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President's Message - by *Lesley Goldsmith*

Welcome to our winter newsletter! Here's hoping you enjoyed a great holiday season with family and friends. As we move into Spring, our conference committee is hard at work putting the final touches on our annual conference to be held on Friday, May 4, 2012 at Regis College in Weston. Look for the brochure to land in your mailbox in the coming weeks. We have an exciting topic of truth, memory, and distortion in relation to family law cases, with an abundance of local experts and practitioners as presenters. It is a subject that crosses all the layers of family law from the legal to the clinical to the courtroom.

Following our annual conference the chapter will supplement the discussion at informal roundtables to be held throughout the state. There, participants will have the opportunity to continue the dialogue of the conference with more local experts (perhaps, in the county of your practice) and address the issues raised on a more local level. Our roundtables are offered free of charge and always present forums to brainstorm with your local colleagues.

The brochure has been posted for the 49th An-



Lesley Goldsmith

nual AFCC Conference to be held June 6-9, 2012 in Chicago. Massachusetts continues to have a strong showing of presenters on the line-up. Some of the presentations by Massachusetts members deal specifically with innovative programs being conducted here at

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**49th Annual Conference Scholarship Deadline
March 16, 2012**

In conjunction with the AFCC, the Massachusetts Chapter is offering one scholarship for the AFCC's Annual Conference to be held in Chicago on June 6-9, 2012:

**Attachment, Brain Science and Children of Divorce:
The ABCDs of Child Development for Family Law**

See our website for more information

Note: Scholarship is available to members of the MA Chapter of the AFCC only

Honorable Gail L. Perlman's Retirement Celebrated with Reception

by Beth Crawford



Photo by Hon. Geoffrey Wilson

Gerri Fuhrman, Mary Ferriter, Lesley Goldsmith, Bob Zibbell, and Robin Deutsch at the reception for Gail L. Perlman

The Hampshire County Bar Association hosted a reception to celebrate the retirement of Gail L. Perlman, former First Justice of the Hampshire Division of the Probate and Family Court on September 7, 2011. Approximately 200 friends, colleagues and family members attended the event that took place in Northampton, Massachusetts. Judge Perlman served as First Justice of the Hampshire Probate and Family Court from 1998 through her retirement on May 26, 2011. She was responsible for bringing many changes to the Hampshire Division, including on-site mediation and conciliation services, a parent education program for never-married parents, and most recently, a child-focused procedural model for cases involving children. She has been an active member of the Board of Directors of the Massachusetts Chapter of the AFCC and regularly presents at AFCC Annual Conferences and Regional Training Conferences.

Speakers at the event included: Hon. Paula M. Carey, Chief Justice of the Probate and Family Court; Hon. Sean M. Dunphy, former Chief Justice of the Probate and Family Court and former First Justice of the Hampshire Probate and Family Court; David E. Sullivan, Northwest District Attorney and former Register of the Hampshire Probate and Family Court; Hon. Geoffrey A. Wilson, First Justice of the Franklin Probate

and Family Court; Merry Nasser, Esq., of Lesser, Newman, and Nasser. The master of ceremonies was Marianne G. Zurn, Esq. of Zurn, Sharp, and Heyman.

The Bar Association commissioned a portrait of Judge Perlman by the well-known artist, Nancy Hill. The portrait was unveiled at the reception and now hangs in the Hampshire Probate and Family Court in Northampton.

Nancy Hill is a nationally renowned artist who lives in the Pioneer Valley. She is married to fellow painter, Randall Deihl, who painted former Chief Justice Dunphy's portrait, which also hangs in the Hampshire Probate and Family Court. They are prominent members of an association of renowned American contemporary realists based in Northampton. Her work is found in numerous corporate and private collections in the United States and other countries.

Many AFCC members joined the Hampshire County Bar Association in celebrating Judge Perlman's retirement. ■

Save the date!

