



VIVID

*Voices, Idea, Views, Insights and Dialogues for
Professionals working with Families in Transition*

FALL 2006

THE NEW YORK CHAPTER OF AFCC-NY MISSION STATEMENT

The well-being of children and families is a fundamental goal of our society and its legal system. The New York State Chapter of the Association of Family and Conciliation Courts is dedicated to using the experience, knowledge, and resources of judges, mental health professionals, attorneys, law guardians, mediators, and other professionals, to improve that well-being through cooperative efforts that seek new, less adversarial approaches to the resolution of child centered legal matters.

PRESIDENT'S MESSAGE

by Hon. W. Dennis Duggan.

"THE WIFE SHOULD BE INFERIOR TO THE HUSBAND. THAT IS THE ONLY WAY TO INSURE EQUALITY BETWEEN THE TWO."

MARCUS VALERIUS MARTIALIS

(Roman poet during reign of Nero)

Dear Colleagues:

Several years ago the cover of Time Magazine declared, "God is Dead." A few years later a book on current affairs told us that we were at "The End of History." New York Time's columnist Thomas Friedman tells us that "The World is Flat." Now, the Census Bureau tells us that marriage is dead—well sort of—almost—it's headed that way. For the first time since the Census Bureau has kept this statistic, the number of households in America with married couples has dropped under 50%. The only people that are not surprised by this report are Family Court Judges. We have long observed that the only people who seem to want to get married are gays. So, it is good news, indeed, that our Court of Appeals has recently told us that the reason the prohibition of gay marriage is constitutional is because the legislature may validly try to encourage and protect marriage for heterosexuals by denying it to homosexuals. They have their work cut out for them as these new figures show.

The other bit of news in the marriage area worth noting recently is the death on October 22nd of Jane Wyatt, the mother on "Father Knows Best." During the Fifties, and Sixties, situational come-

dies and dramas on TV that were centered on the nuclear family predominated. Along with "Father Knows Best," we had "Leave it to Beaver," "The Dick Van Dyke Show," "The Danny Thomas Show," "Lassie" and several others. In these nuclear families, all the women were strong, all the men were good looking and all the children were above average. As the anchors of the family, all the women were, of course, stay at home moms. What most people overlook is that this depiction of the family ad being nuclear is the exception, not the rule. The nuclear family of the "Father Knows Best" type lasted only from about 1945 to 1970—about twenty-five years. Prior to 1945, the slings and arrows of disease, accidents, poverty, and deaths during child birth, created extended families of multiple variations. After 1970, the rising divorce rates and births outside marriage depressed marriage as an institution of universal norm. That trend has continued.

There are some other alarming aspects to the declining marriage rate that escape our day-to-day notice. In the early sixties, the overall violent crime rates were the lowest in recorded history. Twenty years later, in the 1980's, violent crime was at its highest. Why was that? One reason is that in the early 1960's,

the number of men living alone was at its lowest in recorded history. In the 1980's it was at its highest. We know what the common denominator is. Young single men, disconnected from the stabilizing affects of women, are dangerous. The other side to that coin is that all the statistics show that unmarried women have a much higher chance of becoming victims of crime compared with married women.

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President's Message Continued

In 1849, 60,000 young, healthy, resourceful men went West to make their fortune searching for gold. Six months later 20,000 of them were dead. How could that happen? Very easily, there were no women in the mining towns and men drank, fought and hooliganized themselves to death. (The ratio of men to women was actually 30-1 and many of the women were prostitutes.) Here is what one writer, Seth Thomas, observed in a letter written home: "As for California...I believe it is the finest country in the world. Women is all that is wanted to make it habitable."

The other changing feature of our society that will dramatically change the relationship dynamics between men and women is the reversal in education fortunes between those groups. Go to a high school graduation and see who goes up on the stage to get the academic awards----it's all girls. The boys are missing. Black women now earn twice as many bachelor and masters degrees as do black men. White women earn 30% more bachelor degrees and 50% more masters degrees than do white men. In many inner cities, less than half the boys are finishing high school. In surveys, women consistently say that they want to marry a man who earns at least as much as they do. Where will professional women find these men? The marriage market in the black community collapsed over two decades ago as the men in those neighborhoods were diverted into drugs, unemployment and jail. When Daniel Patrick Moynihan pointed out in the 1960's that no society has ever existed for long where 30% of births were to unmarried women he was excoriated for bringing this to our attention. The figure in our cities now regularly exceeds 50% and in some larger cities it is much higher. We know that if a woman does not finish high school, has a child before age 21 and is not married to the father her chances of living in poverty exceed 80%. Obviously these women are not getting pregnant by themselves so what of the men, the fathers? Missing in action is the kindest description that comes to mind. June Stephenson wrote a book on this subject a while back provocatively titled, **Men Are Not Cost Effective**.

