

Register Today for Custody Evaluation and PC Trainings

AFCC, and the <u>University of Baltimore School of Law Sayra and Neil</u> <u>Meyerhoff Center for Families, Children and the Courts</u>, will hold two training programs, at the University of Baltimore School of Law, Student Center in Baltimore, Maryland. **David Martindale, PhD, ABPP**, will present **The Model Standards and Beyond: Custody Evaluations and Risk Management**, December 8-9, 2014. The American Professional Agency offers a 5% premium reduction to members. **Mindy Mitnick, EdM, MA**, will present *Parenting Coordination: Strategies for Helping Parents Improve Communication and Reduce Conflict*, December 10-11, 2014. AFCC members receive a discounted registration rate. Save even more when you register for both trainings. A room block is available to attendees at the Peabody Court Hotel. Book your room before November 21, 2014, to ensure the special room rate. <u>More information and registration</u>

AFCC 52nd Annual Conference

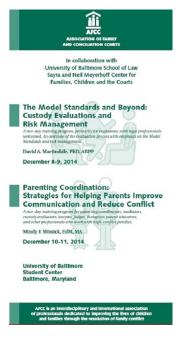
Children in the Court System:

Different Doors, Different Responses, Different Outcomes May 27-30, 2015, at the Hilton New Orleans Riverside

The conference program will be available at the end of December. In the meantime, enjoy this sneak peek of the plenary session topics and presenters. We are pleased to welcome keynote speaker **Julie Kenniston, MSW, LISW**, co-author of *Handbook on Questioning Children: A Linguistic Perspective* (with Anne Graffam Walker). The first plenary session will be a discussion on the conference theme, *Children in the Court System: Different Doors, Different Responses, Different Outcomes* taking a case study approach to look at how children's futures are impacted by the way their family enters the court system, featuring Melissa Peper Firestone, JD, Hon. Karen A. Howze, Mindy Mitnick, MEd, MA, and moderator Hon. Ramona Gonzalez. The second plenary session is titled *Access to Justice: Different Strokes for Different Folks*. The panel will examine the challenges facing family members

MONTHLY E-NEWSLETTER VOL. 9 NO. 11 NOVEMBER 2014

AFCC Training Programs



The Model Standards and Beyond: Custody Evaluations and Risk Management

David Martindale, PhD, ABPP December 8-9, 2014 University of Baltimore School of Law Student Center Baltimore, Maryland More information and professional communities as they strive to provide effective, affordable access to justice, featuring Jacqueline Boggess, JD, Hon. Peter Boshier, David A. Martindale, PhD, ABPP, Forrest (Woody) Mosten, JD, Jin Ho Verdonschot, PhD, and moderator William Howe, III, JD.

December 1 Deadline for Sponsors and Advertisers

The December 1 deadline for sponsorships to be listed and advertisements to be included in the printed conference program is just around the corner. Our generous sponsors help AFCC to keep conferences affordable and accessible to more professionals by offsetting increasing conference expenses. Advertising in the conference program is an effective way to have your message received by a large audience of family law professionals who receive an AFCC conference brochure by mail or at chapter events, with additional exposure in the digital version of the brochure. More information or contact Erin Sommerfeld.

AFCC Symposium in San Antonio Wrap-Up

The AFCC 11th Symposium on Child Custody Evaluations, Examining Unintended Consequences, November 6-8, 2014, in San Antonio, was a great success. Thank you to everyone who participated, attendees, the conference committee, exhibitors, presenters, and volunteers. We look forward to the next Symposium on Child Custody Evaluations in 2016.

Audio Recordings are Available

Audio recordings of sessions are available for purchase through Digital Conference Providers, Inc. If you weren't able to attend the Symposium or couldn't make it to all the sessions you wanted to attend, this option is the next best thing. AFCC members enjoy free access to audio recordings of plenary sessions in the Member Center. For the Symposium, this means members may listen to the Opening Session-Town Hall Meeting, Examining the Unintended Consequences of Child Custody Evaluations and General Session—The Activities and Roles of Consultants: How Many is too Many?-a \$40 value. Listen to symposium audio

Ask the Experts **Ten Tips for Online Mediators:** All Mediators are Online Mediators

