



## MA Chapter Newsletter

MAY 20, 2021

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**WE HAVE A REQUEST TO ALL WHO RECEIVE THIS NEWSLETTER. PLEASE LOG INTO BOTH THE [CHAPTER](#) AND [AFCC INTERNATIONAL MEMBER DIRECTORIES](#) TO CONFIRM THAT YOUR PROFILE IS UP TO DATE. WE WANT TO ENSURE THAT WE HAVE CONTACT INFORMATION FOR EACH MEMBER AS WE WILL USE THIS DATA FOR THE SOON TO BE PUBLISHED HARD COPY OF THE MEMBER DIRECTORY.**

THANK YOU!

The Board

### [MA AFCC](#)

President:  
Jennifer Clapp, JD

Visit us on the  
Web!

<http://www.maafcc.org>

### President's Message

Greetings to All,

I hope you are enjoying this vibrantly beautiful spring, are happy with what you have accomplished year to date, and are looking forward to the months to come. It is exciting to consider the opportunities we will have to socialize and connect when we are vaccinated and the world reopens!

In 2021, many of you attended the recent (and fabulous) conference "Sexts, Texts, and Tweets: The Use and Misuse of Social Media and Electronic Information in Family Law Disputes" with Dr. Randy Otto as the Keynote Speaker. The Board extends our thanks to the members of the Conference Committee who meet monthly to plan and execute this conference. We also thank the judges and practitioners who participated on the panels!

The AFCC Board of Directors extends its sincerest thanks to Dr. Stephanie Tabashneck for her work as Editor of the *Substance Use and Parenting: Best Practices for Family Court Practitioners*. This Guide will be available online on the Massachusetts Chapter website, and, will it be provided as a hard-copy resource to the Probate and Family Court judges and Probation Departments.

I encourage you to join the AFCC Community at the 58<sup>th</sup> Annual National AFCC Conference which will occur by Zoom - *When a Child Rejects a Parent: Are We Part of the Problem or the Solution?* This question resonates through the work of every family law practitioner. This conference, like all others, will be designed to provoke thought and conversation.

Our board meetings are open to all members and are held monthly at 5:30 pm by Zoom, which makes participation even easier!! Members who are not appointed to the Board of Directors can join Committees and assist with the planning of events, writing the newsletter, and the operation of the Chapter. Our final meeting for the 2020/2021 year is on June 3, 2021. Next year's meetings will resume on the 14<sup>th</sup> of September and will follow this schedule: October 5, 2021; November 2, 2021; December 7, 2021; January 5, 2022; February 1, 2022; March 1, 2022; April 5, 2022; May 3, 2022; June 7, 2022. If you cannot attend in person, please feel free to forward questions, suggestions and topics of importance by email to the Chapter Administrator at: [admin@maafcc.org](mailto:admin@maafcc.org).

On September 1, 2021, my term as president officially comes to a close and Kelly Flynn Zawistowski assumes the role of president. For those of you who have not had the opportunity to meet Kelly, she is an Assistant Judicial Case Manager at the Hampden Division of the Probate and Family Court. In addition to her energy and excitement, Kelly brings insights from her days in private practice and the perspective of an involved member of the judiciary. The Board and the Massachusetts Chapter will be in very capable hands!! On a personal note, there is nothing I have enjoyed more about my AFCC membership than the opportunity to meet other lawyers, mental health practitioners, and Court staff who share my commitment to compassionately assisting families in conflict, and to improving court practices and procedures in a family-focused way. The individuals I've met are valuable resources for second opinions and consults, and many have become good friends who encourage me in the practice. I encourage you to become more involved in our community!

My kindest regards,

Jennifer Clapp

### **Welcome New Members!**

Carla Smith Picariello, Jessica Doucette, JD, Maria Duggan, LICSW, Abbe Hershberg, JD, Robert Langlois, (Hon., Retired), Julie Murphy, JD, Gwenn O'Keefe, JD, MD, Ronald Fredey, Christine Axbey, Mary Klaes, Bruce Lord, Kristen Menard, JD

## Member Spotlight Spotlight on Josh Hoch

Josh Hoch: mediator, mensch, jokester, mentor, soccer referee...

Soccer referee? Let's back up.

