1) Talk to Christoph (German attorney and mediator in international family law cases, based in Berlin, Germany) about German Hague mediations

Christoph discussed a few cases that he has mediated with international issues; He suggests the co-mediation model using a mediator from each country and one female and one male mediator

Mediation in Germany completely voluntary: the contract for mediation was by the courts; German ministry of justice is helping with this process; the judge recommended mediation; it was a recommendation, and the parties did it voluntarily; it was helpful that the judge referred the case; had the support of the court

Germany does not have mandatory mediation; but will have mandatory information about mediation in the next year

All German judges get a special training by the Ministry of Justice in mediation and how this mediation can be organized with international cases; there is a list of mediators who get special training (cultural, law, judicial aspects); list of American mediators who work in Germany and in some cases Germany will fly in a mediator to help on a case

Trainings for the judges: the family courts is a special division of the German courts, so family judges are specialized judges within the family court and there are judges that focus on international family affairs

Committee members expressed an interest in educating judges, and perhaps we can work on judicial education documents, brochures, publications, and trainings

NCMEC has a brand new Judicial Liaison counsel position who will work with judges to support them in their first international cases (call 1800-the-lost and ask for the International Division and ask about the Judicial Liaison counsel)

Christoph says he also trains lawyers who work in these cases because often times the information the lawyers have is key to whether a case is successful

Christoph wants to get good information to the U.S. attorneys about what is happening over seas within the legal framework; there is a different culture with German lawyers and they try to work consensually to find suitable
agreements for parents and children; he wants to provide additional information about the German judicial system for US attorneys.

Germany is much less confrontational than in the US, and it is difficult to explain to US clients about what is going on in Germany.

Christoph expressed an interest in obtaining a list of US attorneys to network with on certain cases: Phil mentioned several sources, such as IAML (www.iaml.org) made up of approximately 450 lawyers in 33 countries, headquartered in London; NCMEC maintains a list of lawyers (ICAAN) who they can contact, primarily pro bono lawyers who can take on cases in the U.S. (they have over 2,000 members).

German list of mediators: often German wives and American husbands in the military; www.bafm-mediation.de

2) International Mediation & Arbitration in family law issues

James had previously suggested a CLE topic on the use of arbitration and mediation in family law issues.

Maggie has volunteered to draft a proposal for that with help from Brad and Marion; Melissa will obtain deadlines and paperwork.

3) Teleconference Ideas: Maggie, Marion, and Brad (Melissa will get all deadlines for proposals)

CLE Ideas formerly sent to Steering Group:

1. Taking two Hague Convention cases litigated in the Federal Circuit Courts, this session will offer a step-by-step approach from filing the petition through the Appellate decision. Attorneys who litigated these cases will offer insights into the preparation of the cases, applicable defenses and resolution by the Courts. This program will also explore the recent case law and developments that impact upon future cases. Possible cases: Karkkainen vs. Kovalchuk, Lops, Bekier

2. Innovative custody visitation arrangements around the globe. There is a great site called "virtualvisitation.org" which sets up with Skype the video and audio connection (usually free or very low cost). Not as a substitute to visitation but a way to expand contact. Include things to put in a model order. There are also model order on that about how to set up and use throughout the world.

3. Preventing International Child Abductions: Strategies for Change With cross global marriages and custody disputes, the dynamics of these relationships have posed greater questions by the Courts in the United
States and abroad regarding how to safeguard children. The implementation of "mirror orders" and travel prohibitions is growing, but are these measures effective? This session will explore the specific preventative measures that can be taken. In addition, a growing number of states are enacting international abduction prevention statutes to provide parents with speedy resolution of abduction fears. The model legislation will be reviewed and an update of the status of the legislation will be provided.

From James’ Meeting in August

1. creating a law firm strategy of international asset protection

2. do a Case study on the Charman case in UK (and how this might affect U.S. clients in UK)

3. drafting "international" prenuptial agreements (taking into account property in various countries, taking into account relocation issues, etc.)

4. international forum-shopping for divorce cases

5. the ramifications of local judges applying foreign choice of law that they might not fully understand in a divorce case

6. use of or creation of an international arbitration group for divorce cases

7. the danger of using collaborative law in international cases

4) Proposed monthly calls with State Department & generating Reports and Recommendations to be approved by the section

Mary Helen talked about the desire for State Department (Anna Mary, Mary Helen, and Kathy) to have an informal relationship with the committee; Bob is our committee’s liaison with the State Department and will send emails to the Steering Group updating us with information; Phil also mentioned that he can help

5) Membership: Increasing our Committee & Steering Group Membership

Steering Group calls are a good thing because international lawyers are unable to attend U.S. meetings often times; it is very expensive

Send an email to the entire committee and tell them about the Steering Group calls and the Steering Group listservs
6) List of Attorneys who practice international family law (in U.S. and abroad)

Many people do not like their names/addresses posted
Maggie wonders, as the ABA, if we should have a list
Melissa will ask Larry to see if this is something that could be a joint endeavor
with the Family Law Section; be a membership benefit to being a part of this
committee; we need to assess qualifications to be a part of this list

7) London Meeting: Who from Steering Group will be attending?

Maggie, Brad, Jessica: Maggie has already contacted James to see if he will
attend

8) Possible Articles for next Newsletter

Marion volunteered to draft an article on military family law issues overseas
Jessica volunteered to draft an article on EU and US relations on the Hague,
etc.

We have not yet set a deadline for the next e-newsletter, but look for an email
that will propose deadlines. If none are given prior to our next conference
call, we will discuss this in September.

9) Next Conference Call

September 25, 2007 at 12 noon Eastern Time

10) Blog

Can talk about this at a future date when we have the ability and time to
contribute to this project