



Massachusetts
Council on
Family Mediation

Presents the 22nd Annual (and 4th Virtual)
FAMILY MEDIATION INSTITUTE

Thursday, November 30, 2023

8:30 AM - 1:30 PM

and

Friday, December 1, 2023

8:30 AM - 12:15 PM

Via Zoom

INSTITUTE SCHEDULE: Thursday, November 30

8:30 AM - 8:45 AM Welcome

Kim U. Whelan, MBA, CDFA[®]

MCFM President

Mary Sheridan, J.D., and Susan Klebanoff, J.D.

Co-Chairs, Institute Planning Committee

8:45 AM - 10:00 AM

**Redirecting the Conversation From Support Calculations to Meeting Financial Needs
(Panel Presentation)**

Moderator: Ellen Waldorf, J.D.

*Panelists: Victoria A. Johnson, CFP[®], CDFA[®], CRPC[™], APMA[™]; Nancy Chausow Shafer, J.D.;
and Kim U. Whelan, MBA, CDFA[®]*

Divorcing spouses often ask how much support they are entitled to receive or required to pay. They fail to understand the complexity of calculating support. By focusing only on support, they also overlook the fact that support is only one part of the whole picture. To best negotiate support, spouses need to understand how support options would affect their necessary and discretionary expenses.

Structuring a mediation around the fuller conversation of cash flow and expenses better informs spouses about the potential impact of support options. This approach also allows spouses to structure support and allocation of expenses like child support and health insurance in ways that foster compliance after divorce.

This panel will present mediation techniques for widening the support conversation to encompass expenses and share tools for illustrating to clients support options and their impact on budgets, including [Family Law Software](#).

10:00 AM - 10:10 AM BREAK

10:10 AM - 11:25 AM ►► KEYNOTE ADDRESS

Drugs, Alcohol, and Family Court: Crafting Science-Based Solutions and Setting Realistic Expectations for Families

Stephanie Tabashneck, Psy.D., J.D.

This session will focus on how to proceed when substance use issues are present in a child custody case. Due to lack of understanding about addiction, courts often impose conditions and interventions that are contrary to best practices and addiction research. Uninformed court responses can destabilize parent-child relationships, negatively impact coparenting, and unwittingly harm family systems.

Drawing on the latest research and neuroscience, this workshop will help mediators, attorneys, judges, mental health practitioners, social workers, and collaborative law professionals to set realistic expectations, effectively manage relapse, and implement safeguards to protect children and parents. Practical, science-informed tips will also be provided for mediators, attorneys, and other family law professionals to use when navigating these challenging cases.

11:25 AM - 11:35 AM BREAK

11:35 AM - 12:50 PM

Active Silence: The Art of Intervention in Dispute Resolution

Justin L. Kelsey, J.D., and Betsy Ross, LICSW, CGP

This workshop will explore the interplay of silence and interventions in mediation and collaborative negotiation. Active Silence, like active listening, is a skill dispute resolution professionals must develop to avoid defaulting to adversarial advocacy, and we will explore the potential and power of that skill while also practicing it.

This will be an experiential presentation. The concepts will be described to give context and then reinforced using paired experiences, discussion opportunities, a brainstorming exercise, and a fishbowl demonstration.

12:50 PM - 1:00 PM BREAK

1:00 PM - 1:30 PM

Presentation of the 2023 John Adams Fiske Award for Excellence in Mediation

INSTITUTE SCHEDULE: Friday, December 1

8:30 AM - 8:35 AM Welcome

*Kim U. Whelan, MBA, CDFA®
MCFM President*

*Mary Sheridan, J.D., and Susan Klebanoff, J.D.
Co-Chairs, Institute Planning Committee*

8:35 AM - 9:50 AM

Family Law: The Year in Review

Jonathan E. Fields, J.D., and Jennifer Bingham, J.D.

Attorneys Fields and Bingham will present the annual review of the recent case law affecting family lawyers and mediators. Hear about the latest trends in Massachusetts family law and find out how those trends will affect your mediation/family law practice.

9:50 AM - 10:00 AM BREAK

10:00 AM - 11:15 AM

Ten Things I Wish I Had Known When I Started Mediating

David A. Hoffman, J.D.

