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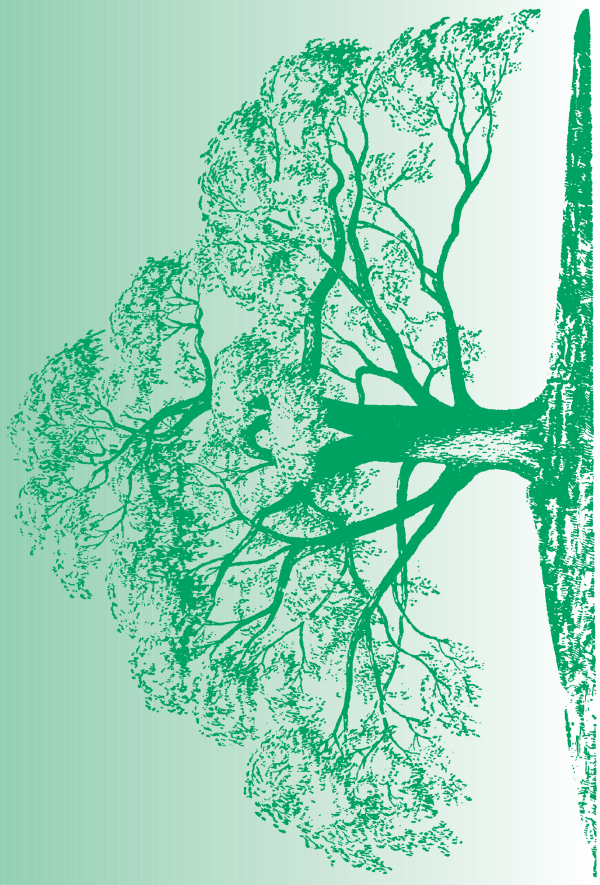

The Massachusetts Council On Family Mediation is a nonprofit corporation established in 1982 by family mediators interested in sharing knowledge and setting guidelines for mediation. MCFM is the oldest professional organization in Massachusetts devoted exclusively to family mediation.

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PRESIDENT'S PAGE

Did you know... MCFM is offering 5 free professional development workshops statewide to members and guests this year? Let us know if there is a topic you would be interested in attending or presenting.

Mediation Tips - Setting the Table When mediating with two lawyers and two clients, try using a rectangular conference table with the mediator sitting at the head of the table, each client to the left and right of the mediator, and each attorney sitting on the other side of his or her client. This allows for the clients to give the mediator their full attention without looking to their attorneys for affirmation or to speak for them.

Practice Tips - Alimony Aids TurboLaw now has a worksheet that calculates possible alimony amounts based on nine different approaches that may be helpful in some cases in generating a thoughtful spousal support discussion.

Business Tips - Be Seen Put together a 30-minute educational workshop about divorce mediation (as opposed to promoting your own practice) with an additional half hour Q&A session and run it 4-6 times in local library community rooms. Hang a flyer at each library noting the 4-6 sessions and locations.

MCFM - Your Best Friend MCFM can be your best friend in a time of need. Watch for more info on our members' list serve being designed to allow for mediator discussion on those sticky wicket issues.

Mediation World - Mediation is Everywhere International Conflict Resolution Day is celebrated annually on the 3rd Thursday of October. Plan to participate locally. More to come on this soon.

Kathleen A. Townsend
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CONTENTS

THE VIEWS OF THE NEW CHIEF JUSTICE OF THE PROBATE & FAMILY COURT

By Hon. Paula M. Carey

Editor's Note: *Following are excerpts from Chief Justice Carey's prepared remarks for her keynote address to the 2008 MCLE Family Law Conference in Boston.*

The work we do in the Probate and Family Court, perhaps more than any other court, requires patience, compassion and an unwillingness to give up on some of the difficult families that appear before us.

In these days of increased accountability and diminished resources I am mindful of the challenges we face. I am proud of the work we do in our court, of the judges who judge, and of the staff who day after day meet the needs of those who use our court. I am also proud of the way all of you who regularly practice in our court conduct yourself. It takes a special kind of person to practice family law. It takes fortitude, patience, and compassion. I thank all of you for having those attributes.

In the Probate and Family Court we are intellectually challenged every day with cutting edge issues such as the expanding definitions of family, in vitro fertilization, and the ability and necessity that our court deal with societal changes because we are dealing with real people with real needs and controversies that need to be resolved in an area where the statutory and even case law often lags behind.

The emotional difficulties of the litigants who appear in the Probate and Family Court often transcend; and while application of the law must occur, that application must be done with compassion and an appreciation for the emotional turmoil of the parties. Many of the users of our courts have never been forced to deal with the criminal or civil aspects of the Trial Court but due to the personal circumstances of their lives, they must deal with the Probate and Family Court. Their needs can arise in the context of the break up of a marriage; the birth of a child out of wedlock; death of a parent or other close relative; the termination of their parental rights; the necessity of a guardianship; or the adoption of a child.

Many of those who use our courts are unrepresented (50,000 plaintiffs), some by choice, but most because they can not afford counsel, or do not appreciate the need for counsel. The unique challenge of the court is to meet the needs of, and deliver justice to all of the users of our court, represented or not.

The number and nature of the Probate and Family Court caseload has changed dramatically over the last two decades from primarily probate cases, which are paper driven cases with a certain life span and minimal court appearances, to primarily domestic cases, which are people driven, have an uncertain life span, and involve multiple court appearances.

The total number of cases filed in the Probate and Family Court has increased from 116,000 in 1986 to 157,000 in 2007. The nature of our cases has shifted gradually from sixty percent probate and forty percent domestic to sixty-two percent domestic and thirty-eight percent probate. In some divisions, the shift has been even greater, for example, in the Hampden Division, domestic cases represent over seventy-one percent of the case filings, and in the Worcester Division, over sixty-eight percent.

Today's domestic cases tend to be more complicated than in years past. Our court has seen an increasing level of high conflict cases with no sign of abating. Until the nineteen sixties, the Probate and Family Court was a sleepy place where hopeful relatives gathered to find out if they were the recipient of an inheritance. By the early seventies, the divorce explosion flooded the courts (or at least at the time was considered a flood) with cases that required wrenching decisions about child custody, division of assets, and fault divorces. Since then, medical advances have sent another waive of difficult questions into the crowded Probate and Family Courts: questions about the right to die; pre-birth determinations of maternity and paternity; administration of anti-psychotic medication; and dissolution of same-sex marriages.

We now know, based upon a large body of research completed over the last decade, that children do better when both parents have stable and meaningful involvement in their children's lives. Each parent has different and valuable contributions to make to their children's development. Communication and cooperation between parents is important. Unfortunately, we all know that communication and cooperation all too often does not happen, at least in the cases that appear in our court. High conflict custody cases are especially challenging for our courts.

We know that continued conflict and court action is bad for kids.

We know that these cases don't go away. They take up more court time and judge time than any other. The battling can last for years as the files get larger and larger. So what is the answer? We know that continued conflict and court action is bad for kids. My belief is that we need to catch behaviors that could be considered as inappropriately interfering or affecting another parent's contact with a child or children early, and attempt to stop it. Education may help some, but not all parents. Recently I became aware of a new and innovative program called "breaking barriers."

