



ASSOCIATION OF
FAMILY AND
CONCILIATION COURTS



eNEWS

AFCC 52nd Annual Conference Children in the Court System: Different Doors, Different Responses, Different Outcomes May 27-30, 2015, Hilton New Orleans Riverside

Don't Miss These Plenary Sessions!

Ple-na-ry: 'plenərē/ adjective (of a meeting) to be attended by all participants at a conference or assembly, who otherwise meet in smaller groups. In addition to the break out workshop sessions, you won't want to miss these exciting, "big picture" sessions for all attendees.

The Opening Session, **Keynote Address: Rediscovering the Language of Youth**, with Julie Kenniston, MSW, LISW, co-author of the third edition of *Handbook on Questioning Children: A Linguistic Perspective*, will give attendees insight on understanding the language of children, exploring child development and linguistic considerations to obtain accurate information and improve communication between professionals and children.

Plenary I, **Children in the Court System: Different Doors, Different Responses, Different Outcomes**. Panelists Melissa Peper Firestone, JD, Hon. Karen Howze, Mindy Mitnick, MEd, MA, with moderator Hon. Ramona Gonzalez, will use a case study approach to look at how children's futures are impacted by the door through which their family enters the court system.

Plenary II is titled **Access to Justice: Different Strokes for Different Folks**. Panelists Jacquelyn L. Boggess, JD, Hon. Peter Boshier, David A. Martindale, PhD, ABPP, Forrest Mosten, JD, and Jin Ho Verdonschot, PhD, with moderator William Howe, III, JD, will examine the challenges facing family members and professional communities as they strive to provide effective affordable justice.

MONTHLY E-NEWSLETTER
VOL. 10 NO. 3
MARCH 2015

AFCC Conferences



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
[Program Brochure, Online
Registration](#)

**Special Thanks to 52nd
Annual Conference Diamond
Sponsor**
OurFamilyWizard.com

[Register for the conference today](#)

[Read full descriptions in the conference program brochure](#)

Support AFCC by Donating to the Silent Auction

The AFCC Silent Auction is a fun opportunity to support the organization's special projects and initiatives like the Access to Family Court Services Think Tank and the Domestic Violence and Child Custody Evaluations Task Force. The auction is held on Friday evening at the annual conference. Donate an item and/or attend the auction and bid! You do not need to attend the conference to donate. Past auction items include vacations, jewelry, sports memorabilia, fashion accessories, electronics, collectibles, books and much more. It's a fun time to relax and socialize before the annual banquet.

[Donate an item](#)

Exhibits and Packet Inserts

Introduce your products and services to the interdisciplinary community of family professionals who attend AFCC conferences. A few additional exhibit spaces have been added. Purchase a registration packet insert to have your marketing piece placed in each attendee's conference tote bag. [Read more about these opportunities](#) and contact Erin Sommerfeld, esommerfeld@afccnet.org or 608-664-3750.

Book Your Room at the Hilton New Orleans Riverside

The Hilton New Orleans Riverside is a prime downtown location, near shopping, tourist sites, restaurants, and entertainment. The special rate for AFCC conference registrants is \$178/night single or double occupancy. AFCC has been working closely with the hotel to add rooms to our block as they become available. All rooms are subject to availability and as always early reservations are encouraged to ensure a room at this rate. If you have trouble booking online, please call Hilton reservations: 1-800-HILTONS or the hotel directly: 504-584-3595.

[Book online](#)

Things to Do in New Orleans

Here are ten must-see, must-do and must-eat suggestions for your free time from National Geographic.

[Read more](#)

Call for Proposals and Save the Date

AFCC Regional Conference

**Do You Hear What I Hear? Listening to the Voice of the Child
November 5-7, 2015, Hyatt Regency Columbus**



AFCC-AAML Conference

Advanced Issues in Child Custody Evaluation, Litigation and Settlement

October 1–3, 2015

Capital Hilton
Washington, DC

AFCC Regional Conference

*Do You Hear What I Hear?
Listening to the Voice of the Child*

November 5–7, 2015

Hyatt Regency Columbus
Columbus, Ohio

[Call for Proposals](#)

