President’s Message
Nancy Ver Steegh, JD, MSW, St. Paul, Minnesota
This year the AFCC Board of Directors has been planning for AFCC’s bright future. In addition to other areas of focus, the Board is exploring AFCC’s role as a convener of rigorous and open-minded discussions on challenging and controversial topics affecting children and families. While the Board has an important role to play, I believe that our success in this particular endeavor depends largely on you, as members and participants, and the atmosphere of exchange that we create together.

Read more

AFCC 51st Annual Conference
Navigating the Waters of Shared Parenting: Guidance from the Harbour
May 28-31, 2014, at the Westin Harbour Castle Toronto

Register before May 2 to Save
May 2 is the last day to register for the conference at a reduced rate. Register now and make sure your payment is received by (or postmarked by) May 2 to take advantage of the discounted registration rates. AFCC members save even more. Not yet an AFCC member? Join with your registration—save $10 on your first year’s membership AND register at the discounted member rate!

Register online and more information

Make the Most of Your Trip
Check out the Deals tab at www.mytorontomeeting.com to find special offers and discounts on Toronto attractions. Tourism Toronto offers a free app, an official visitor’s guide for Toronto Mississauga and Brampton for iPhone and Android.
Donate to the Silent Auction
Donate an item and make plans to attend, Friday, May 30, 5:30pm-7:00pm. The AFCC Silent Auction is held each year at the annual conference to raise funds for AFCC’s special projects and initiatives, like the Shared Parenting Think Tank and the Domestic Violence in Child Custody Evaluations Task Force. You can help support these projects by donating an item or attending the auction and bidding on items.

Online donation form

Thank You Conference Sponsors
Thank you to the sponsors of the 51st Annual Conference! This year’s Diamond Sponsor is OurFamilyWizard.com, and this year’s Platinum Sponsor is Devry Smith LLP, Lawyers & Mediators. Please click the link below to see a full list of conference sponsors. Visit their websites and stop by the exhibit forum in Toronto to learn more about their products and services. AFCC is pleased to have their generous support.

51st Annual Conference Sponsors

Exhibit Space and Advertising Opportunities Available
Exhibiting and advertising at the AFCC annual conference are excellent ways to share your products and services with an interdisciplinary community of family law professionals. A very limited number of exhibit spaces remain, rates increase May 1. Registration packet inserts get your marketing piece to each attendee.

More information

Ask the Experts
Ten Tips for Lawyers When the Other Party is Self-Represented
Annette T. Burns, JD, Phoenix, Arizona
Self-represented parties make up the majority of family court litigants in most jurisdictions. A family case often involves no attorneys at all, and another segment of cases have a lawyer representing one side with no attorney on the other side. The non-represented person is often referred to as the “pro per”, shorthand for in propria persona, meaning, literally, “in one’s own person”. (“Pro se” also means “representing one’s self”.)

Read more

Member News
patti cross, founder and past president of the Ontario Chapter of AFCC, was crowned the "Mother Moot" for putting together Canada's
first competitive law school moot in the area of family law. Read more.

Chapter News
The Missouri Chapter presented its 2014 Ellen Cowell Leadership Award to Kathleen Bird at its annual conference in St. Louis. The award recognizes leadership, initiative, creativity and dedication to improving the lives of families involved in the Missouri Family Court System.

Welcome to new Chapter Presidents!
California: Mary Lund
Florida: Jack Moring
Massachusetts: Kelly A. Leighton
Missouri: Art Nissenbaum
New York: Karen Rosenthal and Jane Pearl
Oregon: Kathleen Gillis

Submit a Proposal for the Symposium on Child Custody Evaluations
AFCC is accepting proposals for 90 minute workshop sessions to be presented at the 11th Symposium on Child Custody Evaluations, Examining Unintended Consequences, November 6-8, 2014, at the La Cantera Hill Country Resort in San Antonio, Texas. The Symposium is designed for custody evaluators, judges, lawyers, mediators and any professional who works with separating and divorcing families. The deadline to submit a proposal is May 12, 2014. More information