Breaking barriers family camp is a camp that is designed to help children and families where one or more children are in danger of losing a relationship with one of his or her parents. The camp has traditional camp activities combined with psycho-educational components to help both parents see the value of the other in the child's life as well as to help children

Continued on next page

to become free to feel and show connection with both parents. The camp has skilled educators in that Dr. Robin Deutch; Dr. Peggie Ward; and Dr. Matthew Sullivan have committed themselves to this project.

The concept of this program is exciting. Innovative ideas like breaking barriers are important and necessary in trying to ease the burdens of divorce and separation on children. My challenge to all of you is to work with me in helping to develop programs to help ease the burden on children when their parent's break-up.

Child support does not presumptively terminate at 18.

Family law has been an exciting place to be over the last two decades. We have seen same-sex adoptions, same-sex marriage, defacto parents, third party visitation, reproductive technology cases, jurisdiction cases, cohabitation, removal, child support, and alimony cases. It is worth reviewing some of those cases because they help show us where we have been and will help us determine where we are going.

Before I do that I would like to point out that many of the appellate cases that define our law as we know it about families, relies heavily on the American Law Institue (A.L.I.) principles. Since 2002, the A.L.I. principles have been cited in 17 cases in the area of family law. This is extraordinary. I have been saying this for a number of years now but it bears repeating, if you do not have a copy of the A.L.I. principles at your disposal, you should.

Same sex marriage/civil unions/domestic partnerships The case of Goodridge v. Department Of Public Health, 440 Mass. 309, decided in November, 2003 was the seminal case in this area. The decision created a firestorm of controversy both in Massachusetts as well as all over the country.

Parentage/defacto parenthood The trend in this area is to enforce the rights of biological parents to make decisions about their children and to avoid imposing obligations on non-parents if not warranted.

Third party visitation Once again the trend in this area is to support the rights of biological parents generally, unless visitation is necessary to protect a child from significant harm. The one exception is Sher v. Desmond, 70 Mass.App.Ct. 270 (2007) which is a unique case based on specific facts.

Reproductive technology Cases in the area of reproductive technology in the last decade have announced standards for reviewing surrogacy agreements; announced that the court will not force one to become a parent against his or her will where frozen pre-embryos remained after the break up of a marriage; and announced that pre-birth declarations of maternity and paternity are permitted where there is a gestational carrier.

Jurisdictional issues Case law in the jurisdiction area seem to favor finding jurisdiction wherever possible. The court found that a spouse's subjective determination that there had been a breakdown in the marriage was enough for a to have subject matter jurisdiction, provided the spouse had not moved to Massachusetts for the purpose of obtaining a divorce.

Cohabitation Cohabitants are free to contract with one another, except to the extent an agreement would be for sexual services.

Child support The focus of our child support cases is on the children and the obligation of parents to support their children. Where a parent sat on his right to genetic marker testing and held himself out to the world and his child that he was her father, he is obligated to continue to pay child support even if he is not the child's biological father. The equitable powers of the court permit the court to order a parent to continue paying child support to a guardian after a child's 18 birthday and that guardianship expired. Parenthood by contract is not the law of the commonwealth and such contracts are not enforceable. The court's equitable powers conferred by the legislature on the Probate and Family Court are intended to enable that court to provide remedies to enforce existing obligations; they are not intended to empower the court to create new obligations. Children's needs may be defined by the actual standard of living of their parents where a non-custodial parent's standard is much higher than a custodial parent. The cases are fact specific in this area. Child support does not presumptively terminate at 18.

I promise you a passionate belief in what we do in this court – we help families.

Alimony Alimony for a term is looked on with disfavor. If you are going to impute income to a spouse who is to receive alimony you should do it at the time of the divorce. Post divorce you are left with a spouse with minimal earnings when later a complaint for modification is filed trying then to get that non-working spouse to work.

So what do these cases tell us? I would suggest that in the future we will have:

• A continued focus on the rights of biological parents and the right of a biological parent to control access to children in relation to non-parents. But note there is always that exceptional case such as Sher v. Desmond which is an exception to that rule and a unique case based upon the facts.

• In the child support area I expect a continued focus on children and the obligation of parents to support their children. Although there appears to be a resistance to broadening the categories of parent and obligating one who is not a parent to provide support.

• I expect increased focus on the rights of children – counsel for them or at least an

Continued on next page

increased right to be heard. The challenge will be how to accomplish giving children an effective voice.

• I expect greater focus on defacto parenting as same-sex and other marriages dissolve where the status of individuals as parents is unclear. What rights or obligation does a "de facto parent" have? Or not have? In the areas of child support, visitation, or custody?

My challenge to all of you is to work with me in helping to develop programs to help ease the burden on children when their parent's break-up.

• As technology advances where will we be? What about the right of a child to know his or her biological dad when he was a sperm donor and that child now has developed a serious medical problem? What about the possible rights of siblings of a sperm donor to know each other? The cases are out there.

....

I love what I do and loved being a trial judge. I can't think of a better job anywhere. I love my job as a trial judge so much that it was a very difficult decision for me to apply to be chief recognizing that the nature of my job would change. However, my interest in the system, being a part in the positive future for our court, and my interest in implementing systemic change won the day.

What I promise to you as chief is zealous advocacy for our court, energy, enthusiasm and a willingness to talk about ways to improve our delivery of justice. I promise you a passionate belief in what we do in this court – we help families. I am convinced that each and every day, in every one of our courts, each of you are making a difference in the life of a child, a parent or and individual. I want to instill pride in each of you of our court and what we do, because I am proud.

We face exciting new challenges in our court. I have set forth an ambitious agenda. I believe we can accomplish great things together. I look forward to working with all of you. My door is always open. I welcome your ideas and input. Thank you.

Paula M. Carey is the Chief Justice of the Massachusetts Probate and Family Court, which is comprised of 14 Divisions with 51 judges across the Commonwealth. Judge Carey has been a Probate and Family Court judge since her appointment to the bench in 2001. She succeeded Chief Justice Sean M. Dunphy who retired in September, 2007.

BIOETHICAL MEDIATION
PEACEMAKING AND END OF LIFE CONFLICTS

By Douglas E. Noll

Joseph was lying in intensive care. The prognosis for his recovery was grim, but there was the possibility that a final surgery might save him. The likelihood of success was not great considering Joseph's frail condition.

Victoria, his wife of 50 years, wanted the surgery. John, his son, who held a durable power of attorney over medical decisions, did not want the surgery. No one knew how long Joseph would live, and the hospital was concerned about the use of an expensive, scarce, intensive care bed. Joseph had instructed that no extraordinary means be used to prolong his life. A conflict evolved between the hospital, Victoria and John over Joseph's future care.

Bioethics mediation is a new application of peacemaking to difficult decisions about appropriate medical care.

The hospital staff called on a bioethics mediator to intervene. The mediator consulted with the medical team and the nursing staff to better understand the medical situation. She asked the entire group who would be most appropriate to represent the hospital and medical team. The attending resident and a nurse agreed to participate.

The mediator found Victoria and John in a waiting area near Joseph's room. She sat down with the resident and nurse and explained that she was retained by the hospital in situations like this to help people find common ground. She briefly outlined the process choices to Victoria and John. They agreed to participate.

