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Message from the Chair

George N. Seide, Chair

I want to congratulate Editor Lynette Robe and Assistant Editor Julie Saffren for their excellent first issue of *Family Law News (FLN)*. Soliciting advertisers and authors, editing copy, and proofing each issue take an untold number of hours, and their hard work is appreciated.

You can also contribute to the content of *Family Law News*. If you have a particular expertise or practice pointer you wish to share with our readership, please contact one of the editors (contact information is listed on the inside back cover). Content is the most important quality, so you should not worry about spelling and grammar too much – our editors have always made me sound smarter than I am. Articles may be from 500 to 3000 words in length and can be delivered electronically in Microsoft Word format. Letters to the Editor on current
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Message from the Editor

Lynette Berg Robe, Editor

Have you ever had a client ask why the dissolution of marriage process takes so long and is so complicated, whether winding its way through court or settlement negotiations? Even if their case is over within the 6-month mandatory waiting period, some clients complain about having to delay that long. This pondering led me to think of one of my favorite novels, *Waiting* by Ha Jin, a native of the Chinese People's Republic who came to the U.S. to study and stayed. Now a professor at Boston University, Ha Jin writes superlatively in English. Like
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topics are also welcome.

If you missed the recent section Education Institute (SEI) held in San Diego in January, you missed several superior and topical family law programs. Congratulations to section Education Institute Chair Staci Simonton and Assistant Chair Chris Melcher for their outstanding work on SEI and for the exceptional educational programs they have scheduled for the Annual State Bar Conference in Monterey on September 25-28, 2008. The recent SEI programs are available online through the Family Law Section webpage on the State Bar website. The one-touch link to “Online CLE” is located near the bottom of the Family Law webpage at www.calbar.ca.gov/famlaw. Several of the CLE programs are available for “participatory” credit. There are 31 CLE programs currently available online.

FLEXCOM members and several of our Legislative Standing Committee Chairs attended a Legislative Orientation in Sacramento on February 13, 2008. The attendees enjoyed informative presentations from the Legal Counsel, the Judicial Council, the Assembly and Senate Judiciary Committees, and the Governor’s Deputy Legislative Secretary.

Each speaker praised FLEXCOM’s legislative efforts and indicated what an important role FLEXCOM plays in the legislative process by reviewing each and every piece of legislation that is introduced and could have an effect on the practice of family law. FLEXCOM members discuss each bill with the legislative sponsor and seek positive amendments to correct or enhance certain legislation or, when necessary, to oppose legislation that is deemed unacceptable for a variety of reasons. FLEXCOM members often appear and testify before the Judiciary Committees of the Senate and the Assembly and other committees in support of or opposition to tracked legislation. In the last three years, FLEXCOM has been over 80% successful in securing amendments to bills we opposed to ameliorate their faults or to defeat the legislation outright. FLEXCOM submits position letters to each bill’s sponsor and also to Legal Counsel to the Senate and Assembly Judiciary Committees.

In the past few years FLEXCOM, upon the suggestions of Family Law Section members, bench officers, professional associations, and other family law attorneys, has written affirmative legislation proposals for introduction by several Legislators. At this time, FLEXCOM is shepherding three pieces of our affirmative legislation proposals in Sacramento. More information regarding these affirmative legislation proposals will be delivered in the next *FLN* issue. Incidentally, should you know of a quirk in the law that you

believe should be changed, or a suggestion for a new law, please contact our FLEXCOM Affirmative Legislation Chair Michelle Brown at michele.brown@bksapc.com.

Would you enjoy the ability to have an impact on legislation that affects the practice of family law? Want to put in your two cents and have that opinion considered by FLEXCOM as we “vet” the current crop of proposed legislation? Our Standing Committees are open to all family law attorneys. The Standing Committees and their chairperson’s contact information are listed in *Family Law News*, as well as in the Family Law Section’s web pages located in the State Bar website. They meet in person and also by toll-free conference call. The standing committee members’ opinions, both pro and con, are received by the Standing Committee Chairperson, who presents them in person to FLEXCOM during our weekend legislative work sessions. We especially need attorneys knowledgeable in adoption and dependency practice. Both of those committees meet by toll-free conference call. Standing Committee participation is also a useful stepping-stone to FLEXCOM membership.

Please consider contributing your efforts to FLEXCOM in any number of ways, including dues-paying membership, as we are “solely funded” by members’ dues. The cost is about that of one large Starbucks coffee daily for a month. We can all use less coffee.

Local Bar Associations are important, but none has the impact on the practice of family law as does the State Bar’s Family Law Section. We serve California’s family law practitioners and focus on the “big picture” in legislation and in our continuing education courses. ■

Message from the Editor

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other writers for whom English is a second language (for example, Joseph Conrad—Polish, Salman Rushdie—Urdu, and Chinua Achebe—Igbo), Ha Jin uses English words with eloquent precision. He quickly pulls the reader into a different country, culture, and time period. He also shares with these other writers a keen sense of irony.

