A very exciting array of CLE programs is being prepared for this November’s annual meeting in Chicago. In addition to written submissions and verbal presentations being geared to the very advanced level of our Fellows, we aim to be both entertaining and informative, covering a wide range of topics including understanding and presenting children’s preferences in litigation; the first Joanne Ross Wilder Memorial Lecture; learning about technology; transitioning a law practice; and addressing the recent trends in alimony. The practical content and advanced level of the programs are outstanding. Here are some of the specifics:

**DAY ONE:** Thursday, November 7, 2013

**8:30 a.m. to 11:00 a.m.**

Preferences and Voices of Children

Program Coordinator, Fellow Donald G. Tye from Boston, Massachusetts, has put together an outstanding panel to address preferences and the input of children in custody litigation. They will explore: preferences and voices of children; various models used in states for judges interviewing children; the process of interviewing children including questions suggested for judges and the ethical issues involved; from the different perspectives of a senior family court judge, an experienced psychologist, a lawyer who has represented children, and a Child Advocate. The panel includes: The Honorable Michele F. Lowrance of the Circuit Court of Cook County, Illinois; Joan B. Kelly, PhD from Los Angeles, California, a renowned clinical psychologist; Frank P. Cervone, Esq., Executive Director of The Support Center for Child Advocates based in Philadelphia (a pro bono program for abused and neglected children); and Donald G. Tye, Esq., an experienced family law practitioner.

**11:00 a.m. to 12:00 p.m.**

THE JOANNE ROSS WILDER MEMORIAL LECTURE

Forced Marriage in Our Back Yard: The Role of Family Lawyers in Its Eradication

Anne-Marie Hutchinson, OBE, an English solicitor who represents victims and potential victims of forced marriages throughout the world, appropriately will present our first Joanne Ross Wilder Memorial Lecture in memory of Pittsburgh, Pennsylvania Fellow Joanne Ross Wilder. In 2013 the IAML made a commitment to address forced marriage, which is a form of human rights abuse. Forced marriage is prevalent in all societies including in the United States and affects a wide range of young people and often children. In Europe the issue has been addressed by statutory and other government initiatives. The United States is very much playing catch up. Ms. Hutchinson’s presentation will address the extent of the problem across the United States, the existing laws and the need for pro-active intervention.

**1:30 p.m. to 5:00 p.m.**

Technology Symposium

Program Coordinators, Fellows Melissa Brown from Charleston, South Carolina and Ken Raggio from Dallas, Texas, are coordinating our annual Technology Symposium. Fellows Gordon Cruse from San Diego, California and James A. Hennahoefer from Vista, California will address the ethical issues relating to ESI (electronically stored information) and Fellow Reggie Hirsch from Houston, Texas will introduce some new technological gadgets. The keynote presentation will feature nationally known technology author, writer, speaker and lawyer Tom Mighell. The former chair of the ABA’s Law Practice Management Committee, he will demonstrate the latest and greatest technology gadgets and highlight tips on protecting your law license in the 21st century. The Symposium will end with an exciting hands-on learning experience using your own gadgets to test drive the latest apps.
A Time to Join Together; And, A Time to Say “Thanks”

A year ago at this time, my family and I were excitedly anticipating the start of the year in which I had been chosen by you to serve as President of your Academy. It has been a wonderful and fulfilling journey for my wife Susan, our daughter Blythe and, most of all, for me.

We and I have much for which to be thankful, but most of all there is our gratitude for the friends who have sustained us throughout the year, for the new friends that we have made as we traveled throughout the country while visiting the Chapters of the AAML, for the old friends whose acquaintance has renewed and refreshed us, for the support and encouragement that only family and friends can give to one another regardless of differences in thought and point of view, and for the partners and staff of my firm for providing me with the ability to devote so many days and hours outside of the office to the task that you assigned to me. Most importantly, thanks to Susan for her love and devotion, and for loving the Academy as much as do I. At the end of this article, specific thanks to many days and nights outside of the office to the task that you assigned to me. Most importantly, thanks to Susan for her love and devotion, and for loving the Academy as much as do I. At the end of this article, specific thanks to

Come Join Your Academy’s Annual Meeting
In Chicago, November 6–9, 2013

It is a true delight to provide you with some of the details for our Annual Meeting, which will conclude our 51st year of “promoting professionalism and excellence in the practice of family law.” That mission permeates the CLE programs (discussed in a separate article by CLE Chair David Hofstein) and social events that mark this year’s meeting at a new venue, the J.W. Marriott, located in the financial district of Chicago and nearby to the wonderful museums and other attractions that make Chicago a world class city. Having stayed at the J.W., I can tell you that it is a fabulous hotel with every amenity imaginable, and rooms to match. You will not be disappointed. So, please plan to attend our Annual Meeting, beginning on Wednesday, November 6, 2013 and ending on Saturday, November 9, 2013.

Having heard many Fellows say that they would like to return to our former meeting time frame, so that they can spend the beginning of the week in their offices, while having the weekend to enjoy in Chicago, the meeting begins on Wednesday, November 6, 2013 and continues through the concluding CLE session on Saturday morning, November 9, 2013. The President’s Dinner Dance (black tie optional, but elegant and with a touch of “hot” pink) is on Friday evening November 8th begins at 6:30 PM and features enchanting entertainment by Hot Pink, as well as music for our spirited and enthusiastic dancers, accompanied by a great dinner, while the highlight of the evening will be induction of our next president, Maria Cognetti of Pennsylvania.

Wednesday morning, November 6th, starts off with the Annual Meeting of the Executive Committee, followed by the dinner, a world class city. Having stayed at the J.W., I can tell you that it is a fabulous hotel with every amenity imaginable, and rooms to match. You will not be disappointed. So, please plan to attend our Annual Meeting, beginning on Wednesday, November 6, 2013 and ending on Saturday, November 9, 2013.

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THE PRESIDENT’S MESSAGE
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The Past Presidents and the incoming President, Maria Cognetti, President-Elect, Jim McLaren, and First Vice President Joslin Davis will all meet for breakfast on Saturday morning at 7:00 am.

I look forward to seeing each of you in November at the Annual Meeting. Please register soon. We have a new online registration tool available. Simply go to the Academy website (www.aaml.org) and follow the registration link on the main page. As our ever-enthusiastic Executive Director Vicki West tells us, “It’s slick!” and we’re now accepting the American Express Card in addition to Visa and MasterCard. (Of course, checks are also welcome.)

With Utmost Gratitude

One of the hallmarks of this Academy year has been our drive for inclusion and involvement through the work of our many Committees, Boards and Projects. Tremendous strides and accomplishments redound throughout our world of committees as a result of the involvement of our Fellows who have chosen to include themselves by dint of committee service. I would be remiss if I did not thank those Committee Chairs whose terms will be coming to an end with the start of the Annual Meeting. Tom Parrino (Admissions Procedures), Hank Finesilver (Amicus), Cary Mogerman (Budget and Finance), Sylvia Goldschmidt (Collaborative Law), Jorge Cester (Diversity), Deb Eldridge (Family Privacy), Bernie Rinella (History), David Levy (AAML Journal), Charles Matison and Amanda Trigg (Law Office Management), Ric Roane and Connie Thacker (LGBT and Alternative Families), Nancy Shafer (Mediation), Dorene Marcus and Ed Snyder (Senior Fellows), and Annie Rutkin and Tom Sassar (Spousal Maintenance). Kudos to them all for the time and effort that they committed to making this a successful year for the AAML. Thanks as well to those Committee Chairs who were reappointed.

I have been blessed with a charmed career, with good friends, a great organization that chose me to lead it and a family that has enabled me to pursue my dreams. For all of this, I thank you all.

Thanks to our Membership Chair Nancy Kellman and Vice-Chair Lee Rosenberg, who turned the sites of our Executive Committee Meetings in New York City, the District of Columbia, and Seattle into huge, successful recruiting events. Suffice it to say that we have added 60 new Fellows thus far this Academy year (I believe that is already a record) and there is one more National Board of Examiners meeting to go.

Special thanks to the most outstanding CLE Chair who has ever served the Academy, David Hofstein. David is the epitome of an AAML Fellow; he does it all — Pennsylvania Chapter President, National CLE Chair, hardest working member of our Foundation’s Board, etc. He recently wrote to me as follows: “yesterday was my 25th anniversary as a Fellow!! It really has been an extraordinary experience on multiple levels and I look forward to 25 more years of my involvement.” And, so should we all.

It has been one of the highlights of my career to serve with the Executive Committee of the Academy for nearly a decade. No group of people is more dedicated, hard working and collegial than our officers and members. They have been so, so supportive of the work of the Academy, traveling wherever needed, spending nights and weekends away from their homes doing the business of the Academy, reading and writing memo after memo, letter after letter, and email after email, and doing it all with smiles and aplomb. Special thanks to our five departing members of the Executive Committee, David Levy, who has been a superb Journal Editor, no one has provided more dedicated service to the Academy throughout their time as a Fellow; Cary Mogerman, a true treasure as our Treasurer, who has done so much to improve the way in which the Academy’s financial affairs are handled and who has displayed a remarkable sense of diligence, fairness, good will and judiciousness in all that he has touched; and, my dear friend, Past President Linda Lea Viken, who by sheer determination and intellect has made the AAML’s By-Laws and Policies a solid force for the future governance of our organization — her wisdom, good judgment and conscious conscientiousness will be sorely missed this next Academy year; Ed Snyder, the Academy’s counsel who has dealt with crises small and large, with legal acumen and sound judgment beyond compare; and Parliamentarian Lee Rosenberg, whose good nature and thoughtfulness filled our meetings throughout the year.

Deserved appreciation to our Board of Governors for the time that they have expended when called upon to discuss and vote on pressing issues of importance to the Academy. The Board has always “stepped up to the plate” with good friends, a great organization that I have been blessed with a charmed career, with good friends, a great organization that chose me to lead it and a family that has enabled me to pursue my dreams. For all of this, I thank you all.

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THE PRESIDENT’S MESSAGE
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The President’s Message

(continued from the previous page)

“heart and soul” of the Academy.

No one who serves as president of the AAML can achieve even a modicum of success without the knowledge, wisdom, assistance and enduring patience of our Executive Director Vicki West. Having served on the Committee that chose Vicki to succeed our dear Lorraine, it has done my heart proud to see how she has grown into the position that she fills and has made it her own. She is a truly a gem, surrounded by two dedicated assistants, Janice Schotting and Angela Dillingham.

Special thanks to Dick Auletta and Brian Downey of R.C. Auletta & Co., who provide the Academy with superb public relations assistance and counsel. They have managed to make the AAML known throughout the world, keeping our name in the public eye, week in and week out throughout the year.

Three people who I cannot thank enough for being there for me day in and day out, no matter the hour, no matter the difficulty of the issue, and at no small sacrifice of their time and patience, Jim McLaren, my sounding board; Linda Lea Viken, my conscience, yet again; and Ed Snyder, a "counselor" in every way.

Special thanks to the Chapters that Susan and I were able to visit for their graciousness in hosting us, together and occasionally separately—Wisconsin, Southern California, Kentucky, Florida, Massachusetts, Pennsylvania, Northern California, Texas, Kansas; to the Missouri Chapter, who we missed due to weather; and to Ohio and North Carolina, who will be the last two visits of my term.

No one can perform the duties of President of the Academy without the support and encouragement of those with whom we work. Words cannot express the gratitude I feel towards my law partner Hal Mayerson, who has encouraged me every step of the way. His judgment and resourcefulness has enabled the Academy, not just me, to achieve so much in such a short period of time. Hal defines "thinking outside the box." Thanks as well to our other partners, Academy Fellow Leigh Kahn, Karen Platt and Barry Abbott, our associates, Sophie Jacobi, Atty Bruggemann and Chrsissy Djordjevich, and our dedicated staff. One feels truly blessed when he can wake up in the morning and delightfully look forward to coming to an office where everyone “plays so well together in the sandbox.” Practicing law with them is truly a joy.

Final thanks to the two loves of my life, my daughter Blythe who has grown up with the Academy (she attended her first March Meeting when six months old and she has just turned 20 years of age), and Susan, although she may never make it to the Cooking Channel, she has been a helpmate, soul mate, playmate, sounding board, inspiration, traveling companion and best friend.

If I have missed thanking someone, I apologize. So many of you have been so tremendously supportive.

I have been blessed with a charmed career, with good friends, a great organization that chose me to lead it and a family that has enabled me to pursue my dreams. For all of this, I thank all of you.

Alton L. Abramowitz
AAML President
New York, New York

The Executive Committee visits the Washington Chapter

The AAML Executive Committee visited the Washington Chapter of the AAML in September. During the reception, which was hosted by the Chapter, long-time Fellow William Kinzel was given an award, signifying their appreciation for a career of service to the Bar and Chapter.
With the November meeting right around the corner, I am counting down the days until my term as Academy President begins, and I am so excited for all of the things we have planned and organized for the upcoming year. With so many successes already behind us, I can’t help but think that I have some big shoes to fill. That being said, there are fantastic things to look forward to.

First, I hope to see each and every one of you as I am sworn in at the November meeting in Chicago at the J.W. Marriott. I also hope you will join me at the President-Elect cocktail dinner reception that Thursday evening which will take place at U.S. Cellular Field (home of the Chicago White Sox). Through the incredible generosity of the Pennsylvania Chapter, the reception will take place at the field’s Stadium Club, a premiere, fine dining venue with a spectacular view.

