



ASSOCIATION OF
FAMILY AND
CONCILIATION COURTS



eNEWS

July 2017

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President's Message

Annette T. Burns

If you're reading this message from anywhere with a high temperature of under 115 degrees, congratulations! We hover around 112-116 for highs in Arizona this time of year (the lows aren't a whole lot lower), and when we're lucky, we get a haboob (dust and wind storm) on top of it. In other words, I can't wait for the AFCC-AAML joint conference in San Diego in September. More on that in a minute.

MONTHLY
E-NEWSLETTER

VOL. 12 NO. 7



Save the Date
[AFCC-AAML](#)
[Conference](#)

Advanced Issues in Child
Custody: Evaluation,

[Read more](#)

Member Profile: Annette T. Burns

Annette was admitted to the State Bar of Arizona in 1984 and is certified as a Family Law Specialist. She practiced general law for two years, doing medical malpractice defense, personal injury and commercial litigation and leases. She gravitated toward family law because she “didn’t hate it the way some people did.” She is glad for that decision, as she now loves her practice, which is solely family law.

[Read more](#)

AFCC-AAML Conference Registration Now Open

*Advanced Issues in Child Custody:
Evaluation, Litigation and Settlement*
September 14-16, 2017
Westin San Diego



Don't miss out on an exceptional, advanced-level training opportunity sponsored by two premier family law organizations. [Register](#) now! Make sure you [book](#) a hotel room, the room block is currently 85% full. Exhibit space for this conference is sold out. For questions, please contact [Corinne Bennett](#).

[Read the brochure](#)

Ask the Experts: Should Lawyer-Mediators Be Permitted to Draft Settlement Documents in Family Cases?

Michael J. Dwyer and Susan Hansen

Our answer is a resounding “yes”! They can in Wisconsin. Here’s why. In January, 2017 the Wisconsin Supreme

Litigation and Settlement
September 14-16, 2017
Westin San Diego
San Diego, California

[AFCC Regional Conference](#)

Beneath the Surface of
High Conflict and Troubled
Families
November 2-4, 2017
Hyatt Regency Milwaukee
Milwaukee, Wisconsin

[AFCC Chapter Conferences](#)

[Australia Chapter Annual Conference](#)

Decisions! Decisions!
Decisions!
August 17, 2017
Crown Conference Center
Melbourn, Australia

[Florida Chapter Annual Conference](#)

Serving Families in
Transition: Educate, Inspire,
and Empower
September 25-27, 2017
The FL Hotel & Conference
Center at the FL Mall
Orlando, Florida

[Indiana Chapter Annual Conference](#)

Advanced Issues and New
Approaches in Working
with High-Conflict Families
September 29, 2017
Chateau Thomas Winery
Plainfield, Indiana

[Colorado Chapter Annual Conference](#)

October 13-15, 2017
Breckenridge, Colorado

[Ontario Chapter Annual](#)

Court approved an amendment to the Wisconsin Rules of Professional Conduct for Attorneys permitting a lawyer-mediator who assists parties in reaching agreements in family cases to draft the legal documents needed to implement agreements reached in mediation. We were members of the committee that proposed the rule. This trend-setting change is a positive step forward in supporting a mediation process that will benefit courts, the legal profession and, most importantly, the parties themselves, in particular those who are self-represented.

[Read more](#)

AFCC Webinar Corner



Register now for next month's webinar:
Stepfamily Dynamics
Ann Ordway, PhD, JD
August 16, 2017 1:00pm Eastern

If you missed this month's webinar, Parent Child Contact Problems: More News You Can Use II, members may access the recording for free through the [Member Center](#) of the AFCC website.

[Register now](#)

NEW AFCC Guides

The AFCC **Access to Family Court Services Task Force** has created a series of free online guides for self-represented litigants and family court professionals who work with them.

