

American Academy of Matrimonial Lawyers - November 2022

Monthly Newsletter



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PRESIDENT'S MESSAGE



Cary J. Mogerman
AAML President

Well, the 2022 Academy program year is drawing to its conclusion, and we will soon gather to initiate the 2023 year.

Congratulations to my friend and President-Elect, Brent Cashatt, upon his upcoming installation as our next president! We look forward to being there.

Although it passed quickly, it has been a wonderful 60th anniversary year for the Academy. I would like to mention some noteworthy highlights from a highlight-filled year.

First, I thank executive director, Jill Pena, for her assistance and professional guidance throughout the year. Her long professional history in organization management has greatly benefitted the Academy, and especially its leadership. Jill's insight on decisions large and small is valuable and "spot on." Her discretion on sensitive matters is usually the difference between "a problem" and "not a problem." To the outside world, she represents our organization in the most professional way possible. It has been great fun to work with her. Also, as one would expect of an excellent executive, Jill has assembled a highly effective, dedicated national office staff in Tom

Lamm, Mary Dietel and Tazmania Hayward, who have been terrific in service to the Academy and its membership all year. I thank each for everything they have done. Every single interaction has been positive, cordial, effective and timely.

The Academy leads our profession in excellence, professionalism, scholarship, and innovation, and this has been the recurring theme of 2022. Each of these values have been well served by the Academy's 2022 body of work, and every committee fully participated. All year, the enthusiasm and leadership of our Committee Chairs and Chapter Leaders, and the discipline and engagement of the Fellows who were active on the committees, has inspired me.

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[Jim Mueller, Editor](#)

A Huge Thank you to Jim Mueller!

Since 2020, Jim was working hard behind the scenes editing the Newsletter, eBlasts and Social Media posts.

While Jim was in the seat, the newsletter went in-house; a huge undertaking that happened without a hitch. In addition, our readership increased by over 50% and the e-newsletter has hit your inbox month after month with lively and enriching content.

Jim will be taking on other tasks for the 2022-2023 year and while he will remain a member of the Newsletter committee, Jim will leave these tasks in the capable hands of Co-Chairs Kiilu Davis and Natalia Wilson and staff liaison, Mary Dietel.

We appreciate Jim's talent and dedication to the Newsletter these past 3 years!



**Jim Mueller & Kiilu Davis chat with
[AAML President Cary J. Mogerman](#)**



**Natalia Wilson chats with
[AAML President Cary J. Mogerman](#)**

SPECIAL ANNOUNCEMENTS

Special Message to the Fellows of the American Academy of Matrimonial Lawyers:

At a special meeting held October 12, 2022, the Board of Governors of the American Academy of Matrimonial Lawyers approved a resolution on *Dobbs v. Women's Healthcare Organization*. The resolution was carefully crafted to ensure that it follows and was informed by the mission of the Academy. A copy is included below for your reference.

As you know, the *Dobbs* decision was handed down on June 24. No matter what one's opinion may be on the case, it is undeniable that it was a very significant decision which reset fifty years of established law. At least as importantly, the opinions of the majority made clear reference to the potential re-evaluation of other established rights which rely for their support upon the same bases drawn from the U.S. Constitution---rights of autonomy in personal and familial relationships---drawn from the long recognized and fundamental right to privacy. After first discussing the potential for our making a statement of some nature with the Executive Committee, I appointed a small working group charged with drafting a broadly written, scholarly proposed document addressing concerns arising from the reasoning expressed in the *Dobbs* decision. The working group consisted of the following individuals: Second Vice President Leigh Baseheart Kahn, who also chairs the Academy's Amicus Committee, also Chaired the working group; Dana Prescott, Chair of the Academy's Journal Editorial Board; Second Vice President Lee Rosenberg, and Newsletter and Social Media co-chair Natalia Wilson. Professor Mary Kay Kisthardt, Emerita Professor of Law at the University of Missouri- Kansas City and Executive Editor of the Journal of the American Academy of Matrimonial Lawyers, agreed to provide the working group with scholarly academic guidance. I thank the members of the working group once again for their work, their leadership, and for accepting this challenging assignment in the first place.

