



ASSOCIATION OF  
FAMILY AND  
CONCILIATION COURTS



eNEWS

### Message from the Executive Director

The year 2012 was in many ways one of the most successful in AFCC history. In most years we would take this opportunity to celebrate the collective achievements of AFCC members and look ahead to an even brighter future. But the horrific events of Friday, December 14, 2012 at Sandy Hook Elementary School have cast a pall over this holiday season. The media are replete with tributes, commentary and collective soul searching; lost children and school staff are mourned and heroes are lauded. And the question is raised, if the children of the affluent town of Newtown, Connecticut, cannot be protected, what is the fate of our society's most vulnerable children? Perhaps Sandy Hook will be a turning point; it is hard to conceive of a silver lining just now. But in the aftermath of this tragedy it becomes even more important than usual to express appreciation to the unsung heroes who spend every day working in obscurity on behalf of children and their well-being. Front and center among them are, of course, the members of AFCC. Perhaps it is this honorable and shared sense of purpose that leads to the collegiality, openness, respect and support that seem to be the underpinnings of AFCC. Or perhaps it is something that has become systematically and deeply engrained in the AFCC culture over the past fifty years. Whatever it is, the AFCC Board and staff are profoundly grateful that it exists, and for the opportunity to support your very important efforts.

Wishing you a very peaceful, healthy and happy 2013.

Peter Salem  
AFCC Executive Director

**AFCC Partners with Sesame Street**  
AbbyCadabby

AFCC is pleased to be working with Sesame Street on its new initiative, **Little Children, Big Challenges: Divorce**. The program, featuring Muppet Abby Cadabby, provides tools and language to help young children (ages 2-8) cope with and understand divorce at an age-appropriate level. Project resources include a free mobile app, online resources, and multimedia toolkits containing a children's storybook, a caregiver guide, and a DVD. These materials will be available online at [sesamestreet.org/divorce](http://sesamestreet.org/divorce) and through the [Resource Center on the AFCC website](#). AFCC member JoAnne Pedro-Carroll, Rochester, New York, served as a consultant to the project.

MONTHLY E-NEWSLETTER  
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#### Upcoming Conferences

**AFCC 50th Anniversary Conference**  
*Riding the Wave of the Future: Global Voices, Expanding Choices*  
May 29–June 1, 2013  
JW Marriott Los Angeles L.A. LIVE  
Los Angeles, California  
[Conference brochure](#)  
[More information](#)

**AFCC–AAML Conference**  
September 26–28, 2013  
Gaylord National Resort  
Washington, DC Metro Area

**AFCC Regional Training Conference**  
November 7–9, 2013  
The Westin Crown Center  
Kansas City, Missouri

#### AFCC Training Programs

[Learn more and watch video](#)

### AFCC 50th Anniversary Program Brochure

The AFCC 50th Anniversary Conference Program Brochure is now available online! The conference titled *Riding the Wave of the Future: Global Voices, Expanding Choices* will be held May 29-June 1, 2013, at the JW Marriott Los Angeles L.A. LIVE. Even with the advances made in the family law community in the past 50 years, professionals face many changes and growing challenges. Join us in Los Angeles as we begin to chart the course for the next 50 years.

Online conference registration and hotel reservations will be available on the AFCC website in January, so now is the time to begin planning your conference experience. This year there are over 100 sessions to choose from; difficult decisions will have to be made!

[View the conference program brochure](#)

### Call for Posters

AFCC is accepting proposals for posters to be exhibited during the conference. Poster presenters will have the opportunity to discuss their work with participants during breaks. Students, lawyers, mental health professionals, and academics are invited to propose posters concerning innovative interventions, initiatives, new programs, legal or policy changes, and/or research. The deadline for poster proposals is March 15, 2013.

[Call for Posters \(PDF\)](#)

[Submit poster proposal](#)

### Apply for a Conference Scholarship

The application for conference scholarships is now available. Scholarships include conference and pre-conference institute registration fees; the opening reception, awards luncheon and annual banquet; admission to the AFCC hospitality suite; and a certificate of attendance. A limited number of scholarships will include stipends to help cover the cost of travel and accommodations. Preference for the scholarships with stipends will be given to applicants with higher travel costs, international applicants and those who demonstrate financial need. The application deadline is March 1, 2013.

[Apply for a scholarship](#)

### Contribute to the Scholarship Fund

If you have not donated yet this year, there's no better time to donate than today! Your contribution provides scholarships to help colleagues, who would not otherwise not be able, attend AFCC conferences and receive the valuable benefits of participation. Members and supporters have come together to make over 50 scholarships available to the AFCC 50th Anniversary Conference. We hope you will continue to support this valuable program. Donations are deductible for US taxpayers.

[Donate today](#)

### Member Profile: Hon. Thomas Trent Lewis

Judge Thomas Trent Lewis, president of the California Chapter of AFCC, also has a more than full-time day job as assistant supervising judge of the Los Angeles County Superior Court Family Law Department, the very court in which AFCC was founded in 1963. In addition, he is an avid surfer. In fact, around the time AFCC

#### ***Nuts and Bolts of Parenting Coordination: Helping High Conflict Parents Resolve Disputes***

Joan B. Kelly, PhD  
March 4-5, 2013  
Loyola University Chicago  
Philip H. Carboy Law Center  
Chicago, Illinois  
[More information](#)

#### ***When Nuts are Loose and Bolts Don't Fit: Advanced Practices in Parenting Coordination***

Debra K. Carter, PhD  
March 7-8, 2013  
Loyola University Chicago  
Philip H. Carboy Law Center  
Chicago, Illinois  
[More information](#)

#### **AFCC Chapter Events**

**Arizona Chapter Annual Conference**  
*Cultivating Resilience in Children, Families and Professionals*  
February 1-3, 2013  
Hilton Sedona Resort and Spa  
Sedona, Arizona  
[More information](#)

**Louisiana Chapter Annual Conference**  
*Collateral Damage: Addressing the Hidden Costs to Families and Professionals in Chronic High Conflict Cases*  
March 7-8, 2013  
Hampton Inn  
New Orleans, Louisiana  
[More information](#)

**Florida Chapter Annual Conference**  
*Creating Our Future: One Family at a Time*  
March 15-16, 2013  
The Rosen Center  
Orlando, Florida  
[More information](#)

**Washington Chapter Conference**  
*Pinnacles of Practice in Times of Challenge*  
April 6, 2013  
Washington Athletic Club  
Seattle, Washington  
[More information](#)

**Ontario Chapter Conference**  
October 18, 2013  
Toronto Public Library  
Toronto, Ontario  
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**Ask the Experts**  
Is there a topic you would like to see covered by an AFCC Ask the Experts piece?  
[Email your suggestion](#)

was holding its first conference fifty years ago, Judge Lewis was learning to surf for the first time. As an avid surfer and an enthusiastic AFCC leader, Judge Lewis' worlds seem to be dovetailing in 2013 with the upcoming AFCC 50th Anniversary Conference, *Riding the Wave of the Future: Global Voices, Expanding Choices*.

