ally in the breakthrough discussions with women's advocates and mediators to develop an abuse policy for mediation. Daniel always listened deeply to the concerns of others and used his incredible reframing skills to bridge misunderstandings and demonstrate a level of empathy that created allies and melted resistance.

The last time the three of us (Barbara, Linda and Daniel) participated together on a project was on the State Justice Institute curriculum on Domestic Abuse and Custody Mediation. His co-authorship of this work will be one way in which his legacy continues. The three of us looked at things differently sometimes, like three blind persons exploring different parts of the elephant, but it made it all the more exciting when we compared notes. We always came away with a deeper understanding of the problem.

Daniel's personal honesty and attitude of "I am who I am," allowed him to be unself-consciously gay in most settings. He liked himself as he was and if you couldn't accept him as a gay man that was your problem. He never carried an attitude of anger or challenge for those who couldn't accept him, although he felt this deeply. Rather, he seemed to be at peace with the notion that everyone has the right to his or her own opinions or level of comfort. Daniel was, well, irrepressibly Daniel, in whatever setting, and his honesty charmed almost everyone. For example, we recall when we

first discussed the possibility of him receiving his Q.C. We can still hear Daniel laughing uproariously at the idea that the highest honor coveted by Canadian lawyers is to be known as a "Queen!" He loved life's ironies.

Daniel had another passion—dancing—no secret to those who attended conferences with him. For me (Linda), dancing with Daniel was always one of the high points of an AFM or AFCC conference. He led with a combination of grace, strength and showmanship that called me to follow. (And I am not normally a follower!) I never have been able to dance that way with anyone else. I told him once that if soul mates came for different purposes in our lives that he was my soul mate for dancing. I was honored when he said he felt the same way.

Grace, strength and showmanship were the characteristics of Daniel as a trainer too. His live role plays demonstrated his exquisite skill as a mediator. He was a performer who used humor as his vehicle for conveying a deep and yet compassionate understanding of his clients. Daniel's trademark was his ubiquitous use of "Harry" and "Harriet" for all his case demonstrations. We can all hear and picture Daniel, with his version of a southern drawl and a hand tapping his chest or resting provocatively on his hip or waving theatrically to punctuate the imaginary conversations between these two clients. "Now Harry, what I hear you saying is that you like things the way you like them and if Harriet wants to join you singing in your key then you'll continue to make heavenly harmonies together. But if she wants to change the key, then Harriet, honey, you'll have to find your own choir."

Only Daniel could serve up a serious topic like domestic violence with the flare of a Seinfeld. While the Harry and Harriet dialogues were always insightfully funny, the humour was never demeaning or mean spirited. He saved his sharpest rapier barbs for himself. I (Barbara) was incredibly lucky to share the planning and performance of our last Domestic Violence workshop at the 1999 FMC Conference.

Daniel was full of contradictions. He was a fiercely independent and intensely private man who loved to perform, was a wonderful friend, business partner and caring professional. Daniel, while you dance and sing in your new choir, we mortals will have to find our own way enriched by your gifts and energized by your spirit of compassionate caring for those who are less powerful. We'll recall your musical metaphors and try to emulate your creativity and personal honesty—and land sakes Harry, you will live on in our hearts!



# In Memory of Dr. John Haynes

Dr. John Haynes, Founding President of the Academy of Family Mediators, died of leukemia on December 22, 1999. Dr. Haynes is acknowledged as a trailblazer in the area of family mediation. As a mediator, he directly impacted the lives of a significant number of families. Through his training, books and videotapes the number of families whose lives were touched by the work of Dr. Haynes grew exponentially.

At the time of his death Dr. Haynes was working on two books. In an open letter to his friends and colleagues, his wife Gretchen Haynes wrote: "While his work has been cut short, we know that his legacy is the thousands of mediators all over the world who will continue and expand that work. His love of life, keen intellect, and abiding faith in the goodness of all people are an inspiration to us all."

AFCC extends its deepest sympathies to the family and friends of Dr. John Haynes and in his memory share the sentiments of some of those whose lives he touched:

With John Haynes' passing the field of family and divorce mediation has lost its greatest ambassador. I had the good fortune to co-mediate with John when he trained court mediators in Phoenix fifteen years ago. It was clear even then that his vision and commitment would be instrumental in the ultimate success of the field of divorce mediation."

*Phil Bushard*  
AFCC President  
Reno, Nevada

"No words are necessary to remind us of his importance in all of our lives and the lives of all who have had any contact with family mediation. There shall be no replacing him, but his impact will be forever present."