David will focus on (1) relationship and the power of omni-partiality; (2) using “social proof” instead of mediators’ proposals; (3) game theory tools for promoting fairness and efficiency; (4) internal family systems and the mediator within; (5) suspending judgment and the value of multiplicity; (6) reducing unconscious bias; (7) the mediator as moral witness; (8) three theorems of divorce negotiation; (9) participatory process design (including videoconferencing as a tool for managing power imbalance); and (10) bringing peace into the room.

11:15 AM - 11:25 AM BREAK

11:25 AM - 12:15 PM

Conference Closeout: Open Q&A on Institute Workshops and Other Hot Family Mediation Topics

Discussion Moderators: Susan Klebanoff, J.D., and Mary Sheridan, J.D., Co-Chairs, Institute Planning Committee

Conference Closing Message: Kim U. Whelan, MBA, CDFA®, MCFM President

REGISTRATION

MCFM's 22nd ANNUAL FAMILY MEDIATION INSTITUTE

November 30 and December 1, 2023
8:30 AM - 1:30 PM Thursday; 8:30 AM - 12:15 PM Friday

By Zoom Videoconference

►► **NEW: Get the best conference rate through December 1!**

MCFM members \$170
Nonmembers \$210

The early registration discount rates shown above are good through the conference.

There are no discount deadlines to worry about, and MCFM has held the line on price increases. These are the **same early registration discount fees** we've charged for our virtual Institutes since 2020.

Fee includes live sessions, conference materials (PDF), and session recordings.

**Limited scholarship assistance will be considered
upon email request to [Mary Sheridan](#).**

REGISTRATION ACCEPTED ONLINE ONLY:
[MCFM.org](https://www.mcfm.org)

Accepted credit cards:
Visa/MasterCard/Discover/AmEx

CANCELLATION POLICY:

A full refund (less the \$25 cancellation fee) will be issued for cancellations received by **November 24, 2023. No refunds will be granted after November 24, 2023.** Substitutions are permitted at any time. Cancellations will be acknowledged but refunds will not be issued until after the Institute.

ACKNOWLEDGMENTS

*In addition to our faculty, MCFM gratefully acknowledges the efforts of **Susan Klebanoff, Mary Sheridan, Fran Whyman, Laurie Udell, Jennifer Hawthorne, Beth Nussbaum, Laura Unflat, and Kim Whelan**, without whose contributions this Institute would not have been possible.*

MCFM INSTITUTE FACULTY



Keynote Speaker Stephanie Tabashneck is a forensic psychologist and attorney in Boston, Massachusetts. She is a Senior Fellow in Law and Applied Neuroscience at the Center for Law, Brain and Behavior at Harvard Medical School. She presents regionally and nationally on psychology and law topics, including at events organized by the American Bar Association, the Association of Family and Conciliation Courts, the American Psychiatric Association, the New York Office of Attorneys for Children, the Massachusetts Trial Courts, and the Federal Judicial Center.

Dr. Tabashneck serves on the American Psychological Association Ethics Committee and is on the executive board of the Massachusetts Chapter of the Association of Family and Conciliation Courts. Recent publications include a white paper, *The Science of Late Adolescence: A Guide for Judges, Attorneys, and Policy Makers*; the book, *Substance Use and Parenting: Best Practices for Family Court Practitioners*; and an article on the opioid crisis and family drug courts.

[Visit Dr. Tabashneck's website](#) to learn more.



Jennifer Bingham is a family law attorney with nearly 23 years of experience representing clients in divorce cases. In 2022, Jennifer launched [Bingham Dispute Resolution LLC](#), a private practice in Newton, Massachusetts, focused on mediation, arbitration, and other neutral dispute resolution services for all aspects of probate and family law disputes.

Jennifer is a Fellow in the American Academy of Matrimonial Lawyers and an AAML-trained family mediator and arbitrator, as well as a court-trained conciliator. She serves on the Board of Managers for the Massachusetts Chapter of the AAML and co-chairs the Alternative Dispute Resolution Section for the AAML. Jennifer is a member of the Massachusetts Council on Family Mediation; the Academy of Professional Family Mediators; and the Massachusetts Bar Association, Family Law Section and Dispute Resolution Section. She serves on the Massachusetts Continuing Legal Education Family Law Curriculum Advisory Committee, creating and implementing educational programs for Massachusetts family law practitioners. She has provided her expertise for many years through lectures and authoring family law materials for MCLE, the Boston Bar Association, Boston College School of Law, and Suffolk University Law School. In addition to her practice, she is an adjunct professor at Babson College in the Law and Accounting Department and a lecturer at William James College, Center of Excellence for Children, Families and the Law Child and Family Evaluation Service (CAFES). Jennifer has been named a "Best Lawyer in America" and repeatedly has been selected by *Boston Magazine* as one of the Top Massachusetts Super Lawyers and one of the Top Women Massachusetts Super Lawyers. In 2019, Jennifer was honored as one of *Massachusetts Lawyers Weekly* Top Women of Law.