[Read more](#)

### **Family Court Review 50th Anniversary Special Issue Reflections of Leadership: Fifty Years of the Association of Family and Conciliation Courts**

Enjoy early access to an article by AFCC Executive Director Peter Salem, which will appear in the January 2013, 50th Anniversary Special Issue of *Family Court Review*.

*In recognition of the significance of AFCC members, this article presents a history of the organization and the field through interviews conducted with ten former AFCC presidents. They recall their practice, their involvement with AFCC and the intersection of the two. They represent different points in time, different disciplines, different geographic locations and different perspectives. Despite their differences they have much in common, not unlike the organization they led.*

[Read more](#)

### **AFCC Joins the Uniform Laws Commission Joint Editorial Board**

AFCC is pleased to announce that it has accepted an invitation to join the Uniform Laws Commission's Joint Editorial Board on Family Law. The Joint Editorial Board includes members of the Uniform Law Commission, American Bar Association Section of Family Law, American Academy of Matrimonial Lawyers members, and now AFCC. AFCC members on the twelve-member committee include: Harry L. Tindall, Committee Chair; Linda D. Elrod, representing ABA; Linda Lea Viken, representing AAML; Mary M. Ferriter, representing AFCC; Nancy Ver Steegh, representing AFCC; and emeritus member, Jeff Atkinson. The Board is responsible for monitoring all Uniform and Model Acts that are family-law related.

[More information](#)

### **Ask the Experts**

#### **Ten Tips for Developing Parenting Plans for Special Needs Children**

*By Daniel B. Pickar, PhD, ABPP and Robert L. Kaufman, PhD, ABPP*

The term "special needs children" is an umbrella designation that encompasses a staggering array of children who suffer from learning disabilities, profound cognitive impairment, serious medical illness, developmental disorders (such as autism), physical disabilities, or severe psychiatric disturbance. Family law professionals face complex challenges when assisting separating and divorced families with special needs children. Here are some general and specific tips for family law professionals who are helping these families develop appropriate parenting and child safety plans.

[Read more](#)

### **IAALS Launches the Honoring Families Initiative**

The Institute for the Advancement of the American Legal System (IAALS) has launched the [Honoring Families Initiative](#), which will focus on research and implementation of empirically-informed models to ensure greater accessibility, efficiency, and fairness in divorce and child custody matters. With a team of advisors (including numerous AFCC members) representing practitioners, jurists, researchers, and advocates who have committed their professional lives to finding a better way to work with transitioning families, Honoring Families is well-positioned to develop new and better systems for separating and divorcing families in the US. It is currently working to create a first-of-its-kind interdisciplinary center at the University of Denver that will open in 2013. Learn more about IAALS; [subscribe to receive the IAALS newsletter](#), or daily updates from the new blog, IAALS Online.

[Read more](#)

### **Family Law in the News**

#### **Kramer.com vs. Kramer.com**

*By Pamela Paul, courtesy of New York Times*

Most divorced couples would probably prefer not to see each other. Ever again. But when you share custody of your children, you have to assume a certain amount of

#### **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 referral source on the membership application you will earn ten AFCC dollars to spend on conference registrations, membership renewals and publications. For more information, please contact AFCC at [afcc@afccnet.org](mailto:afcc@afccnet.org) or (608) 664-3750.

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face-to-face time amid the endless back-and-forthing.

[Read more](#)

**Rare Family Law Case Heard by US Supreme Court**

*By Margaret Ryznar, courtesy of Huff Post*

Many parents embroiled in child custody cases might only dream of bringing their cases to the highest court in the land, yet this became reality for Army Sgt. 1st Class Jeffrey Lee Chafin last week, when oral arguments were heard by the United States Supreme Court in his case, *Chafin v. Chafin*, 11-1347.

[Read more](#)



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eNEWS

## Ask the Experts

### Ten Tips for Developing Parenting Plans for Special Needs Children

*Daniel B. Pickar, PhD, ABPP, and Robert L. Kaufman, PhD, ABPP*

*The authors will present a workshop at the AFCC 50th Anniversary Conference in Los Angeles entitled, "Parenting Plan Considerations for Special Needs Children."*

The term "special needs children" is an umbrella designation that encompasses a staggering array of children who suffer from learning disabilities, profound cognitive impairment, serious medical illness, developmental disorders (such as autism), physical disabilities, or severe psychiatric disturbance. Family law professionals face complex challenges when assisting separating and divorced families with special needs children. Below are some general and specific tips for family law professionals who are helping these families develop appropriate parenting and child safety plans.

#### **1. Develop a basic knowledge base about the most commonly seen special needs children encountered in family court.**

While one cannot be an expert about every type of special needs child, family law professionals need to have information about the defining characteristics of the most commonly occurring childhood conditions and the specific parenting challenges involved in raising such children. The most commonly seen childhood conditions encountered by the family courts are: autistic spectrum disorders; attention deficit/hyperactivity disorder; learning disabilities, and, especially with teenagers, serious depression. Therefore, consult the current literature and empirical research regarding these disorders when assisting a family with a special needs child.

#### **2. Familiarize yourself with more unusual types of special needs children.**

If working as a mediator, judge, parenting coordinator or child custody evaluator, you will also likely encounter less frequently seen types of special needs children, such as those with cerebral palsy, Down syndrome, visual or hearing impairment, or high risk medical conditions. In these cases, understanding a child's best interests with regard to custodial arrangements requires a grasp of the specific nature of the illness/condition and the specialized parenting skills needed to optimize the child's well being. Educate yourself on the nature of the condition and the specific demands on parents.

#### **3. Use "developmentally appropriate parenting plans" with caution.**

Many of the research based "developmentally appropriate" parenting plans for children of different ages may not be best for special needs children. Some of these children (i.e., those with mental retardation, Down syndrome, autism) may function significantly below their chronological age. In many instances, the need for stability in residential placement and consistent routine may outweigh a custodial schedule that provides significant time with both parents.

#### **4. In addition to parenting skills, consider which parent has the most time and means to care for the special needs child.**

Considering each parent's personality, parenting skills and temperament for caring for a special needs child is important. However, determining where a child should primarily reside can come down to the simplicity of which parent has the most time and means to care for the child. Many special needs children

attend special schools, have ongoing physical or occupational therapy, counseling or frequent medical appointments. Thus, when considering a physical custody arrangement, it is important to determine whether both or only one parent has the ability to follow-through effectively with the child's ongoing services.

**5. Understand which evidence-based treatments may be necessary, and which parent will be willing to attend and participate.**

Current trends in evidence-based treatments for multiple childhood conditions (i.e., autism, AD/HD, LD, and even adolescent depression, where the risk of suicidal or self-harm behavior may be high) include a parent participation component. Thus, it is important to determine which parent will be an active participant in such treatment. This includes each parent's relative support for a medication regimen if medical or psychiatric professionals have recommended this.