[A Practical Guide for Attorneys Opposing Self-Represented Litigants in Family Court](#), by Annette T. Burns

[Working With Pro-Se Litigants: A Guide for Family Court Bench Officers](#), by Hon. Mark Juhas

[A Guide for Family Mediators: Working with Self-Represented Litigants](#), by Andrea Clark and Kelly Browe Olson



Conference

Breaking Down Barriers:
Targeting Resources to Meet
Families Needs
October 19-20, 2017
Toronto Reference Library
Toronto, Ontario

Arizona Chapter Annual Conference

January 26-28, 2018
Hilton Sedona Resort
Sedona, Arizona

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afccnet.org

[Representing Yourself in Court: A Brief Guide from a Judge's Perspective](#), by Hon. Dianna Gould-Saltman
[A Brief Guide to Family Mediation for Parents who are Self-Represented](#), by C. Eileen Pruett

Special thanks to Judge Nancy Katz (ret.), Cookie Levitz, Joan Colen, Tom Weber, John Greacen, and Natalie Knowlton for their contributions to this project.

[See the Guides](#)

Submit a Proposal to Present at the 55th Annual Conference

Compassionate Family Court Systems: The Role of Trauma-Informed Jurisprudence
June 6-9, 2018
Washington Hilton DC, Washington, DC

AFCC is accepting proposals for 90-minute workshop sessions through October 2, 2017. The conference theme will explore ways to balance upholding the rule of law and exercising compassion in the family court system.

[View the Call for Proposals](#)

Early-to-Mid Career Network Update

The AFCC E2M Networking Group has a Facebook group! Join today to engage in discussion on hot topic issues in the field, network with others, and exchange resources.

[Join the Group](#)

In Memorium Douglas Darnall

Dr. Douglas Darnall, who passed away on July 19th, was a colleague, co-author and friend to many AFCC members. He was a multi-talented diamond in the rough whose compassion knew no bounds. Always controversial in his approach and his opinions, he served his clients, his employees, his community and his profession with boundless energy, with continual questioning about the efficacy of the process and with a wry sense of humor. A devoted husband, father and grandfather, he put family first. His presence will be missed.

AFCC Chapter News



Meet Patricia Brady, President of the **Massachusetts Chapter**

[Read more](#)



Meet Eileen Pruett, President of the **Ohio Chapter**

[Read more](#)

AFCC Chapter News



Meet Victoria Brenner, President of the **Minnesota Chapter**

[Read more](#)



Meet Frances Fontana, President of the **Colorado Chapter**

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Association of Family and Conciliation Courts (AFCC)

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VOL. 12 NO. 7
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President's Message

*Annette T. Burns, JD
Phoenix, Arizona*

If you're reading this message from anywhere with a high temperature of under 115 degrees, congratulations! We hover around 112-116 for highs in Arizona this time of year (the lows aren't a whole lot lower), and when we're lucky, we get a haboob (dust and wind storm) on top of it. In other words, I can't wait for the AFCC-AAML joint conference in San Diego in September. More on that in a minute.

Despite its tough living for four months every year, I have the State of Arizona to thank for introducing me to AFCC back in the mid-90's. I was asked to present at one of the first Arizona AFCC conferences I attended, and it was a point-counterpoint on the issue of relocation. I was assigned the sorry duty of representing the client who wanted to move out of state with minor children, and not even for a very good reason. At the time, and because I'm an attorney, I thought arguments about relocation all centered around case law, which was incredibly sparse. I had no idea about the resources in the form of research and studies on relocation and its effect on children and parents. If only I'd had back then the benefit of a workshop like "Relocation: What Have We Learned Since the LaMusga Decision in 2004?" (That's a shameless plug for one of the workshops at the September AFCC-AAML conference in San Diego.)