The working group crafted a scholarly, broadly written proposed resolution which was presented to the Executive Committee at a special meeting held August 29. After a thorough discussion, the Executive Committee voted decisively, although not unanimously, to present the proposed resolution to the Board of Governors for its consideration. On September 14, I called a special meeting of the Board of Governors for October 12, by videoconference, in hopes that sufficient notice was being provided for the chapter representatives to discuss the document with the Fellows of their respective chapters.

Our Board of Governors is the policy-making organ of the Academy. AAML Bylaws Section 6.2 (j). After extended discussion and debate, the Academy's proposed resolution was approved by the Board of Governors by a vote of 38 to 6, with one abstention.

I urge you to read the resolution in the spirit in which it was written: Legally, broadly, and with a thoughtful and scholarly concern for preserving the stable evolution of privacy rights coming from the recognition of existing precedent and

stare decisis. Most importantly, it is a legal statement and not a political statement. It was very clear in the debate that everyone serving on our Board respects the differences of opinion expressed, and the dignified and respectful way they were exchanged among the members of the Board.

Any topic worthy of debate is a topic that is open to a range of opinions. Not every member of the Academy will agree with every part of our resolution; it would be most unusual to achieve complete unanimity in a matter of such moment. However, every Fellow was represented by their chapter's representative, and I can state with great assurance that every conceivable point of view was articulately expressed in the Board of Governors' debate on the resolution. The Academy cannot presume to speak for every one of its Fellows. However, we have insured that the views of every one of them were ably articulated and carefully considered in the debate.

We have posted the Dobbs resolution on our website with other resolutions, and it will also be published in our monthly newsletter. I am proud of the process by which we reached this conclusion. Whether or not one agrees with every aspect of the resolution, I hope you too are proud that our professional organization, which represents such a broad diversity of views, can come together to have these meaningful legal discussions and reach a respectful conclusion in a democratic way, with the knowledge that divergent individual views are encouraged, respected, and valued.

Respectfully,

Cary J. Mogerman, AAML President

RESOLUTION ON DOBBS v. JACKSON WOMEN'S HEALTH ORGANIZATION

Adopted by the Board of Governors of
The American Academy of Matrimonial Lawyers
at its meeting on October 12, 2022

The majority opinion of the United States Supreme Court decision in *Dobbs v. Jackson* (2022) challenges the American Academy of Matrimonial Lawyers (the "AAML"), the family law profession, and family justice courts in profound ways. In furtherance of the notion of "a more perfect union" rooted in the natural right to life, liberty and the pursuit of happiness, the United States Supreme Court acknowledged the right of privacy emanating from our Constitution over 50 years ago, beginning with *Griswold v Connecticut* and continuing through *Eisenstadt v Baird*, *Roe v Wade*, *Planned Parenthood v Casey*, and *Obergefell v Hodges*. These precedents secured certain fundamental human rights as the law of the land for over half a century—rights of reproductive self-determination and autonomy in personal and familial relationships. Many Fellows of the AAML applied, and continue to apply, their skills to ensure access to justice and to protect these most basic human rights.

The *Dobbs* decision eschews these precedents that reflect the evolution of American society from one where, for example, women were barred from running for office or voting, and where many segments of the population were marginalized and victimized. *Dobbs* grounds itself in an "historical" analysis of a time in our country's history when due process and equal protection were ideals in name only for a good portion of those residing in the United States. It took many decades before all men and women, irrespective of race, gender, or faith, could vote and run for office, were no longer barred from testifying as witnesses under oath or serving on juries, could attend public school or pursue higher education, could become licensed as doctors or lawyers, could marry or divorce, could serve in the military equally, or could own a home and build a business in any community. It is—and should be—our collective hope that the fundamental rights which have developed to reflect our societal evolution, and which have been expressly recognized and preserved in decisions of the U.S. Supreme Court, will not be stripped away one by one. The rationale of the *Dobbs* decision, however, creates the very real danger that the rights our society has come to accept as fundamental will fall victim to just such a fate.