AFCC 53rd Annual Conference

June 1–4, 2016

Sheraton Seattle Hotel
Seattle, Washington

AFCC 12th Symposium on Child Custody Evaluations

November 3–5, 2016

Sheraton Atlanta Hotel
Atlanta, Georgia

AFCC 54th Annual Conference

May 31–June 3, 2017

Sheraton Boston Hotel
Boston, Massachusetts

AFCC Chapter Annual Conferences

Massachusetts Chapter Annual Conference

March 27, 2015

Conference Center at Waltham Woods

Waltham, Massachusetts

[More information](#)

Ohio Chapter Annual Conference

AFCC is accepting proposals for 90-minute training workshops on the complex issues related to separation, divorce and co-parenting, including: relocation, domestic violence, special needs children, same-sex parenting, abuse allegations, and the child's voice. Workshop proposals should combine a focus on research and theory with skill development to incorporate into practice. The deadline to submit a proposal is May 15, 2015. The program brochure will be available in July.

[More information](#)
[Submit a proposal](#)

Ask the Experts

Tips for Unbundling Your Family Practice: 2015

Forrest S. Mosten, Los Angeles, California

In the April 2010 edition of the *AFCC eNEWS*, I offered "Ten Tips to Unbundle Your Practice," which are as applicable today as they were five years ago. Two years later, I expanded that list of practice tips for a piece in the Fall 2012 issue of the *ABA Family Law Advocate*, "25 Tips for Starting an Unbundled Peacemaking Practice." Since these were published, the popularity of unbundling has increased, but there will always be lawyers who choose not to. Here, you will find those previous tips, a brief update on unbundling and perceptions of unbundling, and five new tips for 2015.

[Read more](#)

AFCC-AAML 2015 Conference

Advanced Issues in Child Custody Evaluation, Litigation and Settlement

October 1-3, 2015

Capital Hilton, Washington, DC

Join AFCC and AAML for an exceptional advanced level training opportunity in an amazing location—the Capital Hilton is located just steps from the White House in the heart of the nation's capital. This program will provide advanced practice skills, the latest research and policy related to children, marriage, separation and divorce and an opportunity to learn from and network with the leading professionals in the field. The complete program will be available May 2015.

AFCC Scholarship Fund Update

A heartfelt thank you to the members who have already donated this appeal cycle. Your generosity will provide access to new research, interdisciplinary networking and the countless benefits of AFCC conference attendance for colleagues who would otherwise not be able to attend. This year's goal is well within reach. Give a gift today to

April 8, 2015
Thomas J. Moyer Ohio Judicial
Center
Columbus, Ohio
[More information](#)

Alberta Chapter Annual Conference

April 9–10, 2015
Providence Renewal Centre
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April 9–10, 2015
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Oregon Chapter Annual Conference

April 10, 2015
The Grotto Conference Center
Portland, Oregon
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Colorado Chapter Annual Conference

April 10, 2015
Marriott Denver-Skyline Room
Denver, Colorado
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Australia Chapter Annual Conference

August 14–15, 2015
Sydney Shangri La Hotel
Sydney, Australia
[More information](#)

Ontario Chapter Annual Conference

October 23, 2015
Toronto Reference Library,
Yonge Street
Toronto, Ontario
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[Thank you to 2014-2015 contributors](#)

Fatherhood Research and Practice Network Update

Last July, AFCC published an *eNEWS* piece about the Fatherhood Research and Practice Network (FRPN). The FRPN has since selected its first round of funded projects to evaluate fatherhood programs. You can read more about the grantees and find a wealth of resources to assist fatherhood practitioners and researchers in evaluating fatherhood programs on the [FRPN website](#).

Member News

Debra Carter, Bradenton, Florida, was presented the 2015 [Woman of Achievement Award](#) by American Association of University Women (AAUW). The award is presented to an individual whose record of achievement in any scholarly or professional field spans 20 or more years.

Benjamin Garber, Nashua, New Hampshire, has written a new book, [Ten Child-Centered Forensic Family Evaluation Tools: An Empirically Annotated User's Guide](#) published in February 2015. This unique volume and the accompanying CD-ROM provide ten forensic family evaluation tools ready for immediate use.

Hazel Thompson-Ahye, Tacarigua, Trinidad and Tobago, was recently interviewed on two morning television shows, [Morning Brew](#) (at 1:37:50) and [Morning Edition](#), where she kindly talked about the AFCC Annual Conference, its theme *Children in the Court System* and the need for continued professional education. Click the links to see the clips.

