

## Reflections of Past Editors

### Lindsey Short

I had the privilege to be the first Editor-in-Chief to follow Leonard Loeb. Leonard's advice to me was simple, "When you see a problem seek a solution, not another problem." I was honored and took the job.

During the early years, the Journal struggled to meet deadlines, find authors, and create a strong niche amid the many legal publications. The Editorial Board was supportive of my efforts and the Executive Committee anguished with me. Fellow Mike Albano was instrumental in associating the Academy Journal with the outstanding University of Missouri - Kansas City School of Law.

I am proud of those who preceded me and those who followed me as all editors and editorial boards have greatly enhanced the quality and the reputation of the Academy Journal.

### Barbara Ellen Handschu

I am honored to be asked to share some of my memories, remembrances and experiences in this commemorative issue of the Journal, marking the fiftieth anniversary of the American Academy of Matrimonial Lawyers (AAML). Given this opportunity, I want to reflect on what the Journal and the Academy have meant to me, as a member of the Editorial Board, a former Editor-in-Chief of this Journal, and a former national President of the AAML. Intertwined with these remembrances of all the honored positions I have been lucky enough to fill has been my substantive Academy work to protect children whose lives are affected by family dissolutions and changes. Let me share some memories . . . .

#### *Journal Board*

I can remember the day Leonard Loeb, may he rest in peace, came to me and asked me if I would serve on the Journal Editorial Board. It was the first time I was asked to participate in any national Academy work and I was downright scared at the

prospect. I immediately asked Leonard how many articles do I have to write? And felt relieved when he told me I just solicited and reviewed articles. I thus became a member of the first Journal Editorial Board.

The work of the early Editorial Board was not exactly limited to finding articles as I came to discover. My first editing experience was with Frank McGuane as we sat cooped up in a room, missing most of the November seminar meeting, editing all of the articles for the first or second issue of the Journal.

Those were the “early years” before the Journal found a permanent home at the Law School of the University of Missouri-Kansas City under the guidance of our Executive Editor, Professor Mary Kay Kisthardt. The Journal would not have matured and achieved professional recognition without Mary Kay Kisthardt and the distinctions and honors she has brought the Journal. It was my tremendous pleasure to bestow a special award on Professor Kisthardt during my term as national President. I cannot imagine the Journal without her constant tutelage. The Journal also has had many, many years of growth nurtured by the most recent Editor-in-Chief, and my dear friend who is so missed, the late Joanne Ross Wilder.

Stepping back briefly from today and what the Journal has attained, I recall Board meetings when we looked for cutting edge, critical new topics and individual articles to fill a Journal. We then searched for people to write for the Journal, promising that the students at UMKC, with Mary Kay, would ably assist to attain first class law review status. That they did! Articles now come into the Journal often unsolicited; courts cite the Journal (how I remember the tee shirts we all wore in the early days that said Cite the Journal) and our Fellows and colleagues quote from the Journal.

Thinking back I have fond memories of how things got done by the Board. For instance, the topic choice for a journal article evolved from a practice where we went around the table as each member of the Board discussed the most interesting case she or he had worked on since the last in-person meeting of the Board. Each of us also added one significant personal event that had transpired since our last time together. Some topics for future Journals seemed to flow from these discussions. We also looked at past Journal issues for topics that should be reviewed as well as

current AAML substantive projects that would be suitable topics for future issues.

Sometimes we would find ourselves in need of articles and turn to our own Board members as authors. Guy Ferro and Joanne Ross Wilder jumped in with an article in response to something we solicited for one issue. In recent years Laura Morgan was a wonderful addition to the Journal Board, reaching out to numerous authors with her contacts all over the country. Moreover, she has been a prolific author of numerous Journal articles. Whenever we came up with a topic for an issue Laura seemed to volunteer to provide an article.

In this same manner, Mel Frumkes, Associate Editor, who declined serving as Editor-in-Chief, has been Mr. Tax Article. Mel has graciously provided an article for virtually every Journal and is an amazing source of information. In addition, his wit brought great joy to Journal meetings.

Sometimes Journal articles are pure happenstance. I recall discussing with Professor Kisthardt the practice whereby some judges review court-ordered psychological forensic reports delivered to the court but not received in evidence. Next thing I knew one of the students took a look at an AAML survey and Listserve discussion, and case law and we had a fascinating student article.

