

28th Annual Family Law Conference

Chatham Bars Inn, 297 Shore Road, Chatham, MA 02633

Sponsored by the Family Law Section

AGENDA

Friday, November 16, 2018

11:00 a.m. – Noon **Registration**

Noon – 12:55 **Pre-Conference Presentation: The Journey Continues—
Alimony After Tax Reform**

Faculty:

Marc D. Bello, CPA, *Edelstein & Co., Boston*

Michael I. Flores, Esq., *Michael I. Flores, P.C., Orleans*

David H. Lee, Esq., *Lee & Rivers LLP, Boston*

1:00 – 1:05 **Welcoming Remarks**

Provided by Kimberley J. Joyce, Esq., *MBA Family Law Section Council Chair*

1:05 – 1:35 **Keynote Address**

Norman I. Jacobs, Esq., *Esdaille, Barrett, Jacobs & Mone, Boston*

1:35 – 1:45 **Break**

1:45 – 3:00 **A Pathway for Litigation and Resolution in Matters Involving
Addiction**

We resume the MBA's 2014 annual conference discussion regarding addiction in the context of domestic relations litigation. Judges Crawford and Jacobs, together with their panel of highly esteemed legal, medical and psychological professionals, educate practitioners and judges alike by sharing their extensive knowledge regarding the unique problems presented by addictions in domestic relations matters. Topics will include a description and analysis of the legal system's evolving methods of addressing family addictions; special programs available in that system to families afflicted by substance use disorders; understanding substance use as a brain disorder and incorporating treatment of co-occurring mental health disorders as part of case resolution; brief review of drug testing and medical treatment measures; remedial approaches to child custody and protecting the best interests of children in situations of addiction; and use of experts in matters involving addiction. What should the

practitioner know about exactly how addiction impacts the ability to parent and the best interests of a child? You don't need a drug court in your backyard to introduce a higher level of advocacy in your representation for or against a litigant suffering an addiction, and to exercise a higher level of awareness of the impact of addictions in contested domestic relations matters.

Moderator:

Moira E. Tierney, Esq., *Moira Tierney Law Office, New Bedford*

Panelists:

Hon. Beth A. Crawford, *Franklin Probate and Family Court*

Hon. Susan L. Jacobs, *Bristol Probate and Family Court*

Alexandra Flanders, Esq., *Franklin County Asst. Jud. Case Mgr.*

Ayorkor Gaba, Psy.D.

Stephanie Tabashneck, Ph.D., J.D., *Boston*

Farrah S. Wax, Esq., *Wax Family Law, Great Barrington*

Leslie H. Powers, Esq., *Cox & Powers, P.A., Greenfield*

3:00 – 3:05

Break

3:05 – 4:15

The Domestic Relations Practitioner's Domestic Violence Toolkit; What you Need to Know

Domestic violence is an unfortunate reality in our society. What should a practitioner know when handling a domestic relations matter which involves domestic violence? What steps should be taken in such a matter when such violence could give rise to criminal action? What ethical considerations are present in a domestic relations matter involving domestic violence? What legal tools are available to the practitioner in advocating for or against a party in a domestic relations matter when an issue of domestic violence arises? Whatever side you are on, it is critical for the practitioner to understand the potential impact on litigation and potential litigation avenues when claims of domestic violence are made, and how to appropriately manage such a charged and critical issue as part of a domestic relations matter.

Moderator:

Rebecca G. Neale, Esq., *Bedford Family Lawyer, Bedford*

Panelists:

Hon. Megan H. Christopher, *Suffolk Probate and Family Court*

Hon. Patricia A. Gorman, *Norfolk Probate and Family Court*

Hon. Randy J. Kaplan, *Nantucket Probate and Family Court*

Rachel B. Biscardi, Esq., *Women's Bar Association*

Suzanne Kontz, Esq., *Middlesex District Attorney's Office*

Adam A. Rowe, Esq., *Crowe & Dunn, Boston*

4:20 – 5:30

Annual Judicial Forum

Get the judges' take on hypothetical situations implicating the most extreme situations faced by the Probate and Family Court judiciary and practitioners and hear them provide practical advice on advocacy and best practices in these difficult areas.