*Arnold Shienbold, President*  
Academy of Family Mediators  
Harrisburg Pennsylvania

"With John's passing, a giant in our field is gone. His personal and professional contributions have been enormous, but perhaps most important were the underlying values and commitment that he conveyed always and to everyone he interacted with."

*Bernard Mayer*  
Boulder, Colorado

"John was so much a part of who we have been and who we are. His presence was avuncular, reassuring and challenging. I learned how to mediate from John, but I think I am most grateful for the gifts of his vision and courage."

*Carl Schneider*  
Silver Spring, Maryland

"John's work was classic mediation at its best, but he didn't rest on his laurels. John continued exploring new and better ways to mediate and continued to share his ideas with the mediation community. Every time I had an opportunity to hear him speak I learned something new and was provoked to think differently about my suppositions and beliefs regarding best practices in mediation."

*Christine A. Coates*  
AFCC Past President  
Boulder, CO

"His name is really synonymous with divorce mediation and his contributions to the field, through his books, videotapes and training are unparalleled. However, his contributions extend beyond that. John's leadership was vital to helping the field of divorce mediation move from the fringes of the legal system to achieving legitimate if not preferred status among professionals and divorcing families."

*Ann L. Milne*  
AFCC Executive Director  
Madison, WI

"It is a huge loss for our profession. John was one of the leaders to whom we all owe a giant debt for his vision, commitment and encouragement."

*Michael Lang*  
Editor, Mediation Quarterly  
Pittsburgh, Pennsylvania

"In Australia mediators from all over the country have been influenced in many ways by his writings and teachings. One might not always have agreed with John Haynes, but in many and various ways and forms he made a huge contribution to the development of mediation."

*Lynn Stephen*  
Bunbury, Western Australia

"In my travels and training with John Haynes, he shall remain one of the most intriguing and influential men in my life, and the lives of many of those around the world who knew him well, and those who knew him not so well. He had an influence on others not easily described. John was an international traveler whose passport came from the heart. Although he was my best friend throughout these years, I know his friendship was equally remembered by each of you who listen to your heart."

*Larry Fong*  
Calgary, Alberta

## AFCC Award Nominations

The Association of Family and Conciliation Courts Awards Committee is seeking nominees for the following awards, to be presented at AFCC's 37th Annual Conference in New Orleans May 31-June 3, 2000.

**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, send a fax or e-mail of no more than two hundred words

to the AFCC Administrative Office. 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 as to why you believe the nominee to be a good candidate for the award.

The deadline for nomination is April 20, 2000. Please forward your nomination to:

AFCC Awards Nomination  
329 W. Wilson Street  
Madison, WI 53703  
Fax: (608) 251-2231  
E-mail: afcc@afccnet.org



# AFCC's Annual Conference Featured Pres



**Hon. Paul Wellstone**

Hon. Paul Wellstone went from teaching political science at Carlton College in Northfield, MN, to the floor of the United States Senate after becoming the only challenger to unseat an incumbent in the 1990 Senate elections. Well known for his grassroots organization and for his progressive policies, Senator Wellstone helped lead the fight to ensure that parents could take time from work to care for sick children and aging parents. He also introduced legislation to provide \$65 million to support supervised visitation programs. Senator Wellstone is an outspoken advocate of the Violence Against Women Act and is supporting legislation to enable public school personnel to work with children who witness domestic violence.



**Catherine W. Smith**

Catherine W. Smith is a partner with the Seattle firm of Edwards, Sieh, Smith & Goodfriend. Ms. Smith represented the parents in *Troxel v. Granville*, the grandparent visitation case heard by the U.S. Supreme Court in January 2000. Ms. Smith is a fellow of the American Academy of Appellate Lawyers, and editor-in-chief of *The Art of Appellate Brief-Writing and Oral Argument in Washington*. She has handled over 250 appeals in all three divisions of the Washington Court of Appeals, the Washington Supreme Court, the Ninth Circuit Court of Appeals and the U.S. Supreme Court.



**Sheila I. Wellstone**

Sheila Wellstone is nationally recognized for her work against domestic violence. She has long been committed to supporting women and their families who are working to escape violence in their lives. In her travels throughout the United States, Ms. Wellstone listens to the experiences of victims of violence and works to influence public policy in Washington, D.C. Ms. Wellstone works in collaboration with her husband, U.S. Senator Paul Wellstone, to create federal legislation to provide much needed support for women and children to help create violence free families.