Clare Fowler, EdD, Eugene, Oregon Most of us are not online mediators. And yet, as I say this, I receive a

notification of a new client contact by email, a text from a colleague

Parenting Coordination: Strategies for Helping Parents Improve **Communication and Reduce** Conflict Mindy Mitnick, EdM, MA December 10-11, 2014 University of Baltimore School of Law Student Center Baltimore, Maryland More information

AFCC Conferences

AFCC 11th Symposium on **Child Custody Evaluations**

Examining Unintended Consequences November 6-8, 2014 Hyatt Regency Hill Country Resort and Spa San Antonio, Texas Certificate of Attendance

AFCC 52nd Annual Conference

May 27-30, 2015 Children in the Court System: Different Doors, Different Responses, Different Outcomes Hilton New Orleans Riverside New Orleans, Louisiana More information

AFCC Regional Training Conference

November 5-7, 2015 Hyatt Regency Columbus Columbus, Ohio

AFCC 53rd Annual Conference

June 1–4, 2016 Sheraton Seattle Hotel Seattle, Washington

AFCC 54th Annual Conference

May 31–June 3, 2017 Sheraton Boston Hotel saying that a revised agreement is being placed in Dropbox, and my calendar jingle reminds me of a meeting in ten minutes. There seems to be a stigma among some related to online mediation. When I, like most of us, picture an online mediator, I see someone who is more concerned with technology than connecting with clients, a professional more fascinated by gadgets than by being present at the mediation table. Many of us fall into this trap, where we do not self-identify as online mediators, but we use the same online tools. Read more

AFCC Board of Directors Endorse IAALS Paper

At the meeting of the AFCC Board of Directors in San Antonio earlier this month, the board unanimously approved an endorsement of the recent report, <u>The Modern Family Court Judge: Knowledge, Qualities</u> <u>and Skills for Success</u> by the <u>Institute for the Advancement of the</u> <u>American Legal System (IAALS)</u>. The report was developed as part of the <u>IAALS's Honoring Families Initiative (HFI)</u> and in partnership with a working group made up of HFI Advisory Committee Members. The report describes the special nature of a family court judge and the importance of having a highly skilled and dedicated judicial officer making decisions for families.

Virginia Child Custody Project Launched

The Roy Rosenzweig Center for History and New Media is pleased to announce the launch of the <u>Virginia Child Custody Project</u>. This freely available website explores child custody in Virginia and nationally within a broad historical and legal context with the goal of providing an impartial, interdisciplinary resource grounded in humanities scholarship. With funding from the Virginia Foundation for the Humanities and the College of Humanities and Social Sciences at <u>George Mason</u> <u>University</u>, the website presents essays by leading scholars and practitioners on key issues in the complex field of child custody. Essays address topics such as the history of child custody in Virginia, the definition of family and child custody issues, child custody in the media, alternative dispute resolution, and the best interests of the child standard. Authors include AFCC members: Andrew Schepard, J. Herbie DiFonzo, Margaret Brinig, and AFCC Executive Director Peter Salem.

Member News

Debra K. Carter, PhD, Bradenton, Florida, visited Rome, Italy, where she trained 100 court-appointed family advocates and members of the highest court in the Province of Rome. This work may result in a new system of working with families of divorce being written into Italian law. <u>Read more</u> Boston, Massachusetts

AFCC Chapter Annual Conferences

Connecticut Chapter Annual Conference

Managing High-Conflict Personalities in Separation and Divorce December 5, 2014 Quinnipiac University, Hamden Campus Hamden, Connecticut More information

Texas Chapter Annual Conference

New Findings on Infant Overnights and Relocation January 23, 2015 Tarrant Family Law Center Fort Worth, Texas More Information

Arizona Chapter Annual Conference

Tomorrow is Here: Confronting the Challenges of the Modern Family February 6–8, 2015 Sedona, Arizona <u>More information</u>

California Chapter Annual Conference

Inventing the Future: Getting Ahead of the Curve for California's Families February 6–8, 2015 Westin South Coast Plaza Hotel Costa Mesa, California More information

Washington Chapter Annual

Conference Shared Parenting Predicaments: Washington's Policy and Practice Concerns March 7, 2015 Washington Athletic Club Seattle, Washington **Bradley Craig, LMSW, IPR, CFLE**, Dallas-Fort Worth, Texas, has published a co-parenting handbook called *Between Two Homes: A Coparenting Handbook for Families*. The book is designed to help parents remain or become co-parents and be a helpful resource for families and professionals. AFCC is credited in the acknowledgements.