Moderators:

Elizabeth A. Roberts, Esq., *Roberts & Sauer, LLP, Boston*

Nan M. Sauer, Esq., *Roberts & Sauer, LLP, Boston*

Panelists:

Hon. Thomas J. Barbar, *Middlesex Probate and Family Court*

Hon. Edward G. Boyle III, *Plymouth Probate and Family Court*

Hon. Megan H. Christopher, *Suffolk Probate and Family Court*

Hon. Linda S. Fidnick, *Hampshire Probate and Family Court*

Hon. Melanie J. Gargas, *Middlesex Probate and Family Court*

Hon. Frances M. Giordano, *Essex Probate and Family Court*

Hon. Patricia A. Gorman, *Norfolk Probate and Family Court*

Hon. Susan L. Jacobs, *Bristol Probate and Family Court*

Hon. Randy J. Kaplan, *Nantucket Probate and Family Court*

Hon. Denise L. Meagher, *Plymouth Probate and Family Court*

Hon. George F. Phelan, *Norfolk Probate and Family Court*

5:45

Reception in the South Lounge, Chatham Bars Inn

Saturday, November 17, 2018

8:45–10:00 Critical Issues in Representing Military Members and Civilian Federal Employees

Examine the unique issues and potential pitfalls that encountered in domestic relations practice by active duty and retired military members and federal civilian employees. Panelists will discuss and give guidance on critical issues relating to military members including their differing forms of compensation, the taxable or non-taxable nature of that compensation, retirement circumstances for career military members, division of military and OPM retirement assets, veterans' disability compensation, tri-care coverage, and pensions. They will also provide information and guidance regarding separate issues facing raised federal civilian employees such as medical and dental insurance benefits, FERS and TSP retirement assets and their division.

Moderator:

Brigid E. Mitchell, Esq., *Denise Squillante, P.C., Fall River*

Panelists:

Hon. George E. Phelan, *Norfolk Probate and Family Court*

Anna Richardson, Esq., *Veterans Legal Services of Boston*

LTC Shannon L. McLaughlin, *Massachusetts National Guard*

Mark E. Sullivan, Esq., *Mark E. Sullivan, P.A., Raleigh, NC*

10:05-11:20 High Conflict Custody Matters, Contact Resistance, and Putting the Children in the Middle---How Can This be Fixed?

When do a child's contact resistance and conflict within a family cross the line into something which requires judicial intervention? And when that happens, how should a child's best interests be determined? How can the problems of resistance and high conflict be alleviated, and as a practitioner, what are your best options for advocacy in these situations? Our esteemed panel discusses these and related questions to guide the practitioner's advocacy in these situations.

Moderator:

Jennifer M. Clark, Esq., *Casner & Edwards, LLP, Boston*

Panelists:

Abigail Judge, Ph.D., *Mass Gen. Hosp., Harvard Medical School*

Hon. Thomas J. Barbar, *Middlesex Probate and Family Court*

Hon. Paul M. Cronan, *Norfolk Probate and Family Court*

Steven E. Gurdin, Esq., *Fitch Law Partners LLP, Boston*

Michael G. Xavier, Esq., *Prince Lobel Tye LLP, Boston*

11:20 – 11:25 Break

11:25 – 12:30 **Getting it In; Keeping it Out—Critical Evidentiary Calls in Extreme Cases**

You have an important case, and everything seems like it's on the line. You need *that* evidence: drug test results; abuse evidence; police reports; DCF reports; collateral witness testimony; psychological evaluations; Facebook and Instagram photos (possibly altered!); video or audio taken without consent; and text messages – and the defendant is invoking his 5th Amendment privilege! Will you get it in? Or will opposing counsel keep it out? Let's see what happens, as experienced litigators make the arguments, and experienced judges make the call!

Moderator:

Richard M. Novitch, Esq., *Todd & Weld LLP, Boston*

Panelists:

Hon. Frances M. Giordano, *Essex Probate and Family Court*

Hon. Arthur C. Ryley, *Barnstable Probate and Family Court*

John J. Ronan, Esq., *Todd & Weld LLP, Boston*

Calvin J. Heinle, Esq., *Gibbs & Heinle LLP Wellesley*

12:30 **Closing Remarks**

