

American Academy of Matrimonial Lawyers - January 2023

Monthly Newsletter



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PRESIDENT'S MESSAGE



Brent A. Cashatt
AAML President

Your AAML Board of Governors, committees, and staff have already begun working on several initiatives we plan to introduce or expand upon in 2023.

- We will start with a new strategic plan to introduce an updated vision for our organization that better reflects our goals and purpose, both to ourselves

One vital component for these goals to be successful is you. Participation is key to making sure AAML continues to be your Number 1 resource when it comes to continuing education, maintaining standards, ethics, and camaraderie. Our membership is comprised of the top family lawyers in the country and we

Happy New Year to all! Wishing you and yours a safe, healthy, and prosperous new year.

I must admit that I look forward to this time of year because I, like many, look to the new year as a time for rejuvenation and advancement – both personally and professionally. “Rejuvenation” is a great theme for AAML in 2023 because our solid foundation provides the essential grounding we need to add innovative programs and ideas.

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and to the overall family law profession.

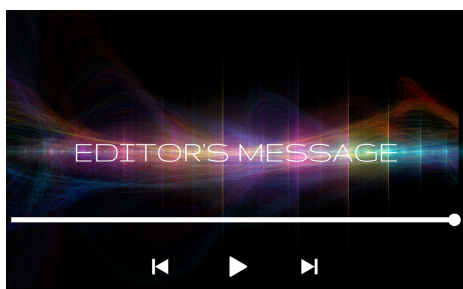
- We will approach our budget in a way that provides fiscal responsibility and potential new revenue streams in this era of inflation and increased expenses.
- We will increase our focus on admissions and membership, as well as the benefits and value to members
- We will be transparent in our operations and communications so that everyone feels welcome and appreciated.

don't take you for granted, nor do we take our responsibilities lightly.

And if you don't believe me, maybe you'll believe Taylor Swift: “This is a new year. A new beginning. And things will change.”

I want to add a special note here for people who may be struggling this time of year. It's important to remember that holidays are not a cheerful time for everyone. For some, holidays signal a slide into depression or anxiety.

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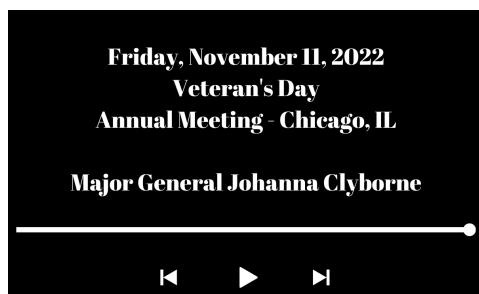


Co-Editors
[Kiilu Davis](#)
[Natalia C. Wilson](#)



AAML Fellow
[James M. Quigley](#)
 Chicago, IL

In case you were unable to view this video last month.



pension division. In addition to practicing law, she currently serves as the Assistant Adjutant General in the Minnesota National Guard and is the Deputy Commanding General for the U.S. Army Cyber Center of Excellence. A combat veteran of Operation Iraqi Freedom, she holds the distinction of being the first female to command a Brigade and the first female to obtain the rank of Brigadier General in the Minnesota Army National Guard, as well as the first female to obtain the rank of Major General in the Minnesota National Guard.

During the 2022 Annual meeting, we were captivated by the words of one of our very own Fellows in honor of Veterans Day. We had an opportunity to hear from Major General Johanna (Jo) Clyborne. She shared the history and meaning of the holiday, a day of triumph. We took a moment to pay tribute to the veterans in the room, including her. [Major General Johanna Clyborne](#) is a fellow from Minnesota. She is a partner at Brekke, Clyborne & Ribich, LLC where she specializes in military family law and military

Take some time to take a listen to the powerful words she shared with the Fellows present at the Annual meeting before we started the CLE on Veterans Day this year.

Thank you, Major General Johanna Clyborne and all AAML Fellow Veterans!

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2023 AAML Midyear Meeting
March 13-17, 2023
Grand Hyatt Baha Mar
Bahamas

**Register for your
Midyear Break/Meeting
at the beautiful
Grand Hyatt Baha Mar!**



**Check the registration page
and watch your emails
for news and updates!**

IMPORTANT INFORMATION TO WATCH FOR IN YOUR CONFIRMATION EMAIL!