I have served on every Journal Board since the time of my appointment by President Loeb. On four occasions I have served as an Issue Editor for all of the Journals which have concerned children's issues. This has converged with my substantive Academy work on relocation, representation of children and the Academy Parenting Plan. I believe that these issues of the Journal have advanced the dialogue and understanding of cutting edge issues involving children's rights which the Academy, and all family lawyers, must never lose sight of. I have been very proud of my substantive work around children's rights issues as well as the four Journals which encapsulated that work.

#### *Editor-in-Chief of Journal*

When I was asked to serve as Editor-in-Chief of the Journal I was flattered and honored to accept the position. As Editor-in-Chief I was invited to participate with the Academy Executive Committee and before I knew it I was nominated as a Vice-Presi-

dent of the national Academy. By the time I became Editor-in-Chief of the Journal it had become such a well-functioning machine that there was little to do other than to keep in touch with the Board and Professor Kisthardt, focus on the new issues of the Journal and chair meetings. Okay, there were galley proofs to review and I challenged myself to find an occasional need for a correction!

### *President of the Academy*

I look back at my year of the presidency with great pride. I had a goal of advancing concerns for and protecting children. It might have been happenstance that I had co-chaired what is now called the Best Practices Committee and we had authored a comprehensive Model Parenting Plan. This model was adopted by the Board of Managers in Chicago as I concluded my term as national President. I feel it was my special legacy to the Academy. It also became the feature article for a Journal issue.

When I took office as Academy President the first Journal issue was dedicated to me as a former Editor-in-Chief. I felt as if my work was converging—a beginning and the highest honor—serving the Academy as President—how life has a circular pattern. For as long as Academy Presidents in coming years see fit to appoint me to the Journal Board I will serve with great pleasure. It will make me even happier to see increasing numbers of Fellows submitting articles, citing the Journal and participating in Academy activities at every level.

### **Gaetano “Guy” Ferro**

As I reflect back upon my twenty-five years in the Academy and my thirteen years on the Journal Board, including two as Editor-in-Chief, a kaleidoscope of remembrances sparkles. I enjoy memories of places, of projects, and of people.

Taking a tip from everybody’s best friend, past-president Cheryl Hepfer, I promised to meet and greet every fellow I could during my years as President-Elect and President. I traveled the country extensively. I became gregarious. I hope that the Academy was better off as a result. Who else gave out free Corvettes at his President-Elect’s reception at Soldier Field?

During my term as President, I visited the Mountain States Chapter at their meeting in Park City, Utah. Because I practice

in lower Fairfield County, Connecticut (quasi-New York City), I was impressed at the collegiality. When I asked the group, including Sandy Dolowitz, if they really liked each other as much as appeared to be the case, a resounding “Yes” was the response.

A dear friend, Vice President Maria Cognetti, hosted Eileen and me when I attended the Pennsylvania Chapter’s annual retreat in Gettysburg. We spent a lovely night in her home, and visited her Derek Jeter shrine. I remember the warm welcomes I received from the Pennsylvania fellows as much as I do a tour we took of the battlefields after saying goodbye to the chapter.

Then-President Gary Nickelson brought the Executive Committee to Indianapolis. We toured the Speedway. I will never forget the looks of bewilderment as I kissed the bricks. I received warm welcomes during other trips far too numerous to mention. But, all the trips had one thing in common: I was surrounded by old and new friends.

I had the distinct pleasure of serving on both Bounds of Advocacy committees. Steve Sessums was our chair. That he kept us focused is a tribute to his statesmanship. I remember the first meeting attended by Gary Silverman some twenty-two years ago. It was the only time any committee person bled for the Academy, literally. He and his motorcycle had fought a road. The road won.

I still miss the quiet profundity of Reba Razor who once explained that it is the divorce lawyer’s obligation not to fight over the “stuffed turkey heads.” I admired David Walther’s cosmopolitanism, even when he and Eileen abandoned the group for a private beer tasting with Bern Laxer at his eponymous steakhouse in Tampa. Errol Zavett’s dry wit often broke the tension as the group argued about what is good and bad practice of family law. Stuart Walzer’s enormous breadth and depth of experience was a limitless resource. Jan Gabrielson had a way with words that served us all well. While several of the originals were not around for the reincarnation, they were more than ably replaced by Joan Kessler, Diana Richmond, and Barbara Salomon. I still wonder how I was thrown in with such a superstar cast once, let alone twice. The Bounds was my Miracle-Gro. I like to think it nourished and fed me and assisted in my growth as a lawyer. Thank you Steve, and others, for fertilizing me.

