



ASSOCIATION OF
FAMILY AND
CONCILIATION COURTS



eNEWS

President's Message

Linda Fieldstone, MEd, Miami, Florida

The AFCC 49th Annual Conference, *Attachment, Brain Science and Children of Divorce: The ABCDs of Child Development for Family Law*, is right around the corner—June 6–9, 2012, at the Hyatt Regency Chicago. This conference is not the first opportunity AFCC has given us to explore crucial, yet difficult issues together. I am proud that we don't avoid challenges and debates. Instead, we push toward the best possible outcomes for children who are balancing on the tightrope of their parents' affections. During the conference we will have the opportunity to hear from colleagues that we respect and admire who are not afraid to take a stand, but are also flexible in considering all the options. These differing views will allow us to better reflect upon our own professional perspectives, possible biases and behaviors.

[Read more](#)

Silent Auction to Support AFCC Special Projects

If you will be at the AFCC Annual Conference, plan to attend the fabulous Silent Auction. Donated items include vacation stays at a Hawaiian condo and a Canadian cottage, jewelry, sports memorabilia, fashion accessories, electronics, collectibles and much more. The 14th Annual Silent Auction will take place Friday evening, June 8, 2012, at the Hyatt Regency during the AFCC 49th Annual Conference. Proceeds from the auction will help support AFCC special projects and initiatives, including the current AFCC Task Force on Domestic Violence and Child Custody Evaluation.

[Read more](#)

Ask the Experts

Top Ten Tips for Mediating Challenging Cases

Christine A. Coates, MEd, JD, Boulder, Colorado

Christine Coates is a well-known mediator, parenting coordinator and trainer. She, along with Bernard S. Mayer, will present a pre-conference institute, *Mediating Our Most Challenging Cases: Strategies, Interventions and Frameworks* at the 49th Annual Conference in Chicago.

[Read more](#)

AFCC Member News

Allan E. Barsky, JD, MSW, PhD, Boca Raton, Florida has released a second edition of his book, *Clinicians in Court: A Guide to Subpoenas, Depositions, Testifying, and Everything Else You Need to Know*, published by Guilford. The book provides user-friendly strategies to help clinicians prepare for testimony in court and other legal proceedings. The second edition adds updated research, case law, statutes and practices; examines the emerging role of forensic consultants; and devotes increased attention to ethical issues.

Hon. Beth A. Crawford, Northampton, Massachusetts, was appointed to the Hampshire Probate and Family Court Bench, assuming the post vacated by the retirement of AFCC member Hon. Gail L. Perlman, Northampton, Massachusetts. Judge Crawford is a member of the Supreme Judicial Court Standing Committee on Alternative Dispute Resolution and the Probate and Family Court Guardianship of Minor Study Task Force, as well as a past president of the Hampshire County Bar Association and the Massachusetts Chapter of AFCC.

Daniel S. Gottlieb, PsyD, Herzeliya, Israel, has had his book, *Listen to Me!!! Your Child and Your Divorce*, revised and translated into English. The book was first published in Hebrew three years ago and is now available in English online. It can be also be previewed in Google Books.

Professor Andrew I. Schepard, Hempstead, New York, received the 2012 David A. Diamond Distinguished Public Service Award. The award is presented to a member of the Hofstra Law community in recognition of contributions to public interest. Professor Schepard is the editor of *Family Court Review*, a professor of law at Hofstra University School of Law, and founder and

MONTHLY E-NEWSLETTER
VOL. 7 NO. 4
APRIL 2012

Upcoming Conferences

AFCC 49th Annual Conference
Attachment, Brain Science and Children of Divorce: The ABCDs of Child Development for Family Law
June 6–9, 2012
Hyatt Regency
Chicago, Illinois
[More information](#)
[Conference brochure](#)
[Hotel information](#)

Sponsor of The Second City Improv All Stars

[Schiller DuCanto & Fleck LLP](#)

Platinum Sponsor

[American Academy of Matrimonial Lawyers—Illinois Chapter](#)

AFCC 10th Symposium on Child Custody Evaluations
November 1–3, 2012
Arizona Grand Resort
Phoenix, Arizona
[Call for Proposals](#)

director of the Center for Children, Families and the Law.

OurFamilyWizard is the 2012 About.com Reader's Choice Award Winner for Best Online Communication Tool for Co-Parents.

