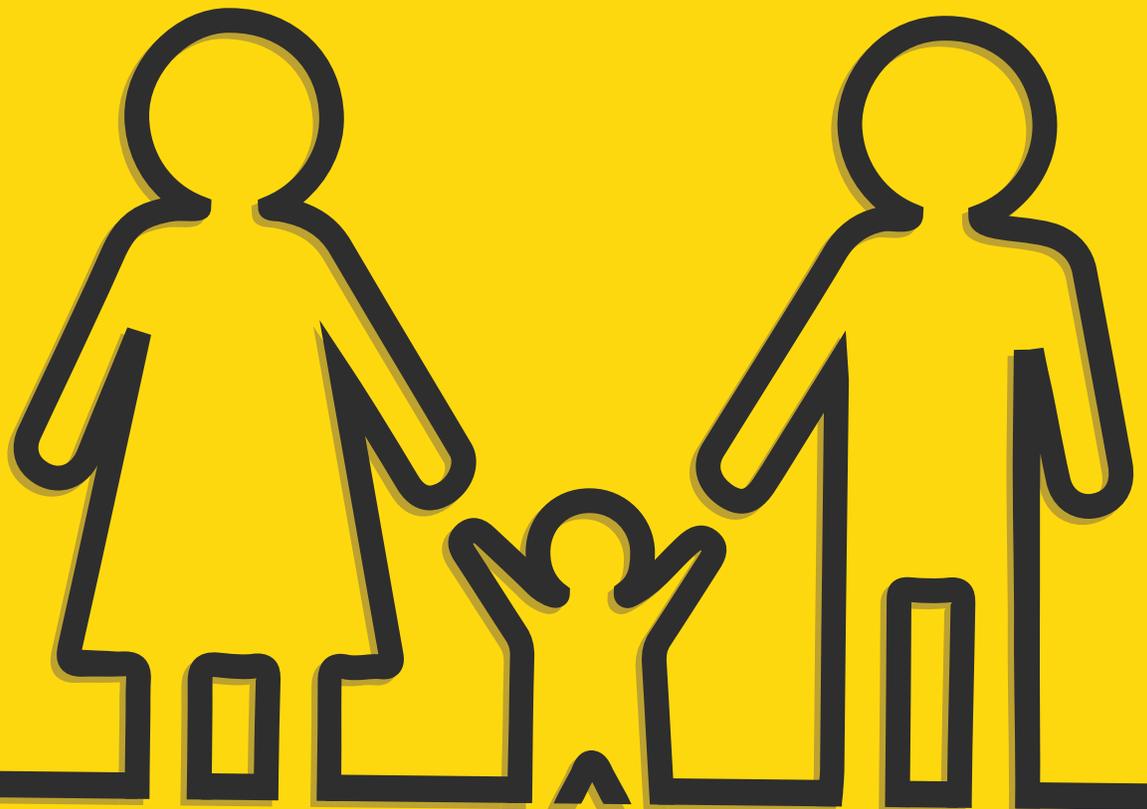


THE STATE BAR OF CALIFORNIA

FAMILY LAW NEWS

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Retraining Family Lawyers to Support Mediating Clients

By Paula M. Lawhon, CFLS

How to Divide Interests in Real Property When the Property is Not Community

By Nancie Yomtov

Factors for Move-Away Custody Disputes

By Maya Shulman, Esq.



Message from the Chair

David Lederman

Before starting this message, I took a walk down memory lane reviewing what my predecessors wrote. With uniformity, the first Message introduces the Family Law Executive Committee team, including each subcommittee and the subcommittee chairs. I will do that shortly, as it is an important feature of this message. The truth is that the work this Committee does requires a commitment of time and energy. The attorneys that donate their time and energy to these tasks should be acknowledged and appreciated.

2017 is the first full year that the sections are required to comply with the Bagley-Keene Open Meeting Act (OMA). This requirement took effect in April of 2016 and luckily, we had a chair, Vanessa Kirker-Wright, who recognized the challenges facing us and developed a plan. I get to build on that plan and draw on her experience, as she will continue to serve the State Bar as an advisor. The Open Meeting Act, as far as the Family Law Section is concerned, applies to any congregation of a majority of members of a body at the same time and place to hear, discuss, or deliberate on an item that is within the subject matter jurisdiction of the State body to which it pertains. This includes subcommittees of members in excess of two individuals. “Meetings” includes emails (which can’t even be forwarded to more than a quorum) and other electronic forms of communication. All meeting locations must be posted at least ten days prior to the meeting. If it’s a video or phone conference, we need to post the location of each participant, which would include a committee member or other volunteer’s living room if that is where the member intended to call from.

We used to be able to have impromptu video conferences and voice calls to discuss pending legislation as needed. That is no longer possible. All of the members of the Executive Committee are volunteers that donate hundreds of hours a year to the committee in areas of continuing legal education, legislation, affirmative legislation, editing scholarly publications, and mentoring. All of these activities help the Bar meet its obligation to improve attorney competence and



increase the quality of lawyering throughout the state. We are not a trade organization, and our efforts at commenting on legislation or proposing affirmative legislation are intended to help the public and improve the body of laws and systems that impact the public through the family court. It is unfair to require our members to open their homes and offices to the public as a price for their volunteerism. However, we may still need to do so if the need arises.

Subcommittees of two or fewer people are allowed under OMA. Under the reorganization of our Executive Committee, we will have the following two-person committees (which may change by the time this message is published):

Membership:

Shauna Chastain is starting her second year on the committee and will be taking over the great work of Roger Rombro as Membership Chair. Demetria Graves will be assisting her as Assistant Membership Chair. Demetria is a Certified Family Law Specialist from Pasadena and is new to the committee.

