



FAMSEG, the Family Law Section Email Group

August 2010

## 2010 Family Law Fall Retreat Casa Marina Resort, Key West, FL

### Passport to Paradise!

Thursday, September 30, 2010 through Saturday, October 2, 2010

Thursday is check-in followed a welcome reception on a Sunset Catamaran Cruise.

Friday join us as we start, "Navigating the Perfect Storm: Legal Malpractice in Family Law, Course No. 1122R".

Saturday, Arrr, callin' all mates on deck we be ha'in' a Key West Scavenger Hunt, a Yo Ho Ho Farewell Party & "Pirates in Paradise" Dinner.

Registration form and informational schedule of events at the "[Passport to Paradise](#)" can be downloaded [here](#).

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 Navigating the Perfect Storm: Legal Malpractice in Family Law  
 Telephonic Seminar: Friday, October 1, 2010  
 9:30 a.m. - 12:00 p.m. Eastern Standard Time  
[Click to download registration form.](#)

## Chair's Message

Dear Luis E,

I am writing this message to you in the wake of the Family Law Section's very successful 2010 Leadership Retreat and Legislation Update at the Hammock Beach Resort in Palm Coast, Florida. It was a pleasure getting to meet so many members of the Section who have expressed a desire to either become more active in Section work and/or leadership during that long weekend. Throughout this **FAMSEG** edition you will find comments from some of the members recounting their experience at the Leadership Retreat, along with photographs, and a brief article by **Kathryn M. Beamer** about the Retreat. I would urge any Section member who has an interest in the Section, its operation and Bylaws, to plan on attending the next Leadership Retreat which will occur during the Summer, 2012.



I would be remiss if I did not thank the Section's Executive Committee members, **David L. Manz**, Chair Elect, **Caryn M. Porras**, Treasurer and

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[Commentator](#)

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**Elisha D. Roy**, Secretary, and Executive Council member, **Kathryn M. Beamer**, for their contributions to the success of this Leadership Retreat, along with the Executive Council members in attendance: **Thomas L. Duggar, Maria C. Gonzalez, Douglas A. Greenbaum, G.M. Norberto Katz, Ingrid A. Keller, Patricia C. Kuendig, Hon. Raymond T. McNeal, Robin J. Scher, Susan W. Savard**; and to **Amy Hamlin** and **Sarah Sullivan** for helping us make a quorum for Executive Council on July 31st, 2010.



Kudos to **Elisha D. Roy** and Legislation Co-Chairs, **Thomas L. Duggar** and **Maria C. Gonzalez**, for a fabulous Legislative Roundtable presentation which drew rave reviews from the attendees.

I have reserved my very special thanks to former Section Chair, **Thomas J. Sasser** and **Elisha D. Roy**, for teaming up to present the 2010 Legislation

Update to over 500 plus telephonic attendees. Their tandem tour d'force presentation covered the major legislative changes to Florida's marital and family law resulting from the 2010 Florida Legislative session, answered questions about the new legislation and offered helpful hints to practitioners on the applicability of the new law.

**Mary Curtis**, the keynote presenter at this year's Retreat, teaches team building using improvisational techniques. The Section received tremendous positive feedback about this particular team building component of the Retreat. She graciously agreed to write an article on one of those techniques at my request called "**YES AND . . .**" Read that article and learn more about Mary by clicking on the link connected to her article.

Section member **John F. Schutz** recently became a Father for the first time. He shares his thoughts on how parenthood has impacted his personal life and practice in his article in this edition of **FAMSEG**. Don't miss **Eddie Stephen's** Squib's bringing you the latest in appellate family law case law.

The Florida Bar's Mid-Year Meeting is just around the corner. If, for some reason, you failed to complete your Committee Preference Form and apply for appointment to a Standing and Ad Hoc Committees of the Family Law Section, **it is not too late to do so**. If you go to the Section website at [www.familylawfla.org](http://www.familylawfla.org) and click on Committees, you can read a list and description of all of the Section Committees. Membership on all of the Committees (except Legislation and Finance) is still open to any member of the Section willing to serve. Just email our Program Administrator, Summer Hall, at [shall@flabar.org](mailto:shall@flabar.org) with your appointment requests.