Help More Professionals Attend AFCC Conferences
Our Annual Appeal to AFCC members to support the scholarship program is doing well, but your help could put us over the top! Thank you to the members who have already donated for their generosity. We urge those of you who have not yet contributed to do so today. Every gift helps put us closer to being able to offer another scholarship. AFCC extends an extra thank you to those who made donations in memory of Richard Salem, a pioneer in the field of mediation (and father of the AFCC Executive Director), who passed away March 22, 2014. Donate today
Thank you to 2013-2014 contributors

Membership Notice of AFCC Board Nominations

Brooklyn Center, Minnesota
More information

Australia Chapter Annual Conference
Children as a Starting Point: Assessing Families for Family Law Disputes
August 15, 2014
Grand Hyatt Melbourne, Australia
More information

Wisconsin Chapter Annual Conference
Understanding and Managing the Challenges of Relocation: A Factor Based Approach
September 26, 2014
Country Springs Hotel and Conference Center Pewaukee, Wisconsin
More information

Florida Chapter Annual Conference
October 16–18, 2014
The Wyndham Tampa Westshore
Tampa, Florida
More information

Ontario Chapter Annual Conference
Special Issues Facing Family Courts
October 16-17, 2014
Marconi Club London, Ontario
More information

Arizona Chapter Annual Conference
February 6–8, 2015
Sedona, Arizona
More information
At the AFCC membership meeting on May 31, 2014, the following individuals will be nominated to serve on the Board of Directors for a three-year term beginning July 1, 2014 and concluding June 30, 2017: Milfred Dale, PhD, JD; Hon. Dianna Gould-Saltman and Stacey Platt, JD. The AFCC Executive Committee is elected by the Board of Directors. For informational purposes, the following individuals have been nominated for positions on the Executive Committee: President: Magistrate Richard Altman; President Elect: Hon. Peter Boshier; Vice President: Marsha Kline Pruett; Secretary: Annette Burns; and Treasurer: Matthew Sullivan.

**Conferences of Interest**

**NACC 37th National Child Welfare, Juvenile, and Family Law Conference**
Registration is now open for the National Association of Counsel for Children conference, *Meeting the Challenge: Child and Family Advocacy in a Changing World* in Denver, Colorado, August 17-20, 2014. The top leaders in child welfare, juvenile justice, and family law are coming to Denver. Join the national community of child and family advocates who work together to make this country a better place for kids and parents. More than 37 years of experience have gone into developing this premier three-day training, during which you will receive the most current information and advanced tools to advocate for your clients. Workshop topics range from emerging issues in kinship care law, to practical trial skills, to ensuring youth are meaningfully engaged in court. Click here to check out the program and speakers and register for the conference.

**NCJFCJ's 77th Annual Conference, July 13-16, 2014**
Join the NCJFCJ in Chicago for our 77th Annual Conference, which will feature a wide range of juvenile and family law topics focusing on the theme *From Surviving to Thriving: Healthy Families; Healthy Courts*. This year, NCJFCJ is hosting sessions on a variety of juvenile and family law topics including child abuse and neglect, trauma, custody and visitation, judicial leadership, juvenile justice, sex trafficking of minors, family violence, drug courts, psychotropic medications, children testifying in court, detention alternatives, substance abuse, and the adolescent brain. This conference is judicially-focused and open to all those interested in the improvement of juvenile and family justice. To view a tentative conference schedule and to see a list of select faculty, please click here. For more information, please click here, or contact the Conference and Travel Management department at 775-784-6971.

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

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Ontario
Oregon
Texas
Washington
Wisconsin

Add an AFCC Chapter to your membership

**AFCC Networks**
New Zealand

**Ask the Experts**
Is there a topic you would like to see covered by an AFCC Ask
Family Law in the News
Study Claims People Who Frequently Use Twitter May Be More Likely to Cheat and Get Divorced
By Olivia B. Waxman, courtesy of Time
People who are active on Twitter are more likely to get involved in the types of confrontations that may eventually lead to infidelity and divorce, according to a study published online in the journal of Cyberpsychology, Behavior, and Social Networking.