**6. For children with autistic spectrum disorders, be sure there has been a differential assessment or understanding of the home environments with regard to structure, consistency and safety.**

Many autistic spectrum disorder children have excessive need for environmental consistency and routine. They may become highly stressed or volatile when routines are disrupted and there are too many transitions. Such disruptions can lead to significant anxiety, often resulting in behavioral problems such as severe tantrums, or even self-injurious behavior. Consider which parent is best able to maintain highly structured schedules and is attentive to physical dangers and childproofing. Some autistic children may want to sleep only at one home, and parents may need to accommodate this basic need, realizing that it arises out of the disorder and not from a parent-child relationship problem. If an autistic child is capable of transitioning between homes, adjustment after such transitions may take longer than for children who do not suffer from the disorder.

**7. Always seek information from key medical, educational and mental health providers.**

When crafting the best parenting plan for a special needs child, seek collateral information from professionals who have a history of working directly with the child and family. These service providers can offer valuable information about the child's specific needs, the parent's history of understanding and meeting those needs, as well as the parents' ability to collaborate with each other and treating professionals.

**8. Children with AD/HD and learning disorders need clear and consistent expectations and routines and parents who can closely monitor completion of schoolwork.**

Children with these disorders have a wide range of characteristics and symptoms, with different levels of severity. In addition, there is a high incidence of children who suffer from both AD/HD and a learning disorder. To understand the behavioral and cognitive profile of a particular child, professionals should always review school reports and psycho-educational testing. In general, these children need a great deal of consistency within and between homes, including firm but fair limit setting and predictability with regard to transitions. Many of these children also have at least one parent who has a similar disorder.

Collaboration between parents is essential for maintaining routines and close monitoring of schoolwork. In situations where parents are unable to work collaboratively, behavioral symptoms may worsen and true joint physical custody may not be in the child's best interest.

**9. With depressed teenagers, preservation of life and participation in mental health treatment takes priority over child sharing.**

It is critical to determine the extent to which each parent understands the teenager's problems and is willing and able to actively support the youth's participation in treatment, including compliance with taking prescribed medications. If the teenager is chronically suicidal or engages in self-injurious behaviors, it is also important to determine whether both, or only one parent, can provide effective supervision and maintain safety precautions. If the teen is unable to function within their usual school environment, assess each parent's openness to alternative and appropriate educational plans.

**10. Consider the above tips with caution, as research conclusions are drawn from data about groups of children, not an individual child.**

Though we recommend that family law professionals familiarize themselves with current relevant research, never lose sight of the fact that each case is unique. While children and teens within a particular “special needs” category may have similarities in behavior and underlying emotional issues, diagnostic categories are not “one size fits all.” Therefore, while the above tips are based upon empirical research regarding treatment efficacy and environmental factors predicting more positive outcomes, there are some special needs children who may function well with shared parenting plan arrangements. Successful shared parenting of a special needs child is related to the level of severity of the problem and the ability of the parents to communicate about the child and provide as much consistency as possible between homes.

*Daniel Pickar, PhD, ABPP is a forensic and child psychologist who conducts child custody evaluations, mediation, co-parent counseling, and consultation to attorneys. He served for 12 years as the Chief of Child and Family Psychiatry at Kaiser Permanente Medical Center in Santa Rosa, California. He has published articles in the areas of child custody evaluation, child custody mediation, learning disabilities in children, and serves on the editorial board of the Journal of Child Custody.*

*Robert Kaufman, PhD, ABPP, is a clinical and forensic psychologist whose work in family law includes child custody evaluation, mediation, co-parenting counseling and consultation to attorneys. For over 25 years, he has also conducted psychological and neuropsychological assessments with children, teens and adults, and has taught and supervised assessment in several San Francisco Bay Area graduate programs, including UC Berkeley, the Wright Institute and Alliant University. He serves on the editorial board of the Journal of Child Custody and is past-president of the Family and Children’s Law Center Board of Directors in San Rafael, California.*



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## Reflections of Leadership:

### Fifty Years of the Association of Family and Conciliation Courts

by Peter Salem

The following note appeared on the title page of the *California Conciliation Courts Quarterly* Vol. 1, No. 1.

#### A BRIEF NOTE OF HISTORY

*Recently, Mike Elkin sent out a letter of inquiry to each of the Conciliation Counselors in California, outside Los Angeles County, outlining a plan for a newsletter or bulletin exchanging ideas, discoveries, problems and solutions. The response to his letter was prompt and enthusiastic. Each counselor expressed an interest in such an exchange, and sent an outline of information concerning self and community. The first effort is primarily a compilation of these responses, digested within the available space, together with a word of greeting from Judge Roger A. Pfaff and a few news notes from the Los Angeles Conciliation Court. Let us hear from you soon. The best way to communicate is to keep in touch! – C.H. Richardson*

With the publication of the first volume of the publication now known as *Family Court Review*, the Association of Family and Conciliation Courts was launched in March 1963. The ten-page issue included descriptions of Conciliation Courts in six California counties and a directory of members. AFCC's earliest founders expressed an enthusiastic desire to exchange ideas, problems and solutions, and for "...the feeling of camaraderie and support that we would find in such a mutual enterprise."<sup>ii</sup> Interest in research was evident, with the lead article of the second issue reporting on a study of non-appearance cases.<sup>ii</sup>

In September 1963, the First Annual Conference of California Conciliation Courts was held, with 26 participants traveling to Los Angeles to "... share information, disseminate knowledge, and develop a close working relationship among the Conciliation Courts of California."<sup>iii</sup> A proposal was made by Judge A. Roger Pfaff of the Los Angeles Conciliation Court to develop a manual for Conciliation Courts that would set forth the philosophy, principles, general practices and procedures. Thus, in its first six months the foundation for the first half-century of AFCC was laid: (1) a publication to disseminate ideas for practice, policy and research; (2) a conference through which to convene colleagues, build on existing ideas and develop new initiatives; and (3) initiatives to improve practice in the family court community. Over the last fifty years the organization now known as the Association of Family and Conciliation Courts (AFCC) has grown to more than 4,600 members in 27 countries, with nearly 1,300 participants attending its most recent annual conference. More than 100,000 professionals and academics worldwide read *Family Court Review* annually, and the *AFCC Center for Excellence in Family Court Practice* is home to



initiatives that provide guidance on myriad issues to family court practitioners, policymakers and researchers.

For half a century AFCC has built on the work of its founders, leading the development of processes such as mediation, parent education and parenting coordination; developing practice guidelines for family court professionals; and in many ways charting a course for what Professor Jana Singer refers to as the “velvet revolution,”<sup>iv</sup> a veritable sea change in the way family law is practiced, with the emphasis shifting from adversarial to more conciliatory processes. On its own this is an impressive legacy; however, when the story of AFCC is told and its accomplishments are noted, the missing piece is often the people involved in AFCC and relationships developed through the association that facilitated its growing influence. AFCC would never have thrived without the open minds of its members, the multiple perspectives, the appreciation for and curiosity about the other disciplines, the common desire to improve the family law systems, and the wish, above all, to effectively serve families.

In recognition of the significance of AFCC members, this article presents a history of the organization and the field through interviews conducted with ten former AFCC Presidents.<sup>v</sup> They recall their practice, their involvement with AFCC and the intersection of the two. They represent different points in time, different disciplines, different geographic locations and different perspectives. Despite their differences they have much in common, not unlike the organization they led.