When the AAML was founded in 1962, family law practice did not include numerous rights that we now take for granted, such as the right to protection for domestic violence survivors through legislatively and judicially mandated court orders; the right to marry and cohabitate with the individual of one's choice, irrespective of race, creed or sexual orientation; the right to create a family through adoption whether married or non-married; the right to engage in IVF and other forms of reproduction with medical assistance; the rights of grandparents and de facto parents who play such a fundamental role in the lives of children today; marriage equality; and the right to exercise one's own reproductive freedom, among many others. In a post-*Dobbs* world, should decisions addressing basic, fundamental rights be viewed—and judged—through the prism of the remote past, and weighed in view of what our distant forefathers might have thought of them, each and every one of the above rights might be called into question, such harm falling disproportionately on minorities and the most vulnerable in our communities. *Dobbs* raises profound concerns that the legal structures that protect families (and individuals looking to form their families, in their own time) from discrimination nationally may become a fractured and unpredictable puzzle of risks between states. In such circumstances, vulnerable individuals and families-- many of whom are in already underserved communities-- would be forced further into the shadows or margins of society.

The AAML opposes an interpretation of the Constitution and Bill of Rights which rejects the fundamental right of privacy, rights protecting familial and individual autonomy, and the rights of individuals to order their own personal world. Accordingly, the AAML continues to support the right of reproductive liberty as a fundamental human right, along with all of the other established rights of privacy recognized by the highest court in this land, based upon the recognition that the guarantee of liberty woven into the fabric of our nation's history secures the right to personal and familial self-determination.

[CLICK HERE](#) to download a copy.



Tech Tips Video

This month's tech tip video, which is brought to you by the *Practice & Technology* Committee, features Fellow and Co-Vice-Chair, [Lawrence C. Datz](#). Watch as Lawrence provides useful tips on making smart decisions when it comes to purchasing new technology.



Webinar - 1.0 Hour CLE

Part 5 of the 5-Part Military Family Law Series

Domestic Violence & the Military

Friday, December 9, 2022

1:00 pm - 2:00 pm ET

REGISTER FOR ONE OR ALL FIVE IN THE SERIES

Part Five: When faced with a domestic violence case, counsel for the victim (and for the accused) must have a thorough understanding of the rights and remedies – from rehabilitation to punishment – which are available if

either of the parties is in the military. This program covers the available civil remedies and criminal processes, as well as their impact on military service. It deals with the military protective order (used by the commander of the perpetrator), preferring court-martial charges against a military member, the Family Advocacy Program, confidentiality for the reporting individual, and restrictions on the use of personal and government weapons under the Lautenberg Amendment. Finally, it covers Transitional Compensation for the victim and how to divide a non-existent military pension.



ANNUAL MEETING DINE-AROUNDS

There's still a few spots left!

Take a moment to relax with other Fellows at one of the many Annual Meeting Dine-Around spots from Tuesday through Friday. Enjoy some of Chicago's finest cuisine.

[CLICK HERE](#) to check them out and register for one or more!

AAML NATIONAL EVENTS/MEETINGS

[2022 AAML Annual Meeting](#)
[November 10-12, 2022](#)
[Chicago, IL](#)

[Domestic Violence and the Military](#)
[Webinar - December 9, 2022](#)
[1:00pm - 2:00pm ET](#)

[AAML National Executive Committee Meeting](#)
[January 27-28, 2023](#)
[Kissimmee, FL](#)

[2023 Midyear Meeting](#)
[March 13-17, 2023](#)
[Nassau, Bahamas](#)

[2023 Negotiation Seminar](#)
[May 5-6, 2023](#)

AAML CHAPTER EVENTS/MEETINGS

[AAML-NJ Board of Managers Meeting/Party](#)
[December 8, 2022](#)

[AAML-PA Quarterly Board of Managers Meeting](#)
[December 14, 2022](#)

[AAML-SoCal 30th Annual Institute of Trial Advocacy](#)
[January 13-16, 2023](#)

[AAML NJ Seminar Series](#)
[January 19, 2023](#)

[AAML-VA Seminar](#)
[January 19, 2023](#)

[AAML-PA Quarterly Board of Managers Meeting](#)
[March 1, 2023](#)

[AAML-NJ Board of Managers/Chapter Meeting](#)
[March 2, 2023](#)

[Boston, Massachusetts](#)[Click to View More](#)[AAML National Executive Committee Meeting](#)[May 19-20, 2023](#)[Chicago, IL](#)[Click to View More](#)

As the AAML celebrates 60 years this year, we look back and reflect on the establishment of certain hallmarks that connect us all.