I have many goals going into my Presidency, one of which is to meet and get to know those of you I have not yet had the pleasure of meeting. I already have many trips scheduled to visit AAML Chapters around the country, and I would welcome visiting any chapter. So, please, reach out to me to set up a visit. Another goal of mine that goes hand-in-hand with reaching out to and meeting as many Fellows as possible is transparency. I want you all to know that I am always open to answering any questions you may have about how the Academy is run or how the AAML leadership is serving both your and the organization’s interests.

…I am truly honored that you have placed your faith in me to serve as your Academy President over the course of the next year.

There are many exciting ways for you to get involved in the coming year. First, all of you should have received, and hopefully responded to, the request for committee assignments. We tried our best to match every one with their preferred committee, and I am certain that we have an excellent group of people lined up on each committee. If I missed putting any of you on an open committee which you had requested, please feel free to call it to my attention. We are also in the process of planning a mediation training program and a negotiation training program, so stay tuned for details on these. The upcoming AICPA conference in Las Vegas is also sure to be a big hit! This year’s conference will focus on the latest issues regarding valuation of businesses and marital assets.

We’ve also just finished up a couple of great programs. I want to thank all of those who contributed their time and energy to the Arbitration Program and the joint program with the AFCC. Specifically, I want to express my sincere gratitude to Ken Altschuler and Guy Ferro who were instrumental to the success of the AFCC program, and Lynn Burleson and the Arbitration Committee whose hard work paid off with a seamless Arbitration Program. I also want to thank Pennsylvania’s own Mary Cushing Doherty who, along with the Legislation Committee, devoted many months to the AAML Resolution Opposing Pension Legislation Excluding Disability Pay from Property and Support Cases. This type of work is what gives the AAML its nationally acclaimed reputation!

Finally, as most of you know, plans are well underway for the 2014 Midyear Meeting which will take place at the beachfront Ritz Carlton Resort in Cancun from March 3, 2014, through March 7, 2014 (see pages 5 and 6 for more details on this unforgettable adventure). We have some exciting parties, activities, and CLE programs planned for the meeting, all of which you can enjoy in the luxurious, tropical surroundings of the Ritz. A special thanks to Louise Truax and her committee who have planned some remarkable CLE programs, both for the 2014 Midyear Meeting, as well as for the upcoming 2014 CLE year.

Words cannot express how eager I am for the year to come, and I am truly honored that you have placed your faith in me to serve as your Academy President over the course of the next year. I hope that you all will take advantage of the many opportunities the AAML has to offer, as well as my offer to arrange a visit to your chapter. Thank you everyone for your hard work and dedication to our organization, we really are an inspiring group!

I look forward to seeing everyone in November.

Maria P. Cognetti
AAML President-Elect
Camp Hill, Pennsylvania
ranked as the #1 Best Hotel in Cancun by U.S. News, the beachfront Ritz Carlton Resort in Cancun is nestled along 720 feet of Cancun’s pristine, whitesand beach and boasts ultra-luxurious amenities while maintaining the charm of Mexican culture. The meeting will take place Monday, March 3, 2014, through Friday, March 7, 2014; however, many people are arriving on Saturday, March 1, 2014, so that they can spend a little more time in paradise. We have negotiated room rates down to $279.00 per night for ocean view rooms, which offer breathtaking views of the crystal blue Caribbean Sea waters.

The Cancun Ritz Carlton Resort is an AAA Five Diamond Hotel which, according to the AAA website, means that the hotel offers “ultimate luxury, sophistication and comfort with extraordinary physical attributes, meticulous personalized service, extensive amenities and impeccable standard of excellence.” When describing the Ritz Cancun, Frommer tells its readers, “Think plush carpets; chandeliers; fresh flowers; and rooms with marble baths, fluffy featherbeds, and 400-count bed linens.” The resort has 365 comfortable guestrooms, each furnished with private balconies or terraces, and the on-site restaurants, two of which are 5-diamond, are impeccable. Per Fodor’s, “[a] great feature of this resort is its culinary center, restaurants, two of which are 5-diamond, are impeccable. For ultimate relaxation, the Kayantá spa is where you can try out some traditional mayan rituals and therapies, along with more modern fitness center. gear, practice your serve on the lighted tennis courts, or blow off some steam in the modern fitness center. And the resort boasts Cancun’s only on-the-beach dining.” As U.S. News explained, “whether it’s a grand dining room or a private canopied cabana on the beach, guests are in for a decedent [dining] experience.” I could seriously go on and on about the first class service offered by the resort.

As in years past, Ken Altschuler has organized the golf tournament which will take place on Tuesday, March 4, 2014, at the Iberostar championship golf course. Just a few minutes from the Cancun Ritz, the Iberostar golf course is a 150-acre tropical paradise nestled near ancient Mayan ruins and surrounded by the crystal clear waters of the Nichupte Lagoon.

We have planned an amazing welcome dinner, a family friendly beach picnic, and the famed dinner dance on the last night. For those of you who are flying solo, or for those socialites looking for an entertaining way to meet other Fellows, we have also decided to reinstate dine-arounds. Dine-arounds are also an excellent excuse to sample the award-winning, off-site restaurants.

A LOOK AHEAD TO THE 2014 MIDYEAR MEETING IN CANCUN

I hope that each and every one of you will be able to make it to the 2014 Midyear Meeting as it will truly be an unforgettable experience. So please, make your reservations early so you don’t miss out! I look forward to spending this memorable week with you and your families.

You can also arrange to see some of the ancient ruins in the area including Chichen Itza, Tulum, Coba-Tankah, and Ek’balam. Recently featured in National Geographic magazine’s August 2013 issue, our resort is nestled in the Yucatán, home of the ancient Maya. Chichen Itza dates back to 495 A.D., and the resort can arrange for you to explore the ancient site by foot where you can walk through the city ruins. Tulum is a Mayan castle and one of the world’s most visited sites. The castle, El Castillo, sits atop a cliff overlooking the Caribbean Sea. Another one of the many sites the resort can arrange for you to see is Ek’balam and Ria Lagartos. Ek’balam is a Mayan temple filled with masks and fascinating sculptures, and Ria Lagartos is a nesting and breeding sanctuary for flamingos! I could go on for days about all of the neat things in the area, but just talk to Omar and he will give you all of the information you need to know. All of these off-site excursions include transportation, and depending on length, meals. More traditional off-site activities include catamaran sailing and snorkeling, yacht charters, deep-sea fishing, swimming with the dolphins, and tours of the famed underwater museum, the Silent Evolution. Omar and his staff will be set up near our registration desk and will be onsite to help you plan any trip your heart desires!

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Love shopping? You are in for a treat! From handmade Mexican trinkets, to designer boutiques and department stores, Cancun is a shopper’s paradise. Kukulkan Plaza, or “Luxury Avenue,” is an indoor mall with 250 high-end shops and restaurants. For those looking for something more exotic, you can head over to La Isla shopping village. You have to see it to really understand all of its glory, but La Isla has over 150 shops all under a giant canopy with a series of canals and small bridges designed to look like Venice, Italy. There are also restaurants and entertainment galore! Lastly, Isla Mujeres is a quick, and gorgeous, ferryboat ride away where you can find more authentic Mexican goods.

While I could rant and rave for days about the Ritz Carlton Resort in Cancun and surrounding areas, I am also extremely excited for the 2014 meeting itself. We have some fabulous CLE programs and spouses events in the making, so stay tuned for details.

I hope that each and every one of you will be able to make it to the 2014 Midyear Meeting as it will truly be an unforgettable experience. So please, make your reservations early so you don’t miss out! I look forward to spending this memorable week with you and your families.
A Message from the First Vice President:  
JAMES T. MCLAREN | Columbia, South Carolina

It has been an exciting and productive year, as well as an honor to have served as First Vice President under President Alton Abramowitz. Much has been accomplished during Alton’s Presidency. As we transition to President-Elect Maria Cognetti’s year as President of the Academy, I am sure that we will have an equally productive and exciting year.

Notably, nearly a decade of Academy work came to fruition this year with the DOMA decisions. Approximately ten years ago, the Academy resolved to support the legalization of marriage between same-sex couples. Thanks to the hard work of the LGBT Committee, Chaired by Ric Roane of Michigan, and the Amicus Committee, Chaired by Henry Finesilver of Washington state, Amicus Briefs were submitted in the United States Supreme Court chaired by James T. McLaren of Columbia, South Carolina.

Ric Roane

The Academy played an integral part in a process that has changed the landscape in the United States for millions of same-sex partners. As we move into Maria Cognetti’s presidency, there remains much to do. I am sure that she is up to the task.

President Abramowitz continued the technology push in all aspects of our Academy lives. He supported and nurtured the Technology Symposium, which has been an overwhelming success and has been institutionalized as an afternoon CLE at each of our November meetings. The Technology Committee Co-Chairs, Melissa Brown and Kenneth Raggio, this year the Technology Symposium Keynote Speaker will be nationally-known attorney and Technology Guru Tom Mikhail, followed by “hands-on” demonstrations. Remember to sign up and bring your iPads!

Moving into Maria Cognetti’s year as President, she has put together what should be an excellent program and locale for our Spring Meeting 2014. Our venue will be the Ritz Carlton Hotel in Cancun, Mexico from March 3–7, 2014. The Ritz is one of, if not the top resort hotel in Cancun. Maria’s CLE Chair, Louise Truax, is hard at work planning what should be a great CLE program. Our “Golf Czar,” Ken Altshuler, has planned a spectacular golf tournament for us. Ken tells me that he is assigning a plus-10 handicap to Ryan Moses so someone else has a chance to win. Information on the Cancun Spring Meeting is now posted on the Academy Calendar. Take a look—it’s a fabulous location and venue. Registration materials should be posted soon.

All of these meetings, particularly the spring meetings, are generally several years in the making. In March of 2015, we will be journeying to the Westin Playa Bonita Panama in Panama. 2014 marks the 100th anniversary of the opening of the Panama Canal, when many infrastructure improvements and venues in and around Panama City are scheduled for completion. 2015, while we are in Panama, will be the year of the opening of the widened Panama Canal, which will then accommodate Super Panamax Ships. As you look out over the Pacific from the Westin where we will be staying, the Panamax Freighters (and soon the Super Panamax Freighters), will be lined up on the horizon as far as you can see waiting to enter the Panama Canal. It is quite a sight. As a group, we will be traveling by boat through the Panama Canal, hopefully to include the new locks, as well as visits to the Gamboa Rain Forest and Fifteenth Century Viejo Ruins. Please mark your calendars and save the date. The Panama Canal is a historically significant place and we will be there at a historically significant time.

Speaking about hotels and hotel contracts, we began a Hotel Contract Committee in President Ken Altshuler’s year, which was then formalized and went to work during the Presidency of Alton Abramowitz. I had the pleasure of serving and working with in-coming First Vice President Joslin Davis of North Carolina, Vice President John Slowiaczek of Nebraska, and Vice President Deb Eldrich of Connecticut, all with the able assistance of our Executive Director, Vicki West. The Contracts Committee now reviews and vets every hotel contract entered into by National, with special attention being paid to the annual and spring meeting contracts. The Committee is also working on a resource handbook for the Chapters to assist in their hotel negotiations and providing critical contract provisions. In the coming year, in-coming First Vice President Joslin Davis will be leading that Committee.

At President Abramowitz’ request, our Bylaws and Policies maven, Past President Linda Lea Viken of South Dakota, has worked tirelessly to review and standardize our various Bylaws and Policies. At the end of the process, Linda Lea will no doubt have all of our Bylaws and Policies consistent and straightforward. The Bylaws and Policies are posted on the AAML Website for your ready reference. Many thanks to Linda Lea for her tireless efforts.

The true mark of a leader is the ability to direct the work of the Academy through our various hard working committees. President Abramowitz has done a stellar job managing and directing the committees, both through his direct input, as well as through the Council of Committees.
Chairs, which was formalized and continued under President Abramowitz’ Presidency. While I served on that Committee, the real credit goes to my Co-Chair, Jim Hennenhoefer of California and to the Committee Secretary, Gordon Cruse, also a California Fellow. In the coming year, technological advances will be made to allow for more efficient communication between the Committee Chairs and also to formalize the recordkeeping associated with the Committees. Under President Cognetti, Jim Hennenhoefer and Gordon Cruse, together with in-coming First Vice President Joslin Davis, will co-chair that Committee and I am sure they will do an exemplary job. The work of the Council of Committee Chairs dovetails nicely with hard work of our Chapter Leaders, Co-Chaired by Mary Cushing Doherty of Pennsylvania and Ron Granberg of California.

I find it interesting to look back and take a historical view of where we were and where we are. During Gary Nickelson’s Presidency (2008 – 2009), he had the foresight to have the Executive Committee talk through and create a long-term Strategic Plan for the Academy. As Chair of the Strategic Plan Implementation Committee, with Members Maria Cognetti and Joslin Davis, we have begun a comprehensive review of the Strategic Plan, where we have been, where are going, what we have accomplished, and what is yet to be accomplished. The Committee has solicited feedback from the Past Presidents, beginning with Gary Nickelson and continuing through Marlene Eskind Moses, Linda Lea Viken, Ken Altschuler and soon to be Past President Alton Abramowitz. The Committee, which will be led by in-coming First Vice President, Joslin Davis, will complete that analysis and then report to the membership. Hopefully, that introspective process will make us a better organization, improving all aspects of our life as an organization.

