

American Academy of Matrimonial Lawyers - April 2023*Monthly Newsletter*

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PRESIDENT'S MESSAGE



Brent A. Cashatt
AAML President

I had a great time meeting with and learning from everyone in the Bahamas. Our midyear meetings are always a great opportunity to meet new Fellows and reconnect with friends. And you can't beat the golf and the weather! Now, as we're back into the day-to-day life of a family law attorney, I'm looking forward to what April will bring.

This is my favorite time of year, March Madness, the Masters, and the start of a new Major League Baseball season. And outside of sports, I also

to enjoy the new growth around you and find opportunities to grow yourself. Just like the old adage, "April Showers Bring May Flowers," the efforts you put in this month will pay off in the months that follow. Whether you're working on a new hobby or you're learning something new for your practice, this month is a great time to get started and see where it takes you.

While we're focused on providing exceptional legal services for our clients, it's also important to take

April is full of promise, growth, and new beginnings. The air is fresh, the sun is shining, and the world around us is teeming with the vibrant colors of spring. This is a time to shed the old and embrace the new, to let go of the past and welcome a brighter future.

love the new growth and fresh start that April signifies.

This month, I hope you take the time

care of ourselves too. I'd encourage you to use this month to work on something you've been putting off. There's no better time to start than now.



Co-Editors

[Kiilu Davis](#)

[Natalia C. Wilson](#)



See all the Fireside Chats

Check them out on YouTube!

[Fireside Chat Playlist](#)



Tech Tips Videos

The AAML Law Practice Management & Technology Committee will be back next month with a new video containing helpful technology tips to assist you in your Family Law Practice. The committee has been providing these videos since 2021. [Click Here or Press the Play Button to View Them!](#)



Zoom Meeting

Open to AAML Fellows Only

Drinks and Diversity

Judge Panel

Wednesday, April 12, 2023

7:00 pm - 8:30 pm CST

[REGISTER - Login Required](#)

Moderator, AAML Fellow [Samantha Gemberling](#) will lead an open discussion with members of the judiciary (Hon. Edward A. Arce, Hon. William S. Boyd, Hon. Anne Flottman, and Hon. Korey Wahwassuck), about how cultural competencies impact their rulings.



Webinar - 1.0 Hr CLE

Open to ALL

Hot Tips

April 27, 2023

12:00 pm - 1:00 pm CST

[REGISTER](#) - Log in for Fellow Rate

AAML Fellows [Rod Firoozye](#), [Neil E. Kozek](#), [Aidan R. Welsh](#) return with more Hot Tips that will focus on useful clauses in:

- Confidentiality Agreements
- Separation Agreements
- Premarital Agreements
- Postnuptial Agreements
- Collaborative Agreements

THE AAML WELCOMES THE FOLLOWING NEW FELLOWS

[Jessica L. Beauchamp](#)
Cincinnati, OH

[Rebecca A. Clark](#)
Brunswick, OH

[Rebekah A. Frye](#)
San Jose, CA

[Elizabeth D. Hartwell](#)
Minneapolis, MN

[Lynn Slaathaugh Moen](#)
Maryville, ND

[Amy S. Mollengarden](#)
Atlanta, GA

[Alexander C. Payne](#)
Newport Beach, CA

[Stephanie J. Smith](#)
Fairfax, VA

[Carolyn M. Zack](#)
Philadelphia, PA

UPCOMING NATIONAL EVENTS/MEETINGS

[Drinks and Diversity](#)

[April 12, 2023](#)

[7:00pm - 8:30pm CST](#)

[Webinar - Hot Tips](#)

UPCOMING CHAPTER EVENTS/MEETINGS

[AAML-NJ Charity Event](#)

[April 20, 2023](#)

[AAML-MA Sophisticated Family Law Topics](#)

[April 28-29](#)