So, are we going to hell in a hand basket? Nobody knows. What is the solution to this problem? Nobody knows. Lysistrata, where were you when we needed you?

MEMBER PROFILE

Rod Wells, CFP

By Tracy M. Hamilton, JD, MPA



Rod Wells is a Mediator and Certified Financial Planner with offices in Cornwall, NY, Mount Kisco, NY, New Paltz, NY and New York City. Rod's focus is helping divorcing couples settle financial, parenting and other issues fairly, while maintaining their dignity. He is committed to remaining on the cutting edge of mediation practice as it becomes the preferred way to restructure families that are making the transition from marriage to separation.

Rod, who has been facilitating dispute resolution with couples for over 20 years, is an Advanced Practitioner mediator through the family section of the Association for Conflict Resolution and a financial specialist member of the Westchester collaborative divorce group. He has extensive mediation training in areas such as couples dynamics, divorce taxation, child support and other parenting issues. Rod also has over 34 years of experience as a financial planner and received the Certified Financial Planner designation in 1987. He is a member of the Association for Conflict Resolution, the New York State Dispute Resolution Association, and the New York Chapter of the Association of Divorce Financial Planners. Rod is on the boards of The Family and Divorce Mediation Council of Greater New York, The New York State Council on Divorce Mediation and the AFCC - NY Chapter.

Rod gave the following answers in response to the author's questions.

Q. What convinced you that there had to be a better way than "knee-jerk" litigation to resolve matrimonial/family law proceedings ?

A. I started out in the early 1970s as a financial planner. During the first ten years of my practice I witnessed numerous couples go through tortuous protracted divorces that devastated not only their finances, but also their parental relationships. I often helped these couples with creative ways to reorganize their financial lives, but when they got into litigation what they had agreed was fair in my office was lost in the machinations of "strategic lawyering". It broke my heart to see people I cared about transformed into ruthless adversaries with their children caught in the crossfire. I began to see that our legal system was based on a model informed by the principles of war rather than on the principles of collaboration, love and family. By 1982, I had heard about mediation and even though my first use of it was in business cases, I was excited by its principles of self-determination and personal empowerment and how those principles could benefit families. In 1985, I commenced my own divorce and wanted to mediate but my ex-wife opted out, preferring to pass the responsibility on to her attorney. My resulting personal experience of matrimonial litigation confirmed all my prior judgments. The adversarial process was not structured to support families in transition with financial advice, parenting education, and coaching for the reactive behaviors typical for people under emotional stress. While I recognized that some pathologically embittered cases had to resort to litigation, for most couples, the adversarial system was woefully inadequate and a toxic damaging environment for families and children.

Q. What do you think are the most important recommendations of the Miller Commission ?

A. In general, I applaud the Commission's recommendations that highlight the impact of divorce on children and those that seek to save families from the devastating cost involved in litigation by promoting mediation and alternative dispute resolution. I am deeply appreciative of the Commission's efforts and delighted to see the focus on better outcomes for children. The toxic emotional environment of parents entangled in litigation is a health crisis for children. The findings in support of mediation and parent education will help families avoid undue financial and emotional costs. The support of a responsible parenting relationship will afford children a healthy environment to grow up in. Increased education and financial resources for the court accompanied by increased compensation for judges recognizes the complex demands of families in crisis. I trust Andrew Schepard's interdisciplinary Family Law Education Reform Project will provide a great stream of candidates to draw future judges from.

Q. What are your reactions to the Miller Commission Symposium held in NYC on October 6, 2006 ?

A. The Symposium was a powerful initiative in implementing the Miller Commission's work. The morning panel was extraordinary, with notable speakers from a wide variety of stakeholders, including psychology, law, alternative dispute resolution. The audience represented a wonderful cross-section of stakeholders in those areas. The panel presented research and innovations from around the country that fueled lively discussions in the afternoon focus groups. Many questions and concerns were voiced in the focus groups and some great suggestions were offered. The harvest from focus groups will be a great resource in the follow-up efforts to support and refine the Commission's recommendations.