Read more

When Divorce Leads to a Happily Ever After for a Small Business
By Yuki Noguchi, courtesy of NPR
Married couples in America co-own 3.7 million small businesses, according to the Census Bureau, and the arrangement can be fruitful when both marriage and business are going well. But what happens when it doesn't? Most of the time, when the love dies, the business relationship ends, too. But that's not always the case.

Read more
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Association for Conflict Resolution • International Academy of Collaborative Professionals
National Association of Counsel for Children

Special thanks to the Sponsorship Committee for the AFCC 51st Annual Conference:
Steven Benmor, Barbara Fidler, Fareen Jamal, Michael Kleinman and patti cross
Ten Tips for Lawyers When the Other Party is Self-Represented
Annette T. Burns, JD, Phoenix, Arizona

Self-represented parties make up the majority of family court litigants in most jurisdictions. A family case often involves no attorneys at all, and another segment of cases have a lawyer representing one side with no attorney on the other side. The non-represented person is often referred to as the “pro per”, shorthand for in propria persona, meaning, literally, “in one’s own person”. (“Pro se” also means “representing one’s self”.) The self-represented person is as likely to be male as female; for purposes of this article and for ease, I will refer to my hypothetical self-representing person as “Mr. SR.”

A Google search for “self-represented litigants family court” turns up countless websites created to help Mr. SR navigate various family court systems. Maricopa County (Phoenix) Arizona led the way with the creation of its Self-Service Center in the 1980’s. Long before internet access was widely available, a room in the Maricopa County Courthouse provided people like Mr. SR with packets of forms and instructions for family court actions. Those forms allowed him to fill out initial filings, motions and responses on his own, and included instructions on how to file things at the courthouse. Jurisdictions across the country expanded resources for self-represented parties, and internet use later allowed the forms to be delivered via links and PDFs, and expanded the self-represented litigant’s access to electronic filing. It’s fortunate that court systems recognized long ago that self-represented persons in family court were not going away and that systems must be created to serve them.

Have lawyers’ abilities to work with self-represented litigants kept pace? The American Bar Association’s Model Rules of Professional Conduct, Rule 4.3 covers, only in the most general of terms, some ethical obligations for dealing with self-represented parties:

Rule 4.3 Dealing with Unrepresented Person
In dealing on behalf of a client with a person who is not represented by counsel, a lawyer shall not state or imply that the lawyer is disinterested. When the lawyer knows or reasonably should know that the unrepresented person misunderstands the lawyer’s role in the matter, the lawyer shall make reasonable efforts to correct the misunderstanding. The lawyer shall not give legal advice to an unrepresented person, other than the advice to secure counsel, if the lawyer knows or reasonably should know that the interests of such a person are or have a reasonable possibility of being in conflict with the interests of the client.
Presumably most ethical attorneys already knew, without the aid of the ABA, that one should not give legal advice to the opposing party, and one should advise a self-represented party that seeking independent legal advice is a smart thing to do. Practical advice can expand on the limited guidance we get from the ABA. The attorney who finds himself dealing with Mr. SR can take certain actions to make the experience more pleasant for everyone. The following suggestions were compiled after recent discussions with several attorneys in Phoenix and Yuma, Arizona.

1. Recognize that Mr. SR has very possibly gotten in over his head, and will react to your attempts to communicate or “help” accordingly. The attorney should try to recognize that Mr. SR’s anger, rage, failure to communicate or refusal to speak with the attorney likely comes from a position of fear. Remembering this will help the professional deal more effectively with the problem. The massive amount of online help for Mr. SR—blogs, websites, forums, listservs, self-help centers and links—might initially have misled him into thinking it’s easy to self-represent. It’s likely that Mr. SR was quickly overwhelmed by the time and effort that is really required. Always remember that the forms, rules and procedures we take for granted look like a foreign language to someone not skilled in family court.