*After registering for the Midyear Meeting,
you will receive an email with the following:*

Hotel Registration Link: Please be sure to make your reservation by **February 17th** in order to receive the AAML negotiated rate.

Dinner Reservations Link: For any planned meals outside of the event, you'll want to make reservations early as these fill up quickly!

ESPA Spa, Cabanas, Childcare Links: Helpful tools for those wishing to book some spa time at the ESPA Baha Mar, reserve cabana(s) or arrange for childcare or any of the child-related activities offered.

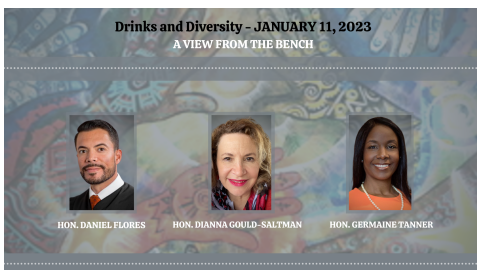
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Tech Tips Videos

The AAML Law Practice Management & Technology Committee (*FKA Practice & Technology*), has been featured in the AAML Newsletter since April of 2021, steadily supplying you with valuable video snippets of technology tips to assist you



with improving your family law practice. [Click the Play Button to View them all!](#)



Zoom Meeting

Open to AAML Fellows Only

Drinks and Diversity

A View From the Bench

Wednesday, January 11, 2023

8:00 pm - 9:30 pm ET

REGISTER - Login Required

Moderator, AAML Fellow [Ronique Bastine Robinson](#) will lead an open discussion with members of the judiciary about how cultural competencies impact their rulings. We are offering a peek behind the robe to gain more insight of what jurists consider when they rule, if they consider the impact their ruling makes on the gallery present when ruling from the bench, and if the public at large plays a role in the consideration of cultural nuances that are present.

AAML NATIONAL EVENTS/MEETINGS

[Drinks and Diversity](#)

[January 11, 2023](#)

[8:00pm - 9:30pm 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](#)

[Boston, MA](#)

[AAML National Executive Committee Meeting](#)

[May 19-20, 2023](#)

AAML CHAPTER EVENTS/MEETINGS

[AAML-SoCal 30th Annual Institute of Trial Advocacy](#)

[January 13-16, 2023](#)

[AAML-VA Winter Meeting](#)

[January 18, 2023](#)

[AAML-NJ Seminar Series](#)

[January 19, 2023](#)

[AAML-VA Seminar-Adventures in Family Law](#)

[January 19, 2023](#)

[AAML-NJ Seminar Series](#)

[February 16, 2023](#)

[AAML-PA Quarterly Board of Managers Meeting](#)

[March 1, 2023](#)

[Chicago, IL](#)[AAML-NJ Board of Managers/Chapter Meeting](#)[March 2, 2023](#)[2023 AAML Institute for Family Law Associates](#)[\(Introductory\)](#)[June 21-25, 2023](#)[Chicago, IL](#)[AAML-NJ Seminar Series](#)[March 30, 2023](#)[AAML-NJ Charity Event](#)[April 20, 2023](#)[2023 AAML Institute for Family Law Associates \(Advanced\)](#)[June 21-25, 2023](#)[Chicago, IL](#)[AAML-PA Board of Managers Meeting](#)[May 2, 2023](#)[Click to View More](#)[Click to View More](#)[back to top](#)

THE AAML IS PLEASED TO WELCOME NEW FELLOW:

Megan C. Hill
Tucson, AZ

Journal of the American Academy of
Matrimonial Lawyers 

COMING SOON!

**Everything you ever wanted to know
about valuing Pot Shops!
And lots more.**

The Journal is preparing an exciting issue for publication in October 2023, following part 2 of the Spring, 2023 issue on constitutional issues; and it will be all about property.

And yes, one of the articles will be all about how Cannabis Sales and Distribution businesses are valued due, in part, to their unique status as legal businesses in many states

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but not allowed to operate legally under Federal laws.

How does the inability of a Pot Shop to operate across state lines or to have an account in a Federally Chartered Bank, or to obtain broad insurance coverages affect its value?

These and other unique questions will be addressed in our Fall, 2023 issue.

The October, 2023 issue will also explore:

- The commingling and transmutation of assets, how states address those issues; history and evolution of those laws; unusual issues of sub-division, mineral rights, and surface rights.