At the end of the day, I was surprised to hear from the report-outs of the focus groups that many in the audience were not aware that divorce mediators, while not licensed, have member councils that require them to subscribe to nationally recognized model standards of conduct. Many in the audience had not heard of The New York State Council on Divorce Mediation (NYSCDM) or the Family and Divorce Mediation Council of Greater New York and were unaware that accredited status in the NYSCDM council requires ongoing continuing education, including classes on domestic violence.

Q. How has the AFCC-NY Chapter evolved since its inception and what do you see as its greatest challenge ?

A. The formation of AFCC-NY is a major leap forward for families in New York. Our greatest challenge is to persuade the traditionalists in the family law system that the changes suggested by the Miller Commission are not only good for children and families but also good for practitioners whether they are legal or peripheral specialists. It is often the case that changing a paradigm is met initially with resistance and even hostility . . . we will need to be courageous,

persistent and steadfast in our pursuit of an open and radically honest dialogue.

A few personal notes about Rod –

1) Proudest Personal Achievement

I experience my proudest personal achievement every time I meet clients who tell me that they are parenting their children cooperatively as a result of what they learned in mediation and parent education classes.

2) Book I Am Currently Reading

I'm currently reading [Change Your Questions Change Your Life](#) by Marilee Adams, Ph.D. -- Our lives and our work are directed by the quality of our questions and Marilee has some great ideas on how to improve those questions.

3) Career Other Than My Own That I Would Choose

I would love to have run a neonatal care center. There is nothing more miraculous and awe inspiring than a newborn or endless curiosity of an infant.

4) You Would Be Surprised To Know

Of the bizarre random notes I create when I sing – but you would have to pay an enormous amount of money to hear that!

Rod's web site address is www.mediated-divorce.com

AFCC-NY Chapter Board Members

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AFCC-NEW YORK ANNUAL CONFERENCE

DECEMBER 1, 2006

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42 West 44 Street, New York, NY 10036 212-th 382-6600

THE MATRIMONIAL COMMISSION RECOMMENDATIONS AND THEIR IMPLICATIONS

- 8:00-9:00** **Registration and Continental Breakfast**
- 9:00-9:15** **Welcoming: Hon. W. Dennis Duggan, F.C.J,** President, AFCC-NY
Mary Ferriter, Esq., President, AFCC-National
- 9:30-11:00** **Keynote Addresses:**
Professor Martin Guggenheim, New York University School of Law, Author of **What's Wrong
With Children's Rights.**
Peter Salem, Executive Director, AFCC; co-editor: **Divorce Mediation: Models, Techniques
and Applications.**
Professor Andrew Schepard, Director, Center for Children & the Law, Hofstra, University
Law School. Author of **Children, Courts and Custody:
Interdisciplinary Models for Divorcing Families.**
- 11:00-12:00** **Reaction Panel: Dr. Joanne Pedro-Carrol**
Tim Tippins, Esq.
Karla DiGirolamo
Daniel Weitz
- 12:00-1:00** **Lunch: Remarks by Hon Sondra Miller,** Justice of the Supreme Court, Appellate Division (Ret.);
Chairperson of the Matrimonial Commission. Election of Officers and Board Members. Awards.
- 1:00-3:00** **Interactive Workshops:**

#1. Race, Gender and Economics: Who's got the Power?

This session will focus on how the current family and child justice system in New York fails the nonprivileged. It will explore those recommendations of the Commission Report that are meant to address the needs of both mothers and fathers, the poor and minorities. The participants will be asked to suggest ways that the Commission's Recommendations can be best implemented and make recommendations in other areas that need attention.

#2. Still Crazy After All These Years: Judges, Lawyers and Mental Health Professionals. If We All Speak Different Languages, How Can We Talk To Each Other?

This session will explore the recommendations of the Matrimonial Commission that relate to the use of the mental health professional in the legal system to improve outcomes for families. Is the Justice/Legal side from Mars and the Mental Health side from Venus? How can judges, lawyers, and mental health professionals really communicate with each other to best help parents

and children?

#3. Does Our Schooling Interfere With Our Education? Do Our Judges and Lawyers Really

Know What They Are Doing?

This session will examine the intersection of the recommendations of the Matrimonial Commission and the **Family Law Education Reform Program** that relate to the training and education of the judiciary and the legal profession. Do our Courts and Judges adequately serve the legal profession (and the self represented)? Does the legal profession adequately serve parents and children? Is the same old way still good enough for the 21 Century family?

