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Family law professionals welcome new collegial forum

For two years, a small group of attorneys and mental health professionals met monthly during lunch. Their goal was ambitious: To start a chapter of the 50-year-old Association of Family and Conciliation Courts (AFCC) in Illinois — a state already overflowing with associations, organizations and networking groups.

Although the group did not have much of a presence in Illinois, they believed the time was ripe to face the challenges of getting dedicated and busy professionals to rally around the need for an AFCC chapter in Illinois.

AFCC, headquartered in Madison, Wis., is an interdisciplinary, international association of professionals dedicated to improving the lives of children and families through the resolution of family conflicts. With membership in 50 states, 10 Canadian provinces and 27 countries, AFCC consists of legal scholars, dispute resolution professionals, judges, social scientists, attorneys and mental health professionals. AFCC encourages education, research and innovation in the development of best practices in court systems throughout the world.

Why is AFCC so different than numerous other organizations with a similar focus? Because AFCC fosters a roll-up-your-sleeves, first-name-only culture of collegiality to the resolution of family law challenges. “The quality of research and interdisciplinary conversation that AFCC fosters — from a local level all the way up to an international level — is singularly impressive.

“Such research and dialogue is essential to continuing the development of innovative and effective approaches to supporting families in conflict,” said Lynn A. Gaffigan, who teaches the Family Mediation Certificate Program at DePaul University and is a mediator based in Lake County.

A widely attended AFCC conference held in Chicago in 2012 galvanized the group's belief that this time the threshold of 75 mem-

bers and an elected board would be met. “We never considered the possibility that our efforts would fail,” said Nanette A. McCarthy of Griffin, McCarthy & Rice LLP.

As a member of the American Academy of Matrimonial Lawyers, McCarthy became intrigued by AFCC's mission. “I respect the patient, intelligent and restorative lens with which the AFCC views family conflict.” The first year the group worked through a plan to meet AFCC's guidelines. The second year, with the major planks in place, the group reached out to the Chicago area family law community for buy-in.

The response from judges, attorneys, mediators and mental health professionals to an Illinois AFCC chapter has been strong and favorable. Although collaborative law is only one of the alternative dispute resolution tools that AFCC endorses, the strong interdisciplinary infrastructure of AFCC is lending strength to that as well.

With AFCC in place and more professionals looking for alternatives to traditional litigation, the stars may have aligned for an expanded use of alternative dispute resolution.

“Delay (in settlement) can further result in the failure to meet financial obligations, inadequate funds for child support, postponement of remarriage, erratic home life for children and so on,” according to the Illinois State Bar Association's recently released Report on the Funding Crisis in the Illinois Courts. The crisis has judges in the Family Law Division searching for answers. “The worst delays are in Domestic Relations courtrooms. There are not enough judges to handle the caseload,” the report continues.

Although clearly magnified by societal factors and a rising tide of pro se cases, there is a long history of overloaded dockets and lengthy delays in the Domestic Relations Division. In 1986, Benjamin S. Mackoff of Schiller, DuCanto and Fleck LLP, then a judge, became the chief presiding judge of the Cook County Circuit Court Domestic Relations Divi-



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sion. “The courts were not a friendly place to families then, and, for the most part are not now,” he said.

He began his tenure aware of the recommendations of the Solovy Commission, which had been convened to address corruption and inefficiencies in the local court system. Among the suggestions was that Illinois courts utilize the newly established National Center for State Courts (NCSC) for assistance. At Mackoff's insistence, the organization came into play.

Managing the high number of cases that flow into the Family Law Division is stressful for all the professionals involved. It is a special challenge for the judges to help couples arrive at their own settlement to the greatest extent possible.

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“This leads to the best outcomes and to the highest likelihood of the settlement lasting and achieving compliance with the terms,” said retired Cook County Associate Judge Susan Snow. “But there are not enough hours in the day and you need many other experienced people around you.”

A longtime AFCC member and past president, Snow credits the experiential wisdom of both NCSC and AFCC as a source of strength in her years on the bench. “It is about retention of highly qualified people. In order to remain sensitive rather than hardened by the sheer number of families in crisis, practitioners need a collegial setting,” she said.

“Children trust adults to protect them, but in chaotic situations, quiet voices are not heard,” said Linda Sheehan, a licensed clinical social worker and divorce coach. “We are eroding the trust of many children when we miss an opportunity to turn down the volume.”

By working together in the AFCC, the judges, lawyers and mental health professionals are helping these families in crisis to turn down the volume on conflict. AFCC's work informs families that various models of alternative dispute resolution, parenting coordination and other innovative tools are available to them. When successful, the burden is lessened on both the families and the courts.

With the election of a board and officers in September, the vision of the founding group has been realized. The agenda for the emerging chapter is becoming clear. Educational events and clarification of the role of parent coordinators in Illinois will be high priorities.

The group is currently meeting monthly at noon in and around Chicago.

The Illinois chapter will continue to work on how to garner participation from professionals in other areas of the state.

For more information, contact McCarthy, the AFCC's Illinois chapter president, at nmccarthy@gmrfamilylaw.com.