J. Herbie DiFonzo, JD, PhD, Hempstead, New York, Maurice A. Deane School of Law, was selected to present the 46th Hofstra University Distinguished Faculty Lecture. DiFonzo, whose book, *Intimate Associations: The Law and Culture of American Families* (coauthored with Ruth C. Stern) was published last year, is a professor of law who has taught at Hofstra since 1995 and teaches courses in family law, civil procedure, and alternatives to litigation. His lecture was titled *Dilemmas of Shared Parenting in the 21st Century: How Law and Culture Shape Child Custody*.

Jeremy S. Gaies, PsyD, and James B. Morris, Jr., PhD, Tampa, Florida, have written a new book, *Mindful Co-parenting: A Child-Friendly Path through Divorce*. The book is a concise guide for parents who are considering or pursuing divorce. The book advocates tuning into the needs of the children at every step in the process, from legal decisions to co-parenting approaches.

Joryn Jenkins, Tampa, Florida, has written a book, *War or Peace* for anyone contemplating divorce. *War or Peace* illustrates, with true stories, how personal choices impact how marriages end and what can be done to ensure they end with dignity and self-respect intact.

Chapter News

Congratulations to **Alberta**, **Connecticut**, **Illinois**, **Indiana**, and **Wisconsin**! These chapters were granted chartered chapter status by the AFCC Board of Directors at their meeting in San Antonio. Chartered chapter status means that a provisional chapter has met certain requirements and benchmarks. Members wishing to add chapter memberships can do so via the <u>AFCC website</u> or call the AFCC office at 608-664-3750.

The **Florida Chapter**, at its Annual Conference, held October 16–18, 2014, in Tampa, honored former AFCC President **Linda Fieldstone**, as the recipient of The Hugh E. Starnes Community Service Award. Linda, also a former president of the Florida Chapter, is a supervisor of Family Court Services for Florida's Eleventh Judicial Circuit (Miami-Dade). She has remained an active member of the chapter, most recently co-

More information

Oregon Chapter Annual

Conference The Rising Tides of Shared Parenting April 10, 2015 The Grotto Conference Center Portland, Oregon More information

Australia Chapter Annual Conference

Building Bridges: A Multidisciplinary Approach to Family Law August 14-15, 2015 Sydney Shangri La Hotel Sydney, Australia More information

Join AFCC Are you a member? Join or Renew

AFCC offers member benefits that promote excellence in the field of family law and in your practice. <u>Read more about</u> <u>member benefits</u>.

Ask the Experts

Is there a topic you would like to see covered by an AFCC Ask the Experts piece? Suggest a topic

AFCC Chapters

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

Australia Alberta Arizona California chairing, with the Honorable Michelle Morley, Circuit Judge for the Fifth Circuit (Sumter County) a statewide task force on elder care coordination, which has just published proposed guidelines for elder care coordinators. The award is named in honor of one of the Florida Chapter's founders, **Hon. Hugh E. Starnes**, also a former AFCC President.

Congratulations to **Rachel Birnbaum**, the new President of the **Ontario Chapter**.

AFCC Publication of the Month

Essays from the Family Court Review: Domestic Violence

Researchers and professionals across practice settings examine the question of screening and assessment to determine the context of domestic violence, and its attendant risks and implications for children and their custody-disputing parents. The editors of this volume are **Gabrielle Davis** and **Nancy Ver Steegh**. Gabrielle Davis is a Legal and Policy Advisor with the Battered Women's Justice Project. Nancy Ver Steegh is the Past President of AFCC and Professor of Law at William Mitchell College of Law in St. Paul, Minnesota. She will present a related session at the AFCC Annual Conference in New Orleans titled, *IPV Guidelines for Child Custody Evaluation*. AFCC members enjoy a 15% discount on publications.