#4. How Can The Court Responsibly Provide Expanded Support Services Under the Cloak of

“The Best Interests of the Child” Without Smothering the Rights of High Conflict Families?

As Courts strive to be more responsive to the multi-dimensions of high conflict families and to help shield children from ongoing parental conflict, Courts are routinely directing families to a menu of support services: mediation, parent education, anger management, parenting coordination, forensic evaluations, and counseling to name a few. However, in the Court’s efforts to help, how are the rights of parents and their children impacted ? Is the cloak of the “best interests of the child” smothering the rights of high conflict families? This provocative workshop invites Judges and practitioners to step back and re-evaluate emerging ethical dilemmas and competing interests that may potentially arise as Courts expand their role beyond that of triers of fact to also include that of therapeutic interveners.

#5. Money Changes Everything: The Distorting effects of the pursuit of Child Support-

Maintenance-Equitable Distribution. (WWASD: What would Adam Smith Do?)

This session will look at how parents loose focus of the best interest of their children when they try to maximize or minimize the economic implications of a divorce or separation Do our current rules that govern child support, maintenance and equitable distribution make things better or worse. W hat changes are needed. Participants in this session will be asked to suggest recommendations to the Commission to make improvements in these areas.

3:00 - 4:00 PANEL DISCUSSION AND RECOMMENDATIONS:

This session will bring together the suggestions formulated during the workshops and any other contributions for presentation to the matrimonial Commission concerning their recommendations. Leaders of each workshop will lead the discussion. This session will give a chance to all program participants to hear from each workgroup and have the chance to respond.

REGISTRATION INFORMATION: (Please return this form with your check by November 27)

MEMBERS: \$100, NON-MEMBERS \$125. INCLUDES LUNCH AND MATERIALS (IF YOU JOIN AFCC, NOW OR AT THE DOOR, YOU PAY THE MEMBER’S RATE.)

THIS PROGRAM WILL BE CERTIFIED FOR SIX HOURS OF CLE CREDITS.

SEND REGISTRATION FEE TO: TERESA OMBRES, ESQ. Teeworks7@aol.com 718-767-7667

**(Check is payable to AFCC-NY) TREASURER, AFCC-NY
3839 BELL BOULEVARD #320
BAYSIDE, NEW YORK 11361**

FOR PROGRAM QUESTIONS CONTACT: Judge W. Dennis Duggan: wduggan@courts.state.ny.us 518-285-8681

NAME: _____ :

ADDRESS: _____

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**EDUCATE, COLLABORATE, MEDIATE, ARBITRATE, COORDINATE—
BUT NEVER, NEVER LITIGATE**

W. Dennis Duggan, Albany County Family Court Judge

“DISCOURAGE LITIGATION. PERSUADE YOUR NEIGHBORS TO COMPROMISE WHENEVER YOU CAN. AS A PEACEMAKER THE LAWYER HAS A SUPERIOR OPPORTUNITY OF BEING A GOOD MAN. THERE WILL STILL BE BUSINESS ENOUGH.”

ABRAHAM LINCOLN

This article offers for inspection the proposition that contested custody proceedings are corrosive to parents and toxic for children and custody issues should never be resolved by trials.

When Albany County Family Court first moved into its new Court-house last year, I thought that putting bullet proof glass in the judges' chambers was a bit extravagant and security overkill. After all, how many judges have been shot in chambers by a sniper? After my colleague was recently shot just that way in Reno, Nevada, the bullet proof glass decision now looks foresightful.

It also got me to thinking about how often the entire process of custody litigation can cause very good people to take complete leave of their senses. Sometimes, perhaps as in Reno, people who are just a step from going off the deep end, in an act of irrational desperation, resort to drastic measures that have tragic ends.

So, it is worth asking, are we really doing the best we can? Is our current family justice system the best we can offer separating parents? If we could design a system from scratch, is this what we would end up with? Churchill once said that democracy is the worst form of government ever invented except for all the others that have been tried. The corollary to that for Family Court would be that the adversarial litigation system is the worst form of conflict resolution for families ever invented—period. Here is why custody cases should never be tried.