But now I know. Whatever problem arises in court, with a client, or during any of the countless meetings we all attend, the first resource I grab is usually one with AFCC in the URL or on the cover. If you haven't visited AFCC's online Resource Center (at www.afccnet.org) recently, you'll be amazed at the resources—almost entirely free—available there. In the Center for Excellence in Family Court Practice, you'll find Task Force reports and resources covering every topic from Intimate Partner Violence to the Future of Mediation. At the Practice Guidelines and Standards tab, you'll find Guidelines and Model Standards covering court-involved therapy, elder coordination, brief focused assessments, parenting coordination, and much more.

Arizona AFCC also was my point of introduction to AFCC Past President Marsha Kline Pruett, when Marsha was a keynote speaker for an Arizona Chapter conference back in

2005. I'm so blessed to have the opportunity to work with her over the last few years as she became president and kept me under her kind wing. Getting to know Marsha and other members of AFCC leadership is a tremendous perk of this job.

What am I looking forward to the most during this year as President of AFCC? Probably the chance to meet people from all over the US and the world who are interested in and supportive of everything AFCC stands for. At the AFCC Annual Conference in Boston last month, I had the opportunity to meet AFCC supporters from England, Ireland, Sweden, Italy, Germany, the Netherlands, Canada, Australia, and the U.S. Virgin Islands (I spoke with a few Americans too). I hope for more of the same in San Diego, and in Milwaukee at the Regional Conference in November.

Finally, more on the AFCC-AAML joint conference on Advanced Issues in Child Custody. It will be held at the Westin San Diego downtown, September 14-16, and the lineup of workshops and presenters is outstanding. As a Fellow of AAML as well as an AFCC member, it's exciting for me to see these two great organizations working together. Many thanks to AFCC former President Arnie Shienvold and AFCC Vice President Matt Sullivan for their work on AFCC's behalf on this conference.

I can't close this message without huge thanks to all the AFCC presidents who came before me. I've had the unbelievable opportunity to watch all the past presidents back to the year 2000 handle this position in their own inimitable ways. I won't try to list everyone, but I've asked if this photo of a small part of the President's Gavel can be inserted, as this sits proudly in my office now.



Thanks to everyone who read this far, and I look forward to a great year working with everyone.

Annette



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Member Profile: Annette T. Burns, JD

Annette was admitted to the State Bar of Arizona in 1984 and is certified as a Family Law Specialist. She practiced general law for two years, doing medical malpractice defense, personal injury and commercial litigation and leases. She gravitated toward family law because she “didn’t hate it the way some people did.” She is glad for that decision, as she now loves her practice, which is solely family law. She has had a solo practice since 1996, offering mediation, special master services, and parenting coordination by stipulation of the parties. Fully two-thirds of her practice is dispute resolution and settlement.

Annette served as a judge pro tem in the Maricopa County Superior Court from 1992-2005. She is a Fellow of the American Academy of Matrimonial Lawyers (AAML) and a past president of both the Arizona Chapter of AFCC and the Arizona Chapter of AAML. She served on the Arizona Supreme Court Committee that created the Arizona Family Law Rules in 2005, and coauthored the Arizona Family Law Rules Handbook for Thompson West publications. She serves on the State Bar committees that review the family law rules and certify specialists in family law and was selected in Arizona’s Top 25 Women Attorneys by Super Lawyers in 2013 and 2014.

The parenting coordination process is of particular interest to Annette, and she has appointed an AFCC Task Force to review and revise the 2005 AFCC Guidelines to reflect current practice and policy. AFCC chapters also hold a special place in Annette’s heart, as the Arizona Chapter was her first introduction to AFCC and she has come up through the chapter ranks to become president of the international AFCC.

Annette is also a social media queen (as her Facebook friends will attest), posting her pithy and funny status frequently. Friends can always tell where she is eating her meals as she checks in around the country! She also writes a blog on legal and social issues: [Hey Annette!](#)

If you read Annette's President's Message in this eNEWS issue, you will hear her voice. She is unassuming and friendly and for all of her successes, remains a farm girl at heart. Indeed, Annette drives a full size pickup truck, has three large Maine Coon cats, is a true Parrothead (Jimmy Buffet fan), an avid reader (is a member of two book clubs), and loves going to horseraces. She has attended the Kentucky Derby and would like to go to the Breeder's Cup, but as proof of her dedication to AFCC (whose conferences are at the same time as these events), she will have to wait until after retirement to attend those races again.