[April 27, 2023](#)[12:00pm - 1:00pm CST](#)[2023 Negotiation Seminar](#)[May 5-6, 2023](#)[Boston, MA](#)[AAML National Executive Committee Meeting](#)[May 19-20, 2023](#)[Chicago, IL](#)[Arbitration Training Seminar](#)[June 1- 2, 2023](#)[Chicago, IL](#)[Institute for Family Law Associates](#)[Introductory Course](#)[Advanced Course](#)[June 22-25, 2023](#)[Chicago, IL](#)[Click to View More](#)[AAML-PA Board of Managers Meeting](#)[May 2, 2023](#)[AAML-NJ Seminar Series](#)[May 4, 2023](#)[AAML-NorCal 46th Annual Symposium](#)[May 5-7, 2023](#)[AAML-NJ Board of Managers/Chapter Meeting](#)[May 11, 2023](#)[AAML-Mountain States Annual Meeting](#)[June 29-July 1, 2023](#)[Click to View More](#)[back to top](#)

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



**Turner on the Fifth: Renowned
Equitable Distribution Expert
Pens Con-Law Primer^[1]**

By: [Trish Cooper](#)

Oops, he did it again! Brett Turner cannot be stopped, and we are the better for it. Like me, you have probably cited Turner's treatise on the equitable distribution of property countless times. Turns out, Turner also knows a thing or two about the Constitution, specifically, the Fifth Amendment as it relates to family law. The Journal recently had the honor of publishing his "Fifth Amendment Privilege in Family Law Litigation" in Volume 5,

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Number 1 (2022), and we highly recommend it for all of your privilege assertion-related needs. Turner's article explores the parameters of the privilege and provides an excellent discussion of the standard courts must apply when determining if the privilege applies. The article also describes the limits of the privilege and circumstances under which we as practitioners might overcome an assertion of the privilege. The article also encompasses waiver of the privilege, including examples of what might constitute an implied waiver, and notes how details about a fact are waived once the fact has been disclosed. Turner also explains the rule against selective assertion of the privilege, i.e., that one may not selectively assert the privilege in one context (e.g.,

deposition) but not another (e.g., trial). Finally, the article addresses when the privilege applies to the production of documents and when it does not, and concludes with a thoughtful analysis of the potential consequences of asserting the privilege.

If you are looking for a concise, well-organized, easily digestible analysis of the Fifth Amendment privilege in family law - grab your Journal and look no further!

^[1] Although not confirmed, unreliable sources report that Mr. Turner also grows his own vegetables and is training for Everest.

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.



A VIEW FROM THE BENCH: Thoughts from a New Judge

By: Hon. Ross Ewing

Greetings, AAML friends! I write to share some observations from my first few months on the bench. This transition has brought some interesting surprises. For one, people stare at me all day – sometimes large crowds of people, for hours on end, all facing me with little else to look at it. I was not prepared for this, and I'm working on my "resting judge face." I was also surprised how quickly and completely I lost my first name.

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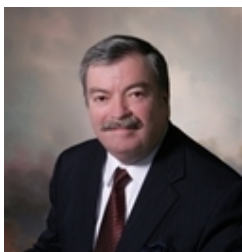
Initially, every time someone addressed me as "Judge" or "Your Honor," I looked around for my predecessor. Last week a particularly difficult and aggressive self-represented litigant addressed me as "Ross" – part of a larger attempt to demean the court and provoke a response. This backfired. He had no idea how happy it made me to hear my own name!

One delightful surprise is how many weddings I perform at the courthouse. Free and open access to civil legal marriage is a cornerstone belief of mine, and apparently the word is out. We average at least one wedding a day in my chambers, many with vows in Spanish or French. The variety and diversity of people coming to get married – some with friends and family, others by themselves, many with kids in tow – impresses and moves me. I hope this never stops.

Relatedly, I was warned that many people would try to get me to undo rulings or decisions made by my predecessor. This proved true, and thus far I have refused to do so, with one exception. I recently re-married a couple my predecessor had divorced! They told me in all seriousness that all the work they had to do to coparent effectively taught them how to communicate, something they never knew how to do while married the first time.

On a more somber note, I cannot overstate the gravity of the opioid crisis or the effect it has on families and family courts. I knew this as a lawyer, friend, and family member. Now as a judge they call in the middle of night, I feel this in my bones. Almost every week I hear cases where one or both parents have overdosed – usually on fentanyl – and died.

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"Help - I Missed the Boat!"

The Survivor Benefit Plan Open Season

by [Mark E. Sullivan](#)

Author of the *The Military Divorce Handbook*

One of the time limits in the military divorce process is the one-year

retired pay center within one year of the divorce.