**Mary L. Bonauto**

Mary Bonauto is Civil Rights Director at Gay & Lesbian Advocates & Defenders (GLAD), a public interest legal organization which conducts litigation and education on gay, lesbian and bisexual issues as well as issues concerning HIV and AIDS. Ms. Bonauto has litigated major cases involving employment discrimination, school censorship, protection and recognition of gay and lesbian families, anti-gay ballot measures and the freedom to marry. She served as co-counsel for *Baker et al., v. State of Vermont*, the gay and lesbian rights case recently decided by the Vermont Supreme Court and as lead counsel on legal challenges to Maine's anti-gay ballot measures. Ms. Bonauto has authored publications on employment discrimination, the rights of gay and lesbian teachers and gay families.



## ALIENATION, ACCESS & ATTACHMENT:

BALANCING LEGAL ISSUES  
WITH THE  
NEEDS OF THE FAMILY

HILTON RIVERSIDE HOTEL  
MAY 31-JUNE 3, 2000

REGISTER  
ON-LINE  
AT  
[WWW.AFCCNET.ORG](http://WWW.AFCCNET.ORG)





**Dr. Ronald B. Mincy**

Dr. Ronald B. Mincy is Senior Program Officer for Workforce Development and Welfare in the Ford Foundation's Program in Human Development and Reproductive Health. Prior to joining the Ford Foundation, Dr. Mincy led the Noncustodial Parents Issue Group for the Working Group on Welfare Reform, Family Support and Independence in the Clinton Administration. This experience laid the groundwork for the Strengthening Fragile Families Initiative, a Ford Foundation grantmaking initiative working with federal, state, and local human service agencies to reform income security policies to enable low-income mothers and fathers to provide emotional, financial and developmental support to their children. Dr. Mincy has consulted with policymakers and researchers in South Africa, the United Kingdom and throughout the United States.





**Ronald F. Johnson**

For nearly twenty years Ronald Johnson has dedicated his life to working with at-risk adolescents. A former New York gang member, Mr. Johnson graduated from Columbia University and had been accepted to medical school when he decided he wanted to work with children. Mr. Johnson is Executive Director of the National Family Life and Education Center in Los Angeles. He has developed and implemented numerous programs for youth, addressing issues including teen pregnancy, adolescent parenting and staying in school. He is listed in Who's Who in Black America and received the Arkansas Governor's Award from then Gov. Bill Clinton.



**Professor Katherine Spaht**

Professor Katherine Spaht is Jules F. and Frances L. Landry Professor of Law at Louisiana State University in Baton Rouge, LA. She is the author of the Louisiana Covenant Marriage Law and recently authored the article, "New Pro-Family Policies: Covenant Marriage and the 'Children-First' Principle." Professor Spaht served as member of the Academic Advisory Committee for the Institute for American Values, the Louisiana Civil Service League and the Louisiana Bar Association Board of Governors.



**Dr. Joan B. Kelly**

Dr. Joan Kelly is co-author of the groundbreaking book *Surviving the Breakup* and is well known to AFCC members for her expertise in the area of children and divorce. She is a frequent speaker at AFCC conferences and has published more than sixty articles including numerous contributions to the *Family and Conciliation Courts Review*. Dr. Kelly has received numerous awards including the AFCC Stanley Cohen Distinguished Research Award. Dr. Kelly is a member of the Northern California Task Force on the Alienated Child. She recently retired as Executive Director of the Northern California Mediation Center to devote more time to research and writing.



**Professor Janet R. Johnston**

Professor Janet R. Johnston, Ph.D., is Associate Professor in the Department of Administration of Justice at San Jose State University and Executive Director of the Judith Wallerstein Center for the Family in Transition. She is co-author of two highly acclaimed books, *Impasses of Divorce* and *In the Name of the Child*. Dr. Johnston is well known for her extensive experience conducting research and working with high conflict families. She is a member of the AFCC Board of Directors and of the Northern California Task Force on the Alienated Child. Dr. Johnston was the 1996 recipient AFCC's Distinguished Service Award.

## Member News

**Carole Brown**, AFCC Vice President from Sydney, Australia, rang in the new year with a 12:30am wedding on January 1, 2000. Carole married John Farey in her home, with fireworks from the Sydney Harbor Bridge, Opera House and Centerpoint Tower as a backdrop to the festivities. The wedding was a true family affair. The ceremony was conducted by Carole's father with the participation of her sons Stephen and David and her grandchildren Hannah, Emily, Joel, Joshua and Samuel.