Travel has been emblematic of my years in the Academy. As member of the Executive Committee and many other Academy committees, I visited every state except Montana, Idaho, North Dakota, Wyoming, and Michigan. I even flew from New York to Chicago to Des Moines to co-host a cocktail party with Cheryl Hepfer and Roger Dodd. You haven't lived unless you have co-hosted a party with Cheryl and Roger. Neither one has an off switch although Cheryl does have a dimmer. Then-president Barbara Handschu brought the Executive Committee to Alaska where we flew to Denali. Had Barbara known about Sarah Palin, she would have picked San Francisco.

When I announced to that Executive Committee that we would travel to Rapid City and Mount Rushmore, the moans and groans were palpable. Thanks to then-Vice President Linda Lea Viken's skills and efforts as tour director, however, the weekend was amazing. Contrary to expectations, I was not impeached. The trip to South Dakota stands out as among the many great weekends I have enjoyed for the Academy.

Most trips, however, were not as awe-inspiring. Some were even less than pedestrian. One year, we spent a rainy week in Palm Springs for a mid-year meeting. We haven't gone back. During another mid-year meeting, Carlo Forzani and I walked on one of Sanibel Island's erstwhile pristine beaches. We tried very hard not to notice the dead fishes, victims of a recent red tide. The company was good enough that not noticing was surprisingly easy. We haven't gone back to Florida's west coast either.

Many trips were fun. When Eileen stayed home babysitting, Joan Kessler, a/k/a "the Honorable," was often my traveling companion as we sought out good shopping, museums, an aerial tram, or barbecue.

While I served on the Journal, the Board of Editors made annual trips to Kansas City. In August!! One of America's barbecue meccas, Arthur Bryant's, made it easy to forget the sweltering heat. Great food has been another hallmark my years with the Academy. Don't ask how many times I have visited Harry Caray's. Did you know that I was "forced" to eat at the Mansion Restaurant at Turtle Creek in Dallas and at Le Cirque in Manhattan? Don't ask how much weight I gained and lost because of the Academy.

I have frequently presented at Academy programs or at the request of Academy fellows. I remember Tonapah, New Mexico, Las Vegas (4 times), Sanibel, Chicago (several times), Louisville (twice), Ellicott City, Maryland, Denver (twice), and Warwick, Rhode Island. I recently demonstrated a cross examination at the Academy's first webinar.

A great Journal Board of Editors has been another Academy institution. I can not mention all of the Editors. There have been too many. The other Editors-in-Chief, Lindsay Short, Frank ("We need to make a contribution") McGuane, Barbara Hand-schu, and Joanne Ross ("no e-mails, please") Wilder, deserve special mention for their contribution of many, many hours and of tireless spirit. So does Associate Editor Mel Frumkes who undoubtedly holds the record for contributing the most articles. So does Executive Editor Professor Mary Kay Kisthardt. She is the glue that has held the Journal together. Phil Schwartz deserves kudos for having been issue editor so often that he must have it down to a science. He will always be synonymous with international law. That I was chosen to be one of the Academy's Journal's Editors-in-Chief will always be one of my professional life's greatest honors.

The Journal was about camaraderie and collegiality. I do not remember one argument in all the years I served. Instead, we constantly strove to make the Journal better. We did. One of my many good memories about the Journal was co-authoring *The In Camera Interview and the Role of Counsel in Child Custody Cases*, with Joanne Ross Wilder.<sup>1</sup> The process was as smooth as silk as Joanne and I intuitively allocated our respective responsibilities. I do not even remember who did the final edit. It might have been unnecessary. As we wrote, we both adapted our styles so that they would mesh. They did. One of my few disappointments was authoring *Attorney's Fees in Dissolution of Marriage Cases—Is It Time for a Change*.<sup>2</sup> In that article I urged a fundamental change in how matrimonial lawyers bill. That change has not occurred. Recently, I coauthored *Electronically Stored Information: What Matrimonial Lawyers and Computer Forensics Need to Know*.<sup>3</sup> What I find exciting about matrimonial law is

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<sup>1</sup> 9 J. AM. ACAD. MATRIM. LAW. 107 (1992).

<sup>2</sup> 7 J. AM. ACAD. MATRIM. LAW. 1 (1991).

<sup>3</sup> 23 J. AM. ACAD. MATRIM. LAW. 1 (2010)

that a good lawyer never stops learning. Helping to prepare that article taught me a lot.