- the property rights of unmarried partners, both heterosexual and same sex.

- exclusive possession of the marital home and the role of fault.

- valuing Military benefits.
- the division and distribution of loss carryforwards.

The editors of the Journal welcome submissions from fellows and academics of articles for publication in the Journal. The Journal board meets 3 times per year to consider topics for inclusion in future issues of the Journal.

If you have a topic that you would like to propose or to write about, please contact either [Dana Prescott](#) or [Steve Peskind](#) with your ideas.



**Boiling Water: Family Law Practice
Post-Pandemic**
by [Steven N. Peskind](#)

The late David Foster Wallace told the following parable about living unaware:

There are these two young fish swimming along, and they happen to meet an older fish swimming the other way, who nods at them and says, "Morning, boys. How's the water?" And the two young fish swim on for a bit, and then eventually one of them looks over at the other and goes, "What the hell is water?"

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According to Wallace, "the point of the fish story is merely that the most obvious, important realities are often the ones that are hardest to see and talk about..." Like the fish in the story, our routines and the daily hustle of our practice blinds us to the big picture of what's going on around us. In this season of reflection, I want to pause to take the water temperature.

My observations:

I'm sure everyone's experience differs, but here's what I've observed since the advent (and hopeful taming) of the pandemic. Clear trends have emerged.

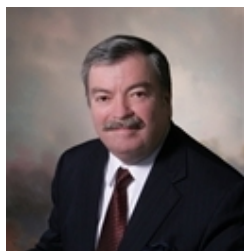
Court time is less available now than pre-pandemic. This means that issues we considered time sensitive, or even critical before March of 2020, are now put off for months.

Those matters casually presented as emergent are now yawned at by judges. I appear before a judge who I greatly admire, who now coyly asks lawyers presenting emergency motions, "where's the blood?" No blood...no relief.

Maybe this is a good thing—training the puppies to stay on the paper. Good or bad, it's now a reality and lawyers need to work things out without the immediate help of mommy or daddy in their black robes. Unfortunately, without a practical or cooperative adversary, this becomes a frustrating and often insurmountable challenge.

Another trend I've observed is that fewer lawyers diligently work to resolve cases. Whether the stress of modern life just debilitates them, or other cultural factors are at play, stuff is just not getting done.

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**Divorce, Military Pension and the 10/10
Rule: Questions & Answers**
by [Mark E. Sullivan](#)
Author of the *The Military Divorce
Handbook*

Rachel: I need some information about my divorce case. Will it help if we try to speed up the granting of a divorce, so that my soon-to-be ex won't be married to me for 10 years? And what's this 10/10 Rule I keep hearing about?

Attorney: For your husband to get a garnishment for a share of your retired pay as property division, there has to be a court order which shows compliance with the "10/10 Rule." That means that you have to be

Rachel: As you know, we separated two years ago. That counts for something, right? We don't meet the 10/10 Rule, the way I calculate it.

Attorney: The Rule's requirements involve the termination of marriage, and that occurs on the date of divorce. It is not the date of separation, or some other date associated with the marriage, such as the date of irretrievable breakdown of the marriage, or the date of commencement of the divorce case.

Dividing a military pension in a divorce case sometimes involves a term unfamiliar to clients and attorneys – the “10/10 Rule.” Judges, lawyers and clients may have heard rumors about some requirement as to 10 years of military service concurrent with 10 years of marriage. And they may have heard that this somehow affects the division of military retired pay. Let’s listen in on a conversation regarding this subject between Staff Sergeant Rachel Roe, an Army Reservist, and her lawyer:

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married to your husband for at least ten years during at least ten years of service toward eligibility for retired pay. At this point, Rachel, you’ve been married for 9 ½ years.

Rachel: Where can I find that in the law?

Attorney: The 10/10 Rule is a component of the Uniformed Services Former Spouses’ Protection Act. That is found at Title 10, U.S. Code, at Section 1408 (d)(2).

Rachel: I hear that this is a big deal for my husband. He wants to drag out the divorce until we’ve been married for ten years, and I already have a total of 15 years of Reserve service – so that means he would meet the requirements of the Rule if he can just get the court to slow things down for another six months. Why is he insisting on waiting for another half-year before the divorce?