### *Josh's Path to Mediation*

Unlike most of us who started our careers after law school, social work school, or other such pursuits, Josh's entry point to mediation started in college. As an undergraduate at UMass Amherst Josh was driven to find a way to help people. During a legal studies class he learned there was a process that empowered people to resolve their own disputes, and from that point onward he was hooked on mediation.

Josh became a mediator in 1996. He read every book he could get his hands on, volunteered, and sought out mentors. He even found a way to mediate cases while still in college. His first job out of college in the field was with the Academy of Family Mediators (AFM), an organization which is now part of the Association of Conflict Resolution (ACR). As the organization's secretary, Josh negotiated a half day off each week so he could volunteer as a mediator in the local courts; this he says, was his favorite part of the week.

Enter Josh Hoch, soccer referee. After AFM merged with ACR he was laid off. Josh used the lay-off as an opportunity to mediate pro bono court cases every morning. During his afternoons and evenings, Josh refereed high school and college soccer games to pay his bills—a neutral on and off the field.

Through networking, Josh joined Mediation Works Inc (MWI). His role with MWI has evolved over the years, and Josh now serves as Director of Mediation Services. He is a **mediator** specializing in facilitative interest-based divorce mediation. He is a **trainer and mentor** for mediators eager to learn divorce mediation and dispute resolution skills. And, as the **director**, he oversees MWI's mediation and arbitration services for family and divorce, workplace, real estate, construction, personal injury, and consumer automotive disputes. Currently, his favorite role is facilitating the 4-day Advanced Dispute Resolution workshops for the Massachusetts Probate and Family Court Probation Department. This year, Josh celebrates his 20-year anniversary with MWI.

### *Josh's Impact*

Josh has touched the careers and lives of everyone reading this spotlight—even if you don't know it yet! In his early days with the AFCC, eager to contribute, Josh was reflecting on a board meeting about building a website

and during his drive home said to himself, “I could probably build a website.” And, he was right. Josh went on to rebuild the AFCC website and has continued to run the website, the listserv, and the directory since. He handles all of the technical aspects of chapter elections, scholarships, and conference registrations. Josh is proud of his work with MA-AFCC and grateful for all he has met and learned over the years.

Josh’s impact on the mediation field extends beyond his work with MA-AFCC. He has trained hundreds of divorce mediators, provided 1:1 mentorship, and continues to offer enriching professional development to mediators through his roundtable series. He has expressed particular gratitude for the wonderfully meaningful relationships he has developed with colleagues across the state.

### ***Why I am Writing this Profile of Josh***

Josh and my brother are tight friends and I’ve known him for years. As adults, a crew of us would camp each summer and Josh would talk incessantly about mediation. He *insisted* I pursue mediation training. After endless badgering, I bit the bullet and took MWI’s 40-hour basic mediation training. Like Josh in his undergraduate legal studies class, I was hooked.

Josh is solely responsible for initiating my mediation career. I participated in Josh’s mentoring program—first observing, then co-mediating, and then solo mediating with his support. We collaborated on facilitating Family Communication Workshops from 2001 to 2005, while I was still working full-time running a residential treatment program. Josh has gone out of his way, like he has with so many in our community, to foster my professional growth and encourage me every step of my mediation path. The fact that I am now one of MWI’s advanced divorce mediation trainers is because he trained me so well! Even though I have been mediating full-time for many years now, I still turn to Josh for mentorship. Just last week I called him to talk about a particularly challenging case. I ended the call with wonderful tips that re-energized my work with this family.

And if you’ve worked with Josh, you know he’s a practical joker! Anytime we are at a conference together or presenting, I get an email or text from my Dad asking how the presentation went...even though I had not told him about the event. How did he know? Mr. Hoch finds a way to sneak a photo of me and send it off to him—every time!

The story of my path to mediation is not unique. Josh is the mensch of Massachusetts mediation! I trust many readers know this already. And to those few who don’t yet know Josh, reach out and meet the man. He is truly one of a kind.

### ***When Josh isn’t Mediating***

Josh loves the outdoors. He enjoys spending time exploring nature with his wife Rachel (also a trained mediator!) and two kids, who are 9 and 11. He is an avid kayaker and supports efforts to protect local rivers and watersheds. Josh is actively involved in his local synagogue, is a former MAAFCC board member, and has provided free mediation and training to several congregants.