**Susan Costello Lowe**, Co-Executive Director of the Academy of Family Mediators, was married to her longtime fiancé Robert Lowe in a January 1, 2000 wedding in Las Vegas, NV.

**John Harper**, AFCC Development Committee Chair, and his wife Franca are the proud parents of AFCC's newest future member, Talia Grace Harper, born January 31, 2000. According to John, he and Franca are sharing parenting duties and he is in charge of Talia's top half.

**Linda Hahn**, former AFCC President, retired as Court Administrator of Dallas County on January 31, 2000. Linda served as a member of the AFCC Board of Directors since 1985 and was AFCC President 1996-97. She was Chair of the 1996 AFCC Annual Conference in San Antonio and served on the Executive Committee of the Second World Congress on Family Law and the Rights of Children and Youth. Linda worked her way up through the Dallas County court system, first as a Court Services Counselor, then as Director of Family Court Services and then District Court Administrator. Linda and her husband Larry plan to spend time enjoying their new vacation home in Mountain View, Arkansas and visiting with their grandchildren.

**Hon. Susan Snow**, former AFCC President, retired from the bench of the Circuit Court of Cook County after twenty years of service. A long time member of the AFCC Board of Directors, Susan coordinated AFCC's 1989 Annual Conference in Chicago, served on the Advisory Committee to AFCC's Mediation and Domestic Violence Research Project and is a frequent presenter at AFCC conferences. She looks forward to painting and exploring creative writing.





# Uniform Mediation Act Update

by Richard Reuben, Reporter, ABA  
Drafting Committee for a Uniform  
Mediation Act, Cambridge, Massachusetts

In a unique partnership, cooperating drafting committees of the American Bar Association Section of Dispute Resolution and the National Conference of Commissioners on Uniform State Laws are working together to draft a Uniform Mediation Act.

The hope of the two drafting committees is to make the law affecting mediation more consistent and easier to access and understand regardless of the location of one's practice or one's professional orientation.

The mass of current state laws affecting the field at best varies widely and at worst is often inconsistent. This in part is because of the dramatic expansion in the number of statutory provisions adopted by states over the last 20 years. Today, there are more than 2,500 state mediation-related statutes, resulting in a complex tangle of legal requirements regarding mediation that vary by state, type of program and subject matter.

Mediation confidentiality presents a great example. In this area alone there are more than 250 state statutes. Yet remarkably, only about half the states have enacted laws that apply to all mediations conducted in the state and even those statutes vary considerably in terms of the scope of their application and the degree of protection they provide. The other half also has widely varying provisions that are scattered within the provisions of other substantive statutes – such as laws regulating farmer-lender relations or medical malpractice claims. In those states, unless a mediation falls within this subject-specific statute, it proceeds without any statutory protection whatsoever.

While some mediators are able to work under the protection of specific mediation statutes or court rules, many mediations in this country are conducted without any legal protection or guidance whatsoever. Many mediators who believe that they could not be called to testify about what happens during their mediations, for example, might well be surprised to find they may not have such protection after all.

After factoring in the many mediators who practice in more than one state or have multi-state clients and the uncertainty of which state law would apply in such cases, the need for uniform strong protections seems clear enough. The challenge, however, is to design a statute that is easy to read and understand, encourages diversity in practice, strengthens the mediation field, guards the essential elements of mediation, and protects parties' and mediators' interests.

The following are some highlights of the most recent draft (June 1999), as amended for consideration by the Drafting Committees in December 1999:

- The act would apply to disputants who enter mediation by written agreement or at the request of a court, government entity, or mediator.
- Confidentiality is the centerpiece of the proposed statute: The proposal addresses this by prohibiting mediators from disclosing mediation communications, including reports to a judge, agency or authority responsible for rulings or investigations related to the parties.
- The act also offers additional confidentiality protections in the form of a privilege that can be asserted by the disputants or the mediator (similar to the doctor/patient, priest/penitent and attorney/client privileges) in civil, juvenile, criminal misdemeanor, arbitration and administrative proceedings. There are relatively few exceptions to this general rule. Several are familiar exceptions, such as those permitting a written settlement agreement to be introduced as evidence in a court proceeding, allowing mediators to disclose mediation communications that evince a risk of serious bodily or property harm and making it possible for mediators to comply with other statutory reporting obligations, such as child or elder abuse. It should be noted that a controversial exception in an earlier draft would have permitted the privilege to be lifted by a court if it found that applying the privilege would constitute a "manifest injustice." This exception has since been removed.
- Information that would be otherwise admissible or subject to discovery would not become inadmissible or protected from disclosure if used in mediation.
- Mediators would be required to disclose reasonably known conflicts of interests, and, if requested, provide information about their qualifications.

