



The New York State Council *On Divorce Mediation*

Accrediting NY Mediators Since 1986

585 STEWART AVENUE, SUITE 610
GARDEN CITY, NEW YORK 11530
www.nyscdm.org

CONSULTATION OPPORTUNITIES

Individual and small group consultation with Accredited Members is available, at no charge. Times are listed in the program. Prepare to discuss at least one case. Sign up at registration.

CONTINUING LEGAL EDUCATION

CLE credits are being applied for and will be earned depending on sessions attended. Financial hardship policy is available upon written request. To apply, write to Kathy Jaffe at 978 Route 45, Suite 107, Pomona, NY 10970

We look forward to seeing you and celebrating our 27th anniversary. Conference Committee: Co-Chairs - Ada Hasloeher and Kathy Jaffe, Committee members - Susan Brown, Dan Burns, Chris DiMaggio, Joann Feld, Lisa Gordon, Susan Ingram, Ken Neumann, Marah Nudel, Jeannette Palma, Chuck Schalk, Joann Shartrand, David Stein, Mike Stokamer, Linda Swann, Robyn Weisman, and Rod Wells.

MEDIATION MEDLEY

**NEW YORK STATE COUNCIL ON DIVORCE MEDIATION
PRESENTS ITS 27TH ANNUAL CONFERENCE
APRIL 29-30 & MAY 1, 2010 - SARATOGA SPRINGS, NY**

CO-SPONSORED BY: ASSOCIATION OF DIVORCE FINANCIAL PLANNERS, ASSOCIATION OF FAMILY AND CONCILIATION COURTS - NY CHAPTER, CONNECTICUT COUNCIL FOR DIVORCE MEDIATION AND COLLABORATIVE PRACTICE, FAMILY & DIVORCE MEDIATION COUNCIL OF GREATER NY, MASSACHUSETTS COUNCIL ON FAMILY MEDIATION, NY STATE DISPUTE RESOLUTION ASSOCIATION, NJ ASSOCIATION OF PROFESSIONAL MEDIATORS

THURSDAY APRIL 29, 2010

8:00 AM - 6:00 PM REGISTRATION DESK OPEN
9:30 AM - 4:00 PM PRE-CONFERENCE INSTITUTE
MEDIATING PARENTING AGREEMENTS

Joan B. Kelly, Ph.D. and Dan Burns, Esq.

Separate registration required.

See back panel for details.

4:00 - 6:00 PM MEET & GREET
WITH YOUR HOSTS
ADA L HASLOECHER AND KEN NEUMANN
Meet and greet new friends, reconnect with old friends.

6:00 - 7:30 PM RECEPTION and DINNER (cash bar)
WELCOME:
DAN BURNS, PRES. & BOBBIE DILLON, V.P.

7:30 - 8:30 PM KEYNOTE
KRAMER VS. KRAMER REVISITED:
THE EVOLUTION OF DIVORCE LAWYERS FROM
ZEALOUS TO CONSTRUCTIVE ADVOCACY.
PROFESSOR ANDREW SCHEPARD, ESQ.

Using the lawyer-client relationship described in *Kramer vs. Kramer*, this program will explore whether the model of "zealous advocacy" by a divorce lawyer that it portrays continues to be appropriate for parents whose children are deeply affected by a custody dispute. The program will describe how the process of divorce dispute resolution has changed in the thirty years since the movie. It will ask whether, in light of those developments, lawyer's codes of ethics should continue to move away from "zealous advocacy" to require that lawyers for parents advise their clients about alternatives to litigation and the needs of their children for conflict reduction.

8:30 - 10:30 PM MUSIC & DANCING
WITH AL FRANKEL & THE BLUES DOGS

FRIDAY APRIL 30, 2010

7:00 - 8:00 AM BREAKFAST
7:00 - 8:00 AM CASE CONSULTATIONS
(SIGN UP AT REGISTRATION DESK)
8:00 - 10:00 AM REGISTRATION DESK OPEN

8:00 - 8:30 AM
WELCOME & ANNOUNCEMENTS
DAN BURNS, PRESIDENT
ADA L HASLOECHER AND KATHY JAFFE
CONFERENCE CO-CHAIRS

8:30 - 10:30 AM PLENARY ONE
MARK V. BULLOCK & CHRIS HICKEY, ESQ.
MARKETING YOUR PRACTICE
FOR ATTORNEYS AND NON-ATTORNEYS

Practice Marketing Advisors works with Attorneys, Mediators, CPA's & Financial Professionals to help them market their personal brands within their individual Codes of Ethics, and Compliance Obligations. As such our presentation will include how to; Establish & promote yourself as a perceived expert in your field; Utilize and leverage a variety of inexpensive and/or free online marketing channels & collaterals; Work within Codes of Ethics & Compliance.