Jennifer is a member of the Massachusetts Bar, the New York Bar, and the United States District Court for the District of Massachusetts. She regularly appears before the Probate and Family Courts of Middlesex, Norfolk, Suffolk, Plymouth, and Worcester counties. Before entering private practice, Attorney Bingham served as a judicial law clerk to the Justices of the Probate and Family Court where she focused on family and probate law.



Jonathan E. Fields, a founding partner of the Wellesley, Massachusetts, family law firm, [Fields and Dennis, L.L.P.](#), practices exclusively in family law, both as an attorney and mediator. He has been practicing law for more than 30 years and has been named to “Best Lawyers in America” in the field of family law and named to Massachusetts “Super Lawyers.”

Jon is a Fellow of the American Academy of Matrimonial Lawyers and a recipient of MCFM’s John Fiske Award for Excellence in Mediation.



David A. Hoffman is the John H. Watson, Jr. Lecturer on Law at Harvard Law School, where he teaches three courses: Legal Profession: Collaborative Law; Mediation; and Diversity and Dispute Resolution. David is also an attorney, mediator, arbitrator, and founding member of [Boston Law Collaborative, LLC](#), where he handles cases involving family, business, employment, and other disputes. Prior to founding Boston Law Collaborative in 2003, David was a litigation partner at the Boston firm Hill & Barlow, where he practiced for 17 years. He is past chair of the American Bar Association Section of Dispute Resolution, a recipient of

MCFM’s John Fiske Award for Excellence in Mediation, and a Distinguished Fellow of the International Academy of Mediators.

David has published three books (including *Bringing Peace into the Room*, with co-editor Daniel Bowling) and more than 100 articles and book chapters on law and dispute resolution. David earned his bachelor’s degree from Princeton, a master’s degree in American Studies from Cornell, and his law degree from Harvard, where he was an editor of the *Harvard Law Review*. He was a law clerk for Hon. Stephen G. Breyer on the U.S. Court of Appeals for the First Circuit.

David lives in a cohousing community in Acton, Massachusetts with his wife, Leslie Warner, who is a career coach. They have five adult children, an adolescent cat, and a rescued golden retriever from a shelter in Serbia. His fun fact is that in the year 2000, he hiked the Appalachian Trail from Maine to Georgia with his then-19-year-old son.



Victoria A. Johnson is a Certified Financial Planner® and Certified Divorce Financial Analyst® at [Ameriprise Financial, LLC](#) in Danvers, Massachusetts, with 18 years of experience in the financial services industry. In addition to financial planning and asset management, she assists clients in understanding the impacts of settlement options throughout their divorce either as a financial neutral or advisor. Victoria is mediation and collaboratively trained and utilizes these skills during all aspects of her work with clients.

Victoria is passionate about educating clients and their attorneys about their financial situation and their options during and after divorce. She hopes to help her clients learn and grow throughout the process to aid them in a better understanding of their financial lives as they move into their next chapters.



Justin L. Kelsey is a mediator and collaborative divorce attorney and a partner at [Skylark Law & Mediation, PC](#) in Southborough, Massachusetts. Justin is a graduate of Worcester Polytechnic Institute and Boston University School of Law. He is a Past President of both the Massachusetts Council on Family Mediation and the Massachusetts Collaborative Law Council. He is also the chair of the Massachusetts Bar Association's Dispute Resolution Section Council. Justin designed the Stevenson-Kelsey Spousal Support Calculator and the first Massachusetts Child Support iPhone app. He is an Adjunct Professor at New England Law Boston

teaching Mediation.

Justin is also a partner in three other businesses: [Gray Jay Endeavors, LLC](#) (retirement division/QDRO consulting and divorce forms), [The Collaborative Outpost](#) (a collaborative co-working space), and [Divorce Mediation Training Associates](#) (offering 40-hour divorce mediation trainings). Find Justin on TikTok [@thatmediator](#). Learn more at [duckinabottle.com](#).