My colleagues on the Executive and other Committees all devote many hours to the good work of the Academy and it has been my pleasure working with each of them. Lastly, thanks to our President, Alton Abramowitz, for his excellent leadership during the last year and a warm welcome to our soon to be President, Maria Cognetti, with whom I look forward to working in the coming year.

Our Strategic Plan calls for the Academy to be a leader, if not the leader, in family law matters nationally. During the last year, I have watched the daily emails generated by the Academy’s public relations firm, R.C. Auletta & Company, principally through Brian Downey, arranging for the many, many press releases and media interviews on family law topics. President Abramowitz, sometimes with the help of other officers, has tirelessly made himself available to keep the good work and opinion of the Academy in the public forefront. Alton and his lovely wife, Susan Gorelick, have made themselves available for travel and visits to our many Chapter events — time that has been significant and selfless.

The Strategic Plan also emphasizes a focus on financial management. Our Treasurer, Cary Mogereman of Missouri, has been an excellent steward of the Academy finances. At President Abramowitz’ direction, Cary and outside auditors have been conducting an audit of the Academy’s finances and financial procedures. That process should be completed by the November 2013 Chicago meeting. The budgeting process initiated by former Treasurer Tom Vick has now been institutionalized. Banking and other safeguards have been put in place. During Alton’s presidency, the Academy has continued to nurture the relationship between other organizations affiliated with family law. These relationships are one of the cornerstones of our Strategic Plan. Through the hard work of Co-Chairs, President-Elect Maria Cognetti and Past President Gaetano Ferro, the AAML/AFCC Joint Seminar was held from September 26 – 29, 2013 in National Harbor, Maryland. The AICPA/AAML Joint Conference will again be held in Las Vegas, Nevada from April 23 – 25, 2014, as a result of the hard working Committee chaired by Fellow Carole Gailor of North Carolina. The Academy’s relationship with our sister organization, the AAML Foundation, has continued to flourish, particularly on issues like website presence and the scheduling of Foundation events and fundraisers. Our Executive Director, Vicki West, has become a member of several professional organizations to broaden and strengthen her skills as an executive director, including Membership in The Center for Association Management. Our Treasurer, Marlene Eskind Moses and Linda Lea Viken have continued to serve as Co-Chairs of the AAML/NBTA Committee and are near the goal of having the AAML National Admissions Test qualifying as the family law certification test for the National Board of Trial Advocacy. Past President Linda Lea Viken and Fellow Catherine “Kit” Holland Peterson continue to serve as our JGB, NCCUSL representatives, having influence over the drafting of uniform laws and acts that impact family law. The AAML/ABA-FLS Committee Chaired by Maria Cognetti continues to liaison with the ABA Family Law Section on issues common to our respective organizations. Following the technology lead, we have also made a considerable effort in the last year to institutionalize and formalize our history and recordkeeping. Through the Policies and Publications Review Committees, as policies are approved and reorganized, those changes are posted to the website. When reprint requests are made for authorization to republish Academy works, as well as from the Journal, a formalized procedure is in place for the submission as well as for review and approval, with the approving documents maintained at National. A criteria has been established for what is posted on our website calendar and, again, the procedure for the posting and approval has been formalized with the approval documents maintained at National. All in all, we are successfully working towards a businesslike operation of a significant organization.

Let me close by saying it has been an honor and distinction to serve as the Academy’s First Vice President. My colleagues on the Executive and other Committees all devote many hours to the good work of the Academy and it has been my pleasure working with each of them. Lastly, many thanks to our President, Alton Abramowitz, for his excellent leadership during the last year and a warm welcome to our soon to be President, Maria Cognetti, with whom I look forward to working in the coming year.
Day Two: Friday, November 8, 2013
8:30 a.m. to 12:00 p.m.
Transition of a Law Practice

Fellows Edward S. Snyder from Roseland, New Jersey and Joy Feinberg from Chicago, Illinois are coordinating our program on transitioning a law practice. Michael Saponara and Lisa Cruikshank of ASA Financial Research Associates from Edison, New Jersey will start the program by discussing valuing and selling of a law practice. Alan Levin, a psychologist and attorney from Chicago, Illinois, will then lead a discussion of the psychological implications of retirement. A distinguished panel of Fellows Sandra Morgan Little from Albuquerque, New Mexico, Sandra Murphy from Chicago, Illinois, and Tom Sasser from West Palm Beach, Florida will discuss transitioning to younger lawyers. To lead our discussion of the development of an exit plan (or not), we will turn to Fellows Don Schiller from Chicago, Illinois and Lowell Sucherman from San Francisco, California.

Day Three: Saturday, November 9, 2013
8:30 a.m. to 9:45 a.m.
Same Sex Relationships in Light of the New Supreme Court Decisions

Program Coordinator, Fellow Richard A. Roane from Grand Rapids, Michigan, has put together a cutting edge program based on the status of marriage equality after DOMA and Proposition 8. After a brief overview by Richard Roane of what the United States Supreme Court decided and did not decide in Windsor, Fellow Wendy Brooks Crew from Birmingham, Alabama will discuss the impact of the repeal of DOMA from the perspective of marriage prohibition states. Fellow Kim Willoughby from Denver, Colorado, will discuss the in-between states (those states with civil unions but not same sex marriage) and Fellow Eric Wrubel of New York City will lead the discussion from the perspective of marriage equality states.

We are delighted that James Esseks, one of the lead attorneys representing Edith Windsor and the Director of the ACLU LGBT Project, will speak on that case. He was actively involved throughout the trial and appellate phases of the Windsor case and will share with us what the Supreme Court did and did not decide in the case, including its impact on federal benefits relating to family law cases such as social security, ERISA, health insurance, military benefits, immigration and COBRA.

10:00 a.m. to 11:00 a.m.
Cohabitation Agreements

Program Coordinator, Fellow Marlene Moses from Nashville, Tennessee, is developing a dynamic presentation on cohabitation agreements. Cohabitation has become a very popular arrangement for many people in today’s society. We as family law attorneys are often asked to assist our clients with contracts to determine their respective rights and obligations. Marlene Moses will be joined by Mary Kay Kisthardt from the University of Missouri-Kansas City School of Law in a discussion on cohabitation as they present the model Cohabitation Agreement that has been developed by the Academy Committee. Edward Schroeder, CPA from Oak Park, Illinois will explore the tax consequences that need to be considered when negotiating and drafting cohabitation agreements.

11:00 a.m. to 12:00 p.m.
Alimony with a Focus on the Debates Going on in State Legislatures

Program Coordinator, Fellow Arnold H. Rutkin from Westport, Connecticut, is leading the program on “Alimony With A Focus On The Debates Going On In State Legislatures.” This program is designed to alert Fellows, in the event alimony reform comes to their state, about alimony reform efforts (including some that are radical) that are being implemented in other states.

Mary Kay Kisthardt from the University of Missouri-Kansas City School of Law will start off the program with a Power Point presentation reviewing the history of alimony, its current use and a review of some of the efforts around the country to reform it. Arnold Rutkin will then moderate a panel of Fellows from different states to briefly summarize what has happened in their state and how to prepare in case alimony reform efforts come to your state. In addition to Arnold Rutkin, the panel will include Fellows Anne Berger of Lynnfield, Massachusetts, Tom Sasser from West Palm Beach, Florida, and John Tromadore of Somerville, New Jersey. The audience will be encouraged to participate.

Join your Fellow-Colleagues in Chicago!
Exchanging business cards, comparing support guidelines and seeking answers to challenging questions, associates of AAML Fellows assembled at the Chicago Renaissance Hotel on June 20, 2013, for the annual AAML Institute for Family Law Associates. Interactive lectures and presentations, as well as in mentoring and breakout sessions with the Academy Fellow faculty, filled the four days — and evenings — provided an opportunity for networking and discussions of the days’ lectures.

Alton Abramowitz, AAML president, opened the program, discussing the responsibilities of Academy-level practice and the benefits of Academy fellowship, themes of professional opportunity and obligations that received attention throughout the four-day program. Subject matter covered both office practice and courtroom issues, with emphasis on the importance of solid understanding of the foundations necessary to excel in both: Financial reports, client development, understanding complex tax returns, business valuation, effective use of social media were all part of the program.

Financial Research Associates member Stacy Collins provided a foundation for business valuation, analyzing valuation reports and working with financial experts.

Meeting with associates throughout the day, mentors provide advice and guidance and lead further discussion of topics raised during the all day sessions. Each small mentor group is comprised of an Academy mentor and several students.

Discussions initiated at breakfast meetings often continued past dinner to the hospitality reception suite. In addition associates develop friendships that should follow them into the Academy when the time is right.

Co-Chairs Richard Jacobs and Tom Ries report that the 2014 AAML Institute for Family Law Associates will include an Advanced Course. Notices will be mailed to all Fellows in the fall and applications are accepted on a first-come, first served basis, as received in the AAML office.

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AAML News In Brief

The 2013 Institute for Family Law Associates

AAML Faculty-Mentors with their Associate Groups

- CheriL HePfer’s Group
- Cary Mogerman’s Group
- ElizABetH Lindsey’s Group
- Sylvia Goldschmidt’s Group
- Steven Arnold’s Group
The Council of Committee Chairs

The Council of Committee Chairs was established to have a single committee made up of the chairs of all standing committees—one group together so that efforts could be coordinated and committees could utilize the work being done by other committees. The Academy leadership has long felt that there has been a duplication of effort amongst the committees. While many committees have had common goals, they had various ways of trying to reach those goals. From time to time committees were almost working at odds. The idea behind the Council of Committee Chairs is to bring all the committee leadership together on a regular basis and have each chair report to all of the other chairs and to the Academy leadership about what the committee is doing and how the committee is reaching its goals. The committee chairs would then be able to see what help they could call upon from another committee or what assistance they could provide another committee.

The first meeting of the Council of Committee Chairs took place in 2012 at our November annual meeting. The Council met again at the midyear meeting in March 2013 and has had one additional telephonic meeting. Already the Council has had the goals for each committee and each committee chair’s report about where the committee is in reaching those goals for this year. This oversight and coordination of effort will continue reducing waste and bring more accountability to committee work in the Academy.

Currently the Council of Committee Chairs is led by co-chairs, James Hennenhoefer and James McLaren. When we welcome our new President, Maria Cognetti, in November, the Council will be ably co-chaired by James Hennenhoefer, Joslin Davis, and Gordon Cruse.

Hotel Contracts Committee Report

The Hotel Contracts Committee began during the year of Ken Altshuler’s presidency, which was then formalized and the Committee went to work in earnest during the presidency of Alton Abramowitz. James McLaren chaired that Committee and worked closely with the Committee Members, Joslin Davis, John Slowiaczek, Deb Eldrich, and our Executive Director, Vicki West.

The Contracts Committee now reviews and vets every hotel contract entered into by National, with special attention being paid to the annual and spring meeting contracts. The Committee is also working on a resource handbook for the Chapters to assist the Chapters in their hotel negotiations and providing critical contract provisions.

During the last year to year and a half, much work was dedicated towards educating ourselves on the intricacies of hotel contract negotiations and contract terms. A resource book was created by the Committee which contains many articles on hotel contract negotiations and provisions, as well as sample hotel contracts, both from the perspective of associations as well as the hotels themselves.

Joslin Davis and John Slowiaczek created a historical review of each of our prior hotel contracts so that we could see what positions were taken by the hotel chains and what has been accepted or rejected. Once that data was compiled, the Committee then assembled specific hotel contract provisions to be included in each hotel contract that the Academy negotiated in the future.

Committee Member Deb Eldrich is now assembling a handbook for the Chapters to assist them in their negotiations with hotels that fall under the purview of the Chapters. That handbook should be ready by the November 2014 meeting.

The Committee continues to review and vet all hotel contracts. Where needed, the Contract Committee also assists the responsible officer with the contract negotiations.

Legislative Committee Report

One of the projects undertaken by the Legislation Committee after its June 18, 2013, meeting was to draft a Resolution in response to state legislation that excludes military disability income from consideration in support, alimony and property division situations. Marshal Willick of Nevada and Mark Sullivan of North Carolina agreed to prepare a Report and Resolution for the committee’s comments and review. Linda Lea Viken of South Dakota joined the team.

Per the AAML position papers submitted to Congress in 2001 and 2010, responding to the Uniformed Services Former Spouses Protection Act and related issues, the Academy has been in favor of distribution of all retirement benefits earned during the marriage, protection of spouses from divestment of benefits ordered divided, and state sovereignty over custody and visitation laws. The Academy position is in accord with ABA policy positions.

Most state courts which have ruled on the subject have allowed or required indemnification when a military retiree elects VA disability or combat-related special compensation which reduces the former spouse’s share of a previously-divided military pension. Single issue activists are now targeting state legislators to block judges from considering veterans’ disability payments in calculating spousal support, child support and division of property. Those attempts have been successful in Arizona (in 2011) and Wyoming (in 2013) while every other jurisdiction considering the same has defeated such proposals.