### **Betty Barteau, AFCC President, 1979-80**

*AFCC grew as an organization, largely in California, throughout the 1960s with a focus on reconciling spouses in marriages at risk of divorce. By the early 1970s no-fault divorce had entered the picture and the divorce rate was rising. Family court service agencies began to change their focus from marriage counseling to helping couples separate amicably and make plans for the future to meet the needs of their children—a process that would become mediation. In 1974, after ten years practicing law, Betty Barteau was elected to the Marion County (Indianapolis, IN) Superior Court. She subsequently served on the Indiana Court of Appeals and as Director of the Russian American Judicial Partnership, and today serves as a Senior Judge for the Court of Appeals.*

Betty Barteau: I was elected to the bench in 1974 after practicing law, mostly under fault divorce. I was the first woman judge in Marion County so naturally I was appointed to oversee the Domestic Relations Counseling Bureau (DRCB). At the time, the DRCB was essentially a court-connected marriage counseling organization for couples who filed for divorce but wanted to try to reconcile.

My predecessor told me about AFCC, so I went to my first conference in Seattle; I think it was in 1975. When I got there I just fell in love with all of the people—Byron Lindsley,<sup>vi</sup> Irwin Cantor,<sup>vii</sup> Norman Fenton,<sup>viii</sup> Jay Folberg,<sup>ix</sup> Stan Cohen,<sup>x</sup> Ann Milne<sup>xi</sup>—they were so all impressive and interesting, and they had a lot more experience than I did. The Bar Association didn’t have anything like AFCC. Here, in one place, were all of these people who had tried a new way of thinking!

When I was a lawyer there was rarely any discussion about the children of divorce. Ninety-nine percent of the time they went to the mother because the father didn’t ask. As a judge, AFCC gave me an opportunity to become more aware of the other professions. We used to send the kids to a psychologist for an evaluation, but we later expanded to other processes and we learned more about children’s needs and the impact of divorce on children. Joan Kelly<sup>xii</sup> was a big part of that.

In the 1970s, AFCC was limited to judges and court services staff. We all thought mediation could help parents, but it didn’t really exist as a field. Then we saw it begin to grow within our organization and it became a big issue when we had to decide if private mediators would be able to join AFCC.

AFCC was always challenged by a lack of resources. Members were always super about giving their time. What drove the organization was that everyone felt there needed to be a change and it could

be accomplished if interested people cared enough to do it. I think some people might have been aware that we were at the forefront of a revolution in the way family law was being approached.

### **Jay Folberg, AFCC President, 1983-84**

*In the late 1960s and early 1970s, as court counselors were experimenting with helping divorcing parents reach agreements, Jay Folberg was pursuing a similar idea in a different context. As executive director of Portland Legal Aid Services, he developed an intake process for family law where social workers and lawyers met together with divorcing couples, another precursor to mediation. Jay would later become a professor at Lewis & Clark School of Law, Dean of the University of San Francisco School of Law and Executive Director of the JAMS Foundation. As AFCC Executive Director from 1975-80, he is one of two AFCC Presidents to serve on the AFCC staff.*

Jay Folberg: I first got involved in AFCC in 1973 when I became friends with Stan Cohen. The core distinguishing factor that made AFCC special, and has really remained, is that it was interdisciplinary in a meaningful way when interdisciplinary was kind of a new word. There were well-established lawyers groups, judges groups and mental health organizations, but AFCC was truly integrated in more than a window dressing sort of way.

I got into mediation almost accidentally when I was executive director of a legal services program in Portland. We set up a family law center and started mediating by necessity because we were bombarded with divorce cases. We couldn't ethically represent both parties so we started doing joint intakes of husbands and wives to see if they might stipulate to a marital separation agreement. We needed help on the emotional side, so we paired the lawyers with social workers to do intake and that evolved into mediation.

One reason that mediation came about early on in Los Angeles was because Meyer Elkin<sup>xiii</sup> was at the Conciliation Court there and with the introduction of no-fault divorce in 1970 it changed the focus of the service. The process evolved from trying to keep the marriage intact into counseling parents on how to look out for their children as they proceeded with their divorce. That was when the meaning of "conciliation" began to change from staying together to peacefully separating with an eye toward the best interests of the children.

AFCC conferences provided a place where various approaches to mediation came together. There was exhilaration in discovering like souls because most of us did not have much support in our own area. We each thought we were inventing the light bulb. I was doing mediation in Portland, but there were few of us on board there. Then I discovered what was going on in Los Angeles and in Minnesota and I thought, okay, we may be crazy, but at least we are not alone in our craziness! It was even more exciting because we were not in the same field. Of course, AFCC was not all about mediation. We still had custody investigators and others who were not into mediation. But they also had their "aha moments" because they, too, were concerned about the impact of divorce on families, and especially children.

### **Hugh Mclsaac, AFCC President, 1987-88**

*In the early 1980s, mediation was gaining a foothold in the family courts and AFCC had grown to 900 members. California passed the first mandatory mediation statute in 1981 and became a leader in child custody mediation. There was no greater champion for mediation than Hugh Mclsaac. He followed Meyer Elkin as director of the Los Angeles Conciliation Services, as editor of Family and Conciliation Courts Review (now FCR), and later as an AFCC President. He then served as director of Multnomah County (Portland, OR) Family Court Services and as executive director of the Oregon Family Institute. Today Hugh serves on the Board of the AFCC California Chapter.*

Hugh Mclsaac: In late 1970 I came to work for the Los Angeles Conciliation Court as a marriage counselor and almost immediately went to my first AFCC conference. It was standard operating procedure to go to AFCC. In those days it was very judge-oriented with a focus on marriage counseling

and getting families back together. The *Review* functioned as a way to get the conference proceedings out to people who couldn't attend. Mike (Meyer) Elkin was the editor. Conference presenters were supposed to write up their sessions and Mike would just hound them until they got their articles turned in.

In the mid-1970s we went through an economic crisis and I was laid off when they cut the number of counseling positions in half. In 1976 the first legislative attempt to secure funding to support court services came about with a bill that earmarked part of the marriage license and divorce filing fees. After that, my position was reinstated and in 1977 Mike retired and I became the director. I was then part of a statewide task force to reform family law and out of that came Senate Bill 961, which went into effect in 1981 and required all contested custody and visitation disputes to go to mediation. SB 961 made the program totally self-supporting through an increase in filing fees, which were earmarked for mediation. It was followed by a bill that funded the Statewide Office of Family Court Services.

All the courts had to set up a mediation program and AFCC was extraordinarily helpful. Jay Folberg and Stan Cohen had come down from Oregon. The AFCC California Chapter held the Vallambrosa Retreat on Mediating Child Custody Disputes in 1981. The speakers included Robert Mnookin,<sup>xiv</sup> Islolina Ricci,<sup>xv</sup> Leslie Ellen Shear<sup>xvi</sup> and Judy Wallerstein.<sup>xvii</sup> The next year AFCC convened a series of Symposia on Mediation Standards, which resulted in the first set of family mediation standards in 1984.