The Family Law Section's Committees will meet on **Wednesday, September 22nd, 2010**. A copy of Committees Meeting schedule along with a map of the meeting rooms is included in this **FAMSEG** edition. This year the location of the Mid-Year Meeting has been moved from Tampa, Florida to the **Hilton Orlando, 6001 Destination Parkway, Orlando, Florida 32819**. The Executive Council Meeting is scheduled to occur on **Thursday, September 23rd, 2010** from 9:00 A.M. to 4:00 P.M. The Executive Council Meeting is open to every Section member and the Executive Council encourages you to attend.

In addition, as you well know, the Section is partnering for its 2010 Fall

[Alimony/Child Support Statutes](#)

[Florida Statutes & Constitution](#)



[Call For Articles](#)

FAMSEG is a monthly electronic newsletter.

"Attending the Family Law Legislative Retreat was an awesome experience! I have attended many conferences and trainings, but for the very first time, I was afforded the unique opportunity to really get to know people. I have raved to everyone on my experience and can only hope that this Retreat will be offered again really soon...thank you!"

Dionne L. Meyers,  
Tallahassee

"As a newcomer to the Family law section, this was the perfect opportunity to meet the section's leaders in an intimate setting and learn about the various section committees. Not only did I learn about how the committees' work impacts our legislation, but the section leaders also welcomed our ideas and encouraged our participation"

Retreat with the American Academy of Matrimonial Lawyers, Florida Chapter. The Retreat is titled **PASSPORT TO PARADISE** and it will occur **September 30th, 2010 - October 2nd, 2010**. Join us by kicking back and relaxing at the timeless, classic Casa Marina Resort in Key West, Florida for a fun filled weekend. The educational component of the program is titled **"NAVIGATING THE PERFECT STORM: LEGAL MALPRACTICE IN FAMILY LAW."** We've already exhausted our room block and are expanding it. If you are interested in coming, don't be shut out, reserve your room now. The information for seminar registration and room reservation information is set forth in **FAMSEG**. If you can't join us but need C.L.E. credit, attend telephonically. That registration information is also linked to this edition of **FAMSEG**.

See you in September. Till then, stay happy, healthy and safe,

**DIANE M. KIRIGIN, Chair**  
FAMILY LAW SECTION  
THE FLORIDA BAR

Nexcy De La Rosa-Monroe, Esq., Miami

"The location was spectacular and I was very pleased to see so many new faces. I really enjoyed the communication exercises. We laughed and learned a lot about each other."

Maria Gonzalez,  
Miami

**Co-Editors: [Luis E Insignares](#) & [Eddie Stephens](#)**



## Top 10 reasons to do Pro Bono **One campaign**

- 1.) For Every pro bono case I take, I undermine one more attorney joke.
- 2.) I can keep my paying clients while holding onto my dream of making a difference in my community.
- 3.) God probably won't care if I am "this close" to a billable hours bonus.
- 4.) My kids will think I'm cool.
- 5.) I don't get a pass on something this important just because I am busy.
- 6.) Pro bono keeps me in touch with my inner Atticus Finch.
- 7.) Because saving a child or even a family is a life changing experience I will always remember.
- 8.) It recharges my batteries.
- 9.) Attorneys who do pro bono say it makes them better attorneys.
- 10.) Because I promised I would when I took the oath.



To read the complete 15 page PDF entitled **"Top 10 Reasons To Do Pro Bono"** [click here](#).

To read the article entitled **"Pro Bono Challenge: Take one case Only about half of the state's lawyers perform pro bono work"** written by Gary Blankenship [click here](#).

Updated Florida Bar Midyear Meeting Schedule,

## September 22-23, 2010

**By Summer Hall, Program Administrator**

Please note that there has been some changes made to the schedule. Please be sure to look at the [meeting schedule](#) again so you are aware of the your committee's meeting times. All meetings times are final.



The 2010 Florida Bar Midyear Meeting will be held at the **HILTON ORLANDO, 6001 Destination Parkway, Orlando, Florida 32818**. The Family Law Section committee meetings will be held on **Wednesday, September 22nd, 2010** and the Executive Council Meeting on Thursday, **September 23rd, 2010**.

If you are a committee chair, (a) advise your Committee members of the change in the location and provide the link to the Big Bar website with the hotel information (link included below); and (b) require your Committee(s) to revise committee Mission Statements (if any) promulgated to the Section Secretary, Elisha D. Roy, and the rest of Executive Committee no later than September 15th, 2010.