Call for Nominations—AFCC Awards

Nominate a colleague or a program for one of the following AFCC awards by March 15, 2015. Awards will be presented at the AFCC 52nd Annual Conference in New Orleans. The John E. VanDuzer Distinguished Service Award recognizes outstanding contributions and/or achievements by AFCC members; the Stanley Cohen Research Award, sponsored by the Oregon Family Institute, recognizes outstanding research and/or achievements in the field of family and divorce; and the Irwin Cantor Innovative Program Award recognizes innovation in court-connected or court-related programs created by AFCC members.

More information

Family Law in the News Voters Reject Equal Parenting Rights

Courtesy of the Bismarck Tribune

Voters rejected Measure 6 with 62 percent voting against giving both a mother and a father equal parental rights and responsibilities in child custody cases. The measure would have created a presumption that

Colorado Connecticut Florida Illinois Indiana Louisiana Maryland Massachusetts Minnesota Missouri **New Jersey New York** Ohio Ontario Oregon Texas Washington Wisconsin Add an AFCC Chapter to your membership

AFCC Networks

New Zealand

The opinions expressed in articles published or linked to in the *AFCC eNEWS* are those of the authors and do not necessarily reflect the positions of the Association of Family and Conciliation Courts.

Readers are welcomed and encouraged to forward this enewsletter to interested colleagues.

About the AFCC eNEWS

Editor: Erin Sommerfeld editor@afccnet.org



each parent is fit to care for a child unless clear and convincing evidence shows otherwise. Read more

Four Ways to Divorce-Proof Your Marriage

Scott Stump, courtesy of TODAY

If you want to increase the odds of having a marriage that doesn't end in divorce, just make more than \$50,000 a year, go to church more often, and date for at least three years before you decide to tie the knot. Those are the findings of a <u>study</u> by Emory University researchers Andrew Francis and Hugo Mialon titled, *A Diamond is Forever and Other Fairy Tales: The Relationship between Wedding Expenses and Marriage Duration*.

Read more



Unsubscribe

AFCC

6525 Grand Teton Plaza

 Madison,
 WI
 53719

 Phone:
 608-664-3750

 Fax:
 608-664-3751

 afcc@afccnet.org



Ask the Experts Ten Tips for Online Mediators: All Mediators are Online Mediators *Clare Fowler, EdD, Eugene, Oregon*

Most of us are not online mediators.

And yet, as I say this, I receive a notification of a new client contact by email, a text from a colleague saying that a revised agreement is being placed in Dropbox, and my calendar jingle reminds me of a meeting in ten minutes.

There seems to be a stigma among some related to online mediation. When I, like most of us, picture an online mediator I see someone who is more concerned with technology than connecting with clients, a professional more fascinated by gadgets than by being present at the mediation table.

Ah, another beep alerting me of a mediation request from my intake form on my website. I'll double-check my online calendar for availability, and then set up a Skype intake session with the clients.

Many of us fall into this trap, where we do not self-identify as online mediators, but we use the same online tools. The problem is that many of us have not taken the time to ensure we are capably and safely using these technologies. This could put us and possibly our clients at risk.

Let me encourage you to take a moment to look at the checklist below to make sure you are using thoughtful, effective, and safe online mediation practices.

1. Should You Use Social Media?

If I want an Italian meal, I will look online to see what Italian restaurants are around. Then, I will rank them by the presence and visibility of those choices. A restaurant with little if any online presence appears to be less trustworthy, less connected, rarely visited, and probably on its way out. A restaurant with a vibrant online presence gives the impression that it is proud of what it provides, that it is respected by the local community, and that it has been around for a while and will be around for longer.

The simple fact is that modern clients expect any professional practice to have a social media presence. Your social media presence is a part of your overall reputation and brand. It will be a good use of a Saturday morning to create a professional social media presence on Facebook, Twitter, LinkedIn, and Google+. Also, you might consider creating two identities with two different privacy settings: a personal presence with a high amount of privacy, and a professional page with a high amount of publicly available content.

2. Personal Information on Professional Pages?

What information do we share on a professional social media site? This answer is changing and the norm is shifting toward sharing personalizing stories on professional sites. This is not to say anyone wants to see what you ate for dinner or pictures of your cat (cute as it may be). But your clients do want to see that there is a real person managing the site and not a robot, preferably a person who is relatable.