Marshal Willick took the laboring oar with help from Linda Lea Viken and Mark Sullivan who added their comments. The Resolution opposing exclusion of disability/income consideration was approved by the Committee, 19 in favor and 6 absentees. The Resolution is in the hands of the Executive Committee to be discussed in its September meeting. The issue will be on the Agenda for the Board of Governors in November. Thanks to the Legislation Committee in general, and Marshal Willick, in particular, for addressing this important issue.

Lesbian, Gay, Bisexual, Transgender (LGBT)/Alternative Family Committee Report

This committee has had incredibly busy and successful year. The Committee’s general purpose is to work towards having some impact on a state-by-state basis, as well as federal law, with respect to marriage equality. We envisioned a three-year plan, to work towards a repeal of the Defense of Marriage Act (DOMA).
LGBT/Alternative Family Committee Report (…continued from previous page)
Other goals include the education the Fellows through CLE programs, research, surveys and other support, to provide resources to Fellows as they grapple with marriage equality issues and work with families — particularly children of LGBT and alternative families.

As all know, last year the United States Supreme Court announced that they would consider two marriage equality cases in the Spring 2013 Term: U.S. v. Windsor, challenging the Defense of Marriage Act, and Hollingsworth v. Perry, challenging California’s Proposition 8. Working hand in hand with the Amicus Committee, under the leadership of Fellow Hank Finesilver (Washington), we engaged in nearly three months of reviewing amicus briefs, suggesting changes to briefs, and ultimately resulting in the AAML signing on to one amicus brief in each case. And, of course, the U.S. Supreme Court issued its landmark civil rights decision on June 26, 2013. The decisions immediately brought about sweeping changes by the extension of significant and valuable federal benefits to married same sex couples, and alternative families.

The work of the committee continued as we endeavored to bring clarity, information, and understanding to Fellows, of the impact of these decisions upon our practices, whether in a marriage equality jurisdiction, a civil union/domestic partnership jurisdiction, or in one of the 34 prohibition jurisdictions. The committee will present a program on Saturday morning of the annual meeting in November in Chicago, with contributions from Fellows Wendy Crew (Alabama), Kim Willoughby (Colorado), Eric Wrubel (New York), and ACLU Counsel in the Windsor case, James Esseks.

International Academy of Matrimonial Lawyers President Cheryl Hepfer has asked several IAML Fellows to create a similar LGBT/Alternative Family Committee, to protect the rights of children of alternative families around the world. The first organizing meeting of this new committee took place in Buenos Aires in September.

Presently 38 states prohibit same sex marriage by legislative statute, state constitutional amendment, or silence with respect to their laws. There is more work for the committee to undertake until marriage equality is the law of the land in every state.

AAML Matrimonial Arbitration Training Institute Report
On August 2-4, 2013, the Arbitration Committee of the American Academy of Matrimonial Lawyers hosted the twenty-first AAML Matrimonial Arbitration Training Institute. It was held at the Renaissance Hotel in Chicago.

The Institute faculty included AAML Fellows Dale E. Console (New Jersey), William M. Levine (Massachusetts), Lynn P. Burleson (North Carolina) and non-fellow Peter A. Cantwell (Illinois). Dale appeared as a faculty member for the first time at the New Jersey Institute in 2010 and this was Bill’s first Institute as a presenter. Lynn has been on the faculty for seven Institutes. Peter is not a fellow of the Academy, because his practice is heavily involved in securities arbitration, as well as family law. Peter was able to help address the arbitration culture and law in his home state of Illinois, which was particularly important as twenty of the participants were from there.

Traditionally, the Institute has provided an excellent manuscript for the participants. This Institute was no exception. Institute participants received a 1221 page manuscript on flash drives. Alternatively, they were able to download the material from a designated website a week before the Institute. Efforts were made to include current statutes and cases relevant to family law arbitration from each of the participants’ home states.

Much of the success of the Institute is attributable to the work of Fellows Jeffrey Brent and David Levy. Jeff provided the encouragement and assurances that there would be sufficient interest for an Institute in the Chicago area. Jeff and David organized a class dinner and comedy club activity featuring Jim Belushi on Friday night. Dale Console assisted with the editing of the manuscript, reviewing numerous cases and articles.

Fifty people successfully completed this Institute. Twenty-two fellows received full AAML certification and joined the 288 active fellows with this certification. 28 non-fellows successfully completed the program and received Certificates of Attendance. Throughout the Institute, non-fellows were encouraged to apply for fellowship in the Academy and told that their Certificates of Attendance would be replaced with full certificates once they became fellows. The decision made by the AAML Board of Governors several Institutes ago, to allow non-fellows to attend this training, made this Institute financially possible and provided a great opportunity to promote Academy Fellowship.

Participants came from Arizona (3), Illinois (20), Kansas (1), Maryland (1), Massachusetts (3), Michigan (3), Nevada (1), New Jersey (6), New Mexico (1), New York (1), North Carolina (2), Ohio (1), Oklahoma (4), and Pennsylvania (3).

Thirty-eight of the participants completed an Institute Evaluation Form, on which they were asked to rate the Institute, faculty and manuscript on a scale of 1 to 5, with 5 being the highest rating. Sixty-eight percent rated the overall effectiveness of the program at the 5 level, with 32% giving it a 4.

AAML Committee Reports

AAML Policies Committee Report
The AAML Policies Committee is chaired by the First Vice President and includes the President-Elect and counsel, as well as one of the Vice Presidents. This Committee provides written descriptions of the policies that govern the operations and work of the Academy, and makes proposals to the Executive Committee and Board of Governors for new policies and revisions to existing policies. During the last year, this Committee has worked closely with Past President Linda Lea Vilken, who chairs the Bylaws Committee, to reconcile and update our many policies, which are now posted on the Academy website. To access these policies, simply log into the Members Only section of the Academy website and go to the Member Dashboard. The policies are generally organized chronologically and by subject matter. Many thanks to the hard work of the Policies Committee, Maria Cognetti and Joslin Davis, and to our Executive Director, Vicki West, and the staff at Astonish Designs who implement these postings.

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AAML News in Brief

(continues on the next page…)

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AAML Committee Reports

accomplished. The Committee has solicited feedback from past-presidents, beginning with Gary Nickelson and moving forward. In the coming year, the Committee will be led by incoming First Vice President Joslin Davis, who with her Committee will complete that analysis and report to the membership. Hopefully, that introspective process will make us a better organization, improving all aspects of our life as an organization.

The Strategic Plan is now posted in the Members Only section of the website. If you have a moment, please take the opportunity to download and review the Strategic Plan. If you have any thoughts or insights on where the Academy has been, or where it should go insofar as the Strategic Plan is concerned, please do not hesitate to email Jim McLaren or Joslin Davis. The input of the membership is always valued and sought.

The Technology Committee Report

The AAML Technology Committee continues to develop screencasts and we are excited to present the second Technology Symposium at the November annual meeting. Recently, Committee member and Fellow, Reggie Hirsch, filmed a series of three screencasts, viewable on smartphones, iPads and computers. Reggie’s three fifteen-minute programs highlight how to obtain information from smart phones using the product called Cellebrite Touch. To present this information to our membership, Reggie interviews a computer forensic expert from D6 Consulting, located in Houston, Dallas, and Phoenix.

This cutting edge information is material every Fellow should understand and is presented in an easy, entertaining format. The screencasts teach how to create a verifiable copy of the material from a smart phone to share with another expert, how to protect the chain of custody, the recovery process itself, the material that can be obtained from the device, what happens to material that is deleted, and additional ESI information as well as GPS tracking information that we are all encountering in most of our cases these days.

The Committee is also eager to present the second Technology Symposium at the November annual meeting. On Thursday, November 7, from 1:00 p.m. until 4:30 p.m., you will hear a terrific line up of speakers and presentations.

Tom Migheell, a nationally known technology expert and lawyer, is our keynote speaker. He will present the latest information about the best apps for use in family law practice from the time one first meets with a client, through mediation, trial preparation, depositions and trial itself.

Gordon Cruse and Jim Hennenhoefer will present a terrifying one-hour ethics program about electronically stored information (ESI) and how to properly advise our clients about the preservation of information and our own handling of the material so our law licenses are not jeopardized. Reggie Hirsch will lighten the afternoon with the latest and greatest tech toys and gadgets. The afternoon will conclude with hands-on teaching of four of the most popular apps. Participants will get to choose three of the four apps and spend ten minutes at each station learning the use and execution on their very own iPad or iPhone.

Uniform Laws Commission Activities Report

Some background may be important for those not familiar with the Uniform Laws Commission. The purpose of the Uniform Laws Commission (also known as the National Conference of Commissioners on Uniform State Laws (NCCUSL)) is to promote uniformity in state law on all subjects where uniformity is desirable and practicable. To accomplish this, the Commission participates in drafting acts on various subjects and endeavors to secure enactment of the approved acts in the various states.

The ULC is composed of the Commissioners on Uniform State Laws from each State, the District of Columbia, the Commonwealth of Puerto Rico, and the US Virgin Islands. They are appointed by the Governors of the States or other appointing authorities. In addition, the principal officer of the state agency charged with the responsibility of drafting legislation for the State, such as the Legislation Research Bureau, is an Associate Member of the Conference.

Proposals for uniform acts are received from many sources and referred to a Committee on Scope and Program that makes an investigation and reports to the ULC, whether the subject is one which is desirable and feasible to draft a uniform law. If the ULC decides to accept a subject, a special committee of Commissioners is appointed to prepare a draft of an act.

The Committee enjoys providing up-to-date technology information that is relevant to our membership and hope that we will continue to expand our technology educational offerings throughout the next year.

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AAML News In Brief

Uniform Laws Commission Activities Report (… continued from previous page)

Each drafting committee requests Chairs to contact organizations and other groups that are believed to have an interest in the proposed act, and ask them to send meeting notes to the drafting committee. While the term “Observer” may suggest only that role, in fact in most meetings, Observers are at the drafting table with the drafting committee and discuss the provisions of the act with the Committee. In that manner the drafting committee receives realistic advice as to the problems it may deal with, what possible solutions may be employed, and how the proposed act, if legislatively enacted could impact interested parties.

A draft act must be discussed in its entirety, section by section, by the entire ULC, normally at no fewer than two annual meetings, before the ULC may decide by a vote of states whether to promulgate the act as a uniform act. Each state is entitled to one vote and an act is not promulgated unless a majority of the states represented at an Annual Meeting and at least twenty jurisdictions approve the draft.

There is a Joint Editorial Board (JEB) for Uniform Family Laws. The AAML is a voting member of that Board, represented with two representatives, currently Kit Petersen of Oklahoma and Linda Lea Viken of South Dakota. The Board can suggest uniform acts, and reviews the status of law on current uniform acts, and reviews the status of law on current uniform acts.

The Uniform Laws Commission has authorized a drafting committee for the Uniform Family Law Arbitration Act. The first meeting is in Chicago in October. The Committee is looking at AAML’s model act and the chair of the committee attended AAML’s recent Arbitration Seminar. As your representative we will be participating on this Committee.

A new study on Third Party Child Custody and Visitation has been formally established. The committee’s task is to study the need for and feasibility of drafting and enacting state legislation concerning the rights of third parties to custody of, or visitation with, a child taking into account rights of third parties, including grandparents, step parents, domestic partners, and siblings. We will be participating on this committee. A phone conference will be held on September 9, 2013.

The work of the Committee on Implementation of Hague Convention on Protection of Children (now named drafting committee on the Uniform Child Custody Jurisdiction and Enforcement Act (with 2013 Amendments Pertaining to International Proceedings)) was approved by the Uniform Laws Commission at its annual meeting in Boston on July 11, 2013.

We have previously served as representatives on the Deployed Parents Visitation and Custody Act that was approved by the ULC, along with the Uniform Premarital and Marital Agreement Act. Both are up for consideration by the Board of Governors this November.

We are observers on behalf of AAML for the Uniform Fraudulent Transfer Act, particularly because of its interplay with asset protection trusts. The Committee has agreed, at our request, to add an official comment advising caution as to the effect that such a transfer can have in divorce cases.

Some uniform acts that AAML is not participating as an observer on include a new study committee that has been established on Enforcement of Child Support Orders. This Committee primarily is working with Caribbean nations concerning enforcement of each other’s child custody and child support orders. They may also explore a relationship with the Uniform Law Conference with Canada. Another study we are not joining is on recognition and enforcement of Canadian Domestic Violence Protection Orders.

Our involvement with the ULC gives us important and meaningful input into the drafting of family law acts; if you have any questions or concerns, feel free to contact us.

AAML Committee Reports

Website Committee Report

Our Website Committee has been active over the last year. We have coordinated the launch of a redesigned website, undertaken the first AAML online meeting registration, facilitated the first AAML online fellowship renewal and dues processing system, and augmented the AAML website with a multitude of new features.

Co-Chairs, Charles Hardy and Larry Martin have worked closely with committee member Twila Larkin and Astonish web designer Robb Lee of Astonish Design, to add countless website enhancements to facilitate the website becoming an integral component in the functions of our organization.