The AAML Newsletter is one. It has served as a bridge between meetings in Chicago and wherever the spring meetings may take us.

For over 30 years, the Newsletter (and now social media committee) has been a conduit for information and thought provoking discourse among AAML Fellows.

The Newsletter originated as a monthly note to Fellows who could not attend the annual meeting. Its purpose was to ensure Fellows had the information necessary to

remain engaged, connected and to promote the work of the AAML as thought leaders in family law.

The Newsletter has evolved over the years to being distributed monthly. With the leadership of its current Co-Chairs, Jim Mueller (Texas) & Natalia Wilson (Washington, DC)

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**Journal of the American Academy of
Matrimonial Lawyers**

**RA Journal Editorial Board
Update**

by: [Steven N. Peskind](#)

The Editorial Board met on August 27, 2022 at the University of Missouri in Kansas City, where the heavy lifting of the journal actually occurs. Our Executive Editor (Mary Kay Kisthardt) and her able law student assistants at UMKC provide the scholarly heft to render our journal one of the top family law publications in the nation.

The meeting was fruitful due to the valuable cross-pollination between our board members and our academic assistants. This collaboration has resulted in many ideas for articles for future editions of the journal. I want to update everyone on some of our pending and future projects.

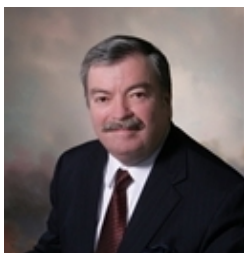
Volumes 35-1 and 35-2

Co-editors, Laura Morgan and Anne Berger, are finalizing our next volume to be published later this fall. The topic of both this volume, and its successor (to be published next spring), is the intersection of constitutional and family law.

This is a vitally important subject in light of the dramatic evolution of the Supreme Court in recent terms. Many long-standing precedents may be revisited in the coming days.

Articles in these two volumes include a wide range of topics including: First and Second Amendment issues in a family law context, a discussion of the implications of the landmark Dobbs decision, medical child abuse, assisted reproductive technology, paternity rape, child-custody disputes (involving parents and...

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Commissary and Exchange Privileges

by [Mark E. Sullivan](#)

Author of the *The Military Divorce Handbook*

[Click to view Part 1](#) and [Part 2](#)

Shopping in a military base's commissary (akin to a grocery store) and exchange (i.e., department store) can be valuable for the nonmilitary spouse, since both of these provide items for sale at substantial savings and with no state sales tax. These exchange privileges are retained until the divorce of the parties.

To qualify for continuation of these benefits, the unremarried spouse must meet the "20/20/20" test (i.e., 20 years of creditable service by the SM, 20 years of marriage, an overlap of 20 years between these). If a former spouse remarries, she loses the entitlement during the period of that remarriage. An unremarried former spouse of a SM may use the commissary and the post or base exchange as if she were the surviving spouse of a retired SM of the military.

ID Cards and Military Medical Coverage

A former spouse who qualifies for any of these benefits may apply for an ID card at any military ID card facility.[2] He or she must to complete DD Form

1172, "Application for Uniformed Services Identification and Privilege Card." When an eligible family member receives an ID card, that information is transferred to the Defense Eligibility Enrollment Reporting System (DEERS) to ensure that the cardholder may utilize TRICARE and other medical benefits.

If there have been 20 years of marriage, 20 years of military service qualifying for retirement, and an overlap of at least 20 years, then an unremarried FS will qualify for full medical benefits[3] as a "20/20/20" spouse. For shorter marriages, the former spouse should look into CHCBP.