The drafting process for the Uniform Mediation Act is in its later stages. The Drafting Committees began work on the second draft in October 1999, and met in December (California) and January (Washington). Its last scheduled drafting session will be March 31–April 2, 2000 in Ft. Lauderdale, Fla. This session will be open to the public, and all interested parties are encouraged to attend. More information about these meetings, as well as current and previous drafts and general information about the project and its participants may be found at the project's web site: [www.pon.harvard.edu/guests/uma](http://www.pon.harvard.edu/guests/uma).

Final drafts are expected to be sent to NCCUSL and the ABA Section of Dispute Resolution Council in July 2000 and if approved by both organizations, to the ABA House of Delegates in February of 2001.

Only if the Act is approved by these bodies will it be sent to the individual states for their consideration.

Comments are welcome throughout the drafting process. They should be directed to the Reporter for the ABA Drafting Committee, Richard C. Reuben, Harvard Law School, 506 Pound Hall, Cambridge, Mass., 02138 ([rcreuben@law.harvard.edu](mailto:rcreuben@law.harvard.edu); phone: 617-495-1684, ext. 546; fax 617-495-7818), and the Reporter for the Conference's Drafting Committee and the project's general coordinator, Nancy H. Rogers, Vice-Provost, Ohio State University, Office of Academic Affairs, 203 Bricker Hall, 190 N. Oval Mall, Columbus, OH, 43210 ([rogers.23@osu.edu](mailto:rogers.23@osu.edu); phone: 614-292-5881; fax: 614-292-3658).

## AFCC Annual Conference

*Continued from page 1*

Mediation on Saturday and Sunday, June 3–4. A five-star faculty will provide an introductory training designed to help mediators learn to mediate these challenging, multi-party cases. Conference registrants may sign up for the training at a discounted rate. The training is also available for those unable to attend the entire conference. Faculty members include Marilou Giovannucci, Manager, Court Operations Division, Connecticut Superior Court; Dr. Gregory Firestone, Director, University of South Florida Mediation Institute; Cynthia Schuler, St. Aloysius Orphanage, Cincinnati, OH; and Susan Norwood, Executive Director, Family Mediation Council of Louisiana.

## Mardi Gras Festival and Silent Auction

This year's Annual Conference will feature a special Friday evening Mardi Gras Festival and Silent Auction. Music and other entertainment and buffet dining will set the stage for networking, the silent auction and bidding for your favorite items. For more on the Silent Auction, please see the story on page ten.

## In a Nutshell

The fabulous cuisine and nightlife of New Orleans, a wonderful full service hotel located three blocks from the French Quarter, outstanding conference sessions and AFCC hospitality. If that isn't enough to convince you, contact AFCC with questions at 608-251-4001 or check our website at [www.afccnet.org](http://www.afccnet.org)



# AFCC Hosts Symposium on Model Standards of Practice for Mediators

by Andrew Schepard, J.D., Reporter for the *Model Standards of Practice for Divorce and Family Mediators*, Hofstra University Law School, Hempstead, NY

**A**FCC co-convened a full day meeting of the Symposium on Standards of Practice for Family and Divorce Mediation on February 26, 2000. The Symposium was co-convened by the Family Law Section of the American Bar Association, and the National Council of Dispute Resolution Organizations (NCDRO) a consortium of dispute resolution organizations. In addition to AFCC, NCDRO includes the Academy of Family Mediators, the ABA Section on Dispute Resolution, the Conflict Resolution Education Network, the National Association for Community Mediation, the National Conference on Peacemaking and Conflict Resolution and the Society of Professionals in Dispute Resolution.

The purpose of the New Orleans Symposium meeting was to review proposals for change in the *Draft Standards of Practice for Divorce and Family Mediators* which were published in the January 2000 issue of the *Family and Conciliation Courts Review* and on the web sites of AFCC, the ABA Family Law and Dispute Resolution Sections. Prior to the Symposium the *Draft Standards* were mailed to more than ninety local and national mediation groups. All of these publications included requests for comments with proposals for specific language changes in the *Draft Standards*. In response, the Symposium received comments and more than eighty proposals for change in the *Draft Standards* from numerous groups and individuals that make up the diverse membership of the family mediation community.