2. Provide Mr. SR with articles and court documentation showing what great tools mediation and ADR provide. Anyone who is self-representing needs to hear, from as many sources as possible, how important settlement discussions are to a family case. If only opposing counsel is promoting mediation, Mr. SR may naively think that means the attorney feels her case is weak. Someone who spends substantial time in family court systems knows that neither litigant is likely to be happy with the ultimate result of a family court trial, but Mr. SR doesn’t know this.

3. Having promoted mediation, choose the best mediator you can find who is skilled in working with self-represented persons. If you, as the attorney, believe your case is strong and Mr. SR’s positions are unreasonable, then he needs to hear this from a skilled, neutral third party. Ask Mr. SR to research and suggest several mediators, and do your best to try and agree to someone that he has suggested. Mr. SR must be permitted to do his own research to alleviate his fears, often justified, that the mediator and opposing attorney are friends. Even if you are acquainted with the mediator, the waiting room at mediation is not the place to chat and be friendly. Attention to professional protocols is never more important than when Mr. SR is involved.

4. Whenever possible, treat Mr. SR like you’d treat a client. He is not a sub-class of humanity just because he’s either chosen not to hire an attorney, or can’t afford to. Respectfulness to Mr. SR will pay off during the case and after. Mutual respect in the case is good for your client and your client’s finances, and preserving any kind of decent relationship between the parties is crucial if they are parents together. Attorneys have reported to me that they get later referrals from former opposing parties because of the respect they showed to the party during the case. And if Mr. SR isn’t making it easy to treat him with respect, try harder. It can be challenging and enjoyable to show a great deal of respect to someone who is trying his hardest to be rude and condescending; it builds character to show respect to those who make it a challenge.

5. Protect your own client by getting out a Request for Production and basic family case interrogatories early in the case. Point out to Mr. SR in a letter that your client is going to
answer (and produce) the same information and that the disclosure requirements work both ways. Explain to him that your client is going to fulfill her duties of disclosure, and he is expected to fulfill his duties as well. Propose in writing to Mr. SR that you get together to personally exchange the documents and information on a specific date. If you end up having an uncooperative opposing party, by sending these requests out early, you leave yourself time to request that the Court later compel disclosure.

6. Send Mr. SR a respectful letter of introduction with a general explanation of how the entire process works. You can construct a basic outline about exchanging information, getting each other’s questions answered, establishing what property and issues are to be dealt with, and establishing what time parameters are expected of each party. (Your client will appreciate this basic outline too.) If your jurisdiction has specific disclosure statutes or rules, or forms that must be filled out in every family case, enclose a copy of the rule(s) and forms. Mr. SR will either realize that he is expected by law to provide certain information (as opposed to you just being nosy), or he will ignore your requests, and you will have documentation to show the judge later that you tried to make things easier on him, but he declined to cooperate.

7. Do everything in writing so there is no issue later that you possibly gave Mr. SR legal advice or led him astray. If Mr. SR shows himself to be problematic, set written guidelines for communication with him, such as how many of his emails you will respond to in a week, and when and how you agree to exchange information. Don’t be naive; there are certainly self-represented parties who feel they can spend all of their spouse’s money by insisting on unreasonable and frequent communications with the spouse’s attorney. You, as the attorney, have the responsibility to be proactive and set boundaries to prevent that from happening.

8. Jettison the legalese whenever possible. If a disclosure statement or settlement letter needs to cite the law, include a copy of the statute with the letter. Try to use normal, layman’s language whenever possible. Referring to a “continuance” means nothing to a non-attorney; it’s more understandable to say “postpone this until sometime later.” Asking Mr. SR to “provide disclosure in accordance with the rules” can be better stated as, “We need to exchange bank statements and other information so that you have the each other’s information.”

9. Your introductory letter can give Mr. SR the links to your state’s self-help or online forms website. Mr. SR is likely to realize that you personally didn’t set up those sites and therefore he might be wise to review them and figure out what to do.

