

About This Issue

The focus of the issue was inspired by the Academy's continued commitment to access justice for families and the ability of technology to further that goal. It features three articles on improving docket management for family law cases in the places they are most likely to take place, that is state courts. One describes a system instituted in the Connecticut court system co-written by the judges who spearheaded the initiative. Another article describes the development of a portal that can be implemented on a wider scale, that screens cases in family court to guide proper service delivery. A third, written by a Kansas family court judge, expounds on the advantages and perils of the use of AI by attorneys in family court and offers a model for addressing the issue with a proposed local rule that focuses on the risks of the use of generative AI and responds with a process that includes both education and self-disclosure. The issue includes two articles on child custody matters, one focusing on educational efforts to improve the success of appropriate child custody evaluations and the other offers a critique of courts' responses to violations of court ordered parenting plans. The final two articles continue the discussion on access to justice by describing an alternative method of handling divorce matters that can be used by family law attorneys nationwide, and the other describes a program designed to use trained community justice volunteers to assist parties involved in the legal system who are facing difficult family law situations. Two student Comments are included and the issue concludes with an excellent annotated bibliography on the impact of technology on lawyers, courts, and access to justice.

Our Issue Editors are David Griffin and Racheal Mastel. Mr. Griffin is a partner at Rutkin, Oldham & Griffin in Westport, CT. He represents clients in divorce, custody, relocation and income and asset distribution cases, including alimony and support issues arising from complicated compensation structures in high net worth families. He has been active in the Academy for many years and was named National Fellow of the Year in 2016. He is an experienced litigator in cases involving complex finances, electronically stored information (ESI) and manipulation of data files and recordings. Ms. Mastel is a member of the International Academy of Family Law Attorneys, a Nevada Board Certified Specialist in Family Law and has practiced exclusively in the area of Family Law for 15 years, resolving contested cases, both by litigation through trial and by settlement as well as litigating Family Law Appeals. Ms. Mastel has taught nationally for the AAML and for the Nevada Family Law Section and has authored extensive CLE materials on various aspects related to the practice of family law for family law programs throughout the country. She has also been a co-author or co-editor on several amicus briefs to the Nevada and United States Supreme Courts on behalf of the AAML.

Our first article, entitled *Modernizing Family Courts: How Technology-Driven Triage Improves Access to Justice for Self-Represented Litigants and Enhances Efficiency for Lawyers* is authored by Ayyoub Ajmi and Alicia Davis. Mr. Ajmi serves as Director of Legal Innovation and Technology at the University of Missouri–Kansas City School of Law, where he leads cutting-edge initiatives at the intersection of law and technology. He is a legal technology leader dedicated to advancing access to justice through innovative solutions. He is also the founder of CivilLaw.Tech, a consulting firm that develops AI-powered self-help tools and court technology solutions. Alicia Davis, J.D. is a Principal Court Management Consultant with the National Center for State Courts (NCSC), where she leads national initiatives to improve outcomes for families and vulnerable populations through data-informed innovation. She currently oversees federally sponsored efforts to modernize civil protection order processes and enhance family court services, including the development of national guidance for Civil Protection Order Portals, the National Family Court Services Portal, and the validated Families in Transition (FIT) online course. She is currently leading research to validate indicators of need in family law cases. A former court leader in Colorado and Utah, she has worked with courts in every region of the United States and internationally, designing practical solutions that improve user experience, access, safety, and efficiency. Their article explores the Family Court Services Portal, a technology-driven triage tool designed to streamline family case processing, improve access to justice, and help courts allocate resources effectively. The portal integrates pre-screening triage automation, guiding parties through structured issue identification to support proportional judicial intervention and informed case management.