Publication of the Month

Innovations in Court Services

This volume of the *Innovations* series describes six programs that address the challenge for courts to provide quality services that reduce the level of conflict for parents involved in court proceedings. The practical framework to develop and implement each program is provided. Cori K. Erickson edited this volume and wrote an introduction. [View the table of contents and appendices](#). AFCC members save 15% on AFCC publications.

[Order today and see other AFCC titles](#)

Family Law in the News

AFCC offers member benefits that promote excellence in the field of family law and in your practice. [Read more about member benefits](#).

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:

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New Jersey
New York
Ohio
Ontario
Oregon
Texas
Washington
Wisconsin

[Add an AFCC Chapter to your membership](#)

AFCC Networks

New Zealand

UK 1st Country to Allow Creation of Embryos from 3 People

The Associated Press, Courtesy of The New York Times

LONDON—Britain has become the first country in the world to allow the creation of human embryos from the DNA of three people, a technique intended to help mothers avoid passing on genetically degenerative diseases to their babies.

[Read more](#)

Remembering a Crime that You Didn't Commit

Douglas Starr, Courtesy of The New Yorker

In 1906, Hugo Münsterberg, the chair of the psychology laboratory at Harvard University and the president of the American Psychological Association, wrote in the *Times Magazine* about a case of false confession. A woman had been found dead in Chicago, garroted with a copper wire and left in a barnyard, and the simpleminded farmer's son who had discovered her body stood accused. The young man had an alibi, but after questioning by police he admitted to the murder.

[Read more](#)

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 e-newsletter to interested colleagues.

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VOL. 10 ISSUE 3

Ask the Experts

Tips for Unbundling Your Family Practice: 2015

Forrest S. Mosten

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AFCC eNEWS, April 2010

Ask the Experts, Ten Tips to Unbundle Your Practice

1. Let clients know that you unbundle.

Tell clients in the first meeting, or even on your website, that you are available and enjoy helping them on a limited scope basis: you will meet for short sessions (30 minutes), by telephone or Skype rather than in person; or can help them with just one issue (summer vacation) or task (ghostwriting letters to their parenting partner).

2. Before a client signs up for full service, offer a comparison with an unbundled approach.

Information is the essence of client-informed consent. Compare and contrast a full service approach with limited services by discussing the benefits and risks of an unbundled approach using following variables: clients' ability or willingness to handle part of the work themselves, the difference in stress, cost differential, and the ability of the client to later convert to a full service approach after starting on a discrete task basis.

3. Offer stand-alone orientation services.

Unbundle your role as a client educator from that of a service provider. Develop services that can inform divorcing parents individually or together about legal or parenting issues and available process options in your community—then refer the clients to others rather than providing the services yourself.

4. Turn your office into a divorce family classroom.

By creating a client library with DVDs, computerized information, handouts and access to community resources, you can empower client's informed decision-making by giving them information to help themselves or keep their costs down within a full service context.

5. Be a shadow coach.

Clients appreciate having you prepare them for negotiations with the other party at Starbucks or a court mediation session and having you available on call if they need your ideas, advice, or support during the session itself. Your involvement can remain confidential so that the client can get your help without provoking or frightening the other party.

6. Attend sessions as a consultant.

As a professional trained and supportive of mediation and collaborative law, you can attend sessions as a client resource rather than an advocate.

7. Limit your services to be a conflict manager.

Some matters are not yet agreement-ready and clients may need help to gather information, handle immediate issues, or locate/engage other experts. Be available for these pre-settlement tasks and be open to the client utilizing another mediator or representative to actually negotiate the deal when the time is ripe.

8. Endorse confidential mini-evaluations (CME).

Put as many barriers as possible between the family and the courthouse—and still get necessary expertise and recommendations to resolve impasse. Offer CMEs within the mediation and collaborative processes and recommend the use of CMEs with other neutrals when you already have another professional role.

9. Suggest and offer second opinions.

Oncologists often insist that their patients obtain a second opinion before commencing or continuing treatment. So should we. Make such unbundled second opinion recommendations a standard part of your practice and consider offering second opinions yourself.