Tenth Symposium on Child Custody Evaluations

If you order, perform or use child custody evaluations in your practice, mark November 1–3, 2012, on your calendar now. The AFCC 10th Symposium on Child Custody Evaluations will be held at the Arizona Grand Resort in Phoenix and will address the most current research and practice related to custody evaluations.

If you would like to present a 90-minute workshop, submit a proposal for consideration. AFCC will accept proposals through May 13, 2012. Proposals must be submitted using the online form.

[Topic suggestions and submission guidelines](#)

[Submit a workshop proposal](#)

AFCC Chapter News

If you will attend the AFCC 49th Annual Conference in Chicago, June 6–9, 2012, please check the bulletin board near the AFCC registration desk for chapter meeting announcements. Many chapters have informal meetings or social gatherings at the annual conference, and information will be posted there.

Alberta, Canada has filed its letter of intent to become a chapter. This marks the second Canadian province that will join AFCC as a chapter, sharing the mission, vision and values of AFCC at a local level. If you are a family law professional in Alberta and would like to be part of this exciting new group, please contact the co-chairs of the Alberta coordinating committee [Eileen Ailon](#) or [Stephen Carter](#), both of whom will be at the Chicago conference.

Family Court Review Welcomes This Year's Managing Editor: Courtney Rodriguez

Hofstra law student Courtney Rodriguez was appointed *FCR* Managing Editor for Volume 51. She received her bachelor's degree in Crime, Law and Justice from Pennsylvania State University in 2008. She was selected to join Teach for America and in 2010 was recognized by the Reverend Al Sharpton and the National Action Network, being honored with the Woman of Excellence Award. Her student note, *Saving the Nation's Expendable Children: Amending State Education Laws to Encourage Keeping Students in School*, will appear in the July issue of *Family Court Review*, and is indicative of Courtney's continued commitment to helping children and bettering the public education system while studying at Hofstra Law.

Academy of Professional Family Mediators

Family mediators have formed a new organization focusing entirely on the practice of family mediation as a profession: The Academy of Professional Family Mediators (APFM). The organization will hold its inaugural conference September 27–30, 2012 in Cape Cod, Massachusetts.

[Read more](#)

Sixth World Congress on Family Law and Children's Rights

Second Round Call for Papers

The World Congress invites proposals for papers to be presented at their conference, *Building Bridges—From Principle to Reality*, which will be held March 17–20, 2013, in Sydney, Australia.

[More information](#)

Family Law in the News

Postpartum Depression Tied to Domestic Violence

By Kerry Grens, Courtesy of Reuters

Mothers with postpartum depression are more likely to be in a violent relationship than moms without depression, and new mothers in abusive relationships are more likely to suffer postpartum depression, according to a new survey of women with infants.

[Read more](#)

How to Prevent Litigation in Divorce Disputes

By Robert Hughes, Jr., Courtesy of the Huffington Post

Almost everyone involved in divorce becomes frustrated by the legal process. Both mothers and fathers feel like the system works against them. In recent years, there has been accumulating evidence that mediation can prevent many of the legal hassles faced by parents and prevent harmful court fights over custody and visitation. A report by Marsha Pruett and colleagues indicates that a combination of mediation, parent education and support services can be especially helpful in reducing litigation among divorcing couples.

[Read more](#)

Membership Notice of AFCC Board Nominations

The AFCC Nominating Committee will nominate members to serve on the Board of Directors at the Annual Conference on June 9, 2012.

[Read about the nominees](#)

[Submit proposal](#)

AFCC 50th Anniversary Conference

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

AFCC 51st Annual Conference

May 28–May 31, 2014
The Westin Harbour Castle
Toronto, Ontario, Canada

AFCC Chapter Conferences

Missouri Chapter Conference

The Child's Voice in Child Custody Litigation: The Who, What, When, Where and Why
April 19–20, 2012
Sheraton St. Louis City Center
St. Louis, Missouri
[More information](#)

Massachusetts Chapter Conference

The Search for Truth: Memory, Distortion and Deception in Family Law Cases
May 4, 2012
Regis College
Weston, Massachusetts
[More information](#)

Minnesota Chapter Annual Conference

August 2, 2012
University of Minnesota
Continuing Education and Conference Center
Saint Paul, Minnesota

Ask the Experts

Do you have a question that you would like answered by an AFCC expert? Let us know and your question could be answered in the next *AFCC eNEWS*.

[Email your question](#)

Join AFCC

Are you a member?