The first of our articles addressing child custody issues is entitled, *Advance Orientation: Preparing Parents to Participate in a Court-ordered Parenting Plan Evaluation* by Benjamin D. Garber and Premela Deck. Dr. Garber is a New Hampshire licensed psychologist, a prolific writer and an international speaker on subjects in family dynamics, child development, and the law. He restricts his practice to consulting and providing child-centered evaluations to the court. Dr. Garber is the proud founder and director of DEFUSEdivorce.com, the planet's only resource educating litigating parents about the legal system. Dr. Garber can be reached at Ben@DEFUSEdivorce.com or BDGarberPhD@FamilyLawConsulting.org. Premela Deck, LICSW, JD, PhD is a forensic social worker, family law attorney, educator, and researcher. She runs a group forensic mental health practice in Massachusetts called SD Family Services, Inc. Along with her team, she employs several interventions for court-involved families, including parent coordination, family and individual therapy, parenting plan evaluations, consulting, and support groups for court-involved individuals. Her work is informed by her experience as a litigator, researcher, and clinician. In their article the authors rely on research spanning more than fifty years across a wide variety of fields that repeatedly

finds that programs that orient consumers in advance of participating in an unfamiliar and stressful event diminishes anticipatory anxiety, improves compliance, efficacy, efficiency, and satisfaction, with numerous secondary benefits. To advance those goals they introduce Advance Orientation (AO) to family law in general and to Parenting Plan Evaluators (PPE) in particular. AO is distinguished from informed consent on one hand and from coaching on the other. An AO program for parents ordered to participate in PPE is described and a research program intended to document associated improvements in the ecological validity of PPE data is discussed.

Docket Management in Family Law Cases: The Connecticut Pathways Experience by Adam J. Harvey, Elizabeth A. Bozzuto, Michael A. Albis, Anna M. Ficeto, and Leo V. Diana describes a new Connecticut Judicial Branch case management process in its family division known as Pathways. This new approach to case management has fundamentally changed how domestic relations cases are processed and adjudicated in the state's court system. The article begins with an historical overview of the structure of Connecticut's court system and the Short Calendar docketing procedure that the Judicial Branch's family division utilized prior to the implementation of Pathways. It then addresses the development of the Pathways approach to case management in the state of Connecticut with an emphasis on the challenges brought on by the onset of the COVID-19 pandemic and the effort to address those challenges through the implementation of Pathways in the Connecticut courts. Finally, the article addresses the current impact of Pathways. In sum, this article briefly discusses the reasons why Connecticut chose to implement a Pathways approach to family case management, the challenges associated therewith, and the benefits that have resulted from the Pathways model with the hope that being the first jurisdiction to implement a Pathways model on a statewide basis, it will serve as an exemplar to other jurisdictions that may decide to reengineer their family court procedures in a similar fashion. Attorney Adam J. Harvey joined the Judge Support Services Unit in the Connecticut Judicial Branch in 2008, after graduating from Colby College with a Bachelor of Arts degree in history and government and earning his Juris Doctor degree from the New England School of Law. As a Research Attorney, Adam works on special projects, supports the continuing legal education of Superior Court judges, and assists Superior Court judges and Superior Court law clerks with some of the most intricate cases in Connecticut. He is admitted to practice in Connecticut, New York, and Massachusetts. The Honorable Elizabeth A. Bozzuto was appointed to the Connecticut Superior Court in 2000. She currently serves as the Chief Court Administrator of the Connecticut Judicial Branch. Prior to that, she served as the Deputy Chief Court Administrator, the Chief Administrative Judge of the Family Division, the Presiding Judge of the Regional Family Trial Docket, as well as the Presiding Family Judge in many Judicial Districts throughout the state

over the course of her 25 years with the Judicial Branch. Hon. Michael A. Albis was appointed to the Connecticut Superior Court bench in March 2013. He has served as a judge in the Family Division continuously since September of that year, including assignments as the Family Presiding Judge for the Middlesex District and the Presiding Judge of the Regional Family Trial Docket for complex family cases from around the state. From September 2018 through September 2023, he served as the Chief Administrative Judge of the Family Division. The Pathways process for family cases in Connecticut was developed and launched during his tenure. Judge Albis now holds the status of Judge Trial Referee and serves as the Presiding Judge for the statewide Family Mediation Center based in Middletown. Anna M. Ficeto is a judge of the Connecticut Superior Court first appointed in 2012. Her assignments were primarily in the Family Division in the Hartford and Waterbury Districts. She was the Presiding Judge of Family Matters in the Waterbury Judicial District from September 2016 through December 2022. She is currently the Deputy Chief Court Administrator for the Connecticut Judicial Branch and has served in that role since January 2023. Hon. Leo V. Diana was appointed to the Connecticut Superior Court bench in March 2014. He has served as a judge in the Family Division continuously since September of 2015, including assignments as the Trial Judge for the New London District and the Presiding Judge of the Regional Family Trial Docket for complex family cases from around the state, from September 2017 through September 2021. He has been the Chief Administrative Judge of the Family Division since September 2023. The Pathways process for family cases in Connecticut was negotiated and approved during his leadership. Judge Diana has been Presiding Judge for the Hartford District since September 2021.