Six years ago, Barbara Handschu and I wrote for a different Academy publication and for a different reason, to explain and to publicize the Academy's pro-gay marriage stance. The task was challenging. *It's Not About the Gays, It's About the Children* was the product.<sup>4</sup> That a bomb-throwing radical from the sixties, not me, and a libertarian-leaning conservative, not Barbara, could have corroborated to find common ground on such a polarizing topic evidences that in the Academy scholarship and friendship are greater than politics.

As I think back over what I have done with and for the Academy I wonder how I found the time. When I wasn't occupied with the *Journal*, the *Bounds*, being an Officer, or serving on the Executive Committee or the Board of Governors, I spent countless hours on the Budget and Finance Committee, the Client Relations Committee, the AAML-AICPA National Conference on Divorce Committees, the Amicus Curiae Committee, the ALI Principles of Family Law Committee, and the AAML-AFCC National Conference on Custody Committee. Nonetheless, I know that I have received much more from the Academy than I gave.

My remembrances of the Academy are colored by the imprints that many of its Presidents have left. I was preceded by Cheryl Hepfer of Maryland who was a joy to me and to each fellow. I was succeeded by Jim Hennenhofer of Southern California. He performed his responsibilities with grace and dignity. I will not mention the other Presidents who have led this great organization except for one, Arthur E. Balbirer of Connecticut. He was my first lawyer boss. He became my mentor. I became his law partner. But for his direction, I would not have become a divorce lawyer. But for his urging, I would not have joined this outstanding organization.

Some of my best Academy memories are about someone who was not a fellow but cared enormously for the Academy and its fellows. Lorraine West was the Academy's Executive Director for more than two decades. We worked together when I was President. I spent much of that year living out of a hotel in Mid-

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<sup>4</sup> NEWSLETTER AM. ACAD. MATRIM. LAW. 9 (Winter 2004-05).



dletown, Connecticut, during a much-celebrated eighty-six day custody trial. When not on trial, I was often flying somewhere to a meet and greet or a meeting. I had my laptop on during trial and was remotely connected by satellite internet. My first phone call each day was usually to Lorraine. My next was often to Brian Downey confirming arrangements for a telephone interview during the first court recess. Somehow, I multi-tasked my way through the year. How? Lorraine West, simply the best.

The Academy has been and is about places, projects, and people. Most of all, I will always remember my Academy friends.

## **Frank McGuane**

The Journal of the American Academy of Matrimonial Law (AAML Journal) was the brainchild of Milwaukee attorney and future AAML President, Leonard Loeb. It was launched in 1984 in collaboration with Professor Marygold (Margo) Melli of the University of Wisconsin - Madison Law School. Out of a large number of applicants, I was honored to be a member of the first Board of Editors. I served on the Board for seventeen years, including six as Editor in Chief. The initial Editorial Board consisted of Fellows Mike Atkins of New York, Art Berman of Illinois, Jim Friedman of Illinois, Alan Grosman of New Jersey, Bob McGrath of Massachusetts, Jerry Silverberg of Connecticut and Stuart Walzer of California and me.

The maiden issue of the Journal was released in the Spring of 1985 with one lead article, "Valuation of Shares in a Closely Held Corporation on Divorce" by Stuart Walzer and Jan Gabrielson, summaries of twelve articles from other publications and a bibliography.

The topic of the second issue, published one year later, in 1986, was Valuation of Professional Goodwill on Divorce. Articles were contributed by Mel Frumkes, James T. Friedman, Stuart Walzer and Jan Gabrielson, and Allen M. Parkman. It initiated the "symposium" or "topic" format for the Journal, which has continued to today. The Journal was then "off and running."

Over the years, membership on the Board of Editors changed, with many editors taking leadership positions in the Academy. A number of editorial board members have gone on to serve as national presidents of the Academy. Notable addi-

tions to the Board of Editors during the early years of the Journal were David Kelsey, Frank Foley, Mel Frumkes, Barbara Handschu, Reba Rasor, Joanne Ross Wilder, Lindsey Short, Guy Ferro, Phil Schwartz, John Dennis, Lew Kapner, David Walther and Errol Zavett.

My first significant project as a member of the Editorial Board was as Issue Editor of Volume 3, published in 1987, which was devoted to Valuation and Division of Pension and Profit Sharing Benefits. The topic was cutting-edge at the time, because the Retirement Equity Act had just been enacted in 1984.