Annette remembers her first AFCC annual conference in Chicago in 2001, and how she felt welcomed by some of the Arizona people she knew. She was hooked and has been involved with the international AFCC since that time. She hopes that, if you have never attended an AFCC conference, you will make the effort to come to San Diego, CA in September 2017, Milwaukee, WI in November 2017, or Washington, DC in June, 2018 and introduce yourself. "You will find yourself welcomed into an amazing group of professionals who are willing and anxious to share their knowledge and experience."



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Ask the Experts: Should Lawyer-Mediators Be Permitted to Draft Settlement Documents in Family Cases?

Michael J. Dwyer and Susan Hansen

Our answer is a resounding “Yes”! They can in Wisconsin. Here’s why. In January, 2017 the Wisconsin Supreme Court approved an amendment to the [Wisconsin Rules of Professional Conduct for Attorneys](#) permitting a lawyer-mediator who assists parties in reaching agreements in family cases to draft the legal documents needed to implement agreements reached in mediation. We were members of the committee that proposed the rule. This trend-setting change is a positive step forward in supporting a mediation process that will benefit courts, the legal profession and, most importantly, the parties themselves, in particular those who are self-represented.

The rule requires that the lawyer maintain neutrality throughout the process and obtain informed, written consent from the parties. Minimum requirements include an explanation of the limits of the lawyer’s role, that the lawyer does not represent either party, that the lawyer cannot give legal advice or advocate on behalf of either party, and the desirability of seeking independent legal advice before signing any such documents. The rule requires the lawyer to act diligently and competently. It requires that the lawyer’s role be disclosed on any document prepared pursuant to the rule. It permits the lawyer to file the documents with the court, but not appear in court

In recent years, both the nature of families and the practice of family law have changed dramatically. One significant change is the recognition that an adversarial process is not appropriate for the resolution of most family disputes and can harm all involved, including the children. This is reflected

by the near universal requirement that parents attempt to resolve custody and parenting issues by mediation and the rise of the practice of mediation. An additional change is the ever-increasing numbers of self-represented parties, estimated 70% in Wisconsin.

The rise of self-representation presents major challenges to the courts who must adapt a system designed to function with lawyers to the reality that most participants are not represented. It also reflects a failure of the legal profession to develop a delivery system that parties value and will use. This rule evolved out of an effort by the Wisconsin Supreme Court to address that need.

Self-represented parties need access to information about family law and the court process and help preparing the documents required to complete that process. Many states have found drafting by lawyer mediators an impermissible form of joint representation. The innovation of the Wisconsin rule is the recognition that a lawyer can provide the legal service of drafting for parties while acting in the role of a neutral, rather than that of an advocate. This change recognizes the new definition of a lawyer as an educator and problem-solver, rather than only a zealous advocate in adversarial proceedings. The rule allows lawyers to provide a valuable legal drafting service for those self-represented parties who need it most.

The implementation of this rule is not without its challenges. There are many lawyers who are so steeped in the adversarial advocacy process that they are simply incapable of operating as a neutral.

In order to ethically function under the rule a lawyer must think and act differently than he or she does when representing a client. This includes assessing for domestic abuse, shifting from advice to education, listening and facilitating the couple's own agreement, and working with child, family, and financial professionals as needed to maximize positive outcomes for families. Making this change will require effort. If the effort is made, the result will be better informed decisions, properly drafted documents, less conflict, and less post judgement confusion and litigation. That benefits everyone.

