

ENLIGHTENED FAMILY JUSTICE INSTITUTE (EFJI)
PRESENTATION TO SUPREME COURT ADVISORY COUNCIL
APRIL 13, 2012

WRITTEN STATEMENT

1. Introduction of EFJI & its Board of Directors.
2. Purpose for making public comment.
3. Reasoning & Analysis.
4. Recommendations.
5. Conclusion.

1. Introduction: My name is Richard Shannon. I am, like a few members of this Committee, a 50 year member of the Bar. I have been in private law practice for 42 years as a solo practitioner. Previously, I served as a Texas Assistant Attorney General and later as a Special Counsel to the Commissioner of Insurance. I have been practicing family law and mediating family law cases for about 17-18 years.

In the fall of 2009, I formed Enlightened Family Justice Institute, a Texas non-profit organization. Our one page Vision Statement is attached. Our Vision is: **Design the administration of justice to serve families by resolving legal issues through due process and by facilitating the healing of human conflicts.** The phrase "healing of human conflicts" is taken from USSC Chief Justice Warren Burger as referenced below.

EFJI has an application pending for status as a tax-exempt charitable, scientific and educational organization under IRC sec. 501(c)(3). EFJI is governed by a five member Board of Directors. The Board is composed of an inter-disciplinary team of professionals – a research psychologist at UT-Austin, a clinical psychologist practicing marriage and family counseling, a Ph.D. in communications from UT Austin, a Master in Social Work with 20+ years experience in strategic planning, and myself. Briefly, **Prof. Ed Anderson**, Ph. D.

research psychologist, is Associate Professor of Human Development and Family Sciences; he is well qualified to conduct scientific field studies of court processes and procedures. **R. Bryant Hill** holds a Ph.D. in Communications and Rhetoric from U.T. Austin; he currently operates Bryant Hill Media; Bryant has extensive experience with grant applications and the administration of public grant applications. **Stephanie K. Nestlerode**, M.S. Social Work Administration, University of Wisconsin—Madison; she is Founding Partner of Omega Point International, Inc. a social works consulting firm. Ms. Nestlerode offers a wealth of experience in strategic planning and organizational development and meeting facilitation. **Dr. Lisa Walker**, Ph. D. holds a doctorate in Human Development and Family Sciences – U. T. Austin. Dr. Walker is a Licensed Marriage and Family Therapist Associate, a Collaborative Consultant, a Parenting Coordinator and a Certified Family Life Educator. She frequently works as a mental health professional on a collaborative law team. I am the 5th member of the EFJI Board.

Our EFJI Board has spent two years developing a strategic plan to implement the EFJI Vision [hold up copy of one page Vision Statement] – namely **“Design the administration of justice to serve families by resolving legal issues through due process and by facilitating [using Chief Justice Burger’s phrase] the healing of human conflicts.”** Our resumes are attached to our written statement.

In 1982, United States Supreme Court Chief Justice Warren E. Burger, stated in his Annual Report on the State of the Judiciary.

“The obligation of our profession is, or has long been thought to be, to serve as healers of human conflicts. To fulfill our traditional obligation means that we should provide mechanisms that can produce an acceptable result in the shortest possible time, with the least possible expense and with a minimum of stress on the participants. That is what justice is all about.” (Emphasis supplied.) My personal and professional experiences with family conflict and with families going through divorce motivated me to do something

pro-active with the vision growing within me for reform of family law courts. However, the challenges confronting a “change agent” for court reform are, well, daunting to say the least. In the back of my mind was the cautionary statement, “Who am I to rush in where angels fear to tread?” Nevertheless, I was fired by a passion that would not go away. Consequently, I stand before you today as the founder and President of Enlightened Family Justice Institute (EFJI).

2. **Purpose for making public comment:** This meeting of the SCAC is not the proper occasion for EFJI to lay out its strategic plans. **This is, however, a proper occasion for EFJI to introduce the core concept of its Vision – namely, Justice for children and families is possible ONLY IF court processes and services are structured “to facilitate the healing of human conflict.”** Of course, EFJI shares with the Equal Access to Justice Task Force and its associated Commission the aspiration that Justice of this character be equally available to all who seek family court services. A core question is: What do we mean by “Justice” to which all will have equal access?

