**American Academy of Matrimonial Lawyers - July 2023**

*Monthly Newsletter*




IN THE NEWS | MEMBER RESOURCE CENTER | EVENTS | BOOKSTORE | JOURNAL

Editor's Message (Video)
Join the RERC Committee
Articles
Fireside Chats (Video)
2023 Institute Training Report
Foundation
Health & Wellness Challenge
Tech Tips
Ipse Dixit!
Member Resource Center
Upcoming Events
If They Could Talk

## PRESIDENT'S MESSAGE



**Brent A. Cashatt**

***AAML President***

While thinking about what to write this month, my mind kept going back to the original intent of America's independence. A desire for adequate

The Fourth of July is an incredible reminder to pursue your dreams. And to work tirelessly to improve the aspects of your life that aren't helping you achieve those dreams.

I found this quote from Barack Obama that echoed the same idea, "The Fourth of July is a reminder that we are free to pursue our dreams, to live our lives as we see fit, and to make our voices heard."

I was also struck by the similarities between the needs of our clients and those original ideas that spurred on the United States of America. In many cases, our clients seek our representation to help them gain independence or to change the powers that may limit their access to the pursuit of happiness.

Let's focus on pursuing life, liberty, and happiness in July.

representation and the notion that everyone deserves life, liberty, and the ability to pursue their own happiness.

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**EDITOR'S MESSAGE**

**Kiilu Davis**

**Natalia C. Wilson**



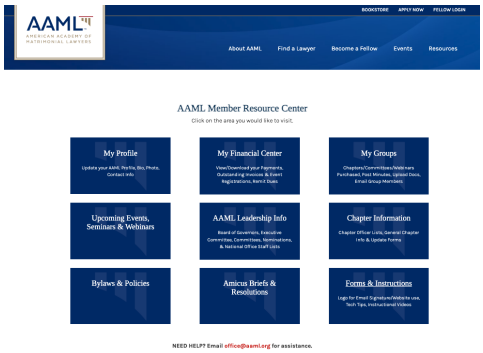

**Fireside Chat will Return in August!**
**Check all past FCs on YouTube!**
**Fireside Chat Playlist**




***We have now surpassed our goal of 1302 miles from the Bahamas to Chicago! We have collectively traveled 1,925 miles together!***

The Health & Wellness Challenge is on! Starting on June 1, Fellows from across the country have been reporting in weekly with miles they have racked up so far by either walking, running, swimming, biking or rowing!

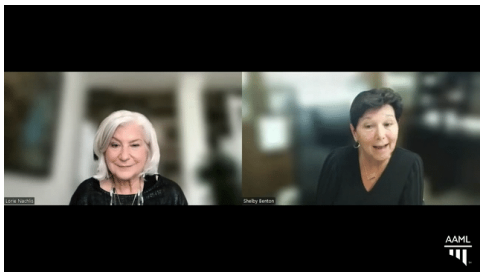
Joani Moberg who has been collecting the data, reports that the Minnesota Chapter remains in the lead with the most miles traveled, followed by the Southern California Chapter. Keep on moving and report those miles 'weekly' to Joani!




***We Would Like to Hear From You!***

***What should our next video topic be? What instructions would you like to see for navigating the website.***

By now you have noticed The Member's Resource Center Landing Page's new look and have settled in using this new feature to navigate to your profile, view your event registrations, visit your committee and chapter group's pages and watch an instructional video or two. What would you like to see next by way of an instructional video? We have a video for Chapter and Committee Administrators on sending emails/messages out to their groups and another for those admins that need to upload agendas and minutes to their group portals. Please let us know what you would like to see next and we'll make it happen.



**Click on the gif for a Message from Committee Members Shelby Benton and Lorie Nachlis**

**If you would like to be a part of the committee that is helping to make the world a better, more inclusive place, email office@aaml.org and let them know you'd like to join the RERC Committee today!**

Join our Race, Ethnic and Religious Considerations in Family Law Committee (RERC) and you'll get plenty of opportunities to better the world we're living in. Plus, you'll meet some awesome people and have a chance to make a real difference. Click on the gif to the left to hear from Committee Members Shelby Benton and Lorie Nachlis as they discuss their experiences as a result of being a part of the committee, how it has affected their personal and professional lives, and what you can expect to gain by joining this committee.

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**Another Successful 2023 Institute for Family Law Associates in Chicago**

**Click Here to Read More**

Another successful Institute for Family Law Associates is in the books! This is the premier training for associates. The Introductory Course covered everything from civility to financial issues to how to be an effective second chair. The Advance Course covered some of the same subjects at a more intense level, working with experts and business valuations, to name some of the topics.