10:30 - 10:45 AM BREAK

10:45 - 12:15 PM WORKSHOPS: 1A, 1B, 1C

1A: WRITING AN EFFECTIVE AGREEMENT TO
MEDIATE - RACHEL FISHMAN GREEN, ESQ.

Beginning the mediation process with an effective Agreement to Mediate is an essential part of any mediation. Ms. Green will go through all of the elements of the Agreement to Mediate, discuss what should be in it, and how you can use it, what it can and cannot accomplish, and examine elements of a couple of samples of agreements to Mediate.

1B: POST DIVORCE MEDIATION -
SYDELL SLOAN, M.A. & BARBARA BADOLATO, L.C.S.W.
Sydell Sloan & Barbara Badolato have found in their practices that issues decided in mediation, particularly those involving children, rarely work out the way originally planned. Children's needs change, the status of each parent changes, and the quality of their interaction with each other changes. Many couples return to mediation which becomes part therapy, part mediation, part parent coordination in order to resolve these issues.

1C: UNDERSTANDING BUSINESS VALUATION
GLENN S. LIEBMAN, CPA/ABV
Glenn Liebman will discuss the basics on business valuation including valuation of the enhanced earning capacity of degrees, licenses and training obtained during the course of the marriage and recent trends on this topic. There will be a discussion about the tie in between the valuation of business and enhanced earning capacity, maintenance and child support needs. This tie in will address the issue of double dipping of the titled spouse's income stream.

12:15 - 1:45 PM LUNCH
NYSCDM ANNUAL MEETING

1:45- 3:15 PM WORKSHOPS: 2A, 2B, 2C

2A: THE ABC'S OF MOU'S
RACHEL FISHMAN GREEN, ESQ.

What needs to be in a Memorandum of Understanding so that it is sufficient for an attorney to draft a settlement or separation agreement? How can you be sure you've raised all of the issues necessary? We will go through the elements of a comprehensive MOU - and you'll have a chance to bring in your own questions too.

2B: THE NUTS AND BOLTS OF CSSA
TOM GORDON, ESQ.

The Child Support Standards Act (CSSA) can be a minefield for practitioners. Poorly drafted language or inattention to the intricate requirements of the CSSA may result in vacature of support agreements. This session will cover the rules in calculating the basic payment and add-ons and the language required to protect agreements from subsequent attacks.

2C: DIVORCE AND THE IMPACT ON CHILDREN
FRANCINE BARAS, L.C.S.W.

This workshop will address the needs of the children whose parents are going through or have been through a divorce. Children's needs are not always the first to be considered during this kind of family crisis. This workshop will help define the special needs of this population on a developmental and age appropriate continuum and provide the mediator with tools to help parents understand how to recognize the potential issues that often arise. In addition we will provide a list of tips that will be helpful in your mediation practice.

FRIDAY APRIL 30, 2010 (CON'T)

3:15 - 3:30 PM BREAK

3:30 - 5:30 PM PLENARY TWO

UPDATE ON THE LAW

STEVE ABEL, ESQ. & TOM GORDON, ESQ

This traditional update on the law has evolved to focus on the most interesting and noteworthy cases of the past year. Steve's enduring dedication to staying current, coupled with his generosity in sharing the fruits of his mastery is a true blessing. Seize this opportunity to stay current with this year's case law developments. Tom Gordon joins in this year for focus on child support issues.

5:30 - 6:15 PM ON YOUR OWN

6:15 - 7:15 PM RECEPTION (CASH BAR)

7:15 - 8:00 PM AWARD DINNER

HONORING

JOAN B. KELLY, Ph.D.

WITH NYSCDM'S FIRST AWARD OF THE

NYSCDM DISTINGUISHED MEDIATOR AWARD

8:00 - 9:00 PM SILENT AUCTION

SATURDAY MAY 1, 2010

7:00 - 8:00 AM BREAKFAST

7:00 - 8:00 AM CASE CONSULTATIONS

(SIGN UP AT REGISTRATION DESK)

8:00 - 12:00 AM REGISTRATION DESK OPEN

8:15 - 8:30 AM WELCOME & ANNOUNCEMENTS

8:30 - 10:00 AM WORKSHOPS: 3A, 3B, 3C

3A: UNDERSTANDING GOVERNMENT PENSION PLANS - NYS, NYC, FEDERAL & MILITARY **CAROLYN A. D'AGOSTINO, ESQ.**

This workshop focuses on the particular issues involved in dividing governmental plans, including the New York State Retirement System, the State Police and Fire Retirement System, various New York City Plans & plans for Federal Employees and Military Pensions. Learn how to best navigate these retirement plans, each of which have unique requirements not found in private sector (ERISA) plans.