Comments and suggestions for change were made in a constructive spirit. Commentators generally supported the

effort to develop *Model Standards* and expressed appreciation to the Symposium for its work. Many of the proposed *Standards* generated little or no controversy.

Participants in the New Orleans Symposium meeting included approximately twenty-five family mediators representing organizations from throughout the United States. Many of the participants are leaders in national or local family mediation or dispute resolution organizations. In addition, the American Bar Association's Commission on Domestic Violence participated as an expert consultant in the Symposium meeting.

The structure of the Symposium was guided by a steering committee comprised of representatives of the convening organizations. Tom Fee served as facilitator. The Symposium participants were divided into three work groups, each assigned to analyze and comment on the proposals for changes made for a significant part of the *Draft Standards*. The work groups each appointed a reporter, and the entire group reconvened toward the end of the day to process the changes the work groups recommended and to see how they related to the *Draft Standards* as a whole.

Discussion was lively and well-informed; in effect, the meeting was a seminar of accomplished professionals and organizational leaders on the future of family and divorce mediation. Lawyer mediators participated fully with non-lawyers in a discussion which bridged gaps between different perspectives. Great progress was made in developing a final set of *Model Standards* that each participating organization would be encouraged to discuss and adopt for its own purposes.

Some of the issues the Symposium meeting addressed were:

- What is the definition of divorce and family mediation? What are its goals?

- What qualifications and background should a family mediator have?

- What are the limits of confidentiality in family mediation? Should, for example, there be an exception to confidentiality when one participant makes a credible threat of violence against another or child abuse or neglect is revealed during the mediation process?

- What is the role of lawyers for the participants and their therapists, accountants, etc. in the mediation process?

- What is the responsibility of the family mediator to promote post divorce and parenting arrangements that further the child's best interests?

- What is the role of the child's lawyer or guardian ad litem in the mediation process?

- What is the extent of the mediators obligation to screen participants for domestic violence and what actions should the mediator take if the mediator finds domestic violence to exist?

- How can a mediator advertise mediation services?

At the conclusion of the Symposium, the participants agreed that the Reporter for the Symposium in conjunction with the Reporters for each workgroup would collate the changes in the *Draft Standards* that had been agreed upon and identify the unresolved issues. The Symposium will then meet again this spring to complete its work.

Publication and circulation of the final *Standards of Practice for Divorce and Family Mediation* should occur in late 2000 or early in 2001.

*AFCC will feature a presentation on the Model Standards at the 2000 Annual Conference, May 31–June 3, in New Orleans.*

## AFCC Court Services Committee Update

**I**n 1999 AFCC President Phil Bushard established the Court Services Committee, a new committee charged with promoting education and networking opportunities to help meet the needs of supervisory and management staff of court-connected programs.

Co-chairs David Hodges and Jan Hood, along with committee member Doneldon Dennis, have planned a full day of workshops and networking on Friday, June 2, at AFCC's 37<sup>th</sup> Annual Conference in New Orleans. The morning will feature a special

workshop entitled, *Vicarious Trauma: Self-Care for Court Personnel and Care Providers*, presented by Janet Harvey, a mediator in the North Carolina State Mandatory Mediation Program for Custody and Visitation and the Family Mediation Program at The Mediation Center in Asheville, NC.

The committee will sponsor a Court Administrators Roundtable from 12:30pm–1:45pm. This is an opportunity for family court program personnel to discuss domestic violence concerns related to court

services. An advocate from the domestic violence community in New Orleans has been invited to comment on these issues.

The afternoon features a three-hour extended workshop designed for managers and supervisors in court connected programs featuring presenters with several decades of combined court services supervisory experience. Robert Tompkins, Deputy Director for Regional Services, Connecticut Superior Court, will present on

*Continued on page 10*



## CHAPTER NEWS

# Theory, Controversy and Practicality Mix at Arizona AFCC Chapter Conference

by Fred Mitchell, Ph.D., President,  
AFCC Arizona Chapter, Tucson, AZ

This year's Arizona AFCC Conference in Sedona offered participants a mixture of practical skills, information and controversial theoretical issues facing court and family practitioners as they struggle to address the needs of the evolving American family.