10. Be an unbundled preventive conflict wellness provider.

After successfully resolving a family conflict, conduct an unbundled future conflict prevention consultation to discuss methods to resolve future disputes, regular parenting meetings, and options to monitor and avoid future family conflict. Helping clients maintain family conflict wellness may be the most important contribution that we make to the divorcing families we serve.

ABA Family Law Advocate, Fall 2012
25 Tips for Starting an Unbundled Peacemaking Practice

1. Commit to legal access and a consumer approach.
2. Commit to the learning concepts, law, skills and craft of unbundling.
3. Commit to making your living through non-court unbundling work.
4. Draft and vet a mission statement for your unbundling practice.
5. Draft and vet a business plan for your unbundling practice.
6. Pencil out your profitability. Illustration: if you charge \$150 per hour and you believe that you can bill and collect two unbundled or peacemaking hours per day, four days a week, for 50 weeks per year, you could anticipate \$60,000 gross income. With 30% anticipated income, your adjusted gross would be \$42,000. With this anticipated base, you could anticipate what additional non-unbundling legal work (if any) you would need to pay your living expenses and how much more marketing you would need to do to increase your income.
7. Reflect and continually re-evaluate: How is my plan working? How can I improve?
8. Study law practice management books, particularly, Jay Foonberg's *How to Start and Build a Law Practice*, 5th Edition (ABA 2005).
9. Select an area for your practice which has an underserved population. While it is better to live in the community where you practice, be prepared for a substantial commute to your practice in a geographical area with a shortage of lawyers, particularly lawyers who unbundle.
10. Be clear about the services that you are offering. Inventory your current services and think about what limited scope services you are already offering and let your clients know about them.
11. Be prepared to accurately and succinctly explain the option of unbundling and its benefits and risks to clients who ask for full service.
12. Be alert to the ethical and malpractice risks of unbundling and be prepared to explain and handle them.
13. Invest the time to prepare unbundling friendly client handouts and practice materials.

14. Do an unbundling impact study on your website, firm brochure and other marketing pieces to make sure that you inform prospective clients of the unbundled services you offer.

15. Prepare a script for your staff to handle unbundling inquiries from clients on the telephone or from website messages.

16. Install Skype and arrange for conference call telephone service to provide long distance unbundled services.

17. Refine your assessment screening to make sure that clients are appropriate candidates for unbundling.

18. Always use a current written unbundled client lawyer limited scope engagement agreement.

19. Clarify your fee requirements and make sure that your limited scope clients do not owe you money, as this situation only hurts your client relationship and willingness to render further services to the client in need.

20. Design your office to be unbundling friendly with a client library that provides information and education to do-it-yourself clients.

21. Initiate an evaluation protocol to assess client satisfaction.

22. Let other lawyers in your community know that you unbundle and are willing to handle their referrals of clients that they will not take.

23. Assemble a board of advisors to meet at least four times per year to guide and evaluate your practice development.

24. Be proactive—find and utilize unbundling role models and mentors.

25. Attend unbundling trainings and conferences—even if you have to travel.

On February 13, 2013, the ABA House of Delegates passed Resolution 108 endorsing unbundling.

In 2014, Lawyers Mutual Insurance Company, one of California's largest lawyer malpractice insurers produced a one-hour video for its policy holders encouraging the use of unbundling and providing guidance for its ethical and effective use.

In 2015, the Law Society of England and Wales issued [guidance](#) to its lawyers to effectively unbundle their practices to bridge a needs gap for the middle class caused by drastic cuts in their previous Medicare-type form of legal aid.

Has all this progress (and more) convinced most lawyers to expand their opportunities and provide needed services by unbundling? On March 20, 2015, the *Law Society Gazette* published comments on the Law Society's unbundling efforts (included here).

—We all know our barrister chums on the bench will absolutely ignore all efforts to limit liability when unbundling, and make us responsible for anything that went wrong during the case...Anyone who therefore offers 'unbundled' advice has to be totally bonkers...

—Only a lunatic would agree to work on such terms. You either act for a client or you don't. It's black and white in my view. You would end up doing stacks of work pro bono because clients would not understand the terms of the retainer and would expect to have their hands held from the cradle to grave. It is risible that the Law Society is endorsing this type of thing, and is a quite shocking indictment of the state of civil litigation at present.