In addition, please be aware that the Executive Council Meeting will run from 9:00 A.M. to 4:00 P.M. (9.23.2010), please plan your flights/travel arrangements/conflicts allocating for that time frame to avoid leaving early. An early unexcused departure from the Executive Council meeting may result in the Council member not receiving credit for attendance at the meeting.

## Hammock Beach Retreat

**By Kathy Beamer, West Palm Beach**

The Family Law Section Chair, Magistrate Diane Kirigin hosted the bi annual leadership conference at the Hammock Beach Resort at the end of July. Attendees were treated to a modification of the Family Feud game to instruct them on the Bylaws of the section in a playful, painless way. We were then rewarded for our efforts with a welcoming evening cruise down the Intercoastal waterway complete with tasty treats and a picture perfect sunset. Mary Curtis conducted a leadership workshop on Friday morning and taught those in attendance the effectiveness of listening to and working with our brethren. We got the skinny on all of the changes in the statutes some which were due at least in part as a result of the work of the section Legislation Committee. Tom Sasser and Elisha Roy conducted a



*The Family Law Section was honored to have Ms. Gwynne Young of Carlton Fields, a member of The Florida Bar, Board of Governors, attend part of Retreat and join us on the reception cruise. We all felt honored to have a B.O.G. member take the time to reach out to us during our Leadership Retreat.*



legislative update ( which was also attended telephonically by some 500 attorneys across the state) and showed us not only

the ins and outs of the newly enacted laws but the potential pitfalls! That afternoon we divided up into groups and tried to give assistance to the Executive Committee on issues of long range planning. Friday evening we enjoyed a rousing round of wacky golf with the playing field being evened out by the use of baseball bats, bougie boards, spatulas and other helpful devises to move the ball from the tee to the hole. A 12 year old won the tournament! Saturday morning Elisha Roy emceed a legislative round table that was highly successful. It was assisted by current legislation co chairs Maria Gonzalez and Thomas Dugger. Saturday evening we were treated to a wonderful cocktail reception and dinner in a restaurant on the beautiful Atlantic ocean. Hammock Beach is a delightful resort with one of the best beaches on the east coast and rooms that are really suites all looking at the ocean and great amenities with activities for one and all. If the survey results are any indication the leadership retreat was a major success.

## Wanted: Your Submissions

### Articles

Have you just finished a case or appeal where you had to become well-versed in a particular family-law issue? Well, how about sharing your genius with the rest of us?! We are accepting submissions for upcoming issues of The Florida Bar Journal, The Family Law Commentator, and even FAMSEG.



### The Journal

To be considered for publication in The Florida Bar Journal, the article should be scholarly and relate in some manner to family law. It should be twelve to fifteen pages in length, complete with endnotes.

Contact co-editor: Sarah Sullivan at [ssullivan@fcsf.edu](mailto:ssullivan@fcsf.edu) Or co-editor: Amy Hamlin at [ahamlin@helpisontheway.cc](mailto:ahamlin@helpisontheway.cc)

### The Commentator

Commentator articles are theme-specific. Upcoming theme issues include:

#### Summer '10 -- Children's Issues

Further on will be issues related to Tax Issues, Hot Tips, Alimony, and Agreements.

Send your Commentator submissions to Laura Davis Smith to [lds@greenesmithlaw.com](mailto:lds@greenesmithlaw.com).

## How fatherhood Has Changed My Approach to Family Law

By John Schultz West Palm Beach, Florida

Diane Kirigin, Chair of the Executive Council of the Family Law Section, asked me to write this article describing how recent fatherhood changed my approach to family law. When Magistrate Kirigin proposed I



write on this topic, my first thought was: "She thinks I'm getting soft." But as I thought more about the topic I realized something very interesting: while I don't think fatherhood has changed how I practice, I know that being a family law attorney for 15 years has made me a better parent. Now, I am not saying I am a great parent or even a good parent; I only know I am a better parent than I would be otherwise. I am a better parent for avoiding all the pitfalls demonstrated to me by many bad-parent-clients, or those opposing parties sitting across from me in a courtroom.