**Tech Tips Videos**

The AAML Law Practice Management & Technology Committee's Lisa J. Gill, shares a cool tip on how to insert data from an image on your clipboard or a file from your computer, into an Excel Spreadsheet. You will want to take a minute to view this and other videos the committee has been providing since 2021. ***Click Here*** *for Past Tech Tips (Login Required)*

*back to top*

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*Zoom Meeting*

*Complimentary to AAML Fellows*

**Drinks and Diversity**

**July 12, 2023**

**7:00pm-8:30pm (CST)**

REGISTER - Login Required

We will be listening to a few short podcasts addressing diversity matters. A discussion will be held after the podcasts. *More information will be provided at a later date.*




*Webinar*

*Open to ALL*

**Where's Waldo? Spotting the International Law Issues in your Family Law Case**

**July 18, 2023**

**12:00pm-1:00pm (CST) 1 Hr CLE**

REGISTER

*Can't make the live presentation? Register Today and Watch On-Demand Later!*

Family lawyers are masters of the local. No one knows the local community better – the local schools, employers, real estate market, and the courts. Family lawyers are highly skilled in business valuations, income assessments, and parenting plans. Jurisdictional issues will arise, at times, but international law issues arise even less frequently. Or, do they? Even the most local of families may have (less than obvious) connections to foreign jurisdictions. Some may be relatively mobile, working for employers that require travel or assignments to other (foreign) offices, or finally taking their family on that coveted European vacation. Whether the international issues are as complex as understanding international treaties and private international law or as commonplace as understanding passport regulations and the UCCJEA, the key is to be able to spot these international law issues in the weeds of a domestic family law case. Join us as AAML Fellows Vanessa L. Hammer and Melissa A. Kucinski assist us in spotting the international law issues within our family law cases.

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## UPCOMING NATIONAL EVENTS/MEETINGS

Zoom Meeting - Drinks and Diversity
July 12, 2023
7:00pm - 8:30pm CST

Webinar - Where's Waldo? Spotting the International Law Issues in your Family Law Case
July 18, 2023
12:00pm - 1:00pm

## UPCOMING CHAPTER EVENTS/MEETINGS

AAML-MN 2023 Divorce Camp
September 28-October 1, 2023

AAML-FL 2024 Marital & Family Law Review Course
January 26-27, 2024

Webinar - Redefining Advocacy: How Collaborative Practice Has Changed the Landscape
August 2, 2023
12:00pm - 1:00pm CST

AAML National Executive Committee Meeting
September 22-23, 2023
Seattle, WA

AAML-AFCC Joint Conference on Advanced Issues in Child Custody
September 28-30, 2023
Washington, DC

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*back to top*

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Journal of the American Academy of Matrimonial Lawyers

**Steven N. Peskind, Co-Chair**

Many of our members may not be aware, but the AAML Journal is one of the most respected journals in the nation focusing on family law and related topics. It is a tremendous resource for our members who can access past editions through our website. Some of the most prominent scholars in the nation write for our Journal, and this resource is invaluable. I urge everyone to go the website and browse past editions.

We just published the second part of our two-part series on the intersection of Constitutional issues and Family Law. Our Journal included the first post Dobbs analysis published in a law review Journal. The authors, Linda McClain and James Fleming agreed to an audible on their original topic so they could address this timely and important issue of constitutional law.

Upcoming issues include issues on real property and international law. Thereafter, future issues in the pipeline include a focus on ADR and the history of family law.

For the history issue, I'm working on an article on Abraham Lincoln's divorce practice. Stay tuned!

Administratively we are working on a project to tag past law review articles to make your research easier. Additionally, we are in the process of converting to an all digital format with the option of purchasing written materials from the publisher. Like it or not, we are immersed in a full digital era and must change with the times.

Dana Prescott and I are eager to hear from you with suggestions or questions about the Journal.

If you have a topic that you would like to propose or to write about, please contact either Steve Peskind or Dana Prescott with your ideas.

*back to top*

Hasan pointed out a rhetorical device in debate called "The Gish Gallop."

Regardless, it's effective. Often, judges glaze over and nothing gets done until



**Gish Gallopers:**
**Dry Up the Firehose**
by Steven N. Peskind
*Reprinted from The Successful Lawyer blog*

Recently, I listened to an interview by Guy Kawasaki on his Remarkable People podcast. He interviewed British Journalist Mehdi Hasan on his new book "Win Every Argument: The Art of Debating, Persuading, and Public Speaking."

While I consider myself an accomplished arguer, Hasan grabbed my attention with his description of one technique that is confounding.

Under this form of argumentation, the arguer rapidly spouts a firehose of misinformation: half-truths, misrepresentations, and outright lies. Because of the format of the debate, the responding party can't deal with the flood of untruths and is effectively stymied.

I see it in court. Trying to respond to a tsunami of misinformation reminds me of a brief I read a few years ago where the author referred to herself as resembling a mosquito in a nudist camp. "I know what to do, I just don't know where to begin."