I decided that the opening article of my issue should be an Overview of Pension Law. I contacted my long-time friend and colleague in San Diego, Sandy Morris, and asked (begged!) her to write the opening article. I promised that if she would, she would become rich and famous. In her inimitable style, Sandy completed the article and delivered it in “on time.” I don’t know if she ever became rich, but she became famous, serving as national AAML President from 2002 to 2003.

One of the most important and most challenging tasks for editorial board members was obtaining commitments from authors to write articles. Obtaining the “promise” was often the easy part. Getting the author to complete the article on schedule, or at all, was often the greater challenge. Repeated nudges by the Issue Editor was often the only way to get the author to complete the article. But that is understandable. First, writing a law review-quality article is a huge undertaking. Second, getting the creative juices flowing, especially in the middle of a busy law practice or teaching career, often does not come easy.

In 1990, after Leonard Loeb had moved up to become President of the American Academy of Matrimonial Lawyers and the Journal had become well established, our Executive Editor, Margo Melli, retired. Through the efforts of future AAML President Mike Albano, Mary Kay Kisthardt, a Professor of Family Law at the University of Missouri - Kansas City School of Law, was invited to succeed Margo Melli as our Executive Editor. She graciously accepted, the start of a very special relationship between the Academy and Professor Kisthardt. Starting with Volume 6, 1990, Professor Kisthardt has labored long and hard as Executive Editor. Professor Kisthardt, now in her twenty-second year as Executive Editor continues to serve in that role. To say

that she has in fact taken the Journal to the next level would be the grossest of understatements.

Upon assuming the reigns as Executive Editor, Professor Kisthardt was able to get the University of Missouri Kansas City School of Law to add a course whereby a select number of law students were able to earn course credit for working on the Journal. In the early 1990's, the Editorial Board voted to move one of its regular board meetings to Kansas City so the students could attend and participate in the Board meetings. Since then, the Board has met each year in late summer at the University of Missouri - Kansas City School of Law.

While Professor Kisthardt, as Executive Editor, has been the face of the Journal, there is also an unsung hero behind the scenes who has assisted in an extraordinary way with the numerous editorial and other tasks necessary to produce the Journal. She is Professor Nancy Levit. In addition, over the past twenty-plus years, Nancy has authored or co-authored several annotated bibliographies for the Journal. The Journal is deeply indebted to Professor Levit also of the UMKC School of Law for her contributions to the Journal.

Initially, the Journal was on a once-per-year publication schedule. In 1991, the Board of Editors decided that if the Journal was to achieve the level of respect and recognition we envisioned, we must publish two issues per year. Since 1992, the Journal has maintained a twice-per-year publication schedule and has truly achieved a stature as one of the very top family law publications in the United States.

While every Board meeting meant hard work, the chemistry of the group and the camaraderie made it fun. There were numerous light moments and many fond memories. One of the brightest stars on the Editorial Board during the time I served was Reba Rasor, who, unfortunately, passed away way too soon on October 10, 1994. Reba was truly a treasure. She was not only brilliant (she tied for the highest score on the Texas Bar exam), she had a wit and a repertoire of sayings that made her one of the most entertaining people I had ever met. Once, in a Board meeting, we were discussing a future issue on a cutting edge topic. "We must do it," implored Reba. "We can't continue to plow with a crooked stick."

One thing I always looked forward to when we met in Kansas City for our Editorial Board meetings was at a local restaurant for dinner on Saturday night, after we had worked hard all day in our meeting. However, one of those Saturday night dinners did not have a happy ending for one of our Board members. He had driven to Kansas City for our meeting and had parked his car in a local parking garage. After dinner, when he returned to the parking garage, his car was gone. After searching to no avail on three or four floors of the garage, he called the police and reported the car stolen. He eventually got home (I cannot remember how), submitted a claim to his insurance company and was reimbursed for the stolen car. Approximately six months later, the car was located on one of the top floors of the parking garage where it had been left. Did some of Kansas City's young rascals steal the car, take it for a joy ride and return it to the parking garage, or did the great wine we had with dinner so impair our member that he did not remember that he had left his car on the ninth floor and not on the third floor of the garage? Only a select few will ever know the truth.

One of my fondest memories of our September Journal Board meetings is that often, they seemed to fall on the same weekend as the Michigan-Notre Dame football game. Each time that happened Barbara Handschu, a Michigan grad, and I, a Domer, would find a spot in a local bar to watch the game together. Unfortunately, those were lean years for the Irish and the Wolverines most often prevailed. But it was always great fun.

Thank you AAML and the Journal for such great memories.