### ***In Josh's Own Words***

*I am deeply appreciative of MA-AFCC. The organization has created wonderful opportunities for me to learn and network over the years. It has been a blessing to be surrounded by such talented people and I hope members find the same value of membership that I have. I hope the new email listserv will help people ask questions and get answers to help their work and cases.*

When asked what he thinks sets his style of mediation apart I was not surprised by his answer: *I believe we have to enjoy what we do and have fun while we do it. Mediation is serious and I take it seriously. Yet, I try to insert humor in many cases to provide levity, break the ice, and help parties feel comfortable.*

He has done the same for so many of us.

Congratulations on your 20-year MWI anniversary, Josh, and THANK YOU for all you've done and will continue to do for the MA-AFCC community.

~ Ben Stich

### **Officers, Board Members, and Committee Chairs**

#### **Officers:**

Jennifer Clapp, President  
Kelly A. Flynn Zawistowski, President-Elect  
Patricia Brady, Immediate Past President  
Mira Levitt, Secretary  
Katherine Potter, Treasurer

#### **Board Members:**

Karen Cohen	Colleen Cunnally
Premela Deck	Alicia Doherty
Jordana Douglas	Lisa Gallagher
Sara Johnson	Mary Klaes
Mira Levitt	Kathleen Michaud
Richard Novitch	Tony Pelusi
Ashton Pouliot	Joanne Romanow
Hon. David Sacks (Ret.)	Vicki Shemin
Harry Somers	Stephanie Tabashneck

## **Committees:**

### Alternative Dispute Resolution Liaison to “Sister” Organizations (MAGAL / MCFM / MCLC / etc.)

Joanne Romanow

### Chapter Liaison

Joanne Romanow

### Conference Committee

Mira Levitt

Bob Zibbell

Jon Fields

Donna Feinberg

Lisa Gallagher

Leslie Greenberg

Jessica Greenwald-O’Brien

Alex Jones

David Medoff

Vicki Shemin

### Legislative

Jenny Clapp

### Membership:

Kate Potter

Pat Brady

Kathleen Michaud

Colleen Cunnally

Jim Richards

### Newsletter

Tony Pelusi

Jordana Douglas

Lisa Gallagher

Vicki Shemin

Kelly Flynn Zawistowski

### Roundtable

Ashton Pouliot

Premela Deck

Stephanie Tabashneck

Jenny Clapp

Sara Johnson

Harry Somers

Alicia Doherty

Rich Novitch

### Nominating

Kelly Flynn Zawistowski

Pat Brady

Jenny Clapp

Scholarship

Kelly Flynn Zawistowski  
Jenny Clapp

Directory, List-serve, Website

Josh Hoch

Liaison with Chief's Office

Pat Brady

Members, if you are interested in joining one of these committees, please email one of us to let us know. All are welcome!

**Committee Reports**

**Conference**

On Friday, April 30<sup>th</sup> over 125 people gathered on Zoom for our Annual Conference. We were treated to a comprehensive and informative overview of "Sexts, Texts, and Tweets: The Use and Misuse of Social Media and Electronic Information in Family Law Disputes by Keynote speaker: Randy Otto, PhD University of South Florida. Following Dr. Otto's presentation, a panel of practitioners representing the roles of GAL, PC, and trial counsel was moderated by Vicki Shemin. Thereafter, our president, Jenn Clapp, did a remarkable job soliciting the views and wisdom of three accomplished jurists.

The Conference closed with a brief business meeting and a member mingle. Be sure to mark your calendar and to attend next year's conference – honestly, they get better each year and should now be on every member's "not to miss" list. Fortunately, the entire program was recorded and will soon be available as a member benefit on our website!

**Things you might want to know:**

- The Massachusetts chapter of the Association of Family and Conciliation Courts is releasing a new book *Substance Use and Parenting: Best Practices for Family Court Practitioners*, edited by Stephanie Tabashneck Psy.D., Esq. This guidebook is available without charge due to the limited resources that exist on this topic and need for evidence-based information to support children and families affected by substance misuse. It is our hope that this publication is shared widely. The book will be available on June 1, 2021 at <http://www.maafcc.org/>
- Board Member Ashton Pouliot, a vigorous and respected family law practitioner in Hyannis, was recently appointed to serve as an AJCM in

the Barnstable Probate and Family Court. Congratulations Ashton, may you continue to serve the citizens of Barnstable County as you have so far!