Massachusetts AFCC Chapter's

Annual Conference

On truth, memory, and distortion in family law cases

May 4, 2012

Regis College, Weston, MA

Scholarships are available

www.maafcc.org

Roundtable Update: Discussion on High Conflict Cases and Parental Alienation at Norfolk Probate and Family Court

by Donna Feinberg

On October, 18th, 2011, an AFCC Roundtable Discussion was held at the Norfolk Probate and Family Court, from 4:00 pm to 6:00pm. The Roundtable Discussion was a follow up to the Annual AFCC Massachusetts Chapter Conference held on April 15th, 2011. The Conference was entitled: “*Parental Alienation: Not Just Another Custody Case.*” In attendance at the Roundtable Discussion were judges, probation officers, attorneys, and clinicians. The topic covered discussion on high conflict and alienation cases. There were about 25 people in attendance. The panel consisted of the Honorable John Casey, Probation Officer Michelle Mullin, Attorney Joanne Romanow,

and Abigail Judge, Ph.D. The Roundtable Discussion was moderated by this writer. Discussion focused on families on the continuum of alienation and/or estrangement, where questions of safety, poor parenting, and enmeshment exist, but where severe mental illness, acute and ongoing domestic violence, or substance abuse were not a factor. The format of the Roundtable Discussion resembled that of a brainstorming session as to the issues of early identification and intervention strategies in these cases. Attorney Romanow talked about how attorneys are often the first people to become involved in these high conflict cases. She talked about identification and dilemmas for attorneys

as advocates for their clients. Dr. Abigail Judge then touched on how clinicians may also be often the first people who may become involved with a high conflict family, sometimes even when the family is still intact. Dr. Judge spoke about how the well-trained clinician can be helpful for these families, along with how the not-so-well-trained clinician can sometimes be hurtful to the family, feeding into the familial conflict. Early on alignments are already beginning and timing can be an issue to provide a family helpful intervention.

The Honorable John Casey then spoke about identification of high conflict cases from the bench and other issues that

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President's Message, *Cont'd from pg 1*

home. Be sure to watch our website and member listserv for scholarship opportunities offered by us to both our local annual conference in May and to the conference in Chicago.

Local Member Commitment

I recently attended a chapter leadership institute run by Leslye Hunter, Associate Director of AFCC, in Indianapolis as part of the AFCC Regional Training Conference *Working with High Conflict and Violent Families: A Race with No Winners*. There, I met many of the other chapter leaders from both Canada and the United States. It was exciting to see what other chapters are working on and to share ideas. The energy and enthusiasm for the chapters and work that can be done on the local level was fantastic and I came away with ideas we can develop in the future.

At that meeting Leslye Hunter shared chapter statistics relating to AFCC membership and membership retention. I am thrilled to report that Massachusetts

ranks second behind Arizona and has 91% of national AFCC members who are also Massachusetts chapter members. That tells me that not only are our members interested in the national trends and perspectives but are committed to the work at home.

Meet and Greet

On the note of the local member commitment, our chapter will be hosting several "meet and greet" events in the coming year. The idea is to get together with other members, encourage new members, and have a chance to socialize and network. Stay tuned to the website for details at www.maafcc.org.

As we kick off 2012, I am enthused by the energy the board puts forth to make sure we are continuing the long tradition of the Massachusetts Chapter (started in 1993), by reaching out to members both in education and networking. Later this year we will again offer our fall symposium / dinner and hope that we can look to new ways to keep connected. Stay tuned. ■

Reflections on Moving on to All ADR All the Time - by Bill Levine

At the end of November, AFCC-MA member Hon. E. Chouteau Levine retired after ten years as an associate justice of the Probate and Family Court, mostly sitting in the Suffolk Division; and after 33 years of representing parties in family law cases, AFCC-MA board member William M. Levine departed from his long-time partnership, Boston's Lee & Levine LLP. Together, they have established and opened Levine Dispute Resolution Center LLC, with offices in Westwood and Northampton, MA. They reflect on their career changes here.

After 53 years of mostly negotiating, trying, appealing and judging cases, we have decided to go "all in" as neutrals, by partnering together as full-time ADR providers. Our goal is to provide high quality and cost-effective neutral services such as mediation and arbitration for all kinds of family law, probate, elder, and other matters. Why now, and why this?

Bill's path to ADR began 1990. After a dozen years of litigating private and public family law cases (two and a half years as a DSS lawyer and the rest in private di-

voiced practice), he already knew that he would want to have a "second career." The American Academy of Matrimonial Lawyers (AAML) offered matrimonial arbitration training, which appeared to be a path to using the knowledge and skills of the law office and the courtroom in a way that simplified, streamlined, and applied intellectual skills and judgment to family law problems, perhaps mitigating the impact of divorce and related disputes on families in distress. In 1995, AAML offered another avenue with greater currency in the family law marketplace but to which Bill had had little exposure: mediation. This training opened another personal window onto the resolution of family law disputes in a less adversarial, often more effective and if successful, far less bruising process for families and practitioners alike.