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

AFCC offers member benefits that promote excellence in practice.

[View member benefits](#)

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.

Earn AFCC Dollars

Each time a colleague joins AFCC as a first-time member and names you as the source on the membership application, you earn ten AFCC dollars to spend on conference registrations, membership renewals and publications. For more information, please contact afcc at afcc@afccnet.org or (608) 664-3750.

Editor:

Leslye Hunter
editor@afccnet.org

[Like on Facebook](#)

[Follow on Twitter](#)

[Connect on LinkedIn](#)

[Unsubscribe](#)



ASSOCIATION OF
FAMILY AND
CONCILIATION COURTS



eNEWS

Membership Notice of AFCC Board Nominations

At the AFCC membership meeting on June 9, 2012, the following individuals will be nominated to serve on the Board of Directors for a three-year term beginning July 1, 2012 and concluding June 30, 2015:

Andrea Clark, MSW
Larry Fong, PhD
Hon. R. John Harper
Matthew Sullivan, PhD
Larry Swall, JD
Nancy Ver Steegh JD, MSW

The Board of Directors 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: Arnold Shienvold, PhD
President Elect: Nancy Ver Steegh, JD, MSW
Vice President: Magistrate Richard Altman
Secretary: Hon. Peter Boshier
Treasurer: Annette Burns, JD



ASSOCIATION OF
FAMILY AND
CONCILIATION COURTS



eNEWS

Ten Tips for Our Most Challenging Family Mediation Cases

By Christine A. Coates, MEd, JD, Boulder, Colorado

Challenging cases come in many varieties. A case may be difficult because of the complexity of the issues, the personalities of the parties, or the extremity or dysfunction of the situations. What is challenging for one mediator may be a stroll down the Seine for another. These tips are aimed at circumstances and cases that the individual mediator experiences as the most challenging and are offered as suggestions that can be used to help us prepare for all tough family mediation situations.

1. Be a reflective practitioner

Prepare in advance, but don't pre-judge the case from pre-mediation statements, evaluations or other documents that the attorneys or parties submit to you. Remain curious and open to learning new information in the session. Cases that come with warnings that settlement will not occur are often the ones that resolve the most elegantly in mediation. Learn from your mistakes. Debrief with a colleague or yourself after the session to see what worked, what could have been done differently and what you could do next time in a similar situation to be more effective. Our most powerful learning comes from our mistakes, so embrace error as a masterful guru. Know which cases and situations are your most challenging, be prepared, mindful and present during and introspective after the session to build your capacity for artful mediation.

2. Schedule enough time

In court-ordered mediation, attorneys and parties often pessimistically schedule the minimum amount of time in order to comply with the court order. Tough cases take a lot of time to work through. The dynamics are often entrenched; basic facts of the case are unknown or in dispute; and prior negotiations between parties and/or attorneys may have bred hard feelings. In mediation, it is axiomatic that slower is faster. Go as slow as the slowest person in the room, for example, when working with financial issues, so that each party clearly understands what is happening. Take the time necessary to put ideas, facts and proposals on the white board, flip chart or projection screen. Engage the parties in all discussions, which is especially important when attorneys are doing most of the talking. The mediator must take the time necessary to allow creative problem-solving to emerge from the chaos that enters the mediation room.

3. Use your intuition

A mediator brings the whole package of self to the conflict: a brain, body, spirit, background, training, education, skills, biases (yes, we all have them), ethics and intuition. The best work in challenging cases occurs when the mediator is prepared, open, curious and in-tune with his or her own perceptions, intuition and internal nudgings. Strategy and technique can only transport the mediator so far; the art of mediation relies on accessing the entire self in the quest to reach the destination of peace.

4. Remember to breathe and to help your parties breathe, too

I received this tip from my pal, Bernie Mayer, and it has served me well many times. Sometimes I just sit quietly and breathe, distinctly and somewhat loudly. This can remind the other people around the table to also take a few deep breaths. Sometimes I actually ask folks to sit quietly and breathe while I breathe loudly, in and out, to establish the rhythm. Focusing on our breath allows mindfulness and calm to enter the situation. Quiet time in mediation is like the white space on a magazine page that allows the message

and art of the article to be seen and understood. When you don't know what to say, be quiet and listen to your inner guidance.