Victoria began by describing her long marriage to Joseph and her inability to accept his death. Her story was poignant and tearful. The mediator gently summarized Victoria's story, creating an empathic connection with her. John spoke next about his love for his father, and his responsibility to carry out his father's wishes under the power of attorney. He hated the responsibility thrust upon him and the fact that his obligation to his father conflicted deeply with his own needs and his mother's desires. Again, the mediator summarized John's perspective.

The mediator asked the resident and the nurse to present the medical situation. They did so. The mediator asked for clarifications and simplifications so Victoria and John could fully understand Joseph's condition. Victoria and John were invited to ask questions to clarify anything they did not understand.

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When everyone was satisfied that their stories had been told and heard, the mediator asked Victoria and John to identify the interests they needed satisfied to resolve the conflict. As the mediator assisted them in articulating their personal interests, everyone realized that John and Victoria were really aligned. The hospital's interests were expressed clearly by the resident and the nurse. First and foremost, Joseph's care was paramount. After further discussion, the tearful decision was made to remove Joseph from life support and provide him comfort with palliative care. Joseph passed on later that night.

Bioethical mediation embraces all of the interests of all of the parties.

Bioethics mediation is a new application of peacemaking to difficult decisions about appropriate medical care. Because all of the decisions are usually difficult, what process should be utilized to reach the "least bad" result? Hospitals are rigidly hierarchal institutions. Thus, the decision could be made by a risk manager tucked away in some office, the attending physician, or a bioethical consultant. The risk manager would be considering future liability issues, the physician the best course of treatment, and the bioethicist, the legal and moral dimensions of the decision.

Bioethical mediation, on the other hand, embraces all of the interests of all of the parties. It assures that decisions are based on respect for all of the people affected, respect for their interests, and on the rights of patients and families. It brings differences of opinion and belief out on the table where they can be constructively discussed and respected.

Bioethics mediation is, however, an adaptation of interest-based mediation, to a critical care situation. It differs from the pure form of interest-based mediation in several significant aspects. The mediator is usually retained or employed by the hospital and is therefore not purely impartial and neutral. The mediator is working with knowledgeable repeat players on a regular basis. The ability to walk away from the mediation is not an option — a decision must be made. Time is of the essence. The conflict is usually over a life or death issue. The mediation usually takes place in the hospital, and the mediator cannot control the environment. The parties are generally under enormous emotional and personal stress. The mediation may occur at any time of the day or night. All of the participants have a common interest in the well-being of the patient and the family.

Despite these differences, bioethical mediation provides a respectful way for resolving difficult medical care conflicts. It honors the interests of all of the stakeholders and seeks peace through a caring, understanding process. Bioethics mediation, although

new, is another example of how positive peacemaking is finding its way into our culture, our institutions, and our daily lives.

Douglas E. Noll, Esq. is a full time peacemaker and mediator specializing in difficult and intractable conflicts. In addition to being a lawyer, Mr. Noll holds a Masters Degree in Peacemaking and Conflict Studies. He has mediated and arbitrated over 1,200 cases, including a large number of construction, construction defect, and real estate matters involving tens of millions of dollars. He is a nationally recognized author, speaker, and lecturer on advanced peacemaking and mediation theory and practice. Mr. Noll is a Fellow of the International Academy of Mediators, a Fellow of the American College of Civil Trial Mediators, and on numerous national arbitration panels.

"I do not believe in the immortality of the individual, and I consider ethics to be an exclusively human concern without any superhuman authority behind it."

Albert Einstein

IN RE MARRIAGE CASES
Excerpts from California's Supreme Court

Editors Note: *Following are excerpts from The California Supreme Court's landmark ruling in favor of marriage equality for same-sex couples, stating that California laws barring same-sex couples from marrying are unconstitutional. All citations were omitted and emphasis was added.* ***The full decision with all citations is available at mcfm.org.***

First, we must determine the nature and scope of the "right to marry" — a right that past cases establish as one of the fundamental constitutional rights embodied in the California Constitution. Although, as an historical matter, civil marriage and the rights associated with it traditionally have been afforded only to opposite-sex couples, this court's landmark decision 60 years ago in Perez v. Sharp (1948) — which found that California's statutory provisions prohibiting interracial marriages were inconsistent with the fundamental constitutional right to marry, notwithstanding the circumstance that statutory prohibitions on interracial marriage had existed since the founding of the state — makes clear that history alone is not invariably an appropriate guide for determining the meaning and scope of this fundamental constitutional guarantee. The decision in Perez, although rendered by a deeply divided court, is a judicial opinion whose legitimacy and constitutional soundness are by now universally recognized.

As discussed below, upon review of the numerous California decisions that have examined the underlying bases and significance of the constitutional right to marry (and that illuminate why this right has been recognized as one of the basic, inalienable civil rights guaranteed to an individual by the California Constitution), we conclude that, under this state's Constitution, **the constitutionally based right to marry properly must be understood to encompass the core set of basic substantive legal rights and attributes traditionally associated with marriage that are so integral to an individual's liberty and personal autonomy that they may not be eliminated or abrogated by the Legislature or by the electorate through the statutory initiative process.** These core substantive rights include, most fundamentally, the opportunity of an individual to establish — with the person with whom the individual has chosen to share his or her life — an officially recognized and protected family possessing mutual rights and responsibilities and entitled to the same respect and dignity accorded a union traditionally designated as marriage. As past cases establish, the substantive right of two adults who share a loving relationship to join together to establish an officially recognized family of their own — and, if the couple chooses, to raise children within that family — constitutes a vitally important attribute of the fundamental interest in liberty and

personal autonomy that the California Constitution secures to all persons for the benefit of both the individual and society.

Furthermore, in contrast to earlier times, our state now recognizes that an individual's capacity to establish a loving and long-term committed relationship with another person and responsibly to care for and raise children does not depend upon the individual's sexual orientation, and, more generally, that an individual's sexual orientation — like a person's race or gender — does not constitute a legitimate basis upon which to deny or withhold legal rights. We therefore conclude that in view of the substance and significance of the fundamental constitutional right to form a family relationship, the California Constitution properly must be interpreted to guarantee this basic civil right to all Californians, whether gay or heterosexual, and to same-sex couples as well as to opposite-sex couples.

....