The conference took place at the Sedona Doubletree Resort February 4-6, 2000. It opened with a pre-conference institute on providing expert assistance to courts. Facilitated by domestic relations judges and Arizona AFCC Board Members Hon. Sharon Douglas and Hon. Fred Dardis, the institute offered valuable training for psychologists and attorneys wanting to build and sharpen their skills in providing critical information in family cases.

Keynote speakers Drs. Louise B. Silverstein and Richard A. Warshak highlighted our nation's struggle to define the best environment for raising children in the 21st Century. Dr. Silverstein presented on her

paper "Deconstructing the Essential Father," which appeared in the June, 1999 issue of the journal *American Psychologist*. Dr. Silverstein argued for broad, governmental intervention to end the social conditions that damage children and set parents against one another. Dr. Warshak, author of *The Custody Revolution: The Father Factor and the Motherhood Mystique*, emphasized the need for professionals who influence sensitive legal decisions about custody to help children develop meaningful relationships with both parents after divorce.

The Arizona Chapter was honored to host AFCC President Phil Bushard who welcomed the audience at Saturday's luncheon. Following Phil's comments, Arizona State University English Professor G. Lynn Nelson and two university students from the Navajo Nation delighted the audience with their presentation on the importance of peoples' stories in building human understanding and healing.

The conference closed with an echo of its provocative opening: attorney Marjorie Fuller's riveting first-hand account as the

attorney for the children of O.J. Simpson in the custody case between Mr. Simpson and the children's maternal grandparents. Ms. Fuller's narrative highlighted some of the difficult, diverse and challenging forces facing our society in redefining the family, including grandparents as parents, domestic violence, children's wishes in custody decisions and the role of fathers as single parents.

The Arizona Chapter wishes to thank the National Council of Juvenile and Family Court Judges for providing funding for Hon. Len Edwards and Hon. Ernestine Gray to attend and present at the conference. Special thanks are also in order to AFCC Board Members Professor Sanford Braver and Dr. Phil Stahl for co-facilitating a seminar on advanced issues in writing custody evaluations and to AFCC Board member and Tucson family law attorney Bob Barrasso for acting as emcee and facilitator of the conference's opening session and Saturday plenary session.

## Court Services Update

Continued from page 9

staff recruitment and selection. Doneldon Dennis, Supervisor from Hennepin County, MN, Family Court and Sharon James, Director of Multnomah County, OR, Family Court will discuss clinical and administrative supervision for both new and experienced staff. Finally, Doneldon Dennis and Wendy Hacking, Provincial Director, Family Justice Services of British Columbia, will present on how to effectively manage programs through changes in resources, structure and personnel.

One of the growing functions of the AFCC Court Services Committee is an e-mail group. The purpose of the group is to provide opportunities for exchange of information among members and offer an easy way for participants to make suggestions to the Court Services Committee. E-mail group members can make inquiries of the group about various issues by sending the request to Dave Hodges who then forwards the request to the group. Recent requests have included job descriptions and report and performance appraisal formats. Posting of job openings is also being considered. AFCC members can join the group by e-mailing Dave Hodges at david.hodges@metrokc.gov



## AFCC Kids Count Club News

### Contributors of the Month

AFCC's Development Committee would like to acknowledge Suzie Thorn's contribution of \$2,500 and Justice John and Joan VanDuzer's contribution of \$1,000 CDN to the AFCC Kids Count Club. AFCC expresses its appreciation for these very generous contributions.

### Silent Auction Update

Plans are underway for the AFCC Silent Auction, to be held June 2, 2000 at the AFCC Annual Conference in New Orleans. Proceeds will benefit the Kids Count Club. Proceeds from last year's Silent Auction have enabled AFCC to sponsor this year's Youth Forum (see related story on page one) and to make a contribution of \$2,000 to a New Orleans agency which serves children and families.

Among the items on the auction block:

- Magnum bottle of 1989 Chateau Lascombes, Grand Cru Margaux. Donated by AFCC Board member Doneldon Dennis.

- One thousand custom designed two-color business cards. Donated by Quick Quality Press, Madison, WI
- One year membership in the Academy of Family Mediators. Donated by AFM.
- Mediation Training Packages. Donated by mediation trainers Forrest Mosten, Zena Zumeta, Robert Benjamin and CDR Associates.
- Deluxe room for two at the Westin Michigan Avenue in Chicago, for use during AFCC 2001 Annual Conference or other dates. Donated by Westin Michigan Avenue.
- Personal Extended Dynamic Website and one listing in the national Locate a Mediator Data Base. Donated by Mediation Information & Resource Center.
- Autographed football from all-time NCAA rushing leader and 1999 Heisman Trophy winner Ron Dayne, University of Wisconsin.
- Kirsten Doll from the American Girl Collection. Donated by Pleasant Company, Middleton, WI.