Meyer Elkin retired as editor of *Review* in 1986 and Stan Cohen and I took the job together. Stan retired in 1992, and then I became director of court services in Portland, OR. I was editor through 1997 when Andy Schepard<sup>xviii</sup> took over. Up until 1991 the *Review* was self-published; it was really an informal operation. In 1991 we signed a contract with Sage Publications and that really professionalized things. That said, it was really a cottage industry as we worked on the journal out of my home. My wife Chris served as administrator and deserves a lot of credit for circulating articles for peer review and making sure I stayed on task. Andy and Ann Milne came to Manzanita for the transfer of responsibility, formalized in our hot tub overlooking the Pacific. Once Andy became editor he took it to the next level, especially when the journal moved to Wiley-Blackwell. Andy also brought the resources that Hofstra Law School had to offer and *FCR* has now become the go-to journal in family law.

### **Bob Tompkins, AFCC President, 1993-94**

*As the 1980s progressed adversarial divorce came into disfavor in many circles, as courts, private lawyers and mental health professionals became attracted to mediation. By the early 1990s AFCC had grown to nearly 1,200 members. Mediation was required in jurisdictions in 38 states and programs were being implemented in courts, community and private agencies throughout the world. However, many family court service agencies and private practitioners continued to conduct custody evaluations and investigations. Innovative public and private sector AFCC members were developing hybrid processes, combining evaluative and facilitative processes. Former AFCC President Bob Tompkins played a major leadership role in this area. Bob came to work for the Connecticut Judicial Branch Family Division as a counselor in the mid-1970s, ultimately rising to the rank of Deputy Director of the statewide agency and overseeing 120 Masters-level social workers who assisted the judges, lawyers and divorcing couples resolve custody, visitation and financial issues.*

Bob Tompkins: My first but fleeting connection with AFCC was in the mid-70s when I was a new Family Relations Counselor and Tim Salius<sup>xix</sup> hosted an AFCC conference in Hartford. I didn't have the full immersion experience until 1985 when I went to the Vancouver conference. Tim was in the inner circle so I met everyone—Stan Cohen, Ann Milne, Jerry Lecovin,<sup>xx</sup> and Hugh McIsaac. It was very social and the people were great, but what impressed me the most is that people on court staff were considered on the same level as the lawyers and judges.

At AFCC people were always talking about and implementing new ways of handling divorce. They were generally non-adversarial methods, either mediation or other forms of dispute resolution. Connecticut was an early adopter of mediation and I was one of the first counselors to mediate under a male/female co-mediation model. I thought it was important because the first thing the clients notice is

the gender of their counselor. We demonstrated that it would be a fair process and that we were devoting the necessary resources.

It became pretty obvious that gender issues pervaded everything in our work. There were longstanding assumptions that kids needed to be with their moms and that dads would visit—I remember debating with a female supervisor about that. And of course, there were domestic violence concerns. In the mid-1980s our agency merged with a sister agency that was involved in the criminal court and all of a sudden we were dealing with more than 30,000 domestic violence cases every year. We became much more aware of the overlap between divorce and domestic violence and we ultimately collaborated with the state domestic violence coalition on policy issues, which created an important connection.

Another ongoing challenge was integrating ADR into the evaluation process. Some of the psychologists in AFCC felt it contaminated the process, so that was another debate we had. But in Connecticut, our evaluators were required to hold joint meetings after the information had been gathered and to try to help parents resolve their dispute. I think it requires the highest level of skill for a counselor to talk with parents in a way that is non-threatening, that does not identify winners or losers, but that helps them understand the logic behind recommendations and to then engage them in productive settlement discussions. This process evolved through the years and paved the way for early neutral evaluation.

As we dealt with all of these issues and tensions AFCC became the place where the discussions and debates took place. I remember presenting point-counterpoint workshops. I would have these kernels of thoughts and feelings, then I'd meet others who had different ideas and those kernels would grow, be modified and tested. Ideas like developmentally appropriate parenting plans, mediation or collaborative law. Some of these ideas started with AFCC and some didn't, but we always had an environment in which they could be respectfully discussed, dissected, developed and disseminated.

#### **Christie Coates, AFCC President, 1998-99**

*New models of mediation and evaluation were evolving in the courts and private sector through the 1980s and 1990s. By the year 2000, AFCC members included an increasing number of private lawyers, evaluators, mediators and academics. Christie Coates was drawn to mediation as a young lawyer in the early 1980s. Her experience taught her the benefits and also the limits of mediation and, like some of her AFCC colleagues elsewhere, she set out to explore new options. Well-known for her work with high conflict families, Christie has been a leader in practice and policy around the parenting coordination process.*

Christie Coates: I never heard of AFCC until I was recruited by Byrnece Gluckstern<sup>xxi</sup> to help with a conference in Colorado. I remember that Linda Hahn<sup>xxii</sup> came in from Texas. I enjoyed the conference, joined AFCC and the next thing I knew I was asked to join the Board! So in 1992 I came to my first Annual Conference in San Diego as a member of the Board. The only person I knew was Linda and she took me under her wing, invited me to dinner, and made sure I wasn't left alone at the social events. I made some lifelong friends at that first conference and at subsequent conferences. I loved the interdisciplinary nature of the conference. Everyone was on a first name basis and considered equally important, from the Chief Justice of the Family Court of Australia to the court mediator from a tiny little town somewhere in the Midwest.

Within two years I was on the executive committee, AFCC had received a three-year \$175,000 organizational development grant from the Hewlett Foundation and all of a sudden I was helping to plan AFCC's future. What role should AFCC play? How big did we want to be? We started to expand with a professional development and technical assistance program, centralized conference planning, got another three-year grant from Hewlett for \$150,000 and things grew from there.

I started out as a lawyer but eventually became a full time ADR professional and stopped doing traditional representation. In the 1990s some Colorado colleagues began meeting to study high conflict families, based on Janet Johnston's<sup>xxiii</sup> work. We were beginning to realize that mediation wouldn't resolve everything and we thought custody evaluations were not always the answer. I was doing med-

arb. In California they were calling it special mastering. We presented our work in 1994 at the first AFCC Custody Evaluation Symposium. We called it assessment-based parenting coordination (PC).

AFCC not only provided a platform for us to present our ideas about high conflict families, it became *the* place to talk about it with others doing the same thing, looking at our commonalities and differences and learning from our successes and failures. By the end of the 1990s we were starting to define what would become parenting coordination.

Denise McColley<sup>xxiv</sup> appointed me Chair of the AFCC Task Force on Parenting Coordination in 2001. We were supposed to develop standards of practice but everyone agreed that it was too soon, so instead we published a review of PC policies and statutes. Then two years later George Czutrin<sup>xxv</sup> appointed a second task force and I chaired that as well. We still thought PC was too new for standards but this time we developed the Guidelines for Parenting Coordination. They have become widely accepted and many statutes are based on the AFCC Guidelines.