One of the core elements of the right to establish an officially recognized family that is embodied in the California constitutional right to marry is a couple's right to have their family relationship accorded dignity and respect equal to that accorded other officially recognized families, and assigning a different designation for the family relationship of same-sex couples while reserving the historic designation of "marriage" exclusively for opposite-sex couples poses at least a serious risk of denying the family relationship of same-sex couples such equal dignity and respect. We therefore conclude that **although the provisions of the current domestic partnership legislation afford same-sex couples most of the substantive elements embodied in the constitutional right to marry, the current California statutes nonetheless must be viewed as potentially impinging upon a same-sex couple's constitutional right to marry under the California Constitution.**

Furthermore, the circumstance that the current California statutes assign a different name for the official family relationship of same-sex couples as contrasted with the name for the official family relationship of opposite-sex couples raises constitutional concerns not only under the state constitutional right to marry, but also under the state constitutional equal protection clause. In analyzing the validity of this differential treatment under the latter clause, we first must determine which standard of review should be applied to the statutory classification here at issue. Although in most instances the deferential "rational basis" standard of review is applicable in determining whether different treatment accorded by a statutory provision violates the state equal protection clause, a more exacting and rigorous standard of review — "strict scrutiny" — is applied when the distinction drawn by a statute rests upon a so—called "suspect classification" or impinges upon a fundamental right. As we shall explain, although we do not agree with the claim advanced by the parties challenging the validity of the current statutory scheme that the applicable statutes properly should be

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viewed as an instance of discrimination on the basis of the suspect characteristic of sex or gender and should be subjected to strict scrutiny on that ground, we conclude that strict scrutiny nonetheless is applicable here because (1) the statutes in question properly must be understood as classifying or discriminating on the basis of sexual orientation, a characteristic that we conclude represents — like gender, race, and religion — a constitutionally suspect basis upon which to impose differential treatment, and (2) the differential treatment at issue impinges upon a same-sex couple's fundamental interest in having their family relationship accorded the same respect and dignity enjoyed by an opposite-sex couple.

....

A number of factors lead us to this conclusion. First, the exclusion of same-sex couples from the designation of marriage clearly is not necessary in order to afford full protection to all of the rights and benefits that currently are enjoyed by married opposite-sex couples; permitting same-sex couples access to the designation of marriage will not deprive opposite-sex couples of any rights and will not alter the legal framework of the institution of marriage, because same-sex couples who choose to marry will be subject to the same obligations and duties that currently are imposed on married opposite-sex couples. Second, retaining the traditional definition of marriage and affording same-sex couples only a separate and differently named family relationship will, as a realistic matter, impose appreciable harm on same-sex couples and their children, because denying such couples access to the familiar and highly favored designation of marriage is likely to cast doubt on whether the official family relationship of same-sex couples enjoys dignity equal to that of opposite-sex couples. Third, because of the widespread disparagement that gay individuals historically have faced, it is all the more probable that excluding same-sex couples from the legal institution of marriage is likely to be viewed as reflecting an official view that their committed relationships are of lesser stature than the comparable relationships of opposite-sex couples. Finally, **retaining the designation of marriage exclusively for opposite-sex couples and providing only a separate and distinct designation for same-sex couples may well have the effect of perpetuating a more general premise — now emphatically rejected by this state — that gay individuals and same-sex couples are in some respects "second-class citizens" who may, under the law, be treated differently from, and less favorably than, heterosexual individuals or opposite-sex couples.** Under these circumstances, we cannot find that retention of the traditional definition of marriage constitutes a *compelling* state interest.

Accordingly, we conclude that to the extent the current California statutory provisions limit marriage to opposite-sex couples, these statutes are unconstitutional.

A MEDIATOR'S GUIDE TO SUPPORT, PUBLIC BENEFITS & SUPPLEMENTAL NEEDS TRUSTS

By Neal A. Winston

With more than 50 percent of US marriages ending in divorce, broken relationships can have great financial and medical support needs that then require the use of public benefits for the family members. Taxation planning has been the most significant long time focus in property division actions. Combined with public benefit eligibility, the practitioner must then consider and balance conflicting agency requirements. Perhaps due to these conflicts, the use of Supplemental Needs Trusts (SNT) to stretch out limited family resources has only been marginally used.

Supplemental Needs Trusts can be an important part of family "separation" planning. Similar to the manner in which we look to SNTs to allow public benefit eligibility when inheritance and injury settlements are involved, they can also be used for sheltering eligibility when spousal support, child support, and marital property division occurs. Ironically, division often allows potential eligibility for certain benefits for the first time.

The public benefit programs in Massachusetts most susceptible to being affected by support and property division are needs based, including Supplemental Security Income (SSI), Medicaid (known as "MassHealth" in Massachusetts), Temporary Aid to Families with Dependent Children (TAFDC), and Emergency Aid to the Elderly, Disabled, and Children (EAEDC). This article will focus on the first two programs, SSI and Medicaid, because the latter two, TAFDC and EAEDC have a very different procedure for use of SNTs which are also not uniformly accepted by the agencies.

The first step is to understand the eligibility requirements of SSI and Medicaid. SSI has two major financial requirements: limited income and limited resources. Income is something of value that comes in during a month, and resources are something of value retained from month to month.

Income that is countable includes just about everything in cash from another source, including support payments. SSI benefits are reduced dollar for dollar by countable income. Furthermore, the income and resources of the ineligible spouse or ineligible parent living in the same household are counted as if available, or "deemed" to the otherwise eligible disabled spouse or child.

The SSI program only allows $2,000. in

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countable assets for the recipient. However, many resources are non-countable, including a principle residence, vehicle of reasonable value, household goods of reasonable value, a burial contract, and a small life insurance policy. A parent deeming resources to a child has a similar separate limit that is not countable to the child.

If an individual receives SSI, TAFDC, or EAEDC in Massachusetts, Medicaid eligibility is automatic. However, eligibility for Medicaid program alone is generally more liberal involving income and resources, which means that individuals may not be eligible for one of the cash programs, but may otherwise be eligible for Medicaid.

Each case stands on its own facts, and a careful analysis must be done regarding the needs of the family members receiving benefits.

Funds in the bank, and other resources, do not affect Medicaid eligibility for individuals under age 65 living in the community. On the other hand, the Medicaid program is income sensitive if funds are received directly by the recipient. The current "countable" income limit for MassHealth eligibility for children under age 18 is $1,702. per month, and $1,132. for adults age 18 to 64. For individuals 65 and over, the limit is $851. The key to planning is knowing what is considered as "countable" income, and what is not.

Why would a Supplemental Needs Trust be so important in this context? If a court orders that spousal or child support be put into a properly drafted Supplemental Needs Trust, the monthly payment will not count as income, and assets or investment income accumulating in the trust will not count as income or resources for eligibility purposes. Likewise, in a property division situation, cash resources can be placed in trust and not otherwise affect benefit eligibility. Distributions from the trust can affect eligibility somewhat, but that will be the topic of another article.

For SSI eligibility, such assignment of income or resources must be to a trust that meets the requirements of a trust created pursuant to a federal law under 42 U.S.C. 1396p (d)(4)(A) or (d)(4)(C). In Massachusetts at least, if the individual only is looking for Medicaid eligibility, the trust does not require the Medicaid pay back provision for community related medical services.

Although a relatively new and untested concept, even an IRA can be transferred from a spouse pursuant to a property division to the benefit eligible spouse in such a trust without causing a taxable distribution at the time of transfer. See PLR 200620025.

Each case stands on its own facts, and a careful analysis must be done regarding the needs of the family members receiving benefits. A court order involving individuals eligible for needs based public benefits should be entered without assessing the advantages of an SNT for continuing eligibility. For further information regarding public benefits and Supplemental Needs Trust use in support and property division situations, see the article published by the author in the Family Mediation Quarterly "Public Benefits & Divorce: Focusing on SSI & Medicaid." (Vol. 5, No. 4, 2006.)