Addressing the challenges of the use of AI by attorneys in family litigation is the focus of our next article entitled, *The Use of Generative Artificial Intelligence in the Judicial System: A Brave New World* by Judge Krishnan Christopher Jayaram. To better appreciate and understand the benefits and pitfalls in the use of AI in family law litigation the article begins with the concepts of A.I. and Generative Artificial Intelligence (“Generative A.I.”) in the most common contexts of the litigation process. It then briefly discusses some of the innate benefits that the use of Generative A.I. can provide to practitioners and self-represented litigants. It delves into some of the likely risks and potential problems presented by use or misuse of Generative A.I. in the litigation context, including possible ethical difficulties. Finally, the article concludes by explaining what the Tenth Judicial District Court in Kansas has established, as a modest proposal, to address both the use of Generative A.I. and the potential risks of its use through education and the self-disclosure components of the local rule. Judge Jayaram is a District Court Judge for Johnson County, Kansas. He was appointed to the bench by Governor Laura Kelly in 2021. He initially served as a judge in the Family Court,

but he moved at the beginning of 2023 to a full time civil division within the court's Civil Department. Prior to his appointment, he was a civil trial attorney for over twenty years, specializing in complex litigation, primarily in the areas of product liability and medical malpractice. Judge Jayaram received his law degree from Northwestern School of Law at Lewis & Clark College in Portland, Oregon. He received his undergraduate degree in Environmental Science from the University of Kansas. Judge Jayaram is currently a member of the faculty at the National Judicial College in Reno, Nevada. In his spare time, he is a member of and/or trustee on several Boards, coaches youth competitive soccer, and spends time with his family.

Dara Marias, the author of our next article entitled, *A Just Way to Divorce*, considers processes for handling divorce cases when one is concerned about access to justice. The article evaluates the extent to which a process (1) provides access to competent legal counsel, (2) is timely and efficient, (3) reduces costs and financial outlays, and (4) connects individuals with non-legal professionals who can enhance the individual's ability to effectively participate in the legal process ending their marriage. Five divorce processes including: contested, do-it-yourself, mediation, collaborative divorce and amicable divorce are evaluated in light of those factors. The article provides a comprehensive overview of one of those processes known as Amicable Divorce, contrasting that process with collaborative divorce so that the distinctions are apparent. Finally, the author provides support for the amicable divorce process concluding that it provides meaningful access to justice in divorce. Dara Marias is a partner with Kainen Law Group, PLLC. in Las Vegas, NV. With both a Juris Doctor and Master of Social Work, she directs Kainen Law Group's Client Care Department, which supports clients during and after divorce. She pioneered Amicable Divorce in Nevada. She has also written extensively on social emotional skill development co-authoring *Inspiring Community Advocates: Curriculum for Developing Social-Emotional Skills through Community Service Learning (Grades 3-5)* and *Inspiring Community Advocates: Leaders (Grades 9-12)*. In recognition of her extensive community outreach in Las Vegas, she received the Summerlin Council Outstanding Volunteer Award.

