

YORK BAR ASSOCIATION FAMILY LAW CONTINUING EDUCATION PROGRAM: THE MODULE APPROACH

SACO RAMADA

1:00 p.m. – 4:30 p.m.

- I. **First Module: Fundamentals of Jurisdiction and Ethics: March 7th**
Moderator: Dana Prescott
Introduction: Hon. Thomas Humphrey
Speakers: Tanya Sambatakos, Esq.; Aria eee, Esq.
- A. The World of Families and Courts is Flatter
 - B. Probate and District Court: One Court/One Child?
 - C. Magistrates and Judges: Jurisdiction and Preserving the Record
 - D. UCCJEA/PKPA/UIFSA: Current case law
 - E. The Hague Convention on the Civil Aspects of International Child Abduction: “Intent” and Lessons from *Curtis v. Medeiros*, 2016 ME 180 and Liability and Passports
 - F. The Intersection of PFAs, Title 22, and Criminal Matters
 - G. Bankruptcy court and its intersection with family court
 - H. Recent Ethical Opinions and Practice: Duty of Candor to Court, Duty to Clients to Obey Court orders (and lessons from other states), and Civility in Words and Pleadings
 - I. Client Expectations and Working with Self-Represented Parties
 - J. On the Horizon: The Limits of Zealous Advocacy and Social Media
- II. **Second Module: Interim Proceedings, GALs, and Discovery: March 20th**
Moderator: Dana Prescott
Speakers: Angela Morse, Esq., Paige B. Streeter, Esq., Reginald Perry, CPA
- A. Timing and tactical decisions for GALs and the GAL Rules and AOs
 - B. Advantages and disadvantages of expedited motions and interim testimonial hearings: parenting and money
 - C. Protecting the preliminary injunction and health insurance
 - D. Filing and use of financial affidavits/Child support affidavits
 - E. Discovery in financial/non-financial matters
 - F. Confidentiality orders under Rule 26(c) and why this matters today
 - G. Ethical duties of lawyers issuing subpoenas under 9-B and when PHI is involved for adults and children
 - H. What you really need to know from a tax return?

III. Third Module: The Best Interests' Standards and Support: April 3rd
Moderator: Dana Prescott
Speakers: Hon. Lindsey Cadwalder, AAG Deb Willis, Esq., Suzanne Thompson, Esq., Margaret Lavoie, Esq.

- A. *Woozles* and Research on Parenting Plans: Efficacy and Relevance
- B. Current statutory amendments and case law
- C. Allocated, Sole, and Shared Parental Rights: Why or why not?
- D. Designing a parenting plan and the "Cliff Effect" after court
- E. Chronic Conflict and its consequences to children
- F. The role of IPV orders or other risks in parenting orders
- G. Child support guidelines, deviation, substantially equal parenting: What is here and may be coming
- H. The use of evidence-informed and lawful interventions for families
 - a. Parent education (yes with notice and right to object)
 - b. Referees (maybe if joint consent)
 - c. Parenting Coordinators (not)
 - d. Co-parenting therapy (can do)
 - e. ADR as prerequisite to post-judgment litigation (careful drafting)
- I. Contempt and enforcement
- J. Modification standards for parenting plans and support:

IV. Fourth Module: Definition of "Parent" and Third-Party Rights: April 17th
Moderator: Dana Prescott
Speakers: Professor Dierdre Smith, AAG Maura Keavney, Esq.

- A. Constitutional Role and Burdens of Proof: Recent case law and legislation
- B. Limited and permanent guardianships
- C. De facto parenting and children
- D. Grandparents and kinship care
- E. The MPA, IVF, and New Frontiers
- F. Parental termination, Adoption, and Permanency Planning
- G. What does all this mean for children and courts?
- H. Multi-party parenting plans: A Model?
- I. Child Support in Multi-Parent Families: TBD?
- J. New Horizons?

- V. **Fifth Module: Working with Expert Witnesses and GALs: May 22nd**
Moderator: Dana Prescott
Speakers: Karen Wolf, Esq., Diane A. Tennies, PhD, Kenneth Lehman, Esq.
- A. Maine is *not* a *Daubert* state
 - a. Qualifications and reliability thresholds
 - b. Hearsay and other material from third parties: Limits
 - c. GALs as expert and statutory exceptions
 - d. The limits of an expert as “truth detector”
 - e. *Ipse dixit* and methodology as opinion on ultimate issues
 - B. Experts and financial issues
 - a. Forensic accounting and the *Al Capone* methodology
 - b. Business valuations and appraisals
 - c. Real estate appraisals
 - d. Other compensation and asset and income valuations
 - C. Parental capacity evaluations, and risk assessments
 - a. What is a proper question(s) for the forensic evaluations
 - b. A diagnosis may not relate to functional parenting capacity
 - c. Waivers of confidentiality and informed consent-be careful what you ask for, dual roles, alignments
 - d. Vulnerable populations like IPV and trauma victims and psychological testing, disabilities, and language barriers
 - e. Research on bias and what lawyers should know
 - D. Clinician/therapist as expert or fact witness under Rule 26(b)(4)
 - a. Waiver of adult informed consent and *all* confidentiality
 - b. Waiver of child’s right to privacy and confidentiality: Parental authority, GAL, and judicial role
 - c. Exposing the client to harm-even if he or she not know that
 - d. Consequences of therapist testimony on treatment
 - e. Risks with non-forensic witnesses who confuse professional roles and client duties
 - f. Understanding the ethical duty of therapists
- VI. **Sixth Module: Property, Spousal Support, and Settlement: May 23rd**
Moderator: Dana Prescott
Speakers: Eric Purvis, CPA, Diane Dusini, Esq., Hon. Jed French, Catherine Miller, Esq.
- A. The 2018 Tax Code and its Impact: What you *really* need to know!
 - B. Marital and non-marital property

- C. Spousal support factors and presumptions and modification
- D. DROs/QDROs/Qualified Plans (or not)
- E. Attorney's Fee Requests
- F. Mediation/JSC/ADR
 - a. Client expectations-too late if that is only now
 - b. The ethics of confidentiality and exceptions
 - c. The attendance and presence of GALs
 - d. Magistrates and judges and their role in settlement
 - e. Drafting and submitting settlement documents
 - f. Enforceability and client relationships
- G. Courthouse steps settlements: Risks or Rewards?
- H. Trial Court or Referee: Advice and Consent of Client and Rule 53

VII. **Seventh Module: Trial Strategies, Post-Trial Motions, Appeals: May 24th**

Moderator: Dana Prescott

Speakers: Hon. John O'Neil, Durwood Parkinson, Esq., Hesper Schleiderer-Hardy, Esq., Chris Leddy, Esq.

- A. Motions *in limine*: A lost art?
- B. Interpreters, disability, cultural, and SES sensitivity
- C. GAL reports and examination
- D. Child testimony and proper protections/recording and GAL role (if one)
- E. Authentication, foundation, and admissibility of recordings, texts, emails, and social media
- F. Summary exhibits are helpful but must (surprise) be based on accurate evidence and available proof
- G. Stipulations mean stipulations not "sort of/maybe"
- H. Proposed judgments (*the promise should match proof*)
- I. A bench trial is *not* like jury trials: The courtroom and an audience of "1"
- J. Court and Private References: Is Trial Different?
- K. Proposed Findings and Orders: Preserving the Record
- L. Requests for Reconsideration and Findings (New or Amended)
- M. Appeals and Standard of Reviews