I have loved my work with AFCC and I've seen great change, but I have also learned that you can't expect change to happen quickly. You have to talk about it, be at the forefront and be non-apologetic about what you believe. Not everyone is going to jump on the bandwagon immediately, but AFCC has always given us a place where we can stay the course.

#### **Arline Rotman, AFCC President, 2000-01**

*By the late 1980s, the concept of interdisciplinary family law practice was spreading. Shared parenting, domestic violence, high conflict families and domestic violence were familiar topics of conversation among family law professionals. Arline Rotman was among a handful of women lawyers in Worcester, MA, and after more than a decade in private practice of family law she was the first woman appointed to the bench in Worcester County in 1989. Her new role created an opportunity to implement ideas about family law as an interdisciplinary endeavor that she and her Massachusetts colleagues were developing independently of, but parallel to, AFCC.*

Arline Rotman: I was a new family court judge and was aware of the need for a greater dialogue between the mental health and legal communities, so I established a series of breakfast meetings for that purpose. Then, an AFCC publication crossed my desk and I had an "aha moment." So I joined, called the office for some conference materials, and thought that we should have a chapter in Massachusetts. There were no guidelines on how to do it, but Tim Salius and Bob Tompkins came up from Connecticut to a couple of organizational meetings and we made it happen.

Around the same time, and unrelated to the chapter, I made a connection with Susan Snow,<sup>xxvi</sup> a Chicago judge who was AFCC President. And by the time I got to my first conference in Maui in 1994 I had been elected to the Board.

AFCC became very active in Worcester and I think that made a big difference. For example, nobody in Massachusetts had ever thought about developmentally appropriate parenting plans until we read an AFCC newsletter article about it. Also, Massachusetts was one of the early states to mandate parent education. In 1994 we went to the very first Parent Education Congress in Chicago. The Family Court Chief Justice sent Mary Ferriter,<sup>xxvii</sup> who was on her staff then. We developed program standards through a Parent Education Advisory Committee that included several AFCC members. When Janet Johnston's domestic violence typology came out in the early 90s it had an enormous influence. I was appointed to lead a task force that wrote the Domestic Violence Risk Assessment<sup>xxviii</sup>, which was heavily influenced by the typology. We would not have known about Jan or her work without our connection to AFCC.

Chapters are so important because they bring the work of AFCC to the community and vice versa. During my time on the board we tried to lay the groundwork for chapters but without much in the way of results. In the last decade the process has become more streamlined and chapters have really

grown. With the restructuring of the Board and administration in the late 1990s and early 2000s, the rest of AFCC has taken off as well.

#### **George Czutrin, AFCC President, 2003-04**

*By the year 2000 family courts were functioning in new and different ways. Multiple models of mediation and other hybrid ADR processes were now widespread. AFCC members, now numbering more than 1,800, were addressing concerns related to never-married parents, high conflict families, unrepresented litigants, domestic violence and alienated children. A growing interest in Unified Family Courts was emerging. George Czutrin began his family law practice in Hamilton, Ontario, in 1978, in Canada's first Unified Family Court. He was appointed to the family law bench in 1993, served for ten years as Local Administrative Judge of Hamilton Family Court and is now Family Team Leader at the Superior Court in Toronto.*

George Czutrin: I got involved with AFCC in 1983 when John VanDuzer,<sup>xxix</sup> the first Canadian President of AFCC, asked a group of Hamilton lawyers to help with the Toronto conference. I ran the hospitality suite with John Harper.<sup>xxx</sup> My wife, Lynne, was a teacher and her students made signs for the conference. It was a real volunteer effort.

John VanDuzer was my mentor. When I was appointed to the bench in 1993 I sat in his chambers. To follow him as the next AFCC President from Ontario, more than twenty years later, was a privilege. John introduced me to AFCC and got me going to the conferences where I met tremendous people. I joined the AFCC Board of Directors in the early 1990s and then the executive committee in 1997. I worked with tremendous people like Alastair Nicholson,<sup>xxxi</sup> Denise McColley, Joan Kelly, Janet Johnston, Peter Boshier<sup>xxxii</sup> and so many others. They exposed me to research I would not have otherwise seen. They made me re-evaluate my approach and challenge my assumptions. Hamilton established the first Canadian Unified Family Court in 1977, way ahead of its time. The first judges were John VanDuzer, David Steinberg<sup>xxxiii</sup> and Pat Gravely.<sup>xxxiv</sup> The information flowed both ways, so AFCC was informed by our work in Hamilton and people in Hamilton learned from AFCC. Of course, later on others began to look at Unified Family Courts and they would come to Hamilton from other countries to observe.

There have been so many influences that I have brought home with me from AFCC. In the early 1990s I remember hearing about the Maricopa County (Arizona) self-help center. And our discussions about the voice of the child and different ways that judges interview or otherwise get information from children. It seems to me that just when I think I know what I am doing someone at AFCC presents the latest study, or a new way of doing something and I think, "wow!"

When I used to come to AFCC as a lawyer, I remember thinking that everyone criticized lawyers. Then I became a judge and all of a sudden they were critical of judges. Maybe I am just too sensitive (laughs). I think what we strive for is a healthy dialogue, and recognition that no one person or discipline has the single answer. For me, AFCC has been perhaps the best venue for that kind of exchange.

#### **Leslye Hunter, AFCC President, 2004-05**

*Private practice child custody evaluation continued to grow in the 1990s and 2000s as evidenced by an increasing number of publications, practice guidelines and training programs including AFCC's Symposia on Child Custody Evaluations, which debuted in 1994 and continue to this day. The mental health child custody consultant role emerged in the early 2000s and AFCC and FCR hosted challenging and thought-provoking discussions about the function of the mental health professional in child custody disputes. Leslye Hunter was a custody evaluator in private practice and the first such professional to serve as AFCC President. She was subsequently appointed AFCC Associate Director in 2008, joining Jay Folberg as the only AFCC Presidents to also serve as staff.*

Leslye Hunter: In 1995 I was hired by Family Service of Greater New Orleans to do custody evaluations. The problem was I didn't have much training or practical experience. Then a brochure for Clearwater

[AFCC Second Symposium on Child Custody Evaluations] came across my desk—it was manna from heaven! I went to the conference and attended a presentation by Phil Stahl.<sup>xxxv</sup> Later, I was in the elevator and Phil got on and struck up a conversation. Here was this well-known presenter, and he even wrote a book! My experience with other organizations was that these people were just not accessible. It was then I began to understand that AFCC not only had the information I needed to practice effectively, but it provided collegial access to the people who were writing the books, doing the research and teaching. That just blew me away.

I opened a private practice and kept going to conferences. In 1999 I was at a regional conference and noticed that the next annual conference was going to be in New Orleans. I told the person at the registration desk that I would be willing to volunteer. She told me to wait, and a few minutes later Peter Salem<sup>xxxvi</sup> was there and all of a sudden I was the local conference chair. That conference was a huge success and that launched me onto the Board.