Drafting Tips:

1. Get training and commit to ongoing learning.
2. Toss your templates.

3. Learn to listen.
4. Embrace and model neutrality.
5. Avoid legalese—it is their agreement!

Michael J. Dwyer is presiding judge of the Family Division, Milwaukee Circuit Court. Before joining the bench in 1997, he was a general practitioner in Milwaukee County for more than 20 years. Judge Dwyer has been instrumental in WI rule changes regarding Limited Scope Representation and Lawyer Mediator Drafting.

Susan A. Hansen, Marquette 1981, is the co-founder of Family Mediation Center and partner at Hansen & Hildebrand, S.C., Milwaukee WI. She has practiced for more than 30 years in the field of family law. Attorney Hansen has written, presented, and provided training locally and internationally about mediation and collaborative practice.



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Meet Patricia Beady, President of the Massachusetts Chapter

Patricia Brady was elected as the President of the Massachusetts Chapter of the AFCC on June 1, 2017. Pat has served on board as a member for six years, serving as Treasurer and now as President.

Patricia Brady is a Licensed Mental Health Counselor and a Licensed Marriage and Family Therapist. Ms. Brady holds an undergraduate degree, a Bachelor of Science in Human Services from Lesley College in Cambridge Massachusetts, a Master of Science Degree in Human Services with a Clinical Services Major from the University of Massachusetts in Boston, and a Certificate in Child and Family Forensics from the William James College. She has been performing forensic child and family evaluations for over twenty-five years and has a long history in Child Welfare beginning at the Department of Social Services now the Department of Children and Families. Ms. Brady went on to serve as the Program Director, of Adoption Services at MSPCC for five years concurrently building a Private Practice in Medford, where she serves as a Guardian Ad Litem/Parent Coordinator/Evaluator/Expert and Court Investigator.

In January of 2017, Patricia Brady Co-Founded the Center for Achieving Balance for Children and Families. This program is designed to provide resources for children and families, where there are child-parent contact challenges. In addition, the program provides therapeutic support to individuals and families, and supervised parenting time. Patricia Brady was a Consultant at MGH Law and Psychiatry dating back to 2007 and was a Mental Health Supervisor for the Family Connections Program at Children's Hospital for five years, in addition to her private practice work conducting GAL Evaluations for the Probate and Family Courts as well as the Juvenile Court. Over the

course of the preceding twenty-five years, Ms. Brady has spoken at various conferences on the issue of understanding children's needs across development and how they experience adoption differently at different developmental times in their lives. Ms. Brady also has presented at National Conferences on Engaging Families and assisting those facing Adversity and developing Resilience, as well as other Mental Health/Forensic Trainings. In her free time, Pat enjoys time with family, playing with her puppy, travel, music, and local sports.



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Meet Eileen Pruett, President of the Ohio Chapter

Eileen Pruett is a retired mediator, mediation trainer, and program design consultant. Her current work has focused on limited scope representation and developing a Fundamentals of Mediation Curriculum for the Supreme Court of Ohio.

Eileen served as the manager of the Small Claims Division and Dispute Resolution Department for the Franklin County Municipal Court from 2005 – 2015. Eileen also managed the Franklin County Foreclosure Mediation Project (2008 – 2015).

Eileen worked for the Supreme Court of Ohio for 13 years helping establish and maintain court-connected mediation services for Ohio trial and appellate courts.

Eileen has been on the Board of Directors for the Ohio Chapter since it was established in 2014. Eileen has served on the board of the Association of Family and Conciliation Courts (AFCC) and the editorial board of Family and Conciliation Quarterly (Now Family Court Review.) Eileen is a member of the Ohio and Columbus Bar Associations and Foundations. She served as a member Supreme Court Commission on Dispute Resolution from 2013 – 2016. Eileen was a founding board member of Community Mediation Services of Central Ohio.

Eileen has designed and conducted numerous training programs. She regularly teaches courses for the Supreme Court of Ohio Dispute Resolution Section and the Ohio Judicial College.