By way of a few examples, if one explores the website, one will note the new simplified and user-friendly home-page. When a Fellow “logs in” to the site via the “Fellow Login” icon in the upper right hand corner of the home-page, the Fellow will note multiple improvements to his personalized webpage (termed “Dashboard”). One’s Dashboard now contains an “Event Photos” button linking to a new private photograph section of the site. Peter Walzer and Ken Altshuler have done a wonderful job posting photographs to this new section.

Another private section accessible to a Fellow through his/her Dashboard is the “Committee Resources” section. Information located therein enables Fellows to view the progress of the various committees. We encourage committee heads to post minutes of meetings in this section. To modernize the process of Fellows attending meetings and obtaining continuing legal education materials, the Dashboard contains a “CLE Download Section.” By virtue of this section of the site, Fellows may easily download CLE materials to computers and tablets.

The “Form Section” is another new function that creates a vehicle for Fellows to share forms among themselves. Astonish designed the section for simplicity. The section also contains a tutorial explaining the posting process. We are optimistic that this section will become increasingly popular.

Melissa Brown and her Technology Committee created the “Launch and Learn” section that Fellows may also access through their Dashboards. The Launch and Learn section contains multiple short educational videos on specific social media topics.

The final (and equally important) section of the Dashboard allows for the payment of membership dues and donations to the Foundation. In late 2012 and early 2013, the first effort to facilitate online dues payment in the history of the organization occurred virtually seamlessly.

As we move toward the conclusion of 2013 and into 2014, the Website Committee is committed to continue to improve our website to ensure that Fellows receive its maximum benefit. Have any ideas for improvements to the website? Please let us know and we will submit them to our committee.

If you live in a country run by a committee, be on the committee.

— Author Unknown
We are looking forward to seeing all of you at the 2013 AAML Foundation’s reception in Chicago during the Academy’s annual conference. For the first time ever, the Foundation’s reception will be held at the historic Union League Club of Chicago. Conveniently located near the conference hotel, we are confident that you will be pleased with this new venue. Our thanks and our appreciation go to Rutkin, Oldham & Griffin, LLC of Westport, Connecticut and Aronson Mayefsky & Sloan, LLP of New York City, New York for their sponsorship of this exciting reception.

The JoAnne Ross Wilder Speaker Series will debut on Thursday, November 7, 2013. We are delighted that Anne-Marie Hutchinson O.B.E. will be our inaugural speaker. Anne-Marie will speak on Forced Marriage in the United States and the world. An internationally recognized speaker, Anne-Marie will speak on becoming a family law judge in 1995. A child of divorce, who was raised by her grandparents, Judge Lowrance has devoted her professional life to helping those who have been affected by divorce. She is the author of The Good Karma Divorce, a book about minimizing the pain and resentment of divorce.

At the luncheon, we will also recognize outgoing Foundation President, Suzanne Harris for her dedicated leadership. During Suzanne’s term as President, the Foundation’s endowment increased to over $1,200,000 and many grants have been awarded to programs benefiting children in difficult custody and divorce situations.

We look forward to seeing all of you in Chicago!

The Foundation Auction and One Billable Hour Campaign Update

In San Francisco and in several other Kids’ Turn locations all over Northern California, children meet in groups to share their feelings about divorce and separation, while their parents—separately, not together—are meeting with other parents in their own groups to do the same. These workshops provide a safe place for children to discuss their responses to their parents’ divorces, and give them tools to help them cope with the separation. The parents’ workshops help them learn to understand the child’s perspective so they can support their children, reduce family conflict and prevent childhood difficulties.

Kids’ Turn is one of over 20 programs funded by Academy Fellows last year through the AAML Foundation. All of these programs have one thing in common: they serve families and children who are experiencing the pain and dislocation that accompany divorce.

In 2012, the Foundation made grants totaling approximately $50,000 to these worthwhile organizations. This year, we are poised to do the same. But we need your help. With your tax-deductible donation to the Foundation, you can help us support these and other programs. Here is how you can help:

- **Donate an item now for our silent auction at the Chicago meeting.** In the past, our fellows have donated a variety of items including timeshares, jewelry, fine wines, and tickets to sporting events and the theatre. Larry Moskowitz is organizing the auction this year. Contact him at moskowitz@perrylaw.net.
- **Donate the equivalent of one billable hour to the Foundation.** Complete the attached form and return it with your contribution, equal to your hourly rate, to the AAML FOUNDATION Attention: KIM SCOTT 150 N. Michigan Avenue, Suite 1420 Chicago, IL 60601

Thank you for your support, and we’ll see you in Chicago!
AAML Fellows in the News

Thomas Ausley Award

AAML Texas Chapter Fellow Thomas L. Ausley received the prestigious Sam Emison Award, bestowed by the Texas Academy of Family Law Specialists (TAFLS). The award is given each year at the TAFLS Annual Membership Dinner, which is held in conjunction with the State Bar of Texas Advanced Family Law Course.

Scott N. Friedman Distinction

Scott N. Friedman, a Fellow of the Ohio AAML Chapter, was installed as Chair of the Family Law Section of the American Bar Association during the ABA annual meeting in August in San Francisco.

Welcome, New Fellows!

We are always proud to print the names and locations of the attorneys who have recently been admitted to our Fellowship. We welcome our new members, encourage everyone to meet and get to know them better, and invite our new Fellows to participate in the various Academy projects, activities and events.

New Members as of August 31, 2013

- Matthew J. Brandes
  Cedar Rapids, Iowa
- Ashley McConvey Myers
  Jacksonville, Florida
- Reid T. Sherard
  Greenville, South Carolina

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AAML Foundation

Donations as of September 30, 2013

- Leonard Leeb Scholarship Fund
  Sandy Dolowitz
- In Honor of David N. Hofstein, Outgoing Chapter President
  AAML Pennsylvania Chapter
- In Honor of Brian Webb
  Alton L. Abramowitz & Susan J. Gorelick
- In Memory of Santo J. Albano, Brother of Michael Albano
  Alton L. Abramowitz & Susan J. Gorelick
  Michael & Grace Albano
  Sandy Dolowitz
  Cary Mogerman
  Allan H. Zerman
- In Memory of Meridee Basset, Mother of Scott Basset
  AAML Michigan Chapter
- In Memory of Gene Butler, Brother of Suzanne Harris
  David & Gail Hofstein
  Barbara K. Runge
- In Memory of Foster Dieckhoff
  Anne L. Berger
- In Memory of Joseph D’Canto
  Katherine Tamblyn
- In Memory of Eugene Kubes, who helped organize the
  AAML Minnesota Chapter
  Linder, Dittberner & Bryant, Ltd.
- In Memory of Martin Lax, Husband of Sandra Lax
  Alton L. Abramowitz & Susan J. Gorelick
- In Memory of Stuart Walzer, Father of Peter Walzer
  Michael & Grace Alban
  Robert E. Blevans
  Ira & Abby Friedman
  Donn Fullenweider
  Larry Ginsberg
  Ronald S. Granberg
  Suzanne Harris
  Matrimonial Network, “The Dirty 30”
  Lawrence A. Moskowitz
  Katherine Tamblyn
- In Memory of Joanne Ross Wilder and Charles Wilder
  Barbara K. Runge
  Bruce L. Wilder

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If you would like to make a contribution to the AAML Foundation, please contact —

Kimberly Scott, Administrator
AAML Foundation 150 N. Michigan Avenue, Suite 1420 Chicago, Illinois 60601
PHN: 800.399.7382 FAX: 312.263.7682 EMAIL: Foundation@aaml.org
Ohio Chapter Report

The Ohio Chapter held its annual retreat at Nemacolin Woodlands on June 27–30, 2013. The retreat featured a variety of social functions and dinners, to permit Fellows to discuss current issues in the law, get to know each other better, and just relax in the beautiful Laurel Highlands area of Pennsylvania. A lengthy business meeting was held as well. The Chapter is scheduled to return to Nemacolin in 2014. The Harold R. Kemp Symposium on Family Law will be presented by the Chapter October 13–14, 2013, in Columbus. The Symposium is annually attended by approximately 350 domestic relations lawyers, magistrates, and judges from across the state of Ohio, and features national speakers. It funds the Chapter’s charitable and social activities.

The Chapter continues to work at improving its internal governance and, in October, will vote on changes to its Rules and Bylaws, aimed at creating succession plans for all future officers. A recently created Finance/Audit Committee also reviewed and audited the financial records and methodology of the Chapter and reported to the members.

The Chapter also celebrated the election of Fellow Scott Friedman as Chair of the Family Law Section of the American Bar Association for 2013–2014. Chapter Fellow Deborah Marx and Ellen Stross chaired a very successful program, “Get There First: Tomorrow’s Practice Today,” with assistance from Fellow Geniveve Ruskus, who chaired the Pre-Symposium on “Mastering Premarital Agreements.” Panelists-Fellows Brigeda Bank, Steve Wagner, and Peter Walzer, from the Southern California chapter, presented perhaps the first AAML Premarital Agreement CLE, to terminate the conclusion of their panel titled “Full Metal Jacket: Making Your Premarital Agreement Bullet Proof.” With all that Napa has to offer, and with the profits once again donated to non-profits that assist divorcing families, the weekend was a grand success!

At the end of July, Northern California had its first weekend long summer retreat on the beautiful Catalina Island. We held a mock legislative debate on the issue of spousal support reform, where members could take different roles such as the “Stay At Home Mom’s Coalition,” “The “Second Wives Club,” “The Wedding Industry,” “Divorce Lawyers,” etc. After the program, we had plenty of time to enjoy leisure activities in Catalina like snorkeling and riding on glass bottom boat.

Northern California Chapter Report

The Northern California Chapter of the AAML was pleased to host President Alton Abramowitz and his wife Susan Gorelick at our 37th Annual Symposium held this year in Napa. Fellows Deborah Marx and Ellen Stross chaired a very successful program, “Get There First: Tomorrow’s Practice Today,” with assistance from Fellow Geniveve Ruskus, who chaired the Pre-Symposium on “Mastering Premarital Agreements.” Panelists-Fellows Brigeda Bank, Steve Wagner, and Peter Walzer, from the Southern California chapter, presented perhaps the first AAML Premarital Agreement CLE, to terminate the conclusion of their panel titled “Full Metal Jacket: Making Your Premarital Agreement Bullet Proof.” With all that Napa has to offer, and with the profits once again donated to non-profits that assist divorcing families, the weekend was a grand success!

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Southern California Chapter Report

In June, the Southern California Chapter selected its new officers and Board. Greg Herring is president, Hildy Fentin is President-elect, Mike Fisher is Vice-president for Membership, Emily Edelman is Vice-president for Programs, Marjorie Huntington returns as Secretary, and Bob Brandt returns as Treasurer. Sharon Bryan, Nick Leto, Chris Melcher, Jeff Sturman and Steve Wagner round out the Board of Directors.

We are in good financial health. We recently instituted some protections, including a reserve account and certain checks and balances. The increased revenue from sponsorships of our annual Institute of Trial Advocacy has been a welcome development.

Consistent with National’s encouragement, we have focused on the importance of maintaining a membership vetting process of the highest integrity. Mike Fisher presented an overview and fielded questions at our August general meeting.

Also discussed at the August meeting was the importance of various forms of diversity. We are actively trying to diversify our overall membership, as well as the faculty for our Institute.

The business portion of the August meeting was followed by an excellent CLE presentation, “Personality Disorders and the High-conflict Divorce,” by psychologist, Bonnie Berman, and Fellow, Patrick DeCarolis, Jr.
**Maryland Chapter Report**

On September 20 and October 4, 2013, the Maryland Chapter will present Family Law 101—Basics for the New Practitioner. This program is presented in conjunction with the Family and Juvenile Law Section of the Maryland State Bar Association and the University of Baltimore School of Law. Issues in family law from initial client contact through trial will be covered. Chapter President Leslie Billman and Fellows Richard Jacobs, The Honorable Cynthia Callahan, Howard Spyther, Fred Silverstein, Steve Krohn, Deborah Webb, Geraldine Welikson Hess, Chris Nicholson, Tom Ries, and Cheryl Hepfer are presenting at this program.

On November 11, 2013, the Maryland Chapter presents its Annual Symposium of Family Law at Turf Valley Resort. Chapter Fellows Hadrian Hatfield and Steven Cullen will educate attendees on international relocation and parental kidnapping issues and cases. Fellow Tom Ries will moderate a panel on what information can be recovered from electronic devices such as smart phones and tablets.

Our Chapter has a new website — visit us at www.aamlmaryland.org.

**Pennsylvania Chapter Report**

The Pennsylvania Chapter holds a semi-annual business meeting and dinner in conjunction with Pennsylvania Bar Association Family Law Section meeting. On Wednesday, July 10, during our summer meeting in National Harbor, Maryland, the Pennsylvania Chapter invited Fellows from the Virginia and Maryland chapters to join us for dinner at McCormick & Schmick's. The dinner was attended by fifty Pennsylvania Fellows and spouses, as well as thirty-five from Virginia, Maryland, and D.C. It was a “one-of-a-kind” evening, with a tremendous amount of fellowship and camaraderie.

The Chapter also sponsored a CLE program open to all attendees of the PBA FLS meeting, entitled “Discovery and Evidence Involving Digital Data,” presented by Fellows Joel Bernbaum and Colleen Neary, as well as a private investigator.