Neal A. Winston is a partner in the firm of Moschella and Winston, LLP, in Somerville. He is a Certified Elder Law Attorney (CELA), past president of the Massachusetts Chapter of the National Academy of Elder Law Attorneys, and a member of the Special Needs Alliance, an invitational group of attorneys from across the nation who specialize in Supplemental Needs Trusts and related public benefits eligibility. He can be contacted at naw@moschellawinston.com or (617) 7763300.

"Where large sums of money are concerned, it is advisable to trust nobody."

Agatha Christie

MASSACHUSETTS FAMILY LAW
A Quarterly Review

By Jonathan E. Fields

Prenuptial Agreement – The Appeals Court reversed a Probate Court judgment upholding a prenuptial agreement, the proponent of which was the husband, a biologist, who drafted it himself. The Appeals Court focused on a variety of factors in its decision to invalidate the agreement. Neither party had counsel. There was no evidence that the wife, also a biologist, had been advised to obtain counsel. There was no discussion of marital rights in the agreement, no discussion of how marital rights would be altered by the agreement – and, importantly, no demonstration of the parties' understanding of those rights and the effect of the agreement. Most critical to the Appeals Court, however, was the absence of an express waiver of marital rights in the document, an explicit requirement since *Rosenberg v. Lipnick*, 377 Mass. 666 (1979). *Eyster v. Pechenik*, 71 Mass.App.Ct. 773 (May 23, 2008).

Litigation Exception to No Contact Order – The Appeals Court found that a woman violated a restraining order barring contact with her ex-lover by threatening, through his attorney, to release economically damaging information unless he agreed to certain demands related to the custody of their child. The woman had argued that her contact with the attorney was covered by the "litigation exception" to no contact restraining orders. The Appeals Court, however, explained that the "litigation exception" entitled the woman to enter into negotiations with her ex-lover's counsel but not to use those negotiations as a guise to harass her ex-lover. *L.F. v. L.J.*, 71 Mass.App.Ct. 813 (May 30, 2008).

Survived Agreement – Parties entered into a separation agreement which provided that the husband was to pay $275 per week in alimony. The agreement did not mention merger or survival. The judgment nisi, however, stated that the agreement survived. Years later, when the ex-husband sought a modification, the ex-wife moved to dismiss his complaint on the grounds that the agreement survived and that the ex-husband could not meet the "countervailing equities" standard necessary to modify a survived agreement. The Probate Court judge allowed the motion to dismiss and the Appeals Court affirmed. The case reminds mediators of the general rule regarding survival – that is, unless the parties expressly provide otherwise, an agreement will be held to survive. Another reminder is that when the judgment nisi arrives in the mail, read it. If you don't agree with it, avail yourself of the applicable post-judgment remedies before it is too late. *Thomas v. Thomas*, 71 Mass.App.Ct. 1126 (May 30, 2008).

Child Support Following Death of Father – Where paternity is not disputed, a Probate Court judge has the authority to enter an initial award of child support for a non-marital child after the death of the obligor-parent, the Supreme Judicial Court decided. The Probate judge, however, must consider, by means of a credit to the obligor-parent's estate, Social Security survivor benefits, life insurance proceeds and any other benefits the child will receive. *L.M. v. R.L.R.* 451 Mass. 682 (June 19, 2008).

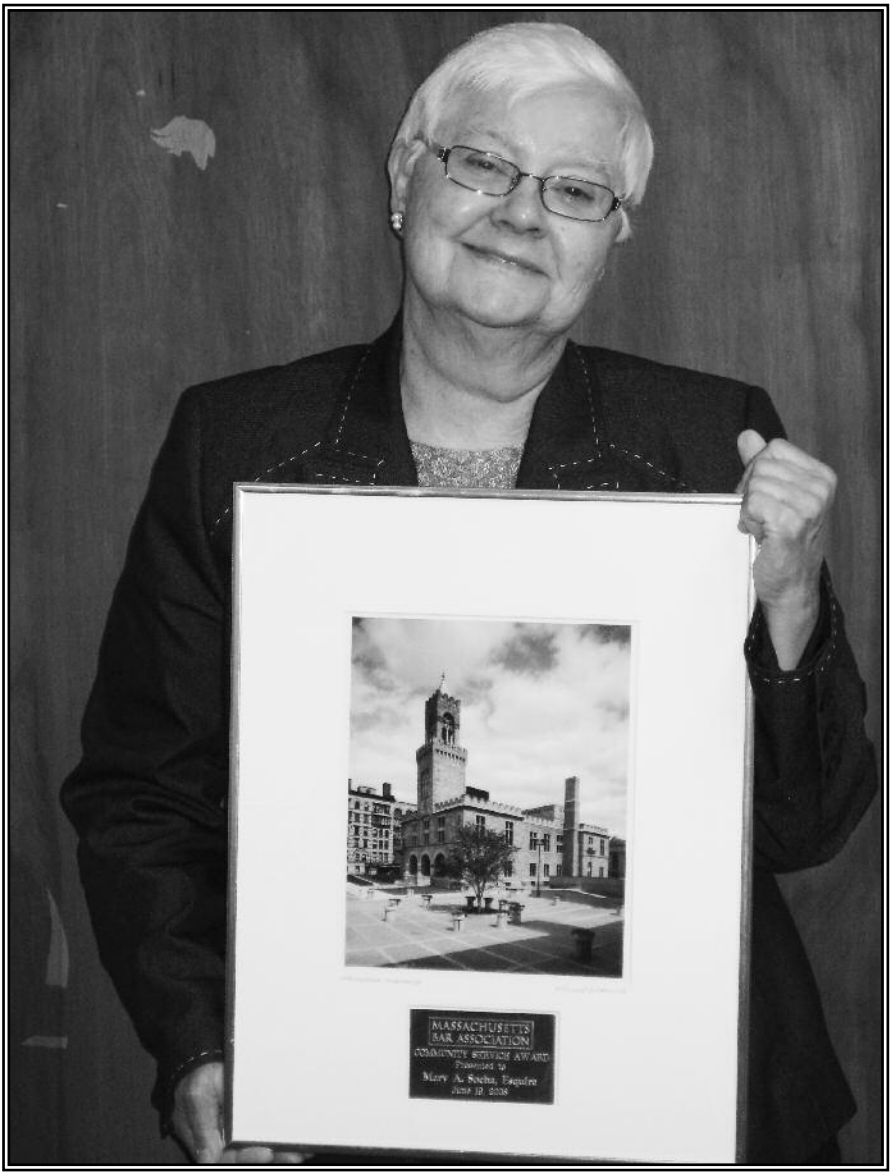
Attribution of Income – The Appeals Court affirmed a Probate Court judgment attributing income to the husband in a divorce case. The case reminds mediators that courts may consider the earning capacity of a party in appropriate circumstances. Where a party is voluntarily earning beneath his/her capacity, such attribution is "particularly appropriate," according to the Appeals Court. Similarly, such attribution may also be appropriate where a judge determines that a career change is voluntary. Where a judge attributes income, however, the Appeals Court noted that a specific amount of income ought to be attributed. *C.D.L. v. M.M.L.*, 72 Mass.App.Ct. 146 (June 27, 2008).