The one-year deadline is often missed because the parties and their attorneys are unaware of this SBP time limit. If there is no timely election of SBP, then it's lost – a big problem for the retiree's former spouse in a military divorce case, since payment of the military pension stops when the retiree dies, thus terminating the former spouse's share of the retired pay. Overlooking this important deadline can also give rise to a malpractice claim.

the 2023 National Defense Authorization Act (NDAA). We're in the "Open Season" window right now; the time for the SM/retiree to apply ends January 1, 2024.

This amendment to the SBP statutes provides potential SBP coverage for -

- * retirees receiving retired pay, and
- * eligible servicemembers or former members who are awaiting retired pay who were not enrolled in SBP or RCSBP (Reserve Component Survivor Benefit Plan) as of December 22, 2022.

In general, a SM/retiree who enrolls

deadline for the Survivor Benefit Plan, or SBP. Since this survivor annuity pays 55% of the selected base amount to the surviving spouse/former spouse, adjusted annually for inflation, it can be a significant measure of protection if the SM/retiree dies before the beneficiary. But the SBP election must be registered with the

A new law provides a possible solution to the "missed SBP" issue; last December, Congress enacted a statute which opens the door to obtaining SBP when "John Doe," the servicemember/retiree, has not enrolled a spouse or former spouse in the program. The statute is called the Survivor Benefit Plan Open Season and it's contained in

during the SBP Open Season will be required to pay retroactive SBP premium costs which would have been paid if he had enrolled at retirement (or enrolled at another earlier date, depending on his family circumstances).

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A LOOK AT SAFE HARBOR: PROVIDING PARENTS ACCESS TO CHILDREN

Contributions made to the Foundation have a profound impact on the lives of children and families going through divorce or separation. One Grantee making a difference is Safe Harbor Child Access Centers located in Flemington, New Jersey. Safe Harbor is a sanctuary for children, families, and individuals in need of safe, inclusive, child-friendly and supportive spaces to host supervised visits and

social engagement opportunities. The centers provide support, programs, and referrals for individuals with domestic violence, sexual assault and other trauma related activities.

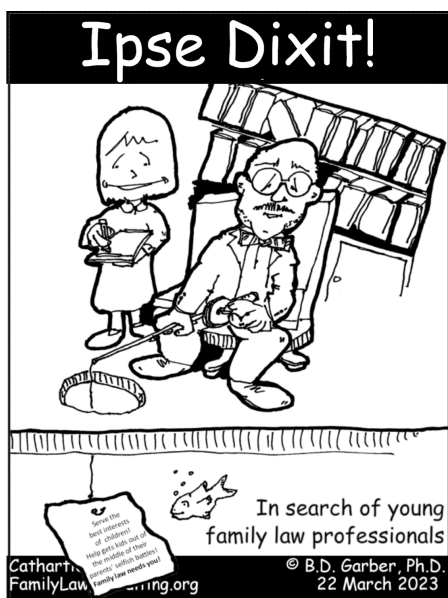
The Foundation's grant contributed to Safe Harbor's program "Harbor of Hope". The program provides a safe trauma-informed space for the child and parent. During visits, a Child Advocate is assigned to provide supervision and act as a voice for the child to the courts. Safe Harbor developed an integrated approach to their programming after experiencing several losses due to teen suicide and expanded its focus to include groups for children and teens recovering from trauma. Notably, Safe Harbor includes men's support groups to address how they can successfully be a part time parent and stay involved in their

child's life in addition to providing resources for court ordered supervised visitation.

Safe Harbor works with trauma-informed volunteers as well as graduate interns majoring in social work from Rutgers and other esteemed college programs. The center is set up with a trauma-informed environment complete with a dedicated quiet space and calming room, fish tank and visits from a therapy dog. Programs are offered in English and Spanish with targeting to the underserved members of the community. As part of its support, Safe Harbor organizes support groups for a variety of other community needs including collection of food, clothing, and other household items.

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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 your animal companions section. [Have a Look at the Gallery](#) to see this month's and past newsletter's submissions. Send us your furry and non-furry animal's photos! Please send to: mary@aaml.org

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



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