# AFCC Fourth International Symposium on Child Custody Evaluations and Congress on Parent Education Programs

## Call for Presenters



**Kiawah Island Resort  
Kiawah, SC**  
\$99 per night single or double



### Fourth International Symposium on Child Custody Evaluations

**November 9–11, 2000**

AFCC's **Fourth International Symposium on Child Custody Evaluations** will feature leading experts from around the world addressing cutting edge issues in child custody evaluations. Workshops will include core curriculum topics, such as interviewing techniques and report writing, professional practice issues and advanced applications for experienced evaluators. Preliminary topics include:

- Evaluations with High Conflict Families
- Domestic Abuse
- Ethical Challenges
- Addressing Child Abuse Allegations in Custody Evaluations
- Psychological Testing
- Working with Step Families
- Relocation Cases
- Alienation
- Evaluations in Abuse/Neglect Cases

### Fourth International Congress on Parent Education Programs

**November 12–14, 2000**

AFCC's **Fourth International Congress on Parent Education Programs** will provide new opportunities for the growth and development of programs. Participants will explore the role of educational programs in an integrated service delivery system, opportunities to expand services and improved techniques for working with increasingly diverse clientele. Preliminary topics include:

- Overcoming Barriers to Implementing Your Program
- Addressing Domestic Abuse
- Special Programs for Distinct Populations or One Size Fits All?
- Outcome Evaluation
- Meeting the Needs of a Diverse Community
- Programs for Children
- Dealing with High Conflict Families
- Information vs. Skill Building: Pros and Cons

AFCC invites you to submit a proposal for a ninety minute workshop, including, but not limited to the topics listed above. Please be certain to designate the conference for which the proposal is intended. Please submit a one paragraph abstract, a one page outline, the learning objectives of the workshops and a resume and contact information for all proposed presenters to:

#### **AFCC**

329 W. Wilson St.  
Madison, WI 53703  
P: (608) 251-4001  
F: (608) 251-2231

E-mail: [afcc@afccnet.org](mailto:afcc@afccnet.org) (Word or Wordperfect only, please)



# Why Should You Be a Member of AFCC?

## Mediators

"AFCC mirrors the diversity of my work with families. It fosters an interdisciplinary approach to complex problems and that is absolutely necessary, particularly when dealing with issues such as domestic violence, parenting deficiencies or substance abuse."

*Joan Kelly, Ph.D., Mediator and Researcher  
Corte Madera, CA*

## Court Administrators

"AFCC is the only organization where I can sit down with other administrators of court-connected mediation and custody evaluation programs. The people are speaking the same language about the same issues and that allows me to learn about innovative initiatives which I then bring back home."

*Robert Tompkins, M.A., Deputy Director  
Court Support Services Division  
Connecticut Superior Court*

## Academics

"Solutions to family court problems require an interdisciplinary approach. Legal, mental health and court administration professionals need to work together and AFCC is the only organization where professionals do that."

*Andrew Schepard, J.D.  
Professor Hofstra Law School, Hempstead, NY*

## Lawyers

"AFCC is about questions as much as it is about answers. The AFCC lawyers I have met are among the most knowledgeable and dedicated legal professionals anywhere. Participation in AFCC is my most important volunteer commitment because, through AFCC, we will continue to ask and answer questions that will lead ultimately to a society in which parents are better equipped to meet the social and developmental needs of the children who are our future lifeline."

*Don Eisenberg, J.D., Co-Chair  
AFCC Lawyers Committee, Long Beach, CA*

## Custody Evaluators

"The high quality of the conferences, the journal and the value of the interdisciplinary networking meet my needs as a custody evaluator. AFCC has created many opportunities for me. The hospitality and warmth of the association is unsurpassed."

*Phil Stahl, Ph.D., Author  
Complex Issues in Child Custody Evaluations*

## Judges

"AFCC is the only cross-disciplinary organization dealing with family law related issues of which I am aware. Its greatest value lies in the fact that it brings together leading professionals to present the different perspectives of each discipline."

*Hon. Alastair Nicholson, Chief Justice  
Family Court of Australia*



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