Later in the meeting, the Pennsylvania Chapter hosted a reception for members of the PBA FLS who were interested in becoming fellows. The leadership of our chapter all was present when our newest Fellow, Julia Swain of Philadelphia, spoke to more than twenty potential candidates about the application process in general, and her experience in particular. Our chapter has done this on a bi-annual basis and found it to be valuable in attracting new fellows.

**Virginia Chapter Report**

Virginia hosted this year’s annual joint retreat between the Virginia Chapter and the Maryland Chapter of the AAML. Thirteen Fellows from Maryland joined twenty-two Fellows from Virginia in Middleburg, Virginia, on May 17 to 19, 2013, at the Red Fox Inn. Fellows and their spouses enjoyed a cocktail party and dinner on Friday, followed by a joint retreat to Kevin Hessler and Chris Nicholson’s patio for after dinner drinks and cigars. On Saturday, judges Rossie Alston and Albert Matricciani presented a three-hour lecture on civility in the courtroom. On Saturday afternoon, numerous fellows went to play golf (which was postponed due to rain) and then the golfers joined the wine crawl with the rest of the chapter members and their spouses or significant others. Dinner on Saturday night was with separate groups and everyone had a wonderful time. The 2014 joint retreat will be hosted by the Maryland Chapter.

The Virginia Chapter’s Fall 2013 meeting will be October 25th in Washington, D.C., at K&L Gates, a U.S.-based international law firm. Our host will be antitrust and trade regulation partner, Brian McCalmon. We look forward to welcoming special guest AAML President-Elect Maria Cognetti to our Chapter meeting. An outdoor cocktail reception on the balcony at K&L Gates will follow the meeting. Fellows, spouses, and guests will then enjoy fine dining at D.C. hotspot and premier eclectic new American steakhouse, Bobby Van’s Grill. Former U.S. Congressman Al Swift will join us for dinner and will then lead the group on a private tour of the U.S. Capitol, including exclusive access to the floor of the House of Representatives. Congressman Swift served sixteen years in the U.S. House of Representatives, representing the state of Washington’s second Congressional district.

(continues on the next page...)

For man, autumn is a time of harvest, of gathering together. For nature, it is a time of sowing, of scattering abroad.

— Edwin Way Teale

Autumn Across America
Pennsylvania Chapter President David N. Hofstein and President Elect Mary T. Vidas welcomed the Maryland, Virginia and Washington, D.C. Chapters to the beginning of the Pennsylvania Chapter Annual Summer Meeting held at the Marriott Gaylord National Hotel and Resort on July 10, 2013. BNY Mellon Private Wealth Management sponsored this cocktail party and dinner for the Pennsylvania Chapter and its guest Chapters. Fellows from all these Chapters enjoyed fine spirits, dinner and fellowship that evening. President Elect Maria P. Cognetti and Past President Cheryl L. Hepfer addressed the Fellows, encouraging them to continue to be active in their Chapters and the National.
AAML Chapter News

Michael and Wendy Fingerman and Beth Mahood

Neil Brown, BNY Mellon Private Wealth Management and Cheryl Young

Sandra Meilton and Michelle Tate, BNY Mellon Private Wealth Management

David Ladov, Dennis M. Hottell, Mary Doherty, James and Babs Korman, Royce and Michael Hendler

Rita Pollock, Joanne and Neil Hurowitz

Rita Pollock and Cheryl Hepfer
**THE OUT-OF-STATE SUBPOENA—A TOOL THAT IS A LITTLE SHARPER AND EASIER TO USE**

by Peter M. Walzer
Los Angeles, California

Compliance even with this streamlined statute. UIDDA has been made the law in all but 21 states (with two more likely to sign on this year). It streamlines the procedure for obtaining out-of-state subpoenas. It will be particularly cost-saving if you are subpoenaing out-of-state entities such as banks, brokerages, and other large businesses who are likely to comply. The various states that have adopted UIDDA may not have incorporated all its features, so be sure to review the law in the discovery state. California’s version of the Act is broad. It even goes beyond the scope of the Act by allowing the enforcement of subpoenas from foreign countries. With all our “plug and play” court forms, issuing a subpoena in California should be simple and straightforward.

Peter M. Walzer is the founding partner of Walzer & Melcher LLP in Los Angeles, California. Peter is a vice-president of the AAML.

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**Good Counsel**

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*I* work isn’t to make money; you work to justify life.

— Marc Chagall

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**AMERICAN ACADEMY OF MATRIMONIAL LAWYERS | 23 | Fall 2013**
AAML News In Brief

The law is evolving quickly, however, and this snapshot might change by the time you read this.

**Tax Implications of Same Sex Marriage**

by Melvyn B. Frumkes
Miami, Florida

**States (and D.C.) with Legalized Same-Sex Marriage**

<table>
<thead>
<tr>
<th>State</th>
<th>Legislation Date</th>
<th>Effective Date</th>
<th>Legislation Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Massachusetts</td>
<td>November 18, 2003</td>
<td>May 17, 2004</td>
<td>Massachusetts Supreme Judicial Court ruling in Goodridge v. Department of Public Health</td>
</tr>
<tr>
<td>California</td>
<td>May 15, 2008</td>
<td>June 16, 2008</td>
<td>California Supreme Court ruling in re Marriage Cases</td>
</tr>
<tr>
<td>Connecticut</td>
<td>October 10, 2008</td>
<td>November 12, 2008</td>
<td>Connecticut Supreme Court ruling in Kerrigan v. Commissioner of Public Health</td>
</tr>
<tr>
<td>Iowa</td>
<td>April 3, 2009</td>
<td>April 27, 2009</td>
<td>Iowa Supreme Court ruling in Varnum v. Brien</td>
</tr>
<tr>
<td>Vermont</td>
<td>April 7, 2009</td>
<td>September 1, 2009</td>
<td>passed by the Vermont General Assembly (amending Governor Douglas’ veto)</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>June 3, 2009</td>
<td>January 1, 2010</td>
<td>passed by the New Hampshire General Court</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>December 18, 2009</td>
<td>March 9, 2010</td>
<td>passed by the Council of the District of Columbia</td>
</tr>
<tr>
<td>New York</td>
<td>June 24, 2011</td>
<td>July 24, 2011</td>
<td>passed by the New York State Legislature (Marriage Equality Act)</td>
</tr>
<tr>
<td>Washington</td>
<td>November 6, 2012</td>
<td>December 6, 2012</td>
<td>passed by the Washington State Legislature, approved by voters in Referendum 74</td>
</tr>
<tr>
<td>Maine</td>
<td>November 6, 2012</td>
<td>December 29, 2012</td>
<td>passed by the Maine Legislature; repealed by voters in Question 1 (2012); in turn repealed in Question 1 (2012)</td>
</tr>
<tr>
<td>Maryland</td>
<td>December 29, 2012</td>
<td>January 1, 2013</td>
<td>passed by the Maryland General Assembly; approved by voters in Question 6</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>May 2, 2013</td>
<td>August 1, 2013</td>
<td>passed by the Rhode Island General Assembly</td>
</tr>
<tr>
<td>Delaware</td>
<td>May 7, 2013</td>
<td>July 1, 2013</td>
<td>passed by the Delaware General Assembly</td>
</tr>
<tr>
<td>Minnesota</td>
<td>May 14, 2013</td>
<td>August 1, 2013</td>
<td>passed by the Minnesota Legislature</td>
</tr>
</tbody>
</table>

**States with Unions Granting Rights Similar to Marriage**

<table>
<thead>
<tr>
<th>State</th>
<th>Legislation Date</th>
<th>Effective Date</th>
<th>Legislation Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Jersey</td>
<td>December 21, 2006</td>
<td>February 19, 2007</td>
<td>Civil Union Act</td>
</tr>
<tr>
<td>Oregon</td>
<td>May 9, 2007</td>
<td>February 4, 2008</td>
<td>Oregon Family Fairness Act</td>
</tr>
<tr>
<td>Nevada</td>
<td>May 31, 2009</td>
<td>October 1, 2009</td>
<td>Domestic Partnership Responsibilities Act</td>
</tr>
<tr>
<td>Illinois</td>
<td>January 31, 2011</td>
<td>June 1, 2011</td>
<td>Illinois Religious Freedom Protection and Civil Union Act</td>
</tr>
<tr>
<td>Hawaii</td>
<td>February 21, 2011</td>
<td>January 1, 2012</td>
<td>Hawaii Senate Bill 232</td>
</tr>
<tr>
<td>Colorado</td>
<td>March 21, 2013</td>
<td>May 1, 2013</td>
<td>Colorado Civil Union Act</td>
</tr>
</tbody>
</table>

**States Recognizing Valid Foreign Same-Sex Marriages**

- New Jersey: Valid foreign marriages are recognized for most purposes, although not for state income tax purposes. There is no direct authority that covers recognition for state estate tax purposes.
- New Mexico: The New Mexico Attorney General issued a recent opinion that New Mexico would recognize valid out-of-state, same-sex marriages.

**States Recognizing Spousal Equivalency**

- New Jersey: Civil Union
- Oregon: Domestic Partnership
- Nevada: Domestic Partnership
- Illinois: Civil Union
- Hawaii: Civil Union (Effective January 1, 2012)

**States Getting Some Recognition**

- Hawaii: Reciprocal Beneficiaries

4 This information was supplied by Daniel Jaffe of Jaffe and Clemens, 433 N. Camden Drive, Suite 1000, Beverly Hills, California 90210-4426. Telephone number: 310-550-7377, Fax number: 310-271-8313; email: djaffe@jaffeclemens.com.

Melvyn B. Frumkes maintains law offices in Miami and Boca Raton, Florida. He is the author of “Frumkes on Divorce Taxation.” Mr. Frumkes is a Fellow of the AAML and the IAML and a Diplomate of the American College of Trial Lawyers.

2 Rev. Rul. 2013-17 (applied prospectively as of September 16, 2013).
3 This information was supplied by Daniel Jaffe of Jaffe and Clemens, 433 N. Camden Drive, Suite 1000, Beverly Hills, California 90210-4426. Telephone number: 310-550-7377, Fax number: 310-271-8313; email: djaffe@jaffeclemens.com.
We were taught in law school that the system of justice in the United States is based upon the adversarial system. We learned that the adversarial system is a two-sided structure wherein a judge or jury hears civil and criminal disputes, parties are represented by counsel who can call witnesses and offer evidence by asking questions of the witnesses in accordance with certain rules. Prior to a hearing or trial, the attorneys could conduct discovery by propounding interrogatories or making production requests and taking depositions, if necessary. Thereafter, if the case had not settled through negotiation by counsel, court-ordered pretrial or court or private mediation, a hearing or trial took place and a written decision rendered by the court or jury. Hence, I learned that the adversarial system was the modern world’s answer to due process and real justice.

The adversarial system subjects witnesses to rigorous examination in order to seek the truth so that a judge or jury can make a fair and just decision in accordance with the law. Perhaps the most important part of the adversarial system is that it creates a body of written decisions from pretrial motions, trial and appellate stages of the process, as well as the rules. Prior to a hearing or trial, the attorneys could conduct the rules of practice. The subject of this article is to ask these questions:

- Can our current system of justice in Connecticut courts continue to develop a substantial, written, relevant and vibrant body of law?
- In short, do we currently have a viable adversarial system and are we likely to have one in ten years?

The current economic crisis seems to be accelerating the demise of the adversarial system in Connecticut as we knew it. The demise of the adversarial system in Connecticut began many years ago. To be sure, economic issues have played a part in the erosion which began in earnest when huge cuts were made to the judicial department under Governor Rowland culminating in 2002. State employees were the target of large budgetary cuts for several years, and many employees in the court system were laid off or positions left unfilled. For family cases, this meant that we lost many seasoned family relations officers, clerks and court officers, and many family relations officers took early retirement or simply left. We lost some of our best. Judicial appointments were often delayed and judicial salaries were an embarrassment compared to many other states and the federal bench. In the last ten years, the reduction of judicial employees of the judicial branch has continued because of the economy. There have been more layoffs, furloughs and delayed appointments. At the same time, demand for the court system has increased. In the family courts, some 80% of all cases throughout the state have at least one self-represented person and some of the self-represented persons have become more and more belligerent, often suing judges. All of this has resulted in an unacceptable lack of reasonable access to the family court for hearings and trials through no fault of the judges or staff because of delays and backlogs and understaffing of judicial employees.

Over the past 40 years, the body of family law cases has grown exponentially. We added an Appellate Court, the Supreme Court seems to have increased its intake of family cases, and trial and hearing decisions are now reported and cited. The nature and type of assets that people acquired have at least one self-represented person and some of the self-represented persons have become more and more belligerent, often suing judges. All of this has resulted in an unacceptable lack of reasonable access to the family court for hearings and trials through no fault of the judges or staff because of delays and backlogs and understaffing of judicial employees. So, where have all the flowers gone? Perhaps, long time passing, perhaps not. But we need to rethink the present course or our beloved court system will be permanently damaged.

World Wars I and II greatly increased as it did in Connecticut. Yet, the judicial branch never increased commensurate with the population and the complexity of the law and practice. Instead of hiring more judges, judicial appointments were held up. Instead of hiring more family relations officers and clerks, many were laid off or positions went unfilled when someone retired. Family cases represent about 60% of all cases filed, that’s right 60%! And I can assure you family judges represent far fewer than 60% of the bench, which has been true for years.