—I got the email (on Guidance from the Law Society) last night and almost exploded! It basically says—work for less, don't do as good a job, and don't get paid a proper fee, but take on all the liability.

—Indeed, it makes clear that if you do this, you will be found liable for not having investigated the rest of the client's circumstances.

—I would go so far as to argue that it does the profession a disservice, because it suggests solicitors are liable to an extent that I think even the Court of Appeal has never suggested. It won't take a long time for our bewigged learned friends to dig this practice note up in the future and use it in submission to His Honour that our PII policy should be paying compensation to an unbundled client because we never asked her the circumstances of how much debt she was actually in (or whatever).

—Good god! We are dismantling our own jobs! And our own 'non' representative body is advocating it! Seriously there has to be a break away from this whole ethos. I cannot imagine any other profession voting, like a turkey, for Christmas....

—Why are the Law Society steering their members down this sort of path? The civil litigation system is broke I'm afraid. Suggesting we can all survive by undertaking this type of work is moronic.

—To unbundle is to undermine. Clients rightly expect nothing but the highest professional standards from solicitors. Journeymen doing half a job in the eyes of the client, irrespective of the weasel words in the retainer, will devalue the profession as a whole.

—Leave the unbundled to the unadmitted.

—I shall bundle until I can bundle no more.

—Just who are these people at the Law Society? Do they know anything at all about anything? They really must be absolutely crackers to promote this nonsense. It just makes you scream.

Clearly, there will be many lawyers who will never unbundle. However, for those of you who enjoy working with people who need your help and are willing to pay for it, limited scope services can help differentiate you and your practice from those lawyers who refuse to unbundle.

If you are trained and committed to mediation and/or collaborative practice, here is a **new set of 5 unbundling tips for 2015** that might increase your revenue while making a difference in the lives of many families in conflict:

1. Offer unbundled letter writing services to tone down harmful and pejorative comments and help your client resolve matters faster.
2. Offer negotiation coaching sessions to help prepare your client for a sit-down meeting with their spouse at Starbucks or around the kitchen table. Role play and use your smartphone to record the practice negotiation. Help your client learn and use I-statements.
3. Help your clients organize their paperwork so that they can be effective in a settlement conference or court hearing. Help them take a shoebox full of receipts and make a chart of expenses.
4. Sit down with an unbundled client and go to www.UptoParents.org, www.ourfamilywizard.com or www.Split.com. These child-centered resources may provide the ideas and tone that can save their children from unnecessary long term harm.
5. Be an unbundled conflict wellness diagnostician and provider. When a self-represented litigant takes you up on your unbundling services, take a moment and assess their legal health and offer a [Legal Wellness Check-up](#).

You do not have to forgo the rest of your practice to let clients know that you offer unbundled services. You have the training and the care for the health of divorcing families to provide needed services that these underserved clients will be grateful to pay for.

Forrest (Woody) Mosten is internationally recognized as the “Father of Unbundling” for his pioneering work in limited scope services to provide affordable, accessible and understandable legal services for the underserved. He is in solo private practice as a family lawyer and mediator in Los Angeles in which unbundling and other non-litigation activities are the foundation of his practice. He is the author of four books and numerous articles about unbundling and other issues of legal access and peacemaking, serves as a keynote speaker for legal and mediation conferences worldwide, and is adjunct

professor of law at the UCLA School of Law where he teaches Mediation and Lawyer as Peacemaker. Since 1989, Mosten has served as Chair of [The Louis M. Brown and Forrest S. Mosten International Client Consultation Competition](#) affiliated with the IBA that bears his name. He has served on the ABA Standing Committee for Delivery of Legal Services, the ABA Commission on Interest on Lawyers Trust Accounts, Chair of the ABA Dispute Resolution Section on Integrating Collaborative Law into Law Schools, and has received the ABA Louis M. Brown Lifetime Achievement Award, as well as the ABA Lawyer as Problem Solver Award for his contributions in Legal Access and Mediation. Woody will serve on a plenary panel on legal access, Plenary II Access to Justice: Different Strokes for Different Folks and co-conduct Workshop 48, Unbundling Legal Services at the AFCC 52nd Annual Conference in New Orleans. He can be reached at www.mostenmediation.com.



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