### **Board Meetings and locations**

Our final meeting for the 2019/2020 year is on June 1, 2021. Next year's meetings will resume on the 14<sup>th</sup> of September and will follow this schedule: October 5, 2021; November 9, 2021; December 7, 2021; January 4, 2022; February 1, 2022; March 1, 2022; April 5, 2022; May 3, 2022; June 7, 2022. If you cannot attend in person, please feel free to forward questions, suggestions and topics of importance by email to the Chapter Administrator at: [admin@maafcc.org](mailto:admin@maafcc.org).

All members are welcome to attend and participate in discussions, however, voting privileges are reserved for board members only.

### **News from the Probate and Family Court Greetings from Chief Justice D. Casey**

News from the Probate and Family Court  
Greetings from Chief Justice John D. Casey  
Spring 2021

When I last wrote to you in January 2020, I don't think we could have imagined what the next 16 months would bring. Although we faced many challenges, even crises, we embraced the challenges as an opportunity – an opportunity to reflect, to innovate, and to improve. We truly learned what we can accomplish when we work together. We all learned new skills and found solutions that we might never have thought possible. We listened to each other, heard what people needed, and then did our best to respond. I am proud of all that we accomplished.

None of this could have happened without everyone pulling together. Thank you to all of the members of AFCC for helping guide parents through the difficult process of separation and divorce during a time when the Probate and Family Court could not meet everyone's needs in the way that we normally would. I thank you from me personally, and on behalf of all the people we serve.

I must also acknowledge the dedication of our judges, registers, and staff. I am grateful for how the Probate and Family Court pivoted and transformed from an in-person court to one that is predominantly remote. This change only happened because of countless number of people behind the scenes who worked tirelessly to adapt our processes, technology, and infrastructure to support a remote court experience. The Administrative Office of the Probate

and Family Court worked with the divisions and the Trial Court to get additional laptops, scanners, printers, and software. The Administrative Office has run trainings on many topics, including how to use Zoom and how to put an electronic signature on documents. One of the most helpful technological changes has been to how judges are able to access scanned documents in MassCourts. A new system has been created that allows judges to easily view multiple documents on their computer with a click of a button. Prior to this innovation, judges only had the ability to look at one document at a time, at a significantly slow pace, which resulted in many judges not utilizing MassCourts on the bench. Each request for assistance has been met with a “can do” attitude – even when the “ask” has been more than we could have imagined a year ago.

I am happy to report that the Probate and Family Court, and the Trial Court as a whole, are continuing to move toward being a system that can be run remotely. Last March, we immediately faced the challenge of how pleadings could be filed without coming into the courthouse. We had to consider and balance access to justice with the need to protect our staff and the public. We made certain actions/pleadings emergencies. Each division worked with the Probate and Family Court to create protocols that are available on mass.gov. We provided direction regarding who could email pleadings and in which situations. Perhaps most significantly, we expanded the ability to e-file. We continue to work internally, and with the Trial Court, to expand our e-filing capabilities, and to advance a comprehensive technological plan that includes Wi-Fi in courthouses and the necessary hardware and software to work 100% remotely. With these initiatives, our goal of being a true eCourt can be met.

There are two initiatives that arose from the Covid pandemic that I expect will continue to be a part of our court operations as we move to being a full-service eCourt – virtual registries and virtual hearings. The first virtual registry “opened” in May 2020. As of December 2020, and continuing now, we have 10 virtual registries operating. Since the virtual registries started, the total average use has increased to approximately 700 visits per month. A total of 103,814 sessions have occurred, and 73,493 unique individuals have visited the virtual registries. I encourage you all to use the virtual registries. As the numbers show, these are being widely used and the feedback we have received from users and staff is overwhelmingly positive. With regard to virtual hearings, there is no doubt that we have come a long way with our capacity to hold virtual hearings and trials. Virtual hearings are benefiting everyone when scheduled efficiently. There are minimal waiting times for attorneys, childcare costs to attend hearings are reduced, and parents do not lose wages because of travel and court time. There are also health benefits for parents, attorneys, and court staff. Since virtual hearings began, 64,273 cases have had at least one event heard virtually.

I am grateful to have the opportunity to share these thoughts with you. My hope for the future of the Probate and Family Court is that we learn from our

experiences and keep the best of what has worked during this challenging time. To that end, I will be convening a working group to review which Covid-related practices worked and should be incorporated into the Probate and Family Court going forward. We will continue to have open and honest dialogue about what is working and what is not. As always, I welcome your feedback, ideas, and continued partnership. I assure you that I will do my best to keep the common bond we have built – focusing on what is best for the Probate and Family Court and the people who use our court every day.