10. Get the assistance of the judge through a management or settlement conference. Ask for straightforward instructions about the exchange of information as early as possible in the case. Family court judges are used to having self-represented litigants in their court and will appreciate that this self-represented case includes an attorney on the other side (you) who is conscientious and respectful. Use your next self-represented case as a chance to enhance Mr. SR’s opinion of attorneys and the court system while also honing your skills in dealing with people in difficult situations.
2nd Annual Walsh Family Law Moot: History Is Made...Again
Steven Benmor, Treasurer of the Ontario Chapter of AFCC

Saturday, March 15, 2014, was an early day for the 27 law students from Ontario's six law schools who descended upon Osgoode Hall to showcase their oratory skills at the 2nd Annual Walsh Family Law Moot.

Patti Cross, founder and past president of the Ontario Chapter of AFCC, was crowned the "Mother Moot" for having orchestrated Canada’s first ever competitive law school moot in the area of family law. For the second year, Patti assembled a working group who created a trial decision to be appealed, enlisted professor/coaches from every Ontario law school who formed the teams, generated sponsorships to underwrite the cost of the moot and attracted volunteers including justices of every Ontario court to preside over each moot.

By 9:00am on this chilly Saturday morning, every mooter, coach, judge and volunteer had arrived at Osgoode Hall. Each team of two mooters was assigned an opponent. The judges had read the facts and had hard-hitting questions ready for the mooters. The mooters were geared up to deliver their very best oral arguments. Each mooter was allotted 15 minutes to impress their appellate panel of three judges with oratory excellence. By 12:30, each team had completed two rounds of moots before two separate panels who riddled each mooter with unexpected and challenging questions. Each panel scored the mooters in three separate categories: best overall mooter, best mooting team and best factum.

Each law school presented their very best talent. The quality and calibre of advocacy was exceptional. The students showcased their strong grasp of the trial decision and the grounds for appeal. Each and every student made their law school proud.

Before announcing the winners, Patti introduced the keynote speaker, Lucy McSweeney, Ontario’s Children’s Lawyer. Lucy delivered an inspirational call to action to the next generation of family law advocates by giving them five reasons to choose a career in family law. This was followed by warm greetings from the Honourable Mr. Justice George Walsh, the moot’s namesake. As the suspense grew, Patti approached the podium with the results...

Best Factum: University of Toronto Respondents: Colleen McKeown and Paloma van Groll
Second Place Oralist: University of Toronto, Colleen McKeown
First Place Oralist: Osgoode Hall, Karina Pylypczuk
Winning Team for Walsh Cup: University of Toronto

Patti is to be recognised for her leadership, innovation and philanthropy in family law. Patti’s passion for family law, commitment to the next generation of lawyers and tireless work ethic are just some of the ingredients that have brought us the Annual Walsh Family Law Moot, a first in Canada.
President’s Message
Nancy Ver Steegh, JD, MSW, St. Paul, Minnesota

This year the AFCC Board of Directors has been planning for AFCC’s bright future. In addition to other areas of focus, the Board is exploring AFCC’s role as a convener of rigorous and open-minded discussions on challenging and controversial topics affecting children and families. While the Board has an important role to play, I believe that our success in this particular endeavor depends largely on you, as members and participants, and the atmosphere of exchange that we create together. In the past, these conversations have been most productive when we remain cognizant of what I think of as our communications values.

- **Emphasizing listening over persuasion.** Never leave an AFCC conference without changing your mind about something!
- **Separating people from their work.** Support and value all members, whether or not we agree with their views.
- **Cultivating inquiry.** All of our expertise is a work-in-progress. Asking insightful questions may ultimately benefit the field more than attempting to make definitive statements at a particular point in time.

The Toronto conference program is packed with opportunities to learn, discuss and debate. For example, the plenary sessions on shared parenting, and developing parenting arrangements in domestic violence-related custody cases, will enlighten us and serve as sure conversation-starters. It’s not too late to register for the AFCC 51st Annual Conference, *Navigating the Waters of Shared Parenting: Guidance from the Harbour*, May 28–31, 2014. I hope to see you there!

Thank you for the opportunity to serve as President this year. It has been both an honor and a pleasure. Please join me in welcoming Magistrate Richard (Dick) L. Altman as the next AFCC President. He’s an able leader who is already fully engaged in planning an exciting and productive year.
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