Jonathan E. Fields, Esq. is a partner at Fields and Dennis, LLP in Wellesley. Jon can be contacted at 781-489-6776, or at jfields@fieldsdennis.com.

"The greatest minds are capable of the greatest vices as well as of the greatest virtues."

Rene Descartes

MARY A. SOCHA HONORED



On June 19, 2008, MCFM Vice President Mary Socha received a Community Service Award from the Massachusetts Bar Association for countless contributions. ***Congratulations Mary!***

SURVEY OF DIVORCE MEDIATORS & COLLABORATIVE PRACTICE ATTORNEYS

By David A. Hoffman

Editor's Note: *The survey below was published by the author as an appendix to his article Colliding Worlds of Dispute Resolution: Towards a Unified Field Theory of ADR, published in the 2008 Journal of Dispute Resolution.*

In February 2008, I sent out a survey (via www.SurveyMonkey.com) to 55 Massachusetts lawyers-all of the lawyers in Massachusetts who list both Collaborative Practice and divorce mediation on their web site profiles for either the Massachusetts Collaborative Law Council or the Massachusetts Council on Family Mediation or both. Twenty-seven people responded. **Although this sample is too small to draw any definitive conclusions, and the sample is geographically limited to Massachusetts, the results may suggest some lines of inquiry for further research.**

The responders to date have been practicing law for an average of 21.1 years; they have been doing divorce mediation for an average of 12 years, and Collaborative Practice for an average of 5.7 years. There was a significant difference in the number of cases handled-an average of at least 45 divorce mediations during the previous 10 years for each respondent, and an average of only 6 Collaborative Practice cases during that period.

The responses showed a higher level of satisfaction with the process and outcome on the part of both divorce mediation and Collaborative Practice clients, as compared with the clients in other cases. On a scale of 1 to 10, with 10 being the most satisfied, the lawyers reported the following levels of client satisfaction:

- 8.4 for divorce mediation
- 7.6 for Collaborative Practice
- 6.2 for other cases.

The survey also asked whether, as claimed by Pauline Tesler, Collaborative Practice produces deeper and more durable resolutions in comparison to divorce mediation. The data show a slight tendency in that direction:

- Collaborative Practice: much deeper and more durable resolutions-4.5%
- Collaborative Practice: somewhat deeper and more durable resolutions-31.8%
- Collaborative Practice and divorce mediation: comparable-36.4%
- Divorce mediation: somewhat deeper and more durable resolutions-13.6%
- Divorce mediation: much deeper and more durable resolutions-0%
- Insufficient data-13.6%

The data also show that the use of interdisciplinary professionals (such as

Continued on next page

coaches, financial professionals, and child specialists) in both Collaborative Practice cases and in divorce mediations increases the depth and durability of the resolution of those cases. For Collaborative Practice, the responses were that the use of interdisciplinary professionals:

• Greatly increases depth and durability of resolution-47.4%
• Somewhat increases depth and durability of resolution-47.4%
• Neither increases nor decreases-5.3%

For divorce mediation, the responses also showed a benefit, but to a somewhat lesser extent:

• Greatly increases depth and durability of resolution-36.8%
• Somewhat increases depth and durability of resolution-36.8%
• Neither increases nor decreases-21.1%
• Somewhat decreases depth and durability of resolution-5.3%

David A. Hoffman is the founding partner at Boston Law Collaborative, LLC, a law and dispute resolution firm, in which he serves as a mediator, arbitrator, and lawyer. He is a member of the MCFM Certification Committee, and a frequent contributor at MCFM seminars and workshops. David's complete article is available online at www.bostonlawcollaborative.com/documents/CollidingSpheres.pdf, and he welcomes comments on this survey or his article at dhoffman@bostonlawcollaborative.com.

"Satan delights equally in statistics and in quoting scripture...."

H.G. Wells

WHAT'S NEWS?
National & International Family News
Chronologically Compiled by Les Wallerstein

When the Ex Has a Blog, Few Secrets Are Safe In an era when more than one in ten adult Internet users in the USA have blogs, many people are using the Web to tell their side of the marital saga in divorce. Despite the legal end of the marriage, the confessions can stretch toward eternity in a steady stream of enraged or despondent postings. Recent rulings in New York and Vermont have showed the courts reluctant to intervene. A divorce lawyer in Manhattan includes a confidentiality provision that forbids either party to publish even fictionalized accounts of the marriage. (Leslie Kaufman, New York Times, 4/18/2008)

iDo As the "Facebook" generation begins to marry they are holding on to their social-networking habits, and everybody's invited to help plan the wedding… according to The Knot, a firm that helps nearly two million couples plan their weddings each year. More couples are paying for their own weddings, giving them more freedom to ignore convention. According to a survey by Brides Magazine, about one-third of couples paid for their own weddings in 2006, up from about a quarter in 1999. (Jennifer Saranow, Wall Street Journal, 5/3/2008)

Mildred Loving's Death Ends an Era A black woman whose anger over being banished from Virginia for marrying a white man led to a landmark US Supreme Court case that overturned all state miscegenation laws, died in her home in Virginia on May 2nd. (Mildred's mother was part Rappahannock Indian and her father was part Cherokee, and she preferred to think of herself as Indian rather than black.) In *Loving v. Virginia* (1967) the US Supreme Court unanimously struck down all laws requiring separation of the races in marriage. Virginia's law had been on the books since 1662. Despite the *Loving* decision, Southern states were sometimes slow to change their constitutions; Alabama became the last state to do so in 2000. (Douglas Martin, New York Times, 5/6/2008)

California's Supreme Court Overturns a Ban on Gay Marriage In a 4-to-3 decision, California's highest court struck down two state laws that limited marriages to unions between a man and a woman as unconstitutional. In 1948 4-to-3 decision, the California Supreme Court was the first state court to strike down a law barring interracial marriage. The US Supreme Court did not follow suit until 1967. To date California and Massachusetts are the only states to allow same-sex marriage. Unlike Massachusetts, California has no law barring couples from entering the state to marry. (Adam Liptak, New York Times, 5/16/2008)

Continued on next page

New York Backs Same-Sex Marriages by Executive Order Governor Paterson has directed all NY State agencies to revise their policies and rules to recognize same-sex marriages performed in other jurisdictions, like Massachusetts, California, Canada and Spain. The revisions are likely to involve as many as 1,300 statutes and regulations, from joint filing of income tax returns to transferring fishing licenses between spouses. The Governor's decision makes NY the only state that does not allow same-sex marriages but fully recognizes same-sex marriages entered into elsewhere. (Jeremy W. Peters, New York Times, 5/29/2008)

California's Constitution May Be Amended to Ban Same-Sex Marriage The California secretary of state said an initiative that would again outlaw same-sex marriage has qualified for the November ballot. The measure, if approved by the voters, would amend the state Constitution to define marriage as a union "between a man and a woman." It would overturn the recent California Supreme Court ruling that legalized same-sex marriage in the state. (AP, New York Times, 6/3/2008)