3. **Reasoning & Analysis.** First, what do we mean by “Justice” to which all will have equal access? Philosophers and legal theorists have debated and discussed this concept for over 2000 years. It is not reasonable to expect that we will arrive at a consensus on the meaning of Justice in the context of deliberating on “equal access to justice”. It is worthwhile to devote some time to seek as much common ground as possible on what we mean by “Justice” in the context of providing equal access. Is there a consensus around the Burger definition of justice? It is equally important to discuss the processes employed to administer “Justice”. Why? The means to an end – “Justice” – shapes the end or outcome, the public face of “Justice”.

For example, traditional adversarial litigation is the current process that predominates in trial courts today. This process is widely perceived to be inefficient and to produce outcomes with extremely negative consequences for children, their parents and for separating couples. This perception is expressed cogently in, *"Innovations in Court Services"*, edited by Cori K. Erickson and published by the Association of Family and Conciliation Courts (AFCC), Madison, Wisconsin, 2010. The Introduction to *"Innovations in Court Services"*, pages 9-10, states the social need as follows:

"Family courts around the world are recognizing the need to shift the way families in transition experience their court process, rejecting the traditional model where family conflicts are settled in a courtroom under the rule of law. Experts and research point to the need for innovative, collaborative, holistic and interdisciplinary processes to resolve family disputes. Courts are increasingly aware that family discord and conflict primarily stem from social and emotional processes, rather than a legal event (Schepard & Bozzomo, 2008).

"These same courts find themselves looking to provide therapeutic jurisprudence to address the families' underlying emotional needs and dysfunction. Therapeutic jurisprudence (Winick & Wexler, 2003) enriches the practice of law through the integration of interdisciplinary, non-adversarial, non-traditional, creative, collaborative, and psychologically beneficial legal experiences. The shift in this paradigm takes responsibility for these families' problems from the judicial system alone and places it on the shoulders of society. In this place, a multitude of interdisciplinary professionals can come together to solve these problems and address the families' needs."

The Vision of EFJI is to implement the aspirations of Chief Justice Burger as amplified by the above quote from *"Innovations in Court Services"*.

The "adversarial system" for administration of justice stimulates conflict by encouraging parties to fight. Why? Each party is encouraged to win a war of

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perception intended to persuade the judge that they deserve a ruling in their favor. The warfare turns into a blame game. Hostilities rise and responsibility goes out the window. Problem solving is absent. The costs incurred in such litigation fights are often disproportional to the issues. Consequently, litigation is frequently unnecessarily expensive and contentious.

Mental health professionals are united in their view that conflict between and among caretakers of children necessarily harm the children. The result is that the parties and the children all lose.

Justice for children and adults who are divorcing or separating must address both legal issues and relationship issues. The present system for administering justice for children and couples addresses only legal issues in an adversarial context.

The energy that drives litigation of legal issues often stems from unresolved relationship issues; and, present day courts are not structured to address relationship issues. It is possible to develop problem-solving family law courts that address relationship issues. Some courts have already done much to adopt such innovations.

Therefore, the solution lies in a shift away from administration of justice that is **adversarial**. How? The shift may occur through an innovative set of procedures and court services that are **collaborative and therapeutic** in nature. Some courts have already moved in this direction. See, *"Innovations in Court Services"*, published by AFCC, 2010; and "Exemplary Family Court Programs and Practices" published by AFCC, May 2005.

In August 2000, The Conference of Chief Justices & Conference of State Court Administrators passed a Resolution in Support of Problem-Solving Courts. (Emphasis supplied; see attached Resolution.) Resolution No. 4 states as follows:

"4) Encourage, where appropriate, the **broad integration over the next decade of the principles and methods employed in the problem-solving courts into the administration of justice** to improve court

processes and outcomes while preserving the rule of law, **enhancing judicial effectiveness**, and meeting the needs and expectations of litigants, victims and the community.” (Emphasis supplied.)