3B: DEBT CONSOLIDATION AND DIVORCE **STEVEN CIANTRO**

This presentation will explore how debt slavery is built into our financial system. Discussed will be the difference between not for profit and for profit credit counseling companies, the formal programs that are available to relieve "debt distress" and how the issue of debt can undermine or derail mediation and what to do about it.

3C: THE HOPELESS CASE, **THE HELPLESS MEDIATOR**

KEN NEUMANN & CAROL A. BUTLER, Ph.D.

This interactive session will be a dialogue between two veteran mediators with the goal of sharing new and old tools and strategies that transform the chaos of the seemingly 'hopeless' cases into something that works. What is the mediator's internal process to stay focused and hopeful?

10:00 - 10:30 AM BREAK

10:30 AM - 12:00 PM WORKSHOPS: 4A, 4B, 4C

4A: DIVIDING RETIREMENT ASSETS IN DIVORCE: **SETTLEMENT STRATEGIES FOR MEDIATORS** **CAROLYN D'AGOSTINO, ESQ.**

This workshop focuses on understanding key pension concepts in the valuation and negotiation of retirement assets during the settlement agreement phase of the matrimonial action. The goal of this seminar will be to educate mediators and attorneys on understanding pension benefits and pension valuation concepts to negotiate key terms into the settlement agreement and arrive at a distribution favorable to your client.

4B: THE ROLE OF THE FORENSIC ACCOUNTANT IN **DIVORCE MEDIATION**

STEPHEN A. LINKER, CPA, CVA, CFF, DABFA

The attendees will learn how the team approach with the forensic accountant facilitates quicker resolution to all of the financial aspects of the divorce. Areas of focus in this presentation include business valuation, when to prepare a lifestyle analysis (for example, when the financial data contain "gaps"), obtaining maximum information from the parties' tax return(s), quantifying marital and separate property, and tax effecting the proposed settlement.

4C: AUTHORIZED PRACTICE OF MEDIATION AND **UNAUTHORIZED PRACTICE OF LAW** **CHRISTINE HICKEY, ESQ.**

The year old NY Rules of Professional Conduct for Lawyers impacts lawyer and non-lawyer mediators alike: Contractual relationships between lawyers and nonlegal professionals; Lawyers' responsibilities regarding nonlegal services and the conduct of non-lawyers; Lawyer serving as third-party neutral; Specific Conflicts of Interest for Mediators and other third-party neutrals; Fees and division of fees with nonlegal professionals. Join this important discussion about the Unauthorized Practice of Law and the Authorized Practice of Mediation. Contribute your vision of the Authorized Practice of Mediation.

12:00 - 1:00 PM LUNCHEON BUFFET
PLENARY THREE

DOMESTIC VIOLENCE INSIGHTS **ANTHONY RIZZUTO, CASAC**

Mr. Rizzuto will share his unique insights into domestic violence, battering, correlations between substance abuse and domestic violence, batterer intervention programs, dispelling myths and facts on domestic violence, as well as the danger and inappropriateness of a referral to anger management and or couples/marriage counseling for the batterer and victim. You will leave with a heightened awareness of some of the intricacies when working with couples where there is a history of domestic violence.

1:00 - 3:00 PM PLENARY FOUR

NEGOTIATING MAINTENANCE **CYNTHIA TIPPINS, ESQ.**

A general discussion of Domestic Relations Law Sec. 236[B](6), specifically, the mandatory consideration of the pre-separation standard of living and the process of determining appropriate amounts and duration of maintenance; the interplay of maintenance with child support and equitable distribution; and consideration of future issues, e.g., taxation, bankruptcy and retirement.

3:00 PM ADIEU

Pause and take an easy breath, relax and share what you've learned, exchange contact info with new friends, and complete your evaluations. We wish you a safe journey home and look forward to seeing you next year.

OVERNIGHT ACCOMMODATIONS

THE GIDEON PUTNAM RESORT
24 PUTNAM ROAD
SARATOGA SPRINGS, NY 12866
PHONE (914) 631-5700

RESERVATIONS

We have a limited number of rooms set aside at our special conference room rate of \$135 per night if reserved by March 29, 2010. After that date, the standard rate will be \$149 per night subject to increase and availability.