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Spotlight On Haven Hills

Haven Hills, a non-profit charitable organization, located in Canoga Park, CA, has, for over 40 years, strived to provide support for domestic violence survivors, their families and their pets. Haven Hills continues to find ways to offer a spectrum of services so DV survivors may heal and become healthy, happy and independent. Since 1977 Haven Hills has provided shelter, crisis intervention, counseling, advocacy and educational

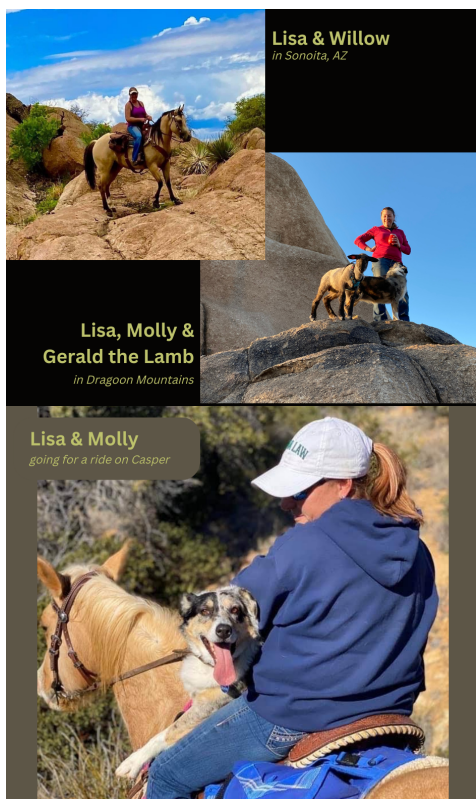
opportunities to women, men and their families so they may find the inner strength within themselves to break the cycle of abuse and aggression with the goal of transforming victims to empowered survivors.

Haven Hills is very grateful to have been recognized by the AAML Foundation over the past few years, including the honor of receiving the Jim and Lea Hennenhoefer Grant Award for the 2019-2020 term, which recognizes organizations using innovative ideas to help their clientele and the community served.

Haven Hills has historically offered a 24/7 domestic violence crisis hotline,

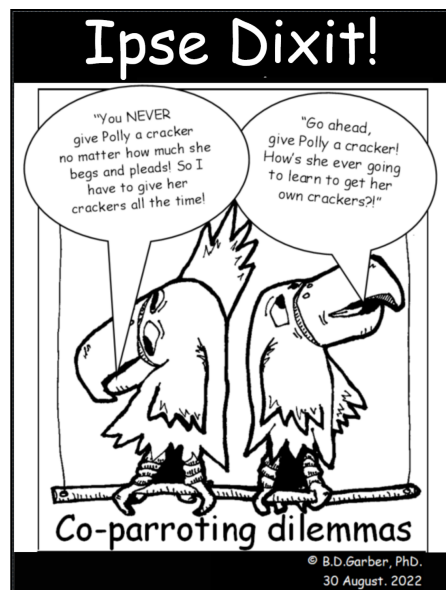
emergency shelter for clients, their families and pets in crisis. They have an onsite school for children while residing in the crisis shelter. As well as but not limited to, emergency clothing, hygiene supplies, community-based counseling services, education in adaptive skills for promoting independence, court accompaniment, advocacy services, and transitional housing assistance. However during the pandemic, an increase in domestic violence and now current state of inflation, Haven Hills is determined to find more innovative ways to assist survivors in their transition from crisis to independence.

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Photos courtesy of: Lisa McNorton

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[Cartoonist: Ben Garber, PhD](#)

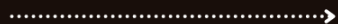
[Co-conspirator: Dana E. Prescott](#)

[Click to View Past Cartoons](#)

Have a photo you'd like to see in the newsletter?

Send it in to: mary@aaml.org

All Fellows, Chapters & Committees are encouraged to submit helpful videos, photos, announcements, news and/or articles that would be considered to be supportive or informative.



FINAL DEADLINE FOR ALL MATERIALS:

**2 WEEKS PRIOR
TO THE 1ST WEDNESDAY OF THE MONTH**

Send all submissions for consideration
to:

Jim Mueller, Newsletter Editor
jmueller@vernerbrumley.com



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