Consider the main character Lin Kong’s problem. Lin Kong is an officer in the Chinese army, a doctor working in a hospital hundreds of miles away from Goose Village, a small rural village that he left many years before. The story opens in 1983, and Lin has returned to Goose Village attempting to divorce his wife, Shuyu, for the 17th time. Each summer for 17 years, Lin makes the long trip to the countryside during his annual 12-day leave to try to arrange for his divorce. The divorce has to take place in that district;

he cannot seek it anywhere else. He is in love with the head nurse at his hospital, Manna Wu, and he has been trying to divorce Shuyu for seventeen years to marry Manna. He and Manna are both in their early 40s, but they cannot live together under the hospital's regulations unless they are married or engaged. In fact, they cannot even go walking together outside the hospital compound. Their relationship has had to remain chaste because under the rules of the communist government in place at that time, adultery or a "scandal" would ruin both their careers. Under the rules at that time, a divorce could only occur if both parties agreed to it or until 18 years had passed. After the 18th year of separation, then one party could obtain the divorce without the other's consent.

Lin Kong's marriage to Shuyu was arranged by his parents. Shuyu is a dutiful woman who cared for Lin's parents until they died. She has raised their daughter, Hua, alone. But, she is plain, uneducated, and has bound feet. She has the misfortune to be among the last generation of women subjected to this indignity, as Chairman Mao banned the practice after assuming power in 1949. Lin is embarrassed by Shuyu, who wobbles unsteadily on her four-inch feet, while Manna represents the "new" Chinese woman – educated, capable, and independent.

The 17th try, not unexpectedly, ends in Shuyu refusing to grant the divorce, but Lin knows that in just one more year, he will have his freedom. The novel then retells Lin's journey through the past 17 years, the years of the Cultural Revolution, the intricacies of Chinese society under communist rule, the growth of his relationship with Manna, as well as exploring his relationship with Shuyu and his daughter Hua. In the 18th year, he finally receives his divorce, and he marries Manna. But, of course, as in all good stories, obtaining the goal that he has longed for is not the end of Lin's problems...and therein lies the irony.

So, the next time a client complains about the slow process and difficulties of our legal system, recommend *Waiting* to him or her as food for thought.

To give you a preview of this issue, we have the following articles that I hope you will find informing and helpful to your practice. I want to express my appreciation to the authors who took time from busy schedules to share their expertise by writing these articles for their colleagues. Also, many thanks to the other editors who assisted in reading and reviewing these articles and getting them ready to print—namely, Executive Editor Melvyn Jay Ross, Assistant Editor Julie Saffren, and Contributing Editors Harold Cohn and Bonnie Riley.

Articles in this Issue:

- Upon his retirement, FLEXCOM honored Larry

Doyle, its legislative representative, on January 25, 2008 in Sacramento. Elizabeth Harrison's comments at the ceremony and photographs are included.

- Ann Fallon and James M. Crawford, Jr., who helped write the legislation, and Sherry Peterson, a FLEXCOM member who supported the bill on behalf of FLEXCOM, have all written an article "decoding" the intricacies of the revisions to Family Code section 2337 made with the passage of AB 861 last year.
- Bret Cook has written a helpful article to clarify the intricate rules of federal laws COBRA and HIPPA and how they affect our clients' health insurance needs as a result of marital dissolution.
- Two landmark Court of Appeal decisions involving the Domestic Violence Protection Act came down last year, and Julie Saffren discusses them in depth.
- Experienced vocational counselors Phillip Sidlow and Susan Miller tell us how we might use a vocational expert even if the court does not order the vocational examination of the nonworking party.
- The problems involved in proving an annulment based upon the ground of fraud are explored by Harold J. Cohn and Seth Kramer.
- Richard F. Gould-Saltman explains the possible impact of *People v. Gill* on family law, a recent case where a man was convicted, among other felonies, of burglarizing his own home.
- In another helpful article, Howard Strauss, Division Chief Policy Division of the Los Angeles County Child Support Services Department, explains the rules for CSSD's enforcement of spousal support orders.
- The American Institute of Certified Public Accountants has created new guidelines for business valuations, and Christopher Melcher enlightens us as to those new standards.
- FLEXCOM Standing Committee Chair John Hodson encourages State Bar Family Law Section Members to join a Standing Committee to help FLEXCOM make appropriate decisions to oppose or support new legislation.
- The Continuing Education of the Bar generously shares new statute highlights from its publication, *2008 Practice Under the Family Code*. ■