In *Rights Without Remedies: The Case for Community Justice Workers and the Future of Family Law*, Alicia Mitchell-Mercer and Nikole Nelson discuss the recent rise of community justice workers as a response to the concerns over access to justice for family law matters. They begin their article by exploring the everyday crisis they see in family law, where millions of people face separation, custody, and protection proceedings without meaningful legal help. They examine how the civil legal system, with its expansive restrictions on unauthorized practice, criminalizes help by anyone other than lawyers, even in moments of profound need. The legal foundation for community justice workers is explored, distinguishing this community-rooted model from other reform

efforts. The article considers how training, credentialing, and oversight can protect the public while broadening the circle of legal help. Finally, the authors propose pathways for integrating help into trusted community settings where families already turn for assistance. They conclude that the legal profession, state courts, and community organizations can transform the boundaries of legal assistance by building new, place-based pathways that respond to unmet legal needs and restore trust in the justice system's ability to serve the public. Dr. Alicia Mitchell-Mercer is the Chief Operations Officer at Frontline Justice. A military veteran with over 20 years of legal experience, she began her career as a paralegal and later led strategic operations as Director of Project Management at Lex Project Management Consulting Group. In that role, she collaborated with corporate legal departments, state agencies, and litigation firms to streamline operations and enhance efficiency. Dr. Mitchell-Mercer holds a Doctorate in Public Administration focused on civil access to justice and regulatory reform and serves as a FINRA arbitrator. She currently serves on the North Carolina Equal Access to Justice Commission and previously held appointments to the North Carolina State Bar's Regulatory Reform Subcommittee and the North Carolina Bar Association's Internet & Regulations Task Force. She also volunteers with the North Carolina Justice for All Project and has served as a Guardian ad Litem in North Carolina's courts. Her contributions have been recognized with multiple honors, including two North Carolina Judicial Branch Service Awards. Nikole Nelson, JD, is the founder and CEO of Frontline Justice. Prior to joining Frontline Justice, she was the Executive Director of Alaska Legal Services Corporation, Alaska's only statewide provider of free civil aid. During her 25 years in the field, she worked to build community-led, people-centered justice models and to expand the scope of who can provide legal help including a groundbreaking launch of Partnering for Native Health, a Medical-Legal Partnership involving non-lawyer justice workers that won the 2019 World Justice Challenge. She also spearheaded reforming restrictions on unauthorized practice of law for justice workers in Alaska; these reforms were approved in 2022 by both the Alaska Supreme Court and State Bar Board of Governors. Nikole is a member of the American Bar Association's Standing Committee on Legal Aid and Indigent Defense (SCLAID) and is a member of the Legal Services Corporation's Rural Justice Task Force.

Our final article is entitled, *The Empty Promise of Enforceable Court-Ordered Parenting Plans in the Era of Grievances and Righteousness* and is authored by Dana Prescott. In the article he addresses the question: Why are court-ordered parenting plans illusory as swiftly and rigorously enforceable orders? He begins by exploring the philosophical and political choices that encourage child custody litigation as a solution to parental conflict. He notes that after parents receive an original parenting order signed by a judge by agreement or after a trial, it is docketed in the court records and transmitted to the parents. The next section of

the article explores the general rules for judicial imposition of remedial (make-up time, change of custody) and coercive (civil incarceration, fines) forms of contempt. With that background, he describes barriers to enforcement of parenting plans and, concomitantly, a tactical bonanza that results from delay or obstruction for a parent violating a parenting order. He turns his focus to a Maine statute that requires a mandate for enforcement that is incorporated in Maine's parental rights and responsibilities statute. He suggests it may be a model for enforcement. However, he concedes that policy changes designed to address enforcement are limited by the structural rigidity of any family court system, including fiscal budgets and assessment tools that allow entry into the "black box" of judicial decision making. Dana E. Prescott, PhD, LMSW, JD, is a partner at Prescott, Jamieson, & Murphy Law Group in Saco, Maine and is licensed to practice law in Maine and Massachusetts. He is a Fellow of the AAML and IAFL and is the Co-editor of the Journal. He notes that the opinions expressed in his article are his alone and may not reflect those of the Journal or the AAML.

Our student Comments continue the focus on the use of AI by attorneys and in custody decision making. They are entitled, *With Great Power Comes Great Responsibility: Court Sanctions for Misuse of GenAI* by Emily Desbien and *The Role of AI in Custody and Parenting Time Decisions* by Lilythe Eighmy. Once again, we conclude the issue with another extensive bibliography by Allen Rostron, Associate Dean and Edward A. Smith / Missouri Chair in Law, the Constitution & Society at UMKC School of Law.

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