The family law system in New Orleans wasn't always up to speed on the latest advances and controversies. I'd go to AFCC and learn about things that we had not heard of in my little corner of Louisiana. For instance, I learned about special mastering and was able to bring that back to New Orleans. We called it parenting facilitation, and eventually, through the efforts of people like Leslie Todd,<sup>xxxvii</sup> a committee was formed and a parenting coordination statute was passed. My personal passion was to improve the quality of custody evaluations, so when I became AFCC President I appointed a task force to update the 1994 AFCC Model Standards. It was a real challenge and in some ways very polarizing. Members were worried the Model Standards were too specific, that they would be used as a basis for malpractice suits and they didn't like being told how to practice. A few even resigned from AFCC. In the end we didn't hear about any lawsuits or Board complaints, and the Model Standards are used extensively.

The other major initiative during my presidency was the Family Law Education Reform Project with Hofstra Law School and Andy Schepard. It was the first of the think-tank projects that AFCC convened and it really marked a new direction for us. When Hurricane Katrina hit New Orleans in 2005 my office was destroyed, so I closed my practice, left New Orleans and went to work for AFCC. And this may not be a politic thing to say, but as a staff member it really doesn't feel any different. I have the same relationships with the staff, the Board and the members. I think that's just AFCC.

### **Linda Fieldstone, AFCC President, 2011-12**

*By 2012 AFCC had more than 4,600 members and 18 chapters. The Center for Excellence in Family Court Practice was launched as a home for AFCC's myriad initiatives, including the Family Law Education Reform Project, Domestic Violence and Family Courts Project, Court ADR Think Tank, the Family Civil Intake Assessment Screen, and Guidelines for Brief Focused Assessment and Court-Involved Therapy and Child Protection Mediation. At the same time, family court service agencies were struggling as a result of a crippling budget cuts in the public sector. Downsizing and reengineering of services provided by court agencies were becoming all too common. In 1990 Linda Fieldstone started working with Family Court Services in Miami, Florida. Now a supervisor, she has been a leader in the parenting coordination movement and has spearheaded research, legislation and the implementation of one of the few court-based parenting coordination programs in existence.*

Linda Fieldstone: I started at Family Services in 1990 as a volunteer and then I moved into a regular position. I took my family mediation training in 1991 and the trainer mentioned AFCC. I could immediately relate to the organization's mission so I became a member to support it. Ten years later Judy Kreeger<sup>xxxviii</sup> and Sandy Karlan<sup>xxxix</sup> recommended to Hugh Starnes<sup>xl</sup> and Greg Firestone<sup>xli</sup> that I attend a statewide meeting to discuss the possibility of an AFCC Florida Chapter. We broke into small groups, I ended up taking notes and the next thing you know I was on the coordinating committee. In this role I became more and more appreciative of the AFCC staff. Candi Walker<sup>xlii</sup> and Dawn Holmes<sup>xliii</sup> were extremely responsive and helpful with everything from new membership drives to menus for our first conference and Peter Salem was always on call. I am sure that the primary reason our coordinating

committee worked so well in the beginning was that we were very well integrated with the parent organization.

Our Family Court Services has been able to stay on the cutting edge in our court because of the ideas and innovations we learn from AFCC and the Florida Chapter. For instance, we implemented parenting coordination, developed an early triage program and we host monthly interdisciplinary “lunch and learn” events. After hearing from the plenary speaker at the recent Florida Chapter conference we will be integrating mindfulness principles into our process.

I think that one of the major influences I’ve seen from AFCC in the last decade is the concept of differentiation, meaning that every family and every situation is unique, whether we are talking about the type of services needed, or our approach to domestic violence or parenting plans. This is a huge difference in approach, because ten years ago we were not as sensitive to this issue. Consequently, children and families can better benefit from the court process. It also seems that AFCC’s mission and vision is being applied more and more at the grass roots level—our local courts and communities—and we can see this happening through local collaborations. Instead of thinking that one field can do something alone, we have interdisciplinary collaborations. Rather than one agency we now have service collaborations. We are more appreciative of what everyone can bring to the table, including those who don’t agree with us. That type of collaboration is incredibly powerful.

The roster of leaders associated with AFCC over its first fifty years is lengthy and impressive. Those interviewed for this article are identified with important advances in family courts and related practices including: mediation, custody evaluation, parenting coordination, and Unified Family Courts. Their leadership helped AFCC influence the trajectory of family courts over the last half century. These leaders would also be the first to say that they served as stewards of the organization and that their AFCC colleagues, including, presidents, volunteer members, and staff, are every bit as responsible for AFCC’s success. Hugh McIsaac said that the most important lesson he learned as AFCC President was humility, quoting Satchel Page: “None of us are smarter than all of us.” Nonetheless, there remains perhaps the most important person to recognize.

### **Meyer Elkin**

*The history of AFCC in many ways begins and—in this article at least—ends with Meyer Elkin, who passed away in 1994. Referenced above by those who knew and worked with him, he was widely admired by his colleagues. Betty Barteau commented, “Meyer Elkin was larger than life. He had a way of making you feel like if something needed to be done, you could do it.” Meyer Elkin was longtime Director of Los Angeles Family Court Services, editor of the Review through 1986, and in 1976-77 he served as the first AFCC President who was not a judge. In 1975, long before it was fashionable to discuss the divisiveness of the adversarial statutory language of family law he wrote an editorial entitled “The language of family law is the language of criminal law.” And in the 20<sup>th</sup> Anniversary Issue of the Review he called for a commitment from AFCC members that rings true today after the association has been in existence for fifty years:*

Let all of us, in our own unique way, recommit ourselves to the search for the pebbles of change that can be cast into the social pond. Let us create a divorce process that recycles divorce pain into new patterns of personal and familial growth which, in turn, will also strengthen our entire society. Let us protect our children from the unnecessary hazards of the divorce experience so that they, like their parents, can be strengthened by divorce rather than defeated by it. And let us never forget that if the lights go out in our children’s eyes, be they children of divorce or any other children, we will all live in darkness.<sup>xliiv</sup>

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### NOTES

<sup>1</sup>Philip Schleimer, *Conciliation Counselor, Sacramento County*, 1 CAL. CONCIL. CTS. Q.7 (1963).