Education:

Our Education Committee is being divided into several subcategories (or subcommittees). Those subcommittees will be:

- Self-Study
The Self-study Committee is composed of returning committee member Renee Fairbanks of Santa Barbara and Naghmeh Bashar, who is a returning advisor and Editor Emeritus of the Family Law News.
- Solo Summit
Steve Hittleman, a Certified Family Law Specialist from Newport Beach, will be heading

our program at the Solo Summit with the assistance of Renee Fairbanks.

- **Webinars:**
Abbas Hadjian of Sherman Oaks is returning to the committee as the Webinar Chair. Over the course of the last year Abbas created multiple programs related to cultural competency and a series called *Lunch with Your Honor*.
- **Family Law News:**
The Family Law News is now under the stewardship of Executive Editor Dawn Gray, who is starting her second year on the committee. Dawn is taking over the fine work started by Naghmeh Bashar. Dawn, a Certified Specialist in Family Law, is a past editor of the ACFLS Specialist and perhaps the most prolific commentator on family law in California. She will be assisted by new member Stephen Hamilton from Arroyo Grande. Steve is also a Certified Family Law Specialist.
- **Enews/website/social media:**
This consolidated committee will be led by second year member Jason Elter. Jason was our Website Chair last year and that roll is being expanded to encompass our electronic messaging, which includes Enews, website and social media.

The following areas will not be a subcommittee under OMA, but will encompass the entire Family Law Section Executive Committee.

Legislation:

Dorie Rogers, a Certified Family Law Specialist from Orange, is starting her third year on the Committee and is taking over as Legislative Chair from Fariba Soroosh, who is extending her term on the Committee by remaining as an officer in the position of Secretary. As legislation requires an enormous amount of work, the Legislative Committee will be composed of all voting members of the committee. This is a huge task. Last year our committee reviewed, discussed and commented on 54 bills as well as numerous bill and judicial council form proposals.

Live Programming, which include the State Bar Convention and our Family Law Essentials Program:

The cornerstone of our live programming is the Family Law Essentials Program. This program is given in four to five venues across the state and is presented by the following panel of esteemed bench officers: Honorable

Mark Juhas, Honorable Sue Alexander, Honorable Maureen Francis Hallahan, and Honorable Dale Wells. These judicial officers will be joined this year by Attorneys Barbara Hammers and Garrett Daily. This program was started by Sherry Peterson, who will continue her fine work with Steve Hittleman and rest of the committee.

The committee also puts on five or more family law programs at the State Bar Convention, and will continue to provide this type of excellent programming in 2017.

Affirmative Legislation:

In addition to reviewing legislation and other proposals made by others, Affirmative Legislation proposes new family law-related legislation and shepherds the bill from inception to law. One such bill was S.B. 1255 2015-2016 Reg. Sess., which started off as Affirmative Legislation on which the committee worked in conjunction with the Association of Certified Family Law Specialists (ACFLS), American Association of Matrimonial Lawyers (AAML), and the American Association of Family and Conciliation Courts (AFCC). That bill was also known as the “Anti-Davis Bill,” which became law on July 25, 2016. Avi Levy, a Certified Family Law Specialist from Santa Monica, was last year’s Affirmative Legislation Chair. I am pleased to report that Avi continues with the Committee as my Assistant Chair. I could not have asked for a better co-captain. His incredible efforts in Affirmative Legislation are being continued by BJ Fadem of San Jose, assisted by Kendall Evans from Long Beach and John Nieman from San Jose.

The above is by no means an exclusive list of the members of the committee or the advisors.

As I write this Message, the future of the Bar seems uncertain. The Bar dues bill, which the Legislature passes annually to allow the Bar to collect dues from its members, did not pass this year. There are ongoing negotiations between the two houses of the Legislature and, if that fails, the State Supreme Court may issue a dues bill to fund the Bar’s “discipline” functions only.

We do not know whether the actual dues invoice for whatever services members are billed will include a contribution check-box for the voluntary association and support of the sections. The sections have some reserve funds saved, but our resources won’t last. To compound these pressures on the Family Law Section, there is a vocal segment of the Legislature and the public that want to see the Bar dis-unified, which would make the Family Law Section, if it survived, a true trade association. This

would be unfortunate for the public, which would lose an advocate of its interests on family law. It would also be unfortunate for the section, which would lose some of its credibility in the Legislature as well as the resources of the State Bar such as legislative lobbyists.

Today, the fate of the sections and their relationship with the State Bar seem uncertain. The truth is that most of the factors that impact the fate of the sections are beyond our control. To torture an old cliché, we will play the hand that is dealt to us. As this narrative progresses, I will endeavor to keep you, our membership, posted through the Family Law eNews and the Family Law News.

Regardless, of the challenges we face, the Family Law Section will push on to innovate in all areas, including membership outreach through social media and eNews, Family Law News, legislative analysis, proposed legislation and educational programs. We look forward to continuing to work with you to advance the practice of family law in California, improve the administration of justice in our family law courts and be a beacon of family law justice to the rest of this nation.

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Seeking Award Nominations

The Executive Committee for the Family Law Section of the State Bar of California (FLEXCOM) is seeking nominations for outstanding contributions to the practice of family law for 2017 in the following categories: Family Law Judicial Officer of the Year, Family Law Lifetime Achievement Award, Excellence in Family Law, Court Staff Award, Barrister of the Year Award.

A description of each award category and nomination forms can be obtained by sending an email to Avi Levy at avi@tlfamlaw.com or through the Family Law Section website at <http://familylaw.calbar.ca.gov>.

The deadline for submissions of nominations is **March 1, 2017**.