5. Take breaks as needed (and even more often than folks ask for)

The field of neuroscience suggests that people who are making decisions need "vacations" from the issue to allow their brains to make complex decisions. Locking folks in a room until they are worn out and will agree to anything is abusive and does not result in sound and lasting decision making. When people are tired, schedule another session. The mediator, too, needs more than just minimal comfort breaks to be at his or her best. Allow yourself to be alone and present and mindful for even a minute during a session. Don't rush back to the room. A brief rest allows your creativity to bloom.

6. Ask lots of questions and listen to the answers!!

I heard the late, great John Haynes say that a perfect mediation for him would be one in which the mediator only asked questions and made no declarative statements. Asking thoughtful questions is much more helpful than telling clients something you know and that you think they need to hear. Coupled with listening, the basic communication tool of reframing allows the parties' needs and interests to see the light of day. The mediator can then use a previously unexpressed or even unrealized need as a basis for generating creative options that everyone may have been missed in the dark maelstrom of emotions, conflict and failed expectations.

7. Name distrust when you see it

Let the parties know that not trusting their soon-to-be ex-spouse is normal. The mediator can help the clients come up with objective and realistic plans that allow trust to develop over time. Focus the parents on the child's experience of the situation whenever possible. The mediator can remind clients that each person's actions are more important than imputed and suspected motives of the other. Actions truly do speak louder than words—BUT we also remind our clients that words certainly can hurt them and their children. Gently modeling and teaching respectful communication skills helps the clients in our most challenging cases rise above pettiness and disrespect out of love for their children. Hold the hope for the family by remaining optimistic with parents that things can get better for the family.

8. Understand the dynamics of high conflict families

Some of our most challenging cases are with difficult people engaged in long-term and intractable conflict. Understanding when to use techniques geared toward "high conflict families" in which one or both parents may have personality disorders is needed. For example, often a difficult client cannot see the point of view of the other party or understand the needs of the children because s/he has no ability to be empathetic. In caucus the mediator can compassionately reframe the issue in terms of ways in which the client can get his or her own needs met. Keeping the needs of the children and the other parent in mind, the mediator uses "enlightened self interest" to allow the difficult client who does not have empathy for others (it's all about me, me, me!) to make decisions in his/her self interest that also benefit the children and other parent.

9. Be a life-long learner

This brave new world of instant communication and online access to information offers mediators magnificent opportunities to become more artful practitioners. For example, I am currently fascinated with neuroscience and the information about decision making, motivation, and the difficulty of making choices, which is available. Other ways of learning include participating in mediation consultation groups and by attending seminars and conferences (such as the thoughtful, challenging and inspiring ones that AFCC offers). Through listening and discussion, we glean ideas from each other and from the most innovative practitioners and researchers among us. We can then apply this new information to our most challenging cases. Remain open to learning about new techniques, styles of mediation and hybrid processes to use in our tough cases. Immerse yourself in learning about something that intrigues you, whether it is, for example, spirituality, brain science, cultural differences, or how earthworms move through the dirt. Metaphors, techniques, strategies and insights will spring forth to enlighten you and improve your practice.

10. Remember that the parties are responsible for the decisions—not the mediator

Not all cases settle. Not all cases should settle. If you have done your best and the parties decide not to resolve the issues, their decision does not mean that you have failed. Cling to the belief that self-determination is the hallmark of mediation. Trust yourself and the process. The committed and inspired mediator and the tried and true mediation process are a powerful team!

These are my top ten tips for my most challenging cases. I'd love to hear yours: coatesc@aol.com.

Christine A. Coates, MEd, JD

Christie Coates, an experienced family law attorney, now emphasizes ADR and has been a mediator in private practice since 1984. Her professional passion is helping families reduce conflict; her private passion is helping people find their spirit and joy through music. Christie is a popular national speaker, trainer, teacher, author and consultant in conflict resolution, high-conflict families, parenting coordination, hybrid processes, professionalism, ethics, and family law. A former president of AFCC, she is active in many organizations and has been honored for her work as a mediator, lawyer and child advocate, including receiving Colorado's Mediator of the Year Award, the AFCC John Van Duzer Distinguished Service Award, and the Association for Conflict Resolution John Haynes Distinguished Mediator Award. She has co-authored two books, Working with High Conflict Families of Divorce (Jason Aronson, 2001) and Learning from Divorce (Jossey-Bass, 2003).