Please call for reservations.

Mention the NYS Council on Divorce Mediation. Their direct line is 518-584-3000

Register & reserve now, these rooms will go fast.

For additional information go to:

<http://www.gideonputnam.com>

DRIVING DIRECTIONS

FROM WEST (BUFFALO)

Take I-90 east (thruway).

Exit at Amsterdam Exit (27), pay toll.

Take right to Route 67 to Ballston Spa.

Take Route 50 north.

Take right into park at 2nd light after sign,
"Saratoga Performing Arts Center"

Follow signs to hotel.

FROM SOUTH (NEW YORK CITY)

TAKE I-87 NORTH (THRUWAY).

EXIT 24 TO I-87 (NORTHWAY).

EXIT 13N (ROUTE 9).

AT 4TH LIGHT TURN LEFT INTO THE PARK.

BEAR LEFT AFTER 8/10 MILE – HOTEL IS ON RIGHT.

FROM NORTH

Take I-87 south (Northway).

Exit 14 and make a right on Route 9P
(Union Avenue)

At the end of Union Ave, make a left onto
West Circular Street.

Bear right at 1st stop sign.

Turn left onto Broadway at 1st light.

At 3rd light turn right into the park.

Bear left after 8/10 mile – hotel is on right.

REGISTRATION FORM

Make Checks Payable to:

NYS COUNCIL ON DIVORCE MEDIATION

Mail to: Barbara Badolato, NYSCDM
585 Stewart Avenue, Suite 610
Garden City, New York 11530

FULL CONFERENCE FEE INCLUDES:

Thursday buffet dinner; Friday breakfast, lunch, hors d'oeuvres, dinner;
Saturday breakfast, lunch, and the proceedings book (plus a surprise gift for full conference registrants).

Join Now and Get Member Rates	Early Bird By April 10	Reg. Past April 10	Friday Only	Sat Only	Total
NYSCDM Members	\$395	\$425	\$235	\$220	
Non-Members	\$455	\$485	\$285	\$235	
Member Pre-Conf. Institute	\$75	\$85			
Non-Member Pre-Conf Institute	\$125	\$135			
First Time Member dues*	\$100	\$100			
				Totals	

NAME _____ TITLE _____

ADDRESS _____

PHONE _____ FAX _____

E-MAIL _____

I PLAN TO ATTEND THESE WORKSHOPS: (CIRCLE 4 - ONE FROM EACH GROUP)

1A 1B 1C 2A 2B 2C 3A 3B 3C 4A 4B 4C

(YOU ARE NOT REQUIRED TO ATTEND THE WORKSHOPS SELECTED)

I WOULD LIKE TO BECOME A NEW MEMBER, ENCLOSED IS \$100.00 FOR DUES

* I WILL COMPLETE THE ON LINE APPLICATION AT WWW.NYSCDM.ORG

* PLEASE MAIL ME A MEMBERSHIP APPLICATION

* MEMBERS OF OTHER STATE MEDIATION ORGANIZATIONS **WHO DO NOT PRACTICE** IN NEW YORK ARE ELIGIBLE FOR NYSCDM MEMBER RATES.

CARPools: I WOULD LIKE TO CARPOOL _____.

I CAN DRIVE MY CAR FROM _____ AND TAKE _____ PASSENGERS.

FULL TIME STUDENTS MAY INQUIRE FOR STUDENT DISCOUNT

PRE-CONFERENCE INSTITUTE PARENTING MODULE - SECTION TWO -

APRIL 29, 2010 9:00 AM - 4:15 PM

Risk and Resilience in Children following Separation and Divorce: Research Updates and Implications for Mediating Parenting Plans

The empirical research literature over three decades has identified consistent risk and protective factors associated with the adjustment of children following separation and divorce. This body of knowledge coupled with child development research on attachment formation and appropriate parenting provides guidance and opportunities for practitioners as they work with parents to develop age-appropriate parenting plans. Suggestions for using this information to promote better outcomes for children and adolescence after divorce will be discussed.

This Institute is Section Two of the Parenting Module of the NYSCDM Professional Family and Divorce Mediator Curriculum.

There is a separate charge for the Institute (see the registration form). The NYSCDM educational curriculum is the Gold Standard of mediator education. The Core Curriculum is comprised of a Seven Educational Modules covering diverse subjects including: Mediation Theory and Practice, Law and Financial issues, Ethics, Psychology, Child Development, Parenting, Partner/Domestic Violence, and Practice Management.