I have the fortunate opportunity to be the stepfather to my wife's son, Wilson. Wilson is 6 years old. What a six-year-old finds impressive is interesting. Wilson tells me his father can beat me in wrestling. I tell him: "I would never dare wrestle with your father he is too strong for me." Wilson tells me his father is older than me. I quickly agree and add with a smile "...and he always will be." Wilson tells me over and over how I could never beat his father at Super Mario Brothers Wii. Not only do I tell Wilson this is true, I confess now; I cannot play Super Mario Brothers to save my life. Wilson tells me his father is smarter than me. With this I bite my lip hard and exclaim: "Wilson, your father is the smartest man I know." Recently I have begun to believe the mischievous genius of Wilson's father, because he bought Wilson a tiny harmonica about two inches long that hangs from his neck by a leather string. The screeching, off-key sounds belching from that instrument of torture at 6:30 a.m. were surely an intentional design to drive me insane.

The examples of family dysfunction I see daily continue to teach me how fortunate I am, and they impart patience to handle a screeching harmonica before my first cup of coffee. One smile from my daughter Madeleine washes away all the garbage I deal with during the day. My beautiful wife, Ashley, Wilson and Madeleine (and the next addition coming February 2011), I love and cherish you.

## Transform Your Communication Through the Power of "Yes And..."

By **Mary Curtis**

In today's business world, more and more organizations are turning to the art of theatrical improv to sharpen their communication skills, inspire collaboration, and ignite creativity. "Improv", simply stated, is the art of making up stories and scenes, in the moment, without a script. What has this got to do with communication and teambuilding? Everything!

Improv scenes flow and move forward when players listen and pay attention, respect each other's contributions, share control, trust each other, and willingly cooperate—all important characteristics of any team activity. This is why the adaptation of improv is at the core of my approach to training. Not to mention the fact that it's a lot of fun for all involved!



On July 30th I brought "theatrical improv" to the Family Law Leadership Conference in the form of a 3-hour teambuilding event. The goal of the event was to strengthen team communication through the introduction of

the *collaborative principles* of improv. Keeping in mind that the people in the room were very experienced in the art of persuasive communication, introducing collaborative principles was no easy task! I am happy to say they each embraced the activities, stepped outside their comfort zones and jumped right in. Well, *almost* right in!

Theatrical Improv is governed by a set of rules and principles. The principle that most impacted the Family Law Team was the principle of "*yes and...*" This is the foundation of all successful improv scenes and a principle that can be transferred into any interaction at work or at home.



In this instance, "*yes and...*" is a verb. In improv action it means that a player accepts what is said or suggested by another player (*yes*) and then adds something to what has been said (*and*) to move the scene forward. This requires letting go of judgment and control on the part of all players and a willingness to cooperate and go with the flow.

Just as in improv, "*Yes and...*" has the power to move your interactions forward in a collaborative and creative way. This principle is deeply rooted in the concept of "acceptance." The premise behind it is that when you accept what someone says (*yes*) and then commit to add something to it (*and*), *you instill trust, invite collaboration and open the conversation up to new possibilities.* Integrating "*yes and...*" into your interactions has the potential to break down barriers, inspire engaging conversations and provide opportunity for innovation.

While this principle sounds easy, believe me, it's challenging to master. So many of us go straight to "*yes but...*" or "*yes maybe...*" as our natural default. However, when we respond to someone in this way, we immediately instill defensiveness and shut down any possibility of collaboration. So the next time you want to say "*yes but...*" pause, take a breath, and adopt the "*yes and...*" attitude and see what possibilities unfold.

Don't worry. Being a "*yes and...*" person does not mean that you have to agree with everything people say or do. It just means that you are willing to accept what has been suggested as a possibility "*and*" are willing to consider and add to that possibility.

The Leadership Team practiced this principle during their conference and experienced its transformative power. How about you? Are you a "*yes and...*" or a "*yes but...*" person?

I invite you to take this principle into your office or home this week and check it out. Observe yourself while you interact with the people around you. Do you move conversations forward through acceptance, or do you shut them down through judgment? Say "*yes and...*" to this invitation and watch how this one principle can transform your



conversations into successful and creative collaborations.

[Mary Curtis' Website](#)

## Stephens' Squibs - Family Law Case Updates

by **Eddie Stephens**

[Click here](#) to read a summary of Florida Marital and family law case updates from July, 2010.

Sample Squib:

Mondello v. Torres, 35 Fla.L.Weekly D1624 (Fla. 4th DCA 2010). Court reversed for failing to award Husband permanent alimony in 16.5 year marriage, Husband is 20 years older than Wife, Wife has grossly higher income, Wife awarded 1.5 million in non-marital assets and Court fails to provide findings of fact per 61.13. Remanded for further consideration.



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