3. What is Your Brand?

The type of information you share needs to be in-line with your brand. For instance, Belinda Jokinen, a family mediator from Washington, does the majority of her marketing through Facebook. She shares interesting quotes, shares sunset pictures from her office window, and advertises promotional discounts on her à la carte marital dissolution services. This is appealing to families searching online for dispute resolution options. Don Philbin, on the other hand, promotes a different brand through social media sites such as Twitter and his ADR Toolbox. He shares interesting academic and business related articles. What both of these mediators have mastered is the ability to sell through service. They use social media to provide a useful service, consistent with their brand identity, resulting in an informative and trustworthy online presence.

4. Your Mobile-Friendly Website

Please say that you have a website! If you do not have a website, stop reading now, go get a website, then come back and finish this article. Make sure you can easily edit and grow the content on your website. As a professional mediator, you need to have your own professional website that highlights and updates your unique experience for consumers using all kinds of devices to access your information. The majority of research is now done on devices other than computers, so take a moment with your phone or tablet and look at your website. If the images and text are not displaying correctly, or you are getting frustrated having to pinch and zoom around pictures and awkward menus, realize that this is the impression and experience you are also giving your clients.

What does your website need to say? Gary Dorr, <u>Mediate.com</u> Webshop Director, has prepared an in-depth <u>tutorial on this topic</u>. Let me highlight a few key points. Your website is your online storefront. It needs to set and be consistent with your brand, as well as set balance of your professional online presence. Additional suggestions: your website needs to include a third-person description of you and your services, a description of your fees and location, and a clear path to how people can most easily hire you. The majority of clients spend 30 seconds or less on a website. Don't force them to dig for important information. Spoon-feed them!

5. Do-It-Yourself Design?

Can you create your website yourself? The answer nowadays is "yes." Should you? That's a trickier question. There are some complex things to think about. First, who will design it? Second, who has access to update it? Third, how can people reach you?

Design: It is likely worth your investment to have a professional website company develop a mobile-friendly, custom, unique looking website, and then hand you the reins. You can begin by searching Google for mediators in your geographic area to get a

sense of your competitors' websites. To say that potential clients compare mediator websites and choose the best might be simplistic, but it is often true.

Updates: You will appreciate it in the long run if you have a website that you can manage yourself. In other words, you do not want to pay someone every time you want to upload a new article or list a new award. As you make changes, make sure that you are being consistent with the feel of your website and your existing content. If your website looks outdated or sloppy—what will clients think of you?

Interactivity: Make sure that people can interact with you through your website. I was recently trying to hire a speaker for a conference. After two minutes on her website, I gave up and booked someone else. I couldn't find a way to send her an email; I couldn't find an online calendar to check her availability; I couldn't find a form where I could send her my specific details to review. So, I chose to leave her site. Her lack of preparedness on her website indicated to me the type of speaker she would be. Yes, this was a snap judgment but her website was all of the information I had to go on. Your clients will be making the same judgments on your website.

6. Email

As too many politicians have found out, email does not go away. When you are emailing with your clients, it may be best to assume that every email will be shared with the other party. As a mediator, it may generally be wise to include all parties and attorneys on every email. Complete transparency can be your best weapon when it comes to "email protection." If you do not want your email to be transparent, then perhaps don't send it. Pick up the phone instead.

If you do need to send a confidential email, clearly state "CONFIDENTIAL" in the subject line. Include in the text of the email everyone that is cc'd on that email. If you need to send a picture or a large document, try to find a case management system with a secure document-sharing program (such as <u>www.caseloadmanager.com</u>). Such programs will scan for viruses, make it easier for all parties to see the original version of the file, and will increase the email being received.

Clients often tell me that they just don't have the time anymore to go through their junk mail. So, if I am sending them an important email, I follow up with a phone call alerting them to the time and subject of the email to ensure they can find it.

7. Online Case Management

I am biased toward Mediate.com's Caseload Manager as this program was designed by mediators for mediators. Regardless of the case management program you choose, make sure that it has a few basic abilities:

- Multiple staff log-ins, with separate identities and access levels.
- Create and edit unlimited fields.
- Create flexible reports on the fly.
- Securely upload and share documents.
- Flexible billing.
- Timed email reminders for parties and staff.

