

# The Newsletter

Winter 2007 - 2008



**Arizona  
Association  
of Family and  
Conciliation  
Courts**

**AzAFCC  
Hon. Elaine  
Fridlund-Horne  
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## Personality Disorders in Domestic Violence and Child Abuse Cases

Bill Eddy, LCSW, Esq.

Until very recently, it has been common for mental health professionals and advocates to say there is no specific mental disorder associated with

domestic violence and child abuse. Research throughout the 1980's and 1990's indicated that batterers have no higher incidence of mental illness than non-batterers. (Bancroft & Silverman, 2002) However, this appears to be changing.

For example, Donald Dutton is one of the foremost researchers on domestic violence. At the February 2007 California AFCC annual conference, Dr. Dutton spoke and challenged us to rethink our beliefs by stating: "Personality disorders are a better predictor of domestic violence than gender." And: "We need to pay more attention to personality disorders in custody disputes." While his gender comment will certainly be controversial, the recognition of personality disorders in cases of domestic violence and in custody disputes is becoming much more widespread.

In 1993, I became a family law attorney after a dozen years as a child and family therapist in psychiatric hospitals and outpatient clinics. I was most surprised by the significance of personality disorders in "high conflict" cases, and the lack of knowledge of personality disorders among family law professionals. In handling domestic violence and child abuse cases as an attorney, I found that those with personality disorders were frequently able to confuse and mislead mediators, evaluators, attorneys and judges. In many cases, I found that true abuse was treated as false allegations and false allegations were believed to be true abuse. In other cases, abuse was recognized but the severity of abuse was minimized or exaggerated, and therefore no effective treatment was ordered and behavior change did not occur.

Coincidentally, in the 1990's I was also teaching a law school course on Negotiation and Mediation, and I became familiar with the powerful concept of "peripheral persuasion" — the unconscious and nonverbal communications used to persuade others to adopt one's point of view. I realized that those with personality disorders were often *more successful* in the adversarial court process than the average person — because their cognitive distortions, over-compensating charm and exaggerated emotions are *more persuasive!* True abusers were getting custody, and non-abusers were getting supervised visitation or no contact orders. As a result of these realizations, I wrote two books and began giving seminars on personality disorders in legal disputes.

In brief, personality disorders involve long-term patterns of dysfunctional behavior, which are not specific to a particular incident or dispute. Many of those with personality disorders *chronically believe* that they are in extreme danger, which justifies violence against others. They have *constant* boundary problems, so that violent or aggressive touch is a "normal" part of their intimate relationships. Many are *preoccupied* with fears of abandonment, being seen as inferior, and/or being dominated. They *spontaneously* feel threatened and go on the attack. They unconsciously blame others for their feelings. They often look normal and can be very successful in some aspects of their lives.

In the four-hour seminar on February 8, 2008, I will focus on the following issues:

- \* Personality Disorders in Domestic Violence Cases
- \* Personality Disorders in Child Sexual Abuse Cases
- \* Peripheral Persuasion in Litigated Abuse Cases
- \* Current Treatments for Personality Disorders

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# Ethics Tips for Family Law Lawyers!

by Lynda C. Shely

In an ideal world all family law clients would be reasonable, assist with the representation, tell the truth, and pay your bills on time. Unfortunately, that isn't reality. Family law is one of the most difficult practice areas because rarely do clients have reasonable expectations about what can be accomplished by their lawyer (hint: remind clients that there is no death penalty option in dissolutions...) and the issues are understandably emotional. The lawyer's job is to manage the client's expectations as best as possible, provide *diligent and competent* representation, and keep the client informed about everything. The following are quick ethics tips to help the lawyer maintain his or her sanity in this practice area.

## #1. Set the scope of the relationship from the beginning.

Confirm, in writing, exactly what you will and *will not* do for the representation. Ethical Rule 1.5(b) requires that you specify the scope of the representation but in family law it also is important to clarify for clients what you will not be doing. For instance, if you do not provide tax advice or business advice or draft QDROs, say so in the engagement letter. Do not let the client dictate the scope of the representation – this is a mutual relationship.

## #2. Send clients copies of everything.

Clients are entitled to the entire file – that includes your research, notes, and emails. To avoid having to make a copy of the whole file at the end of the representation (or if the client terminates you prematurely), specify in the fee agreement that during the course of the representation you will send a copy of everything to the client and *they* are responsible for keeping the copies (also tell them to keep copies of all emails). This way they have a copy of their file

and you keep them informed about what is going on in their case.

## #3. Make sure that **SOMEONE** from your office returns calls and emails.

This isn't just an ethical requirement – it's good *marketing!* All calls and emails should be returned within 48 hours – that's required by the State Bar. Even if it is not something your office wants to handle, have someone return the call. If you're a solo, change your voicemail message and email message whenever you'll be out of the office for a whole day/week and not able to return calls/messages – this at least manages the expectations of people trying to contact you.

## #4. Tell the Truth – to everyone.

One of the most common mistakes lawyers make is trying to "help" a client who has lied. Don't – get out of the case. Ok, that might seem harsh, but if a client or one of your witnesses has lied about a material fact in a deposition, in pleadings, or in court, you must correct the record according to Ethical Rule 3.3 – it is not enough to just withdraw. But once you fix the "error," consider whether you have a conflict with this client that requires that you withdraw from the rest of the case. It's helpful to explain to clients at the beginning of the representation that contrary to what they see on tv, you can't lie for them and you can't let them lie.