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Welcome to 2023! This has been an amazing year for the AAML Foundation, and I am happy to report on our activities for 2022 and to give you a sneak peak at our future plans.

We resumed our Chapter visits with our Fellows and prospective Fellows across the country. John and I kicked off the year with a fantastic visit to the Georgia Chapter and had a wonderful time at the Porsche Driving Track with the Fellows and their guests. Next up was the Florida Chapter and seeing its Institute in full swing. We then went to the Colorado Chapter and saw snow in May! The New Jersey Chapter showed it knows how to do an event – I have never seen such a spread!

The Texas Chapter visit in August was amazing – over 1500 attorneys and judges in attendance at the CLE. I even met the judge of “I am not a cat” fame. Visiting Cary Mogerman’s hometown of St. Louis, Missouri, gave us the opportunity to meet the fabulous Missouri Fellows. We went to Divorce Camp with the Minnesota Chapter where its live auction raised the largest single gift by a Chapter for the Foundation - \$20,700.00! The Ohio Chapter rolled out the red carpet and showed us the town and great fellowship. The Chapter visits have been a true joy for me to have done this year. The chance to engage with so many of you, in your hometowns, has been truly special.

These visits have given us the opportunity to let you know how the Foundation, through your generosity, gives back to your communities.

In 2022, the Foundation awarded 45 grants for a total of \$225,000.00. The Jim and Lea Hennenhoefer Grant recipient for the most innovative grant is f.a.c.e.s. for children in Ft. Lauderdale, Florida. The Michael S.J. Albano Grant recipient for the charity committed to improving the lives of children with an emphasis on promoting education, the advancement of women or members of other special groups is Kids First Law Center in Cedar Rapids, Iowa.

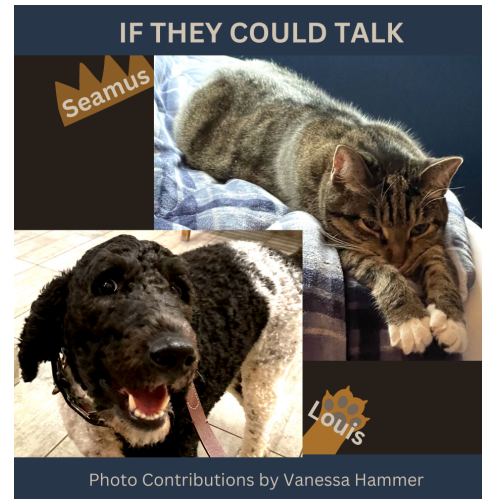
At our Lifetime Member Luncheon, we spotlighted these recipients as well as Kids’ Turn in San Diego, California, and Her Justice, Inc., in New York. The 2022 Leonard Loeb Scholarship was awarded to Kathleen Hessel at the University of Wisconsin Law School. To date, \$80,000.00 in scholarships have been given through this fund

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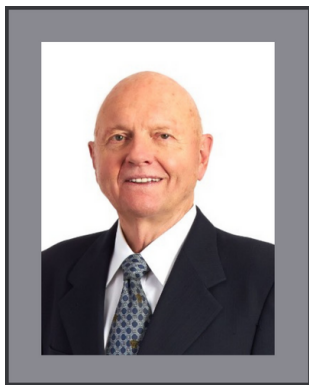


Ipse Dixit! is a monthly cartoon created by Co-conspirators: [Dana E. Prescott](#) and [Ben Garber, PhD](#). [Click to View Past Cartoon Creations](#) and have a laugh.



If They Could Talk is a section for you to share photos of your animal companions. **Have a [Look at the Gallery](#)** for these and more photos and if you have some you would like to share, please send to: mary@aaml.org

IN MEMORIAM



Ronald W. Anteau
December 28, 2022
Fellow since 1990
Los Angeles, CA
[Obituary](#)



Walter Black
December 3, 2022
Fellow since 1968
Great Neck, NY
[Obituary](#)

Send in your newsletter submissions
for consideration **2 weeks before the**
1st Wednesday of the month



Co-Editors:
[Kiilu Davis](#)
[Natalia C. Wilson](#)
Staff:
[Mary Dietel](#)

[CONTACT US](#)

AAML
National Headquarters
209 W Jackson Blvd, Ste 602
Chicago, IL 60606
office@aaml.org
aaml.org



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