Someone once noted that in criminal cases you see the worst people at their best and in custody cases you see the best people at their worst. When parents come to Family Court they encounter something like a reverse Heisenberg uncertainty principle. Werner Heisenberg was a German physicist who won the Nobel prize for his work in quantum physics. He was the leading scientist in Hitler's efforts to build an atom bomb. The conventional wisdom is that he sat on his hands and delayed the final product until the Allied forces were approaching Berlin. Closer to the truth is that although the Germans discovered nuclear fission, had the first military project set up to research the feasibility of an atomic bomb and had access to large supplies of uranium and heavy water, they never came close to building a bomb.

Heisenberg's uncertainty principle states that when one views the internal workings of an atom, the very act of that inspection changes the way things look. In Family Court, the inspection that we bring into parents' lives changes them and most often makes them worse. Even the language we use puts them in full battle mode. How often do we hear a parent say, "I'm going to fight for custody, he won't even get visitation." This, of course, is the language of the law. "For by your words you will be judged and by your words you will be condemned," Jesus said in Matthew 12:37. Let's review the ten reasons why a custody case should never be tried and why this conflict resolution method should be condemned.

1. NO ONE CAN AFFORD A TRIAL. No parent has a litigation savings account set aside to pay for protracted custody disputes. When parents split, their finances are already stretched to the breaking point. Paying for a lawyer usually tips them over the edge. Frantic parents max out their credit cards, sell their jewelry or other



valuables, or borrow from their parents. If there is any lawyer out there reading this who has actually collected his or her entire fee after a full contested custody trial, please email me. I would like to meet such a fortunate person. Let's not forget the emotional costs. When parents are in the process of separating their children are often the unwilling occupants of a war zone. They never know when some family IED will explode, resulting in some part of the house being trashed and the police at the door.

2. YOU CAN'T PROVE A POSITIVE. In our Law School trial advocacy course we were all taught that you can't prove a negative. In Family Court it is just the opposite—you can't prove a positive. A custody determination is supposed to be based on the best interest of the child. This proposition is not susceptible to being proven by evidence under our adversarial litigation system. Instead, we are really determining the least detrimental alternative. For example: It is almost impossible to prove with any poignancy how one parent nursed a child during illnesses or made the school lunches or did the laundry. But let a parent send their child to school without his or her lunch and into court will come the subpoenaed school teacher to testify about such a depravity. Of course, what the propounding parent thinks is such powerful proof is nothing of the sort because there is no Family Court Judge in America (or parent for that matter) who has not sent his or her child to school without a lunch.

3. PARENTS ARE AT THEIR WORST WHEN YOU MUST DETERMINE THEIR BEST. I mentioned above how the Heisenberg Uncertainty Principle for Family Courts posits that in the course of a contested custody proceeding parents will put their worst foot forward. Eight years of cooperative co-parenting will be flushed down the toilet and the Family Court Judge will be presented with the last six months worth of trash talking and other related bad behavior. From this detritus of family relations, the Judge is expected to somehow divine the "best interest" of the child.

4. YOU CAN'T PUT YOUR FOOT IN THE SAME RIVER TWICE. This saying is attributed to both the Greek philosopher Heraclitus and an old Indian proverb. It speaks of the constantly changing aspects of every person's life. The adversarial litigation system, with its well established rules of evidence, is very good at resolving disputes that have been fixed about a point in time; a car accident, a bank robbery, a note unpaid. In a custody dispute, the Judge is asked to review an extended time line of a family and then predict, sometimes for the next eighteen years, which parent will do best by the child. To think we can do this is, as Jeremy Bentham once said in another context, non-sense on stilts. Another advantage that the civil and criminal litigation processes has is the presence of a jury which can speak with the moral authority of the community.

In Family Court you have one judge doing what he or she thinks is best. But we kid ourselves if we think we are applying some value-neutral, best interest standard instead of one based on our own prejudices and biases.

5. TRIALS DESTROY ALL GOOD WILL. At the end of a contested custody proceeding, after a forensic psychologist has hung out and analyzed every last piece of the family's dirty laundry and after two litigators have peeled away every last ounce of dignity from the parents, the parents will have emotional scar tissue that will last the rest of their lives. If they had any good will toward each other at the start of the proceeding—at the end they will thoroughly hate their attorneys, the judge, the court system and each other.