Susan Klebanoff, principal of [Klebanoff Law and Mediation](#) in Canton, Massachusetts, is a mediator and collaborative family and business law attorney with over 35 years of experience. Susan's experience as a corporate lawyer provides a unique perspective to her family law clients facing complex financial and legal issues related to divorce, prenuptial and postnuptial agreements, and other family matters.

Susan is a member of the Board of Directors of the Massachusetts Council on Family Mediation and currently serves as Treasurer. She is also a Past President and past member of the Board of Directors of the Massachusetts Collaborative Law Council.



Betsy Ross of Canton, Massachusetts, has helped individuals, couples, and family members to talk more, fight less, and improve their ability to address challenging issues and problem solve together for over 30 years. Betsy's training in three different specialties – clinical social work/psychoanalysis, collaborative divorce coaching, and family and divorce mediation – has provided her with a large repertoire of tools to choose from. Betsy works with clients to successfully navigate the “lumps and bumps” of major life shifts (such as ending a marriage or making a career change); to strengthen communication and relationship skills

(personal and professional); and to increase their insight and personal understanding, all leading toward a more satisfying and successful future.

Betsy is an active member of the Board of Directors of the Massachusetts Council on Family Mediation as well as the Massachusetts Collaborative Law Council. She has served as a consultant, has taught workshops, and has facilitated discussions in many settings (e.g., Harvard Medical Center, M.I.T., and national conferences). Her blog posts, writings, and thoughts about divorce, relationships, and co-parenting appear on the *Huffington Post* Divorce Blog, Ashton Kutcher's APlus, on many legal websites, and on her own websites, [Betsy Ross Coaching](#) and [Divorce Mediation Strategies](#).



Nancy Chausow Shafer remains a principal in the Highland Park, Illinois firm, [Sage Counsel, LLC](#), concentrating in Matrimonial Law, including Litigation, Mediation and Collaboration. She is a fellow of the American Academy of Matrimonial Lawyers and has been awarded SuperLawyer/Leading Lawyer status for many years. A focus of her energies is to increase the education of professionals and the public on options for the divorce process and wise (*sage*) financial decisions, including Collaborative practice. Nancy is a frequent presenter and organizer at CLE programs.

After over 40 years of family law practice, in March 2022 Nancy became a full-time Director of Sales and Training for [Family Law Software](#), now a Centerbase company.

Mary Sheridan, principal of [Sheridan Law](#) in Medway, Massachusetts, began her unofficial career as a mediator when her second child was born and has concentrated her practice on mediating and litigating Massachusetts divorce and post-divorce issues. She served as a Probate and Family Law Clerk and has been appointed as a Parenting Coordinator and Guardian ad Litem in the Probate and Family Court.



Ellen Waldorf is the principal of [eWaldorf Mediation](#) in Newton, Massachusetts. She has mediated hundreds of cases, primarily focused on divorce and other family issues. Ellen co-leads [Divorce Mediation Training Associates](#), serves on the board of the [Community Dispute Settlement Center](#), and is an associate of the [Reflective Practice Institute](#), which seeks to improve the skills of new and experienced mediators. Ellen has spoken on a variety of topics to the Massachusetts Council on Family Mediation, the Academy of Professional Family Mediators, the Massachusetts Bar Association, and Massachusetts Continuing Legal Education.

Prior to mediating, Ellen worked for a private investor, practiced corporate law, clerked for a federal appellate court judge, taught English in China, and interned for “Late Night with David Letterman.” Ellen has a B.A. from Yale University and a J.D. from the New York University School of Law.



Kim U. Whelan, principal of [Kim Whelan Mediation](#) in Brookline, Massachusetts, is a mediator and CDFA[®] (Certified Divorce Financial Analyst). Kim has an MBA from Harvard Business School and, after an eclectic business career, established her mediation practice in 2012, earned her CDFA[®], and was collaboratively trained – with the goal of helping her clients better navigate the financial maze divorce often presents. She is dedicated to helping her clients maintain their financial and emotional integrity for their lives going forward.

Kim is on the board and is President of the Massachusetts Council on Family Mediation and also serves on the board of the Massachusetts Collaborative Law Council.