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- <sup>ii</sup> William J. Linehan, *The Non-Appearing Client of the Conciliation Court*, 1 CAL. CONCIL. CTS. Q. 1-3 (1963).
- <sup>iii</sup> Kenneth Green, *First Annual Conciliation Courts Conference*, 1 CAL. CONCIL. CTS. Q. 9 (1963).
- <sup>iv</sup> Jana Singer, *Dispute Resolution and Post-divorce Families: Implications of a Paradigm Shift*, 47 FAM. CT. REV. 363 (2009).
- <sup>v</sup> For a more conventional historical narrative of AFCC see AFCC History at <http://www.afccnet.org/About/History>.
- <sup>vi</sup> AFCC President, 1971-72.
- <sup>vii</sup> AFCC President, 1977-78.
- <sup>viii</sup> AFCC President, 1975-76.
- <sup>ix</sup> AFCC President, 1983-94.
- <sup>x</sup> AFCC Executive Director, 1983-89.
- <sup>xi</sup> AFCC Executive Director, 1989-2002.
- <sup>xii</sup> Researcher, former director, Northern California Mediation Center.
- <sup>xiii</sup> AFCC President, 1976-77, Founding editor of the *Review*.
- <sup>xiv</sup> Williston Professor of Law, Harvard Law School.
- <sup>xv</sup> Former Director, California Statewide Office of Family Court Services.
- <sup>xvi</sup> AFCC member, Law Offices of Leslie Ellen Shear.
- <sup>xvii</sup> Researcher, Co-author, *The Unexpected Legacy of Divorce*.
- <sup>xviii</sup> Professor, Hofstra Law School, Editor, *Family Court Review*, 1997-present
- <sup>xix</sup> AFCC President, 1986-88.
- <sup>xx</sup> AFCC President, 1993-94.
- <sup>xxi</sup> Former AFCC Board Member.
- <sup>xxii</sup> AFCC President, 1995-96.
- <sup>xxiii</sup> Researcher, former Associate Editor of *Family Court Review*.
- <sup>xxiv</sup> AFCC President, 2001-02.
- <sup>xxv</sup> AFCC President, 2003-04.
- <sup>xxvi</sup> AFCC President, 1992-93.
- <sup>xxvii</sup> AFCC President, 2006-07.
- <sup>xxviii</sup> Domestic Violence Risk Assessment was prepared by the Domestic Violence Visitation Task Force of the Probate and Family Court Department of the Massachusetts Trial Court, October 1994.
- <sup>xxix</sup> AFCC President, 1982-83.
- <sup>xxx</sup> AFCC Board member, Senior Judge of the Family Court of Ontario.
- <sup>xxxi</sup> AFCC President, 1997-98.
- <sup>xxxii</sup> AFCC Executive Committee, Principal Family Court Judge of New Zealand.
- <sup>xxxiii</sup> Former Judge, Hamilton, Ontario Unified Family Court.
- <sup>xxxiv</sup> Former Judge, Hamilton, Ontario Unified Family Court.
- <sup>xxxv</sup> Former AFCC Board member.
- <sup>xxxvi</sup> AFCC Executive Director, 2002-present, AFCC Associate Director, 1994-2002.
- <sup>xxxvii</sup> Past President, AFCC Louisiana Chapter.
- <sup>xxxviii</sup> Former member AFCC Florida Chapter Board of Directors.
- <sup>xxxix</sup> AFCC Florida Chapter President Elect.
- <sup>xl</sup> Former AFCC President, 2005-06, Former AFCC Florida Chapter President.
- <sup>xli</sup> Former AFCC Florida Chapter President.
- <sup>xlii</sup> AFCC Program Director, 2003-present.
- <sup>xliii</sup> AFCC Office Manager/Registrar, 1999-present.
- <sup>xliv</sup> Meyer Elkin, *Cast a Pebble in the Pond*, 20 CONCIL. CTS. REV., vii (1982).



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eNEWS

## Member Profile

### Hon. Thomas Trent Lewis, Los Angeles, California



Judge Thomas Trent Lewis, president of the California Chapter of AFCC, also has a more than full-time day job as assistant supervising judge of the Los Angeles County Superior Court Family Law Department, the very court in which AFCC was founded in 1963. In addition, he is an avid surfer. In fact, around the time AFCC was holding its first conference fifty years ago, Judge Lewis was learning to surf for the first time. As an avid surfer and an enthusiastic AFCC leader, Judge Lewis' worlds seem to be dovetailing in 2013 with the upcoming AFCC 50th Anniversary Conference, *Riding the Wave of the Future: Global Voices, Expanding Choices*. Although Judge Lewis insists he did not have anything to do with the theme, he seems happy to build on the metaphor saying, "AFCC and its members have the vision to see the best waves for the future. The bigger the wave, the harder you paddle. AFCC will meet the challenge."

In 1978, Judge Lewis began practicing law and within two years was working exclusively in family law. He was drawn to family law by the opportunity to help people in crisis and other diverse aspects of the law that come up in family cases: property division, financial and, most importantly, children. He became a certified family law specialist in 1985 and a Fellow of the American Academy of Matrimonial Lawyers in 1988. In 2006 he was appointed to the Los Angeles Superior Court and, in his current role, he helps to oversee 44 departments while maintaining a full court calendar.

"Family law is unique among civil proceedings because it is about the future, making decisions to help litigants move forward and, in some cases, providing protection from harm," said Judge Lewis. "This is in contrast to other types of civil law where the focus is in the past, assigning blame and determining compensation for past wrongs. As a family court judge you are helping people move forward and are really impacting lives."

Following his appointment to the bench, Judge Lewis became involved in the California Chapter of AFCC, and now advises all new family law professionals to do the same. "I can unhesitatingly say I wish I had found AFCC earlier as a lawyer," he said. "The interdisciplinary context is invaluable. I have found that AFCC provides the best opportunity to hear the voices of the different disciplines that make up both the organization and our field, while providing a balanced forum for discussion with the willingness to hear divergent opinions and ideas, and the 'guts' to not quiet those who disagree. The AFCC Annual Conference is the best thing that AFCC does."

Judge Lewis is a firm believer in continuing judicial education and he serves on the Family Law Education Committee of the Center for Judicial Education and Research. "In California, despite all of the funding cuts, judicial training has not been cut and should never be cut. Luckily there continues to be tremendous training opportunities for lawyers and judges." Judge Lewis is also on the Judicial Council of the Family and Juvenile Law Advisory Committee, which makes recommendations for improving the administration of justice in all cases involving marriage, family or children.

One of the greatest challenges Judge Lewis noted was addressing issues related to domestic violence. He notes the importance of judicial and legal education and a better understanding of domestic violence

in and outside of the court system. "I am glad to see a greater recognition of the harm of domestic violence, and not just the target of the violence, but that living in that environment is dangerous. Parents need to have access to resources to help them break the cycle. There also needs to be resources available for both the victims and perpetrators of the violence because, in most cases, children will benefit from a safe and healthy relationship with both parents."

Judge Lewis also talked about the need for a more unified understanding of the best interests of the child standard. "In most jurisdictions, the definition is broad," he said, "with a very limited set of identifying factors to guide judges. More robust definitions would be able to say more regarding the health and safety of the child rather than only outlining bad behaviors on the part of a parent, such as domestic violence or substance abuse, with the caveat of maintaining judicial discretion."

According to Judge Lewis, underfunded courts and the consequent lack of resources for children and families are among the greatest challenges facing the family judiciary, especially in California. "There have been good things, including recognition that family law is not something to be disfavored or ignored. In California, reforms to family law have been established, giving some deserved recognition to the system. However, the judiciary, as the third branch of government, is not getting the attention and support it needs and deserves."

Alongside his numerous professional accomplishments, Judge Lewis emphasizes the importance of his family: "It's very important that they are listed in this order," he said: "Being married to my wife for 35 years, being a parent to my children and a grandparent to my grandchild." And while his own family is clearly a priority, the families of Los Angeles County are fortunate to have Judge Lewis in their corner.