California's Supreme Court Won't Delay Same-Sex Marriages California's highest court refused to stay its landmark decision allowing same-sex marriage. Two conservative legal groups and attorneys general from 10 states had asked the court to stop the same-sex ceremonies until a ballot measure intended to ban such unions was decided by California voters in November. The court denied the requests without comment. A spokeswoman for the Mayor of San Francisco said the city's goal was to marry some 5,000 couples by November. A Field poll in late May found that 51% of registered voters in California favored same-sex marriage, with 42% opposed. (Jesse McKinley, New York Times, 6/5/2008)

Virginia Mother Loses Bid to Void a Vermont Same-Sex Ruling on Child Custody The Virginia Supreme Court has ruled that Virginia must honor a child custody and visitation ruling from the Vermont Supreme Court, issued after the break-up of a same-sex civil union in Vermont. The Vermont decision granted parental rights to both members of a same-sex couple despite a Virginia statute — the Affirmation of Marriage Act — that makes same-sex unions from other states "void in all respects." A lawyer for the Virginia mother said she would ask the US Supreme Court to review the decision of the Vermont court. (Adam Liptak, New York Times, 6/7/2008)

Norway Joins Nations Allowing Same-Sex Marriage By a vote of 84 to 41 the Norwegian Parliament granted gays and lesbians couples the right to marry and adopt children on an equal basis with heterosexual couples. The country's new universal marriage act supersedes Norway's domestic partnership policy. "No longer will there be different classes of love" said the chief commissioner of Oslo. (Walter Gibbs, New York Times, 6/12/2008)

Massachusetts Same-Sex Marriage Rate Declines Annually After an initial euphoric rush to the altar the number of gay weddings fell sharply, and has declined each year since. Of the more than 10,500 same-sex couples married since May 17, 2004, 6,121 were in the first six months. According to the Massachusetts Office of Health and Human Services there were 2,060 weddings in 2005; 1,442 in 2006; and 867 in the first eight months of 2007. The Census Bureau recorded 23,655 same-sex households in Massachusetts in 2006. (Pam Belluck, New York Times, 6/15/2008)

Mediating Life and Death Decisions In hospitals, medical-ethics teams are increasingly the arbiters of agonizing health decisions, like mediating among family members who disagree about removing a parent from life support. Nancy Dubler, co-author of the training handbook "Bioethics Mediation" says bioethics training focuses on legal issues, patient rights and differing views on the value of life. It also emphasizes skills for mediating conflicts. "If you don't mediate, the danger is a hospital and staff run right over the patient and family" Ms. Dubler says. (Laura Landro, Wall Street Journal, 6/25/2008)

Sharia Law Should Be Used in Britain The Lord Chief Justice, the most senior judge in England, gave his blessing to the use of sharia law to resolve family and marital disputes among Muslims. Sharia is Islamic canonical law, prescribing both religious and secular duties and sometimes retributive penalties for lawbreaking. "Those entering into a contractual agreement can agree that the agreement shall be governed by a law other than English law… as long as punishments - and divorce rulings - complied with the law of the land." His remarks, which back the informal sharia courts operated by numerous mosques, provoked a barrage of criticism. Lawyers warned that family and marital disputes settled by sharia could disadvantage women or the vulnerable. (Steve Doughty, Daily Mail, 7/4/2008)

Les Wallerstein is a family mediator and collaborative lawyer in Lexington. He can be contacted at (781) 862-1099, or at wallerstein@socialaw.com.

"Love all, trust a few."

William Shakespeare

MCFM NEWS

7th ANNUAL FAMILY MEDIATION INSTITUTE

Friday, October 24, 2008, 8:30 AM to 5 PM
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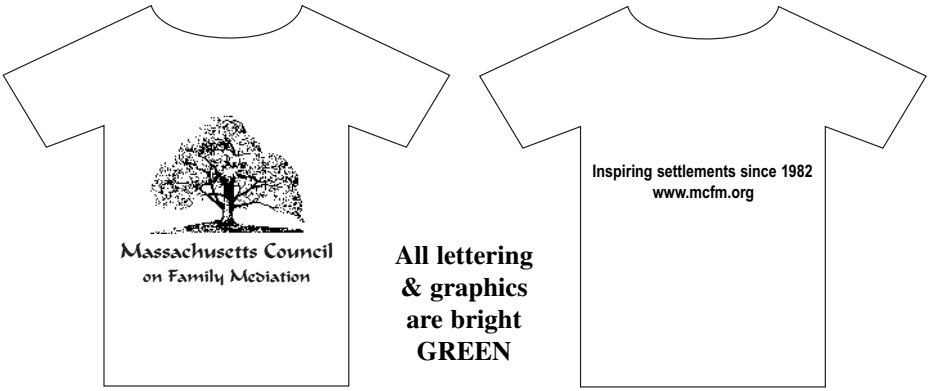

MEDIATION PEER GROUP MEETINGS

Merrimack Valley Mediators Group: We are a group of family law mediators who have been meeting (almost) monthly since before the turn of the century! The criterion for membership is a desire to learn and share. Meetings are held at 8:15 AM on the last Tuesday of the month from January to June, and from September to November, at the office of Lynda Robbins, 11 Summer Street, Chelmsford. Please call Lynda at (978) 256-8178 or Karen Levitt at (978) 458-5550 for information and directions. All MCFM members are welcome.

Metro-West Mediators Group: The Metro-West group (usually) meets on the first Friday of the month at the home of S. Tracy Fischer in Newton. Monthly meetings begin at 9:15 AM and are open to all MCFM members. Please call (617) 964-4742 or email <tracyfischer@rcn.com> for confirmed dates and directions.

HELP BUILD AN ARCHIVE!

In the spring of 2006, MCFM entered into an agreement with the Department of Dispute Resolution at the University of Massachusetts to create an archive of Massachusetts family-related mediation materials. The two key goals are to preserve our history and make it available for research purposes.

We're looking for anything and everything related to family mediation in Massachusetts — both originals and copies — including: meeting agendas and minutes, budgets, treasurer's reports, committee reports, correspondence, publications, fliers, posters, photographs, advertisements and announcements.

We need your help to maximize this opportunity to preserve the history of mediation in Massachusetts. Please rummage through your office files, attics, basements and garages. ***If you find materials that you are willing to donate please contact Les Wallerstein at wallerstein@socialaw.com.***

MCFM BROCHURES AVAILABLE
FOR MEMBERS ONLY

Brochure costs are as follows: Two for $1; 25 for $10; 60 for 20; 100 for $30; and 150 for $40. A blank area on the back is provided for members to personalize their brochures, or to address for mailing.

TO OBTAIN COPIES

Call Ramona Goutiere: 781-449-4430
or email: masscouncil@mcfm.org

“If you don’t read the newspaper, you are uninformed; if you do read the newspaper, you are misinformed.”

Mark Twain

ANNOUNCEMENTS

* *

All mediators and friends of mediation are invited to submit announcements of interest to the mediation community for free publication. Email wallerstein@socialaw.com

* *

NOMINATIONS FOR THE ANNUAL JOHN ADAMS FISKE AWARD FOR EXCELLENCE IN MEDIATION ARE OPEN!

In 2005, MCFM established the annual John Adams Fiske Award for Excellence in Mediation. Anyone who has shown excellence in and/or contributed to family mediation is eligible to win. This year's award will be presented at MCFM's 7th annual Family Mediation Institute on October 24, 2008.