About 25 or 30 years ago, I walked into the old Superior Courthouse in Stamford one day and saw a big sign on the wall and on an easel. The sign was directed to citizens coming into the court suggesting that they should consider using Alternate Dispute Resolution. I read the sign carefully and then saw it every time I came into the building. Family attorneys were already using mediation with the family relations counselors. Family lawyers were already negotiating and trying to settle most matters before they ever reached trial. Our statutes at that time did not permit most family matters to be arbitrated.

Those of us practicing family law could feel the pressure from the judicial department to do more with less. Emphasis was put on mediation with family relations officers with no additional personnel. There were pre-Christmas divorce blitzes forcing some judges to get more divorce cases settled by threatening lawyers and their clients with dismissals. It cost citizens more money to start the cases all over again and accomplished very little other than many unfair results. Presiding family law judges spoke about the pressure on them from Hartford to move business. Fortunately some presiding family judges flatly refused to execute the pre-Christmas blitz.

Thanks to the dedicated work of the presiding family judges and the establishment of a statewide Family Court administrative position, the judicial department stopped looking at the family judges, family lawyers and divorcing couples as unwanted stepchildren and began looking at the human side of the family cases and acknowledging the complexity of the field. Some of the State Family Administrative judges greatly improved the system by training new judges, simplifying, creating and strengthening family rules of practice and establishing the Regional Family Trial Court Docket (RFTD). Many thanks go to family lawyers in the Family Law Section of the Connecticut Bar Association and the Connecticut Chapter of the American Academy of Matrimonial Lawyers for working selflessly to help improve the system, to provide pro bono services, and volunteer in many of the courts as a Special Master. Many of us worked to file and improve statutes, testify in the legislature and create better rules in the Practice Book. For example, written into the practice book Section 25-30 is the provision suggesting pretrials by special masters. These special masters (volunteer lawyers) conduct pretrials week in and week out in virtually every court in the state and help settle a huge volume of cases. At the RFTD, the settlement experience is usually over 70%.

Unfortunately, the court system has never recovered since the Rowland budget slashes. The employees who left have not been replaced. The judicial branch has impossible budgetary problems made impossible worse by the not so recent financial meltdown in 2008. Clearly the number of unrepresented people in the system is causing a big strain on everyone—not just the judges. Parties with lawyers are not being treated fairly. They are being forced to pay fees to go court and never be heard because there are too many self-represented people and not enough judges, clerks and monitors. It is

Where Have All the Flowers Gone?
by Arnold H. Rutkin
Westport, Connecticut

World Wars I and II greatly increased as it did in Connecticut. Yet, the judicial branch never increased commensurate with the population and the complexity of the law and practice. Instead of hiring more judges, judicial appointments were held up. Instead of hiring more family relations officers and clerks, many were laid off or positions went unfilled when someone retired. Family cases represent about 60% of all cases filed, that’s right 60%! And I can assure you family judges represent far fewer than 60% of the bench, which has been true for years.

Where Have all the Flowers Gone? Perhaps, long time passing, perhaps not. But we need to rethink the present course or our beloved court system will be permanently damaged.

About 25 or 30 years ago, I walked into the old Superior Courthouse in Stamford one day and saw a big sign on the wall and on an easel. The sign was directed to citizens coming into the court suggesting that they should consider using Alternate Dispute Resolution. I read the sign carefully and then saw it every time I came into the building. Family attorneys were already using mediation with the family relations counselors. Family lawyers were already negotiating and trying to settle most matters before they ever reached trial. Our statutes at that time did not permit most family matters to be arbitrated.

Those of us practicing family law could feel the pressure from the judicial department to do more with less. Emphasis was put on mediation with family relations officers with no additional personnel. There were pre-Christmas divorce blitzes forcing some judges to get more divorce cases settled by threatening lawyers and their clients with dismissals. It cost
Where Have All the Flowers Gone? (continued from previous page)

shameful that I have witnessed more than once a judge on a bench unable to open court because there was no clerk or monitor or marshal. The judicial department’s solution to all this dysfunction seems to be to eliminate the adversarial system itself in a number of ways.

The current system in family court is simply not working despite the efforts of the trial bench. Most of our family court judges continue to work extremely hard under deplorable conditions. Due to under-staffing and the growing number of cases, especially complex cases, there are extreme delays in many courts in getting hearing and trial dates. How do you tell a wife who needs pendente lite alimony and child support or a husband who has lost his job and needs a modification that there are no hearing dates for three to six months? Lawyers are telling their clients that the reality is they will never get their case heard any time soon.

This is completely unfair to the judges, litigants and the lawyers, those same lawyers who constantly volunteer their time for pretrials and various volunteer programs each week for unemployed or underemployed lawyers. So rather than really support the adversarial system, the judicial department continues to make decisions not to fix some of the existing problems but rather to eliminate the problems by eliminating the adversarial system. Some family lawyers have given up on the court system altogether and are advising their clients to stay out of the courts. Instead they hire private lawyers and retired judges to act as mediators and arbitrators at relatively high expense rather than use a free and open court system—the basis of our democracy. This is happening for scheduling hearings, trials and court mediation, and includes pretrial motions.

If this situation continues, there will be no more meaningful adversarial system. Arbitrated and mediated cases result in no reported body of law to guide other cases and future generations. Of course, poor people will not be able to afford paid mediators and arbitrators. I guess I am old-fashioned enough to believe that having a viable court system matters, and it matters to have a black-robed court officer make decisions which will result in a body of law reported in our law books. As there are fewer trial decisions, there will be fewer appellate decisions.

Legal aid programs are under-staffed and cannot handle the number of people in need of services. What will we do with domestic violence cases which are growing? What will we do with dependent spouses who are getting no child support or alimony because there are too many cases, too few judges and great delays? Retired judges cannot keep up with paid private mediation and arbitration requests. And many of us are using practicing and retired lawyers for arbitration and mediation because of the backlog and interruptions in court. Too many times a trial gets postponed because of lack of court officers, and continuous trial dates are a thing of the past, making trials very costly. It should not surprise anyone that in the last two legislative sessions, there have been draconian efforts to “reform” our alimony statutes. Fortunately, they failed. There is nothing wrong with our statutory scheme. The problem is the frustration the public, the lawyers and the judges feel with the current delays. As they say, justice delayed is justice denied. Currently the judicial department is looking at limited scope representation (LSR). This means that a lawyer (including some untrained and inexperienced ones) will be able enter an appearance in a case for one motion or issue and then be allowed to withdraw as of right. Then another lawyer can come in for the same client’s case and argue a different motion and then withdraw. Neither lawyer will have an obligation to talk to any prior or future lawyers. Many trial judges are opposed to this idea and deservedly so. Meanwhile, if one of the parties has a lawyer, and the other party plays musical chairs with serial lawyers, then the party with a lawyer will be greatly prejudiced by this circus of constantly changing lawyers who may have no knowledge regarding past aspects of the case. As a former legal aid attorney in Bridgeport, I very much believe in supporting formal legal services as well as volunteering my time. I do both. Limited Scope Representation (LSR) is bad for the public, bad for competent lawyers, and will be the final blow to the court system. It will foster mediocrity in place of competence. It will greatly harm our adversarial system. The court monitors will never be able to keep up with transcript requests which will be needed in every case where there is a LSR lawyer. The idea of a party having a “fee” will not be possible. Lawyers who were once willing to leave their practices early in their career and become judges will not do so. How can this be good? The important point is not whether we can make LSR work. The point is that LSR will be the final demise of the adversarial system and is being done purely as a result of the current financial crisis. Maybe we should get rid of the Constitution, too. That would be a time saver.

Can you imagine if hospitals, rather than fixing the problems, put up signs in the lobby suggesting that patients should not use the services of a hospital but should go else where like to a walk-in clinic so they do not have to wait three weeks or three months for a treatment? Not exactly a confidence builder for the patient. The same is true for our clients, when many lawyers are advising clients to not use the court system either because of the impossible backlog or because there simply are not enough trained court personnel. The answer to the backlog is not to turn the court system into a place where unemployed or underemployed lawyers can make a few bucks, which I believe is where we are going. That answer will only destroy what we have left.

So what are we to do? One idea is that we could create a body of trial referees made up of experienced family lawyers, including retired family lawyers or non-family lawyers who are no longer practicing but who are willing to serve part-time as referees. These referees could be paid to the trial referee.

Another idea would be for the judicial department or the legislature to hire an organization and management firm to inquire into the management and efficiency of the judicial department. A court system or courthouse requires business and management skills. Perhaps we would find that several courthouses should be closed and consolidated. Stamford Superior Court should never have been built in Stamford at a cost of $93,000,000. A major courthouse in the Norwalk area might have been a better idea and might have eventually led to Bridgeport and Stamford being consolidated. Is it out of the question for Litchfield to be consolidated with Waterbury and Milford consolidated with New Haven? A management firm could create a business plan to save wasted funds caused by lack of efficiency and duplication.

The court system is not currently serving all of the public. The eye of the judicial branch is trained on the short-term serious problem of dealing with all the self-represented people who may lack the funds to hire counsel. The economy is improving. Throwing out the baby with the bath water is never a good idea. Unfortunately, the people who do hire counsel are being short-changed and severely prejudiced. LSR will hurt citizens who hire counsel. These same people are paying taxes to the State of Connecticut and deserve full access to our courts, which they are presently being denied or at least short-changed.

So, where have all the flowers gone? Perhaps, long time passing, perhaps not. But we need to rethink the present course or our beloved court system will be permanently damaged.

Arnold H. Rutkin practices in Westport, Connecticut in the firm of Rutkin, Oldham & Griffin. He is co-author of Connecticut Law and Practice—a three-volume work published by West’s. He is a member of AAML, IAMLL and President-elect of the AAML Foundation.
When you’re doing a military divorce case and it comes time to deal with the military retirement benefits, you should know in advance the specific documents to be reviewed. This rule applies whether you’re the attorney for the servicemember (SM) or retiree, or you represent the spouse or former spouse. You need to have a certain number of “docs” in order to understand the process, the current or prospective retired pay of the member or retiree, and what benefits are available or at risk for the spouse/former spouse.

Active Duty and Reserve Service

When the individual (“John Doe” in this example) is currently on active duty, you’ll need the Thrift Savings Plan statement (see below) and the Leave and Earnings Statement, or LES. The latter provides information on the pay grade of John, his date of initial entry into service, his current pay, his Social Security number and other data that will help in preparation of a military pension division order. The specifics which the LES gives includes:

1. NAME: The member’s name in last, first, middle initial format.
2. SOCIAL SECURITY NUMBER: Member’s Social Security Number.
3. GRADE: The member’s current pay grade.
4. PAY DATE: The date the member entered active duty for pay purposes in YYMMDD format. This is synonymous with the Pay Entry Base Date (PEBD).
5. YEARS SERVICE: In two digits, the actual years of creditable service.
6. ETS: The Expiration Term of Service in YYMMDD format. This is synonymous with the Expiration of Active Obligated Service (ELOS).

The LES is issued electronically twice a month to active military personnel. The first LES shows all pay and entitlements for the month. The second LES of the month will not have all required information; if the SM elects to be paid twice a month, then the second LES will only show the amount paid along with the basic information. Practitioners should request more than just one LES to ensure they receive all the information.

RC personnel (the RC stands for Reserve Component, which means National Guard and Reserve) will have an annual form called RPAS, or Retirement Points Annual Statement, which shows how many retirement points they have accumulated in that year and in previous years. The RPAS should, but does not always, reflect periods spent on active duty, both annual training, and prior active duty service. Practitioners sometimes get confused when SMs have service in both the active and reserve component. SMs can obtain this from their branch of service—it’s not a public record. You can also get valuable information on what rank the RC member is, when he or she entered military service, and what the monthly pay is for periods of active duty (such as the Annual Training that each RC member serves once a year) by obtaining his or her most recent LES.

Active Duty Retirement

If John Doe has already retired from active duty from the armed forces (Army, Navy, Air Force, Marine Corps or Coast Guard), here are the documents which should be available for analysis. They may be obtained either from the retiree or from the federal government:

1. Letter from DFAS showing expected amount of pay and calculations
2. All Retiree Account Statements (RAS) issued since date of retirement
3. Retirement orders
4. All disability rating decision letters from the Department of Veterans Affairs (VA)
5. DD Form 214, (Member Service Record, issued upon discharge).
   If SM was on active duty in the National Guard, he or she will have an NGB 22, not a DD Form 214
6. Survivor Benefit Plan (SBP) Election Statement for Former Spouse Coverage, DD Form 2656-1
7. Data of Payment for Retired Personnel, DD Form 2656
8. Forms 1099-R
9. Thrift Savings Plan statements

~ Letter from DFAS. Several months before John Doe retires, he’ll get a letter from the retired pay center that shows him exactly how his retired pay is computed, how many years of creditable service were counted, and what amounts are deducted from his total retired pay (such as taxes and SBP premium). Don’t expect to find VA waiver information here; John hasn’t gotten that if he has not yet retired.