ASSOCIATION OF
FAMILY AND
CONCILIATION COURTS



eNEWS

Silent Auction to Support AFCC Special Projects

If you will be at the AFCC Annual Conference, plan to attend the fabulous Silent Auction. Donated items include vacation stays at a Hawaiian condo and a Canadian cottage, jewelry, sports memorabilia, fashion accessories, electronics, collectibles and much more. The 14th Annual Silent Auction will take place Friday evening, June 8, 2012, at the Hyatt Regency during the AFCC 49th Annual Conference. Proceeds from the auction will help support AFCC special projects and initiatives, including the current AFCC Task Force on Domestic Violence and Child Custody Evaluation.

The findings of previous task forces, as well as reports from AFCC collaborations, can be accessed in the [Center for Excellence in Family Court Practice](#) on the [AFCC website](#). CEFCP is home to interdisciplinary initiatives including practice guidelines and model standards, consulting and inter-organizational collaborations that address research, practice and policy related to family courts, family law and dispute resolution.

Your donation to the silent auction helps these meaningful projects and initiatives continue. If you are attending the AFCC Annual Conference in Chicago and would like to support CEFCP projects and initiatives, donate an item to the silent auction. It's easy! Complete the [donation form](#), or use the form as a guide, and email the information to Erin Sommerfeld at esommerfeld@afccnet.org by May 4, 2012. Completing the form by this date will ensure that your item is listed in the auction catalog. Then bring your donated item to the AFCC registration desk by the end of the day Thursday, June 7, 2012. All auction contributors will be recognized at the AFCC 49th Annual Conference and in the *AFCC eNews*.

Donations are tax deductible for US donors.



ASSOCIATION OF
FAMILY AND
CONCILIATION COURTS



eNEWS

President's Message

Linda Fieldstone, MEd, Miami, Florida

The AFCC 49th Annual Conference, *Attachment, Brain Science and Children of Divorce: The ABCDs of Child Development for Family Law*, is right around the corner—June 6–9, 2012, at the Hyatt Regency Chicago. This conference is not the first opportunity AFCC has given us to explore crucial, yet difficult issues together. I am proud that we don't avoid challenges and debates. Instead, we push toward the best possible outcomes for children who are balancing on the tightrope of their parents' affections. During the conference we will have the opportunity to hear from colleagues that we respect and admire who are not afraid to take a stand, but are also flexible in considering all the options. These differing views will allow us to better reflect upon our own professional perspectives, possible biases and behaviors.

AFCC is a unique organization in that it encourages attachments; in fact, it cultivates them. Throughout my year as AFCC President, I have heard many members refer to AFCC as their professional "family," a place where they felt an instantaneous sense of belonging. So, as we have delved into the subject of attachment, I have been thinking a lot about our roots as professionals, our early influences, and our attachments as AFCC members to the association and to one another. Although our perspectives may differ, AFCC members are nurturing and accepting; they encourage questions and admit when the answers are not clear; and they willingly share their diverse opinions while seeking mutual ground. The characteristics and the bonds we develop through AFCC trainings and conferences, chapters, and listservs forge secure relationships based on a shared professional motivation and mission: we want to improve the lives of children and families through the resolution of family conflict. And we want to do that respectfully, acknowledging that every family is different and every child is unique and special.

AFCC supports us as professionals in a way that is similar to the support we derive from the different members of our family. We want our members to experience AFCC as their secure base, providing a safe launch to the outside professional world, encouraging us to explore new territory while providing a gentle, timely challenge for us to extend and develop ourselves and giving us occasions to delight in the achievements of our AFCC colleagues. We also want AFCC to be a safe haven, to refresh and renew emotional energy so that members are not overwhelmed by their work, a place to learn to balance and support our daily lives as we juggle the complexities of working with high conflict families. AFCC is able to take on important challenges and motivate research and innovations because, much like a healthy family, the organization is secure. We can flourish even at times of disagreement because we remain connected (or attached) by our shared values and vision.

With my year as president coming to a close, I am especially grateful that my personal attachment to AFCC, and to all of you, will continue. I look forward to the strength of our secure base, ongoing feelings of enrichment and renewal, and a little push every once in a while to question and challenge the status quo and move in better directions. With your help, I know that's possible.

Thank you for entrusting me as your representative this year. As I transition within the AFCC family embrace, I know that your next president, Arnie Shienvold, the AFCC Board of Directors and the AFCC staff led by our executive director Peter Salem, will carry us to new areas of exploration, research, and innovation.

Looking forward to seeing you all in Chicago!

Linda Fieldstone, AFCC President