Chouteau had earned her way to law firm partnership when she attended mediation training in 1999. Then, she began to develop a mediation practice within Boston's Brown, Rudnick, Freed & Gesmer. As it began to gain traction, this new practice area provided

insights to her that ultimately led her to apply to be a judge on the Probate and Family Court, where she sat until her 2011 retirement. Serving a largely *pro se* population, Chouteau mediated every day between and among distressed litigants. When she saw lawyers with consistency, it was mostly in high-end probate litigation such as will contests and trust matters. The skills that Chouteau gained in litigation and mediation, honed by a

more cases than not, the parties can benefit from private, consensual methods that enhance autonomy of process and outcome. Far too often the fight becomes about the fight and not about the stakes, or even about self-interest. So, too, as professionals, we can re-gain a measure of self-determination and control over our own lives, separate from court processes and other external intervening forces.

"...in more cases than not, the parties can benefit from private, consensual methods that enhance autonomy of process and outcome. Far too often the fight becomes about the fight and not about the stakes, or even about self-interest."

decade of daily decision-making and courtroom mediation, led her to wonder how she could make an impact in the private sector again.

So, what, beyond the romance of working together and building a business in tandem, moved us to make this move at this moment in our lives and careers? We both believe that in

Why are we doing it in the manner that we envision for our new firm? First, we both believe that to make an ADR practice thrive, we need to stand apart from the daily turmoil of the adversarial system. It is difficult to be perceived as impartial when the lawyers with whom you are working

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Roundtable,
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judges face with these cases, followed by Probation Officer Michelle Mullen. Officer Mullen touched on the probation officer's role in these cases and how by the time a high conflict case comes to the Probation Department, it is like performing triage. Officer Mullen raised the point that probation officers can play an important role as a link between attorneys and mental health professionals, when appropriate.

Some discussion was had regarding access and treatment issues, which included talk about identification and "red flag" issues, along with interventions. The audience was asked to participate by providing further examples of how members in the audience handled these very difficult cases. There was consensus that orders and stipulations needed to include specific time frames, spell out details such as who will find a

ADR All the Time,
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are the same people with whom you are litigating with every day. Second, we believe that we need to show a commitment to ADR that communicates to others that we believe in the efficacy of these methods of dispute resolution, above all else. Third, to provide a secure and private setting for parties, we are convinced that it is best to have devoted space that is geared towards the unique needs

of ADR clients, tailored for differing processes (clients alone, clients with lawyers, clients with counsel and witnesses) and ample space for private consultations, in the midst of mediation and arbitration work. We also aim to be convenient to many people in Greater Boston and Western Massachusetts, and believe that we have succeeded in that goal.

We look forward with great anticipation to this next phase of our careers. ■

clinician, and by what date. There also should be trigger language as to the consequences in the event of non-compliance. When possible, orders should include who is to oversee the process. The importance of having enforceable orders was discussed, and of having interventions backed by the authority of the Court.

This was a difficult topic with no one answer as to the best way to manage these families along with few resources.

The most important message this writer left with was to keep the focus on what kind of contact is in the child's best interest and how best to repair the relationship, and not to focus as much on who is to blame. ■



Bernardston, MA

Photo by Hon. Geoffrey Wilson



Bernardston, MA

Photo by Hon. Geoffrey Wilson



Bernardston, MA

Photo by Hon. Geoffrey Wilson

Kathy Townsend, Alex Jones, and Bill Levine at the MA-AFCC Fall Symposium.

Photo by Hon. Geoffrey Wilson



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Fall Symposium: Surviving Loss in High Conflict Divorce

On September 22, 2011, a sizeable crowd, including many members of the Massachusetts Chapter of the AFCC, gathered at the Henderson House in Weston for the Chapter's Fall Symposium: *Surviving Loss in High Conflict Divorce: Legal and Psychological Protection*.

The speakers at the well-attended program were David Medoff, Ph.D., Nancy Rappaport, M.D., and William Levine, J.D. Attendees enjoyed a reception and dinner following the program.



Speaker Nancy Rappaport, M.D.

Photos by Hon. Geoffrey Wilson



Attendees mingle after the symposium.



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