*Lynda C. Shely, of The Shely Firm, PC, provides ethics and risk management advice to lawyers and law firms, and assists lawyers in responding to initial Bar charges. She was the Director of Lawyer Ethics for the State Bar of Arizona for ten years. Lynda will be a presenter at Arizona AFCC Sedona on Sunday, February 10, 2008 in the legal ethics workshop. She may be reached at 480.905.7237; Lynda@ShelyLaw.com.* ■

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## Personality Disorders in Domestic Violence and Child Abuse Cases

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*Bill Eddy has 14 years experience as a family law attorney (Certified Family Law Specialist) and 12 years experience as a therapist (Licensed Clinical Social Worker). He is currently the Senior Family Mediator with the National Conflict Resolution Center in San Diego, California. He is the author of High Conflict People in Legal Disputes and Splitting: Protecting Yourself While Divorcing a Borderline or Narcissist.* ■

## Open Letter to All AzAFCC Members

On behalf of the Arizona Chapter Board, I wish to extend a warm thank you to all of our members and to all of the mental health professionals, lawyers, mediators and judges that provide support to our Chapter and the Parent Organization of AFCC.

This year, the Arizona Chapter worked collaboratively with the Maricopa County Superior Court to provide the mental health training for the mental health roster in Maricopa County. The mental health providers eleventh annual training will be held on Friday, December 7<sup>th</sup> at the Maricopa County Judicial Center. Some of the hot topics to be covered will be co-parenting techniques, anger management programs, criteria for successful joint legal custody and a multi-disciplinary practice interface.

Our annual conference will be in scenic Sedona, Arizona beginning Friday, February 8, 2008 and continuing through the weekend until Sunday, February 10, 2008. The theme this year is Pursuing Possibilities: Exploring Emerging Trends in Family Law. We have some great workshops for mediators and ADR professionals, mental health professionals and legal professionals. Every year the Board attempts to bring to our annual conference workshops and speakers that will provide some of the latest research and programs impacting families. Our goal, as always, is to provide the information that will be most valuable to our Arizona Chapter members.

This year, our pre-conference institute on Friday, February 8, 2008 from 1:00 p.m. until 5:15 p.m. will focus on satisfying the mandatory continuing education in child abuse (two hours) and domestic violence (two hours) required for custody evaluators, parenting coordinators, family court advisors and other professionals that may be requested to make a recommendation to the court regarding custody or parenting time. The Board is very excited that William A. Eddy, LCSW, Esq. has agreed to present on the dynamics and treatment of personality disorders in both domestic violence and child abuse cases.

We have invited some very exciting, and hopefully somewhat controversial speakers: Janet Weinstein, JD and Ricardo Weinstein, Ph.D speaking on Friday night, February 8, 2008 regarding their work on emotions and the brain and the impact on emotions; and Alex Caldwell, Ph.D speaking on Saturday morning, February 9, 2008 on his research regarding the use of the MMPI-2 in family court and the Caldwell Custody report.

Please review the brochure for our conference on line at [for more information about our workshops and speakers.](#) We will also provide two hours of ethics for each of the areas of practice.

You can also access our current Board members on the website. If you have ideas for our next conference, please share those ideas with members of the Board.

I look forward to seeing everyone again this year at the Conference in Sedona.

Sincerely,  
Elaine Fridlund-Horne  
AzAFCC President

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**Arizona AFCC Annual Conference**  
**"Exploring Emerging Trends in Family Law"**  
**February 8-10, 2008**  
**Hilton Sedona Resort and Spa**  
**Sedona, Arizona**

Arizona AFCC Sedona 2008 will include workshops on parenting coordination; the Internet and divorce issues; mental health, legal and mediation ethics; relocation; personality disorders; the procedural rules for Orders of Protection; and more! See the fall conference brochure at [AZAFCC.org](http://AZAFCC.org) and register today.



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**Arizona  
Association  
of Family and  
Conciliation  
Courts**

The Arizona Chapter of the Association of Family and Conciliation Courts (AzAFCC) is requesting your help.

AFCC is a non-profit, international, multi-disciplinary organization. Our membership includes judges, mediators, psychologists, attorneys, court personnel and counselors who tackle the challenging task of resolving parental and family disputes over child custody.

The Arizona Chapter of AFCC is the second largest in the country. Thus far, AFCC has been the leader in providing specialized education and training by sponsoring conferences to enhance the skills of the judiciary, family court staff, custody evaluators, lawyers and mediators. Unfortunately, given the current economic climate, our financial abilities to continue our mission have been compromised. Like so many "non-profits", our budget is strained. This directly impacts our ability to provide scholarships, improve our educational programming or waive membership dues to those of modest means. Consequently, we are in dire need of assistance from other professionals and the business community. Donations to our chapter are fully tax deductible as charitable contributions under Internal Revenue Code 501C(3). All donors will be sent receipts for their records.

All contributions to AzAFCC go directly to meeting the chapter's financial obligations. Our Board of Directors do not receive compensation. We all volunteer our time and effort because we believe in the good works of our organization.

We truly hope you will contribute to AzAFCC. Your time and generosity are greatly appreciated. ■

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Please return to: Phillip Knox  
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WE THANK YOU FOR YOUR GENEROSITY !!!



**UPCOMING CONFERENCES**

**Arizona AFCC Annual Conference  
"Exploring Emerging Trends in Family Law"  
February 8-10, 2008  
Hilton Sedona Resort and Spa  
Sedona, Arizona**

**AFCC 45th Annual Conference  
May 28-31, 2008  
Westin Bayshore Resort  
Vancouver, BC, Canada**

**DON'T  
FORGET  
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MARK  
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