Eileen's most recent publication is: Limited Scope Representation: A new Way of Thinking about Accessible Legal Services with Bert Tiger Whitehead in Ohio Lawyer, The Ohio State Bar Association Member Magazine September/October 2016

Eileen is a graduate of Indiana University and The Ohio State University College of Law.



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Meet Victoria Brenner, President of the Minnesota Chapter

Victoria Brenner practices family law and lawyer's professional responsibility. She is also a Rule 114 Mediator and Qualified Neutral. She is a partner with the St. Paul law firm of Collins, Buckley, Sauntry & Haugh. Victoria is a proud alumna of the first class to graduate from the University of St. Thomas School of Law, where she was encouraged to practice law in a holistic way and to give back to the bar and the community through professionalism and voluntarism. Victoria is an active member of the Minnesota AFCC Chapter whose mission is to minimize the negative impact of divorce and separation on the parties and their children. This organization ties with her view and approach to family law. Ms. Brenner handles custody, parenting time, child support, orders for protection, alimony, divorce, post-divorce in the wide spectrum of modest to high asset cases.

Prior to attending law school, Victoria taught grade school and English as a Second Language in Russia. Upon her return to the U.S., she worked at AFS Intercultural Programs, an international education exchange program.

While in law school, Victoria helped found the St. Thomas Student Chapter of the Minnesota Justice Foundation and served on the State Board for MJF. She was also a founding member of the University of St. Thomas Day of Service and did many other volunteer activities. She worked as a certified student attorney for the Minnesota Indian Women's Resource Center's Legal Department where she assisted survivors of domestic abuse with their legal needs.

Following law school, Victoria served as law clerk to the Honorable Joseph F. Chase in Olmsted County and then to the Honorable Denise D. Reilly in Hennepin County.

Victoria serves as Chair to the Minnesota Justice Foundation, as a delegate for the Ramsey County Bar Association to the Minnesota State Bar Association Assembly. She has served on the AFCC-MN Annual Conference Planning and Sponsorship Committees for the past three years. She volunteers in many pursuits such as the Hennepin County Limited Scope Legal Services Program and for Tubman/Chrysalis.

She has written and presented Continuing Legal Education courses on Divorces involving Closely Held Businesses, Spousal Maintenance and Attorney Ethics. Victoria also coaches children in the Minnesota Youth Ski League.



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Meet Frances Fontana, President of the Colorado Chapter

Frances C. Fontana is an attorney licensed to practice in the State of Colorado where her practice is limited to family law. She received her Bachelor of Arts Degree from the University of Iowa with a major in psychology and her Juris Doctor Degree from the University of Denver, College of Law. Ms. Fontana has been licensed to practice law since 1987. She has been the sole shareholder in the law firm of Fontana & Associates, P.C. since October of 2003. Ms. Fontana is a past Chair of the Family Law Section of the Colorado Bar Association; past Chair of the Metropolitan Volunteer Lawyers Governing Board; past President of the Colorado State Interdisciplinary Committee; past president of the Metropolitan Denver Interdisciplinary Committee; a former member of the Domestic Violence Task Force and a former member of the Supreme Court Standing Committee on Family Issues. Ms. Fontana is a member of the Peer Professionalism Assistance Group (PPAG) and President of the Colorado Chapter of the Association of Family and Conciliation Courts. Ms. Fontana is a present member of the following professional organizations: The Colorado Bar Association, Denver Bar Association, Arapahoe County Bar Association, Family Law Section of the Colorado Bar Association, the Colorado Women's Bar Association; The Association of Family and Conciliation Courts, and the Colorado Chapter of the AFCC. In June of 2001, Ms. Fontana was awarded the Charles B. Dillon Award for Outstanding Public Service by the Arapahoe County Bar Association and in April of 2009 she was a Barristers Benefit Ball Honoree in recognition of her volunteer work with Metro Volunteer Lawyers. Ms. Fontana has been included in The Best Lawyers in America for Family Law since 2006, and has been one of Colorado Super Lawyers each year since 2006.