6. CONTESTED CUSTODY PROCEEDINGS ADDICT PARENTS O CONTROVERSY. The process that we provide to parents for resolving the most intimate, private and emotionally traumatic problems of their lives has, at its base level, a requirement that both throw as much mud at the other until both are completely dirty. At the end of this process we have neutered virtually all of their conflict resolution skills. The parents' only hope is if they can go cold turkey and never return to Family Court again. This happens when the process has bankrupted the parents financially and emotionally, sort of like when an addict hits rock bottom. That sounds depressing but our goal should be a process where parents can resolve their own disputes. How to do this before the family emotionally exsanguinates is the problem.

7. IT'S THEIR KIDS - THE PARENTS SHOULD DECIDE WHAT'S BEST. When parents walk into their lawyer's office the control over their lives and the future of their children starts to slip away. It's not that lawyers are usurpers of parental power. It's that the process makes this inevitable. When the petition is filed in court and the case comes before a judge, parental power slips farther away from the Mother and the Father. Once the custody trial starts, they have cast their fate to the wind. So the process is backwards. At every point our goal should be to empower the parents and assist them in reaching decisions that are in their children's best interest. Instead, at every step we dis-empower them.

8. KIDS WANT THEIR PARENTS TO BE IN CHARGE. Every time I interview the children they almost always say two things. First, they want their parents to get back together. Second, they don't want to be forced to choose between their parents. The kids still expect their parents to be in charge and this means that they don't want to be conspirators in psychological warfare. When parents know that a law guardian, a forensic psychologist and a Family Court Judge will be speaking to their kids, there is the irresistible urge for each parent to lobby the kids at best and to alienate them at worst. Because of the emotional high drama that surrounds the separation of two parents, it is almost impossible for them to speak to the kids in a neutral way and to speak well of the other parent.

9. JUDGES ALWAYS KNOW LESS THAN PARENTS. The amount of relevant information that can be presented to a Family Court Judge in the form of exhibits or witness testimony is minuscule compared with what the parents know about their kids and what each parent knows about the family. If someone is going to make a mistake, it is much better that the parents make it rather than the Judge. The parents can make day-to-day adjustments in the best interest of their children. Once a Judge has issued an order, the parents are stuck with it. The court order has no mechanism for adjustment. It cannot take into consideration the ever changing circumstances of children's lives. Only if the parents disregard the order, can they make improvements for their children. However, the process that resulted in the issuance of

that order has also stunted the parents accommodation skills.

10. YOU REAP WHAT YOU SOW. The psychological literature is clear and abundant on the deleterious affect of domestic violence on children. Corrosive domestic violence in this area is not limited to the kids watching one spouse beat up the other. It also includes the day in and day out exhibition by the parents of incivility toward each other. The kids soak up these lessons like sponges. The kids are well aware when mommy or daddy has to go to court, sort of like when a student has to go to the principal's office after school to report for detention. The week before court is excruciating for everyone. So the lesson for the kids is what? "When you grow up and get married and have kids and can't get along you first say and do terrible things to your husband or wife and then you go to court and let some stranger in a black robe decide what's best for your kids."

Not all is doom and gloom. There are many things going on in the court system designed to address just the problems that I describe here. First, we now have referrals to **parent education** programs for all parents filing custody petitions. These programs educate the parents about the process they are going through and the effects on the children.

Second, there is new aspect of lawyering that is coming to the forefront around the country. **Collaborative Law** involves two lawyers and their clients agreeing that they will work toward a non-litigated settlement of the parents' disputes. If either parent chooses to litigate the matter in court, they agree that they must hire new attorneys.

Third, most Family Courts have court annexed **mediation** programs. These programs have trained family law mediators and welcome the presence of attorneys or self-represented litigants can appear on their own. They have a high success rate at resolving custody disputes and also have the advantage of being quick, efficient and free.

Fourth, **arbitration** is used less frequently and case law in most states does hold that parents can not contract away their parental decision making authority to a private entity. However, arbitration can work well with ancillary issues such as property distribution, which often spills over to the custody area.

Fifth, **parent coordinators** are also a relatively new phenomenon. This program involves a trained professional, usually a psychologist or mediator, who helps parents implement their court order. As noted above, the litigation process often leaves the parents' good will toward each other running on empty. A parent coordinator will help them get through the initial stages of the post-breakup period. It also gives the parents some traction and momentum in their ability to work together to resolve the inevitable problems that always arise after court proceedings are concluded. Most importantly, it provides a way for the parents to avoid going back to court.

So the message for the Courts and the bar is as Lincoln noted so long ago—be the peacemaker. And there may be added benefits to this approach. As someone else once said much longer ago: "Blessed are the peacemakers for they shall be called Sons of God."