Please submit nominations with a short letter of explanation to Kathleen A. Townsend at kathleen@divmedgroup.com

CONGRATULATIONS TO MAUREEN H. MONKS!

Maureen H. Monks has been sworn in as a judge in the Probate and Family Court. Judge Monks has been a long-time advocate of mediation. She served as a mediation trainer for the Community Dispute Settlement Center, and co-presented a workshop on domestic violence for MCFM members.

PARENTING SOLUTIONS PRESENTS

Summer & Fall Programs

AFTER DIVORCE: CO-PARENTING WITH A DIFFICULT EX-SPOUSE

With Sylvia Sirignano, Ph.D. & Glenn Smith, LICSW

Fee: $30 ($45 for parenting couples)

Wednesday Evening 7:30 - 9 pm

August 13, 2008

DISCIPLINE THAT WORKS

With Sylvia Sirignano, Ph.D.
Thursday Evenings 7:30 - 9 pm
Fee (2nd parent half price): $30 per workshop

WHAT TO DO WHEN YOUR CHILD WON'T LISTEN
August 14, 2008

KNOWING WHEN AND HOW TO SAY 'NO!'
September 17, 2008

PRE-REGISTRATION IS REQUIRED FOR ALL WORKSHOPS
Register by phone: 508-366-7557
Register online: www.ParentingSolutionsPrograms.com
Location: 6 Colonial Drive, Westborough, MA

FRAMINGHAM COURT MEDIATION SERVICES ANNOUNCES FALL TRAINING

Framingham Court Mediation Services (FCMS) will hold its semi-annual introductory mediation training this fall for people interested in learning how to mediate.

The 36-hour training will cover the basics of mediation training and conflict resolution, emphasizing facilitative mediation as a method of resolving disputes in court between parties, and privately among family members, neighbors and workplace colleagues.

The course is an approved provider of CEUs for social workers and PDPs for educators. Training dates are Saturdays, October 18 and November 8, from 8:30 a.m. to 4 p.m., and Monday and Wednesday evenings, October 20, 22, 27 and 29, and November 3 and 5, from 6-9:30 p.m., at the FCMS offices at 116 Concord St., Suite 6, in Framingham. Registration fee is $650.

For more information and to register, call Jan O'Keefe at 508-872-9495

TWO BASIC MEDIATION TRAININGS

Presented by The Mediation & Training Collaborative (TMTC)

GREENFIELD, MA
September 13, 18, 25 and October 2, 16, 28, 2008
34-hour training

HOLYOKE, MA
November 1, 7, 14 and l5, 2008
30-hour intensive training in collaboration with the
Holyoke Community College Center for Business & Workforce Development

These highly interactive, practice-based trainings are open to anyone who wishes to increase skills in helping others deal with conflict, whether through formal mediation or informal third-party intervention processes in other professional settings. TMTC is a court-approved mediation program, and these trainings meet SJC Rule 8 and Guidelines training requirements for those who wish to become court-qualified mediators.

For more details or brochure, contact Susan Hackney at shackney@communityaction.us or 413-774-7469.

THE FMQ WANTS YOU!

The Family Mediation Quarterly is always open to submissions, especially from new authors.

Every mediator has stories to tell and skills to share.

To submit articles or discuss proposed articles call Les Wallerstein (781) 862-1099 or email wallerstein@socialaw.com

NOW'S THE TIME TO SHARE YOUR STORY!

THE MASSACHUSETTS UNIFORM MEDIATION ACT "MASSUMA" WORKING GROUP

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or at our web site: www.communitydispute.org

JOIN US

MEMBERSHIP: MCFM membership is open to all practitioners and friends of family mediation. MCFM invites guest speakers to present topics of interest at four, free, professional development meetings annually. These educational meetings often satisfy certification requirements. Members are encouraged to bring guests. MCFM members also receive the Family Mediation Quarterly and are welcome to serve on any MCFM Committee.

All members are listed online at MCFM's web site, and all listings are "linked" to a member's email. Annual membership dues are $90, or $50 for full-time students. Please direct all membership inquiries to **Ramona Goutiere at <masscouncil@mcfm.org>**.

REFFERAL DIRECTORY: Every MCFM member is eligible to be listed in MCFM's Referral Directory. Each listing in the Referral Directory allows a member to share detailed information explaining her/his mediation practice and philosophy with prospective clients. The Referral Directory is printed and mailed to all Massachusetts judges, and to each listed member. **The most current directory is always available online at www.mcfm.org.** The annual Referral Directory fee is $60. Please direct all referral directory inquiries to **Jerry Weinstein at <JWeinsteinDivorce@comcast.net>**.

PRACTICE STANDARDS: MCFM was the first organization to issue Practice Standards for mediators in Massachusetts. To be listed in the MCFM Referral Directory each member must agree to uphold the MCFM Standards of Practice. **MCFM's Practice Standards are available online at www.mcfm.org.**

CERTIFICATION & RECERTIFICATION: MCFM was the first organization to certify family mediators in Massachusetts. Certification is reserved for mediators with significant mediation experience, advanced training and education. Extensive mediation experience may be substituted for an advanced academic degree. **MCFM's certification & recertification requirements are available online at www.mcfm.org.**

Every MCFM certified mediator is designated as such in both the online and the printed Referral Directory. Certified mediators must have malpractice insurance, and certification must be renewed every two years. Only certified mediators are eligible to receive referrals from the Massachusetts Probate & Family Court through MCFM.

Certification applications cost $150 and re-certification applications cost $75. For more information contact **Lynn Cooper at <lynnkcooper@aol.com>**. For certification or re-certification applications contact **Ramona Goutiere at <masscouncil@mcfm.org>**.

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EDITOR'S NOTICE

MCFM
Family Mediation Quarterly

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The FMQ is dedicated to family mediators working with traditional and non-traditional families. All family mediators share common interests and concerns. The FMQ will provide a forum to explore that common ground.

The FMQ intends to be a journal of practical use to family mediators. As mediation is designed to resolve conflicts, the FMQ will not shy away from controversy. The FMQ welcomes the broadest spectrum of diverse opinions that affect the practice of family mediation.

The contents of the FMQ are published at the discretion of the editor, in consultation with the MCFM Board of Directors. The FMQ does not necessarily express the views of the MCFM unless specifically stated.

The FMQ is mailed to all MCFM members. Copies are provided to all Probate & Family Court Judges, all local Dispute Resolution Coordinators, all Family Service Officers and all law school libraries in Massachusetts. An archive of all previous editions of the FMQ are available online in PDF at <www.mcfm.org>, accompanied by a cumulative index of articles to facilitate data retrieval.

MCFM members may submit notices of mediation-related events for free publication. Complimentary publication of notices from mediation-related organizations is available on a reciprocal basis. Commercial advertising is also available.

Please submit all contributions for the FMQ to the editor, either by email or computer disk. Submissions may be edited for clarity and length, and must scrupulously safeguard client confidentiality. The following deadlines for all submissions will be observed:

Summer: July 15th Fall: October 15th
Winter: January 15th Spring: April 15th

All MCFM members and friends of family mediation are encouraged to contribute to the FMQ. Every mediator has stories to tell and skills to teach. Please share yours.