From my experience, most who act this way do so from ill preparedness rather than overt dishonesty.

there is an opportunity for a full hearing, which sometimes takes weeks, if not months. I think of these folks as octopi with briefcases, spewing out blinding ink to scuttle away from danger.

This reminds me of another law of rhetoric, Brandolini's Law, which provides, "The amount of energy needed to refute bullshit is an order of magnitude bigger than that needed to produce it." This law is particularly pernicious in a viral internet culture. But it is also pervasive in advocacy. I've often grappled with how to respond to the false claims that come from the pens and mouths of my opponents. It's hard work and near impossible to prove a negative!

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**Know What You're Dividing!**
by Mark E. Sullivan
Author of the *The Military Divorce Handbook*

We were just about finished with the hour-long Zoom interview when I heard it. It was one of those moments when your ear says to your brain, "What? Hold on – stop everything!"

The military client was telling his local lawyer and me how he expected

It was now clear – as it definitely had not been in the previous hour – that "John Doe" was not gracefully exiting the Army after 20 years of service at his own choice. Rather, he was being forced out with a disability retirement. And that made all the difference in the world.

**Disability Retirement**

We'd been discussing what share his wife would receive in the divorce settlement, how to write up the military pension division order (MPDO), how much of the pension would be allocated to her, when payments would start from the retired pay center, and what language and data points were required. But now, with the new

And that meant that there was a good possibility that none of the pension would be divided. When a servicemember gets a disability retirement under Chapter 61 of Title 10, U.S. Code, his retired pay is calculated in two ways. The first is retired pay based on his percentage of disability. The second method is pay calculated according to his years of service. The servicemember gets to decide which to receive. 10 U.S.C. § 1401(a). In John's case, if the higher amount were based on percentage of disability and he chose that, then none of the pension would be divisible. 10 U.S.C. § 1408(a)(4)(A)(iii). If the higher amount were based on years of service and he chose that, then only the

to retire from the Army in four months. He said he'd know for sure when the PEB report came through.

"PEB… as in Physical Evaluation Board?" I asked. He confirmed that's what he meant.

information, it became clear that this was not a longevity retirement; he was being "put out to pasture" because he was mentally or physically unfit to continue to serve.

difference between that amount and the percent-of-disability amount would be divisible.

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back to top

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**Yes, Kids Should Be First**

Although many of us felt isolated from our colleagues during these past three years of COVID, once we got back to being in the court and commiserating with other attorneys and judges, one thing that stood out for me is the increase in high conflict custody cases.

How many times have we heard from clients that a significant effect of isolation has had on increasing conflict between parents?

We are fortunate through the Foundation to have learned about the important and critical work of Kids First Center for Co-Parent Education and Family Resilience in Scarborough, Maine, which was one of our 2022 grant recipients.

As stated on their website, their Center is "a safe place for moms and dads to learn how to peacefully co-parent and how to keep children from the middle of adult disputes."

Although located in Maine, a benefit of COVID, has now resulted in their establishing virtual programming for families in rural areas in Maine, as well as many other states.

The program educates parents about the impact on their children of continued exposure to their high conflict relationship. One portion of the program works with "separated parents who are so entrenched in chronic conflict with one another that they have lost sight of the negative effects their behavior is having on their children."

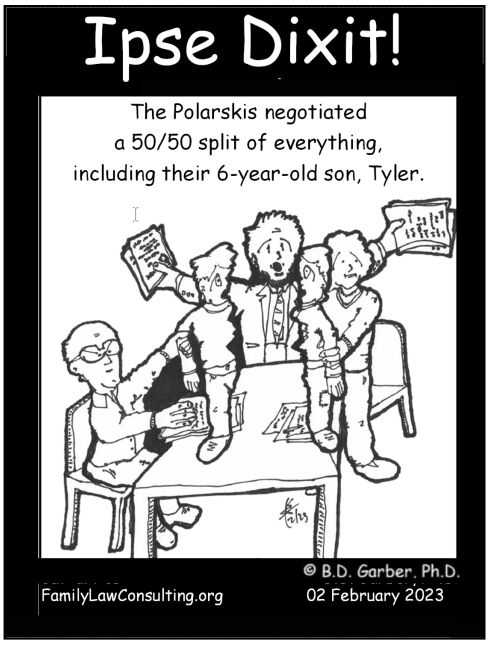
The program also includes participation of the children so that they have a "neutral place where they can freely express their feelings." The emphasis is on coping strategies and mindfulness.

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back to top

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***Ipse Dixit!*** is a monthly cartoon created by Co-conspirators: **Dana E. Prescott** and **Ben Garber, PhD**. **Click to View Past Cartoon Creations** and have a laugh.







***If They Could Talk*** is your animal companions section. **Have a Look at the Gallery** to see this month's and past newsletter's submissions. Send us your furry and non-furry animal's photos! Please send to: **mary@aaml.org**




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