Additionally, take time to research your system's security and reliability. Can you trust that you will be able to access your case information when you need to? What is the backup system for the program if, for instance, your two-year-old accidentally deletes your cases? Ideally, all of your case data should have multiple back-ups, such as an hourly, daily, and weekly back-up that you can restore if necessary. This data should then be archived and available to you as long as you need it, should you need to reference a closed case years from now.

8. Video-Conferencing

The ability to meet people online by video as a part of the mediation process is a major leap forward for the mediation field. This now nearly ubiquitous technical ability is allowing people to resolve disputes that previously did not receive attention and further humanized online mediation efforts. For a variety of reasons, perhaps mostly convenience and cost (what else is new), people are using video-conferencing capabilities more and more. Mediators are wise to master video conferencing as an option for their choreography of communications.

I recommend becoming comfortable with at least two video conferencing options, such as Skype, WebEx, GoToMeeting, Zoom, and/or Google Hangouts. If you are dependent on only one system, somehow that system is always the one that does not work well for someone. Find options that are simple for clients to use, for which your clients do not have to pay anything, and allow an option where everyone is able to see each other, and where you can also create documents together.

Mediation is no longer either face-to-face or online. It is now both. You will want to integrate these video options into your practice when it best suits your clients. For instance, you might have an initial face-to-face meeting with everyone in the same room to establish trust and rapport, identify the agenda and easy points of agreement then, perhaps, have separate follow-up video meetings online to the extent that it is helpful for your clients.

Remember, video-conferencing is just one more online tool for you to use. Some cases will require every meeting to occur by face-to-face communication. Participants may prefer or need to see each other in person to trust the other party's commitment to a resolution. On the other hand, some participants feel more comfortable not being in the same room as another party. As you become more comfortable with video-conferencing, you may also choose to invest in a good microphone, as laptop microphones can be difficult in large group settings.

9. E-Commerce

Every mediator has their own preferred method for billing and receiving payment. In this "age of the internet," mediators are also wise to consider whether their own preferred payment methods are most convenient for clients. Many mediators now effectively use the Square app on their phone for accepting credit card payments. You can also look into setting up a PayPal account on your iPad or tablet.

When you are making your e-commerce decisions, you should compare the cost (typically 1-3%) for using the online payment service, and how you will receive your money. Many services will transfer money immediately, but some services might take a lower percentage and only transfer your money monthly.

10. Intake/Booking Form

Take the time to find a way for your clients to easily interact with you online. They appreciate it. They now expect it. It helps clients feel involved and invested in their case and it makes it easier for them to hire you.

Allow your clients to view your online calendar and check it for availability. Mediate.com has this capability, as does NADN, Google Calendar, and many others. Look for a program that allows you to indicate publicly that a slot is open or booked without adding any private details (your clients really do not need to know every time you go to the dentist). Also, look for a calendar that sends reminders, preferably both to you and to your clients.

You should be able to include a booking form/intake form on both your website and your directory listings. If you are able to create your own intake form, only ask people for enough information to get the ball rolling. First and last name, email, phone, the matter in dispute, desired meeting date and time, and a space for any other comments is fairly common. Also, look for a form that will allow you to include "captchas" or some type of a method for filtering out robots and spam.

Conclusion—We Are Now All Online Mediators

Love it or hate it, communication technologies are here to stay and they are constantly evolving and improving. Establishing your online presence and online proficiency is now a part of being a highly effective mediator. It is a growing and evolving expectation of our clients. Choose the online options and strategies that you are comfortable with and that you think will help your clients settle their dispute. For those options you choose to integrate into your practice, understand their reliability and confidentiality concerns.

You are already mediating online. Make sure you are doing it right.



Dr. Clare Fowler is a workplace and family mediator and managing editor at Mediate.com. She received her Masters of Dispute Resolution from the Straus Institute for Dispute Resolution at the Pepperdine University School of Law and her Doctorate in Organizational Leadership, focused on reducing workplace conflicts, from Pepperdine University School of Education. Clare also coordinated the career development program for The Straus Institute dispute resolution students. In addition to her editorial duties at <u>Mediate.com</u>, Clare coordinates online case management for programs, agencies, and courts. Contact her at <u>www.ClareFowler.com</u>.