~ Retiree Account Statement. This is the retiree’s “pay statement.” It is issued electronically and a new one is generated on a monthly basis, and always when there is any change in regard to one’s retired pay—whether it’s reduced tax withholding, a change in allotments, or an increase in the VA waiver. Every retiree can access the RAS by using the secure website of the retired pay center. For DFAS (Defense Finance and Accounting Service), which handles all of the armed services except the Coast Guard, the “MYPAY” secure website address is https://mypay.dfas.mil

Signing up for service is easy. Once John Doe is signed up and is looking at the web page, all that is needed is his login ID and password. It takes less than a minute to log in, select the form involved, click on “Printer-Friendly Version,” and then print it.

You can find on the RAS the total amount of monthly retired pay, any mandatory deductions from it (e.g., VA waiver, Survivor Benefit Plan premium) to arrive at taxable retired pay, and the taxes which are withheld from retired pay it will also show the type of SBP election and the birthdate of the beneficiary. The RAS also shows voluntary allotments and any waiver of retired pay that exists due to receipt of disability compensation from the Department of Veterans Affairs. If the individual cannot or will not produce it, then obtain it from the retired pay center using a release signed by the individual or, if he’s uncooperative, a court order or subpoena signed by a judge.

~ Retirement Orders. This is a document, usually one sheet of paper, which specifies the facts regarding retirement. It might state, for example, that Major John Q. Doe, SSN 123-45-6789, was retired from the U.S. Army on May 31, 2012. Retirements always take place on the last day of the month, and the first payment arrives a little over a month later—in this case, on July 1, 2012. That’s because you have to survive for the month in order to be entitled to retired pay for it. This document is helpful in tracking down retroactive payments. If the individual retired on 5/31/12 and started receiving retired pay on 7/1/12, then you will be able to determine how many months (or years) he’s been collecting it without sharing any portion with your client, Mrs. John Doe!
Disability Rating Decision Letters. Upon retirement, John Doe can visit the nearest VA hospital for a physical. This may result in a notification that he has one or more service-connected disabilities (wounds, illnesses or other medical conditions). The notification is in the form of a letter. The decision letter from the regional office of the Department of Veterans Affairs will tell you what his disability rating is. If it’s less than 50%, then there’s a dollar-for-dollar reduction in John Doe’s retired pay, which means a similar lowering of the share apportioned to Mrs. Doe by the court. This will in John Doe’s retired pay, which means a similar lowering of the share apportioned to Mrs. Doe by the court. This will show up on the RAS as a “VA Waiver,” which is entered as a deduction from John Doe’s total retired pay before you get to “taxable income.”

DD Form 214. This is the discharge certificate for John Doe. It shows all dates of his service for his entire career.

DD Form 2656-1. This form is used for election of coverage under the Survivor Benefit Plan (SBP), and it shows what the SM/retiree has chosen. If the divorce is about to occur or has already been granted, this should reflect former spouse coverage so as to protect the flow of funds for Jane Doe, the ex-wife, after the death of the SM/retiree. If John Doe dies first, Jane can receive 55% of his retired pay for the rest of her life if she has “former spouse coverage” and does not remarry before age 55. A former spouse election must be made by John on this form and it must be sent to the retired pay center within one year of the divorce.

DD Form 2656. This form covers the information which the retired pay center, usually DFAS, needs to process continuous payments of retired pay and former spouse payments from the pension.

Form 1099-R. This is the retiree’s equivalent of a W-2 form. The retired pay center issues this at the end of January of each year, covering retired pay for the previous year. John can get this from the secure DFAS website. If he’s not signed up, it comes by mail (just like a W-2 form).

Thrift Savings Plan (TSP) statements. This tax-deferred retirement account is similar to a 401(k) plan. Individuals who participate get a “Thrift Savings Plan Participant Statement,” which can either be an Annual Account Summary or a Quarterly Account Summary. On the bottom of the second page on the right side will be found “Form TSP-8” and you can tell if it’s a “uniformed services TSP statement” (i.e., a military TSP as opposed to a federal civil service TSP statement) by checking on the first page under the account number and individual’s date of birth. You should find “Retirement Coverage: Active Duty.”

Guard or Reserve Retirement

When John Doe has served in the National Guard or the Reserves, then you’re dealing with an “RC retirement.” As mentioned above, RC stands for “Reserve Component,” which means Guard or Reserve service leading to retired pay.

Be careful in using the verb “retire” when referring to RC personnel, since it can have two meanings. One meaning is when John begins to receive retired pay. This is the “pay status” for him; it’s usually at age 60. Another meaning is the point in time when John stops drilling and applies for retirement. Once this occurs, he’s in what is called the “gray area,” since the ID cards for these former RC personnel used to be gray.

If John Doe is or was an RC member, then you have a different list to cover. Here are the documents which should be available. You can get them either from John Doe or from the federal government:

1. All Retirement Points Annual Statements (RPAS)
2. Notice of Eligibility (NOE or “20-Year Letter”), sent upon attainment of 20 creditable years of Guard or Reserve service
3. Reserve Component Survivor Benefit Plan (RCSBP) Election Certificate, DD Form 2656-5
4. Application for retirement
5. Retirement orders
6. All disability rating decision letters from the Department of Veterans Affairs (VA)
7. Thrift Savings Plan statements

RPAS statements. These are issued once a year by the Reserves. They show how many AD (active duty), ADT (active duty for training) and IDT (inactive duty for training) points have been accumulated for the year by John Doe. For an explanation on how this works (which is way beyond the scope of this article), go to https://www.hrc.army.mil/tag/application%20points%20accounting%20system%20rhaps or visit the Human Resources Command (HRC) of the Army at www.hrc.army.mil, type “AR 140-185” into the search window, then click on “Retirement Points Accounting System.” If you want to estimate John Doe’s retired pay based on the number of points he acquired (and other factors), go to the above HRC website and type into the search window “retirement points calculator.” HRC no longer mails the annual or revised AHRC Form 249-2-E Reserve officers. Soldiers must visit the “My Record Portal” at the secure HRC website to view and print their own personal copy of the annual points statement, AHRC Form 249-2-E. For additional assistance, soldiers may contact the Human Resource Service Center at 1-888-276-9472. HRC does not maintain a record of National Guard Retirement points. NG soldiers maintain their own personal copy of NGB Form 23 and they submit it along with their retired pay packet when applying for retired pay to ensure that the NGB 23 is placed in their records.

Retirement points. NG soldiers maintain their own personal copy of the annual points statement, AHRC Form 249-2-E. For additional assistance, soldiers may contact the Human Resource Service Center at 1-888-276-9472. HRC does not maintain a record of National Guard Retirement points. NG soldiers maintain their own personal copy of NGB Form 23, and they submit it along with their retired pay packet when applying for retired pay to ensure that the NGB 23 is placed in their records.

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Virginia Study on Infringement of Parental Rights by Third Parties

by Dennis M. Hottell and Melanie Hubbard

Fairfax, Virginia

In a letter dated February 28, 2013, the Senate Rules Committee referred the subject matter contained in House Joint Resolution Number 607 (HJR 607) to the Virginia Bar Association (VBA) for a study of parents’ rights to control the care and custody of their children without infringement by third parties. HJR 607 was offered by Delegate Peter F. Farrell on January 9, 2013 and was passed by indenfinitely in the Senate Rules Committee. Members of the Virginia Family Law Coalition, which is supported in part by the VBA, took on the task of completing the study. Among those members are AAML Virginia Chapter President, Dennis M. Hottell, and Fellows Peter W. Buchbauer (Winchester), Cheshire I’Anson Eveleigh (Virginia Beach), and Brian Hirsch (Reston), who led the study and are preparing a written report to Senator Ryan T. McDougle, Chair of the Senate Rules Committee, and Delegate Peter F. Farrell, Patron of HJR 607.

The study includes a review of (i) Virginia’s laws governing third-party custody and visitation and (ii) laws in other states regarding third-party custody and visitation, and examines whether Virginia laws protect the fundamental liberty interest of natural parents in the care, custody and control of their children. The report, which is currently in the final stage of drafting, provides a succinct outline of Virginia law regarding third-party custody and visitation and the different standards that apply to each type of case, as well as an overview of the laws of other states concerning third-party custody and visitation generally and grandparent custody and visitation specifically.

AAML Fellows from the other states addressed in the study provided invaluable feedback to ensure that the report accurately summarizes the third-party custody and visitation laws of their states. Our thanks go to the following AAML Fellows for their help in our review of how Virginia laws compare to their state laws: Paul R. Smollar (District of Columbia), Elizabeth Green Lindsey (Georgia), Martha A. Rosenberg (Kentucky), Susan Elgin (Maryland), Thomas C. Ries (Maryland), Joslin Davis (North Carolina), David N. Hofstein (Pennsylvania), and Delby B. Pool (West Virginia).

The deadline for completion of the report is November 1, 2013, but it is projected to be completed by the end of September 2013. If you would like a copy of the final report that sets forth the Family Law Coalition’s recommendation, please email Melanie Hubbard at hubbard@hottell.com.

Dennis M. Hottell and Melanie Hubbard
In the last few years, there seems to have been an increasing number of matrimonial matters involving hedge funds and private equity (PE) fund businesses. The size of the two segments across the globe is larger than many may expect, at nearly $6 trillion in Assets under Management (AUM) last year. In 2012, AUM for hedge funds totaled $2.6 trillion and the global private equity market is even larger, at $3.2 trillion.  

For those working with clients (or their soon to be ex-spouses) in these business segments, it may be useful to be aware of recent events and changes in the industry.

**Legislative/Government Issues**

A number of developments have the potential to impact hedge and private equity funds going forward. The Dodd-Frank Wall Street Reform and Consumer Protection Act (“Dodd Frank”) was signed into law in July 2010. One of the primary goals of Dodd Frank is to increase transparency and oversight.  

Dodd Frank required hedge funds with AUM of $1 billion or greater to register with the Securities and Exchange Commission. Another aspect of Dodd-Frank is the so-called “Volcker Rule”, named for Paul Volcker, former Chairman of the Federal Reserve. The Volcker Rule precludes banks from owning or sponsoring hedge or private equity funds above a certain threshold level of capital, or engaging in proprietary trading of their own assets, subject to certain exceptions. Implementa-
tion of this rule is expected result in the sale or disposition of hedge/PE fund businesses.

Taxation of carried interest is an ongoing issue that has been debated in Congress for years. “Carry” (also known as “promote” in the real estate industry) provides a disproportionately share of the gain when an asset is sold to the general partner of a private equity fund, often 20 percent. Carry is typically taxed at capital gains rates rather than as ordinary income. Several proposals by the Obama Administration to tax carried interest as ordinary income have been made, but have not been successful to date.

**Latest Developments in Private Equity and Hedge Funds**

by Stacy Collins  
Financial Research Associates

### Current Issues—Hedge Funds

One of the major issues facing hedge funds today is increasing competition. Traditional asset managers and private equity firms alike have developed hedge fund-like products.  

Another issue facing the industry is that older hedge fund managers are looking for answers to succession issues, either opting to sell their interests internally, or to sell all or part of the funds to outside investors. The need for greater economies of scale may also drive more hedge funds to consolidate. These issues could result in a greater number of industry transactions going forward.

### Current Issues—Private Equity

Many PE funds have faced challenges to sell older assets acquired during the economic peak of the last decade. However, investment returns have remained relatively favorable compared to other types of investments.  

The number of transactions involving PE investments increased in 2012, in North America in particular. Multiples for large leveraged (high debt) buyouts in the U.S. increased. However, the increased time it has taken to sell off assets has reduced rates of return overall. Many funds noted the need to find new investments. Last year the industry overall had $900 billion in “dry powder”, or un-tapped capital in existing funds available for future investment, including pre-recession commitments from LP’s made in funds formed before 2008.

As with hedge funds, there are indications of transactional activity at some PE funds. For example, some funds have sold a piece of their firms to investors.

### Fund Raising

Sources noted challenges with raising capital for new funds in both the hedge and PE segments. One survey noted that 49 percent of hedge fund respondents cited fund raising and marketing as their chief concern this year.  

PE fund raising in 2012 was similar to that achieved in 2009–2011.

### Valuation Issues

One source noted that the Discounted Cash Flow (DCF) method “is most widely used and assigned the greatest weight” to the valuation of hedge fund firms. The market approach (guide-
line companies and transactions) is sometimes also used, albeit with lesser frequency. The size of the public companies may make comparison to smaller funds more problematic.  

Valuation analysts sometimes separately value two income streams —using a lower discount rate (or higher multiple) for less risky management fees and a higher discount rate (or lower multiple) for the share of fund profit referred to as incentive fees/carried interest/promote. However, these two sources of revenue are not two independent revenue streams, but are closely related.

Going forward, larger hedge funds as well as those in niches and “scalable smaller managers” are expected to have growth opportunities. In private equity, investment opportunities are anticipated in healthcare, oil/gas, real estate, infrastructure and distressed debt.

**Summary**

Hedge and PE funds now represent nearly $6 trillion in man-
aged assets worldwide. These business segments have many regulatory issues and risks, but also potential for significant long term growth.

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1. Good Counsel | Go Figure!, an ongoing column by Financial Research Associates
4. Ibid.
5. Hedge Fund Outlook: Water, Water Everywhere, Rothstein Kass | Insti-
tute, April 2013, page 15.
10. Hedge Fund Outlook: Water, Water Everywhere, Rothstein Kass | Insti-
tute, April 2013, page 16.
American Academy of Matrimonial Lawyers

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