John Casey  
*Chief Justice*  
*Probate and Family Court Department*

### **Mentor Opportunities**

If you are new to the practice, and/or our association and would like to develop a mentor/mentee relationship with a more experienced member who is willing to share their wisdom let us know. We welcome the opportunity to play matchmaker! Please let [Tony Pelusi](#) know of your interest either way.

### **PC & GAL Update**

All members of MA-AFCC who subscribe to the chapter List-serve received a copy of the **Parenting Coordination Bench Card** [cocreated by Denise Fitzgerald, Manager of Legal Research Services, Kelly Zawistowski Assistant Judicial Case Manager, Hampden, Vicki Shemin and Tony Pelusi] which outlines the appointment requirements as set forth in Standing Order 1 – 17. If you need a copy, check the list-serve archives.

In October the Chief's office published revised [Category E, F, and V Training Requirements](#). Information on all Fee Generating Appointments is available [here](#).

Gerry Lewis, on behalf of our sister organization, MAGAL, hosts weekly virtual gatherings of GALs on Wednesdays from noon to 1 pm. Log in credentials are shared via the MAGAL list-serve.

Similarly, MAAFCC & MAGAL cosponsor a biweekly PC Consultation Group. We meet every other Friday from 1 – 2 pm. Click here for [Log in credentials](#) which are also available on the MA-AFCC List serve.

Both gatherings are limited to members as a benefit.

### **List Serve**

Goodbye YAHOO, Hello mail-list.com!

So, you might have noticed that we have established a secure list serve as another member benefit. The email address for all active members, as of 1/1/21, were provided access. Each member has the option to limit messages to daily digest if desired. If you are interested in joining this list-serve please email Josh Hoch at [MA-AFCC-Email-List@mail-list.com](mailto:MA-AFCC-Email-List@mail-list.com). As soon as active chapter membership is confirmed they will be included on the list-serve.

Got one of those nettlesome questions that you'd like a quick answer to? Need a case reference or a pointer to the most recent research? Want a template for a motion or pleading? Need an expert? Here is the place to ask your trusted colleagues.

There is no need for anyone in our community to re-create the wheel or struggle alone. When you join MA AFCC, you become a member of an association of like-minded skilled professionals who value sharing with and supporting others. Our list-serve is a great place to connect with and draw upon the collective wisdom of our membership.

### **Online and Printed Membership Directory**

In addition to the [On-line Directory](#) we are in the process of preparing a printed membership Directory which will be shared with all judges of the Probate and Family Court.

All MA AFCC members are responsible for the maintaining the accuracy of their listing and each is invited to log in to establish and/or updated their own profile.

***The information in the online directory will be used in the printed directory, so you will be well served to attend promptly to this simple request by clicking on this link.***

This is a great way for you to establish yourself as a competent professional in the eyes of the court, your peers, and the public (you can even add a link to your own website!) It is also an effective and efficient way to find and connect with subject matter experts across the state.

Check it out today: <http://directory.maafcc.org/join>

### **News from the National**

The AFCC 58th Annual Conference, ***When a Child Rejects a Parent: Are We Part of the Problem or the Solution?***, originally scheduled for Boston, will be presented live via Zoom, and is coming soon!

**Pre-conference institutes are scheduled for June 1-3, 2021.** Attendees can register for up to three full-day institutes. Each institute provides an immersive experience on a single important topic in family law.

**The conference sessions will be held June 7-11, 2021.** Two plenary sessions and 26 workshops help family law professionals hone their skills and explore diverse perspectives on a wide variety of topics.

[Register here!](#)

### **Guest Contributors**

On behalf of the Board please allow me to extend an open and ongoing invitation to each and every one of our members to contribute to this newsletter as a “guest” author. In each issue, we hope to provide the opportunity for one or more of our members to share their insight, knowledge, and experience on a variety of topics that we hope are relevant and of interest to our members. Please contact [Tony Pelusi](#) if you are interested in submitting a contribution, or know someone who might be interested if they received a gentle prompt.

**The views expressed herein are those of the individual authors.  
Neither AFCC nor MA AFCC necessarily endorses or takes a position on that  
which is expressed herein.**