The problem of self-representing (*pro se*) litigants: The growing number of self-representing (*pro se*) litigants is a powerful warning sign that our adversarial litigation system is broken when it comes to giving children and couples access to justice. In the view of EFJI, the adoption of uniform “do-it-yourself forms” – whether the consequences be good or bad – will do little to address the **inherent inefficiencies and ineffectiveness** of justice administered through adversarial litigation.

The burgeoning number of cases with self-representing (*pro se*) litigants is due in part to an increase in poverty documented in the past 30 years. I suspect that this trend is also due in part to the public’s increasing disgust with certain consequences and behaviors associated with the adversarial litigation system.

Both proponents and opponents of “do-it-yourself forms” appear to agree on one thing: the presence of self-representing (*pro se*) litigants in any litigation poses a serious problem for access to justice and/or the administration of justice. The percentage of family law proceedings in which one or both parties are *pro se* is mushrooming. The proponents and opponents of Agenda Item #4 differ in the solutions offered.

EATJ and other proponents of “do-it-yourself forms” seem to assume that justice has been gained if the self-representing litigants succeed in getting a court decision in the form of an order or decree. These proponents argue that the availability of uniform forms and instructions acceptable to trial judges are essential aids for the self-representing litigants to get “into court” and obtain justice in the form of a court order or decree. These proponents assume that entry of a court order or decree equals justice.

The SBOT and its FLS takes the position that self-representing (*pro se*) litigants need legal advice from attorneys in order to avoid (1) unintended loss of

rights and (2) increased inefficiencies and costs in the administration of justice and (3) development of a dual standard for self-representing (*pro se*) litigants and for litigants who are represented by an attorney and (4) shifting costs and burdens to other participants in the judicial system that result for self-representing (*pro se*) litigant who avoid personal costs by not using an attorney.

The opponents' claim that self-representing (*pro se*) litigants fall into two classes, namely: (1) those that are truly indigent and cannot afford attorney fees and other litigation expenses and (2) litigants who have the means to hire an attorney and simply elect to represent themselves to save costs or for some other reason.

The SBOT and its FLS propose solutions based upon the assumption that the presence of competent legal advice is the answer to the problem. The set of solutions proposed by SBOT and its FLS would: (1) facilitate and lower costs in screening the truly indigent self-representing (*pro se*) litigants from those who have the means to pay for legal services but elect to represent themselves; (2) provide programs and procedures that would (a) increase the availability of *pro bono* legal services for the truly indigent or (b) increase availability of reduced fee or limited scope services for litigants who have limited means; and, (3) impose increased fees and/or sanctions on those self-representing (*pro se*) litigants who have the means to hire an attorney and simply elect to represent themselves to save costs or for some other reason.

The SOLUTIONS 2012 Task Force – looking at the public policy implications of Agenda Item No. 4 – suggests that adoption of this proposal is an opening move to shift the courts from an “adversarial system” to an “administrative system”. The philosophy and concept of an “administrative system” would “reduce, wherever possible, the need for full-service attorneys” (in the words of Carl Reynolds, immediate past Director of the Office of Court Administration (OCA)). This shift is claimed to increase “efficiency” in the administration of justice. G. Thomas Vick, Jr., co-chair of the SOLUTIONS 2012 Task Force, is of the opinion that an “administrative system” of justice “embraces

the concept of encouraging and creating a culture of self-represented litigants.” Mr. Vick is of the further opinion that the “administrative system” of justice” concept, “represents the most fundamental change in the history of Texas jurisprudence.”

A Justice system should produce **effective** out-comes in an **efficient** manner. Changes in the administration of justice should not sacrifice either **efficiency** or **effectiveness**. In family law cases, **effectiveness** may be measured by looking at the impact of judicial decisions on the well-being of children and divorcing-separating couples. (Therapeutic Jurisprudence.) Techniques exist in the behavior sciences for measuring such impacts.

The cause of **inefficient** and **ineffective** administration of justice for children and families is largely due to the adversarial litigation system. This is not because members of the Bench or Bar are good or bad. The lawyers are not the problem. It is a “systems” problem. The solution to a “systems” problem is to take a holistic view of the “system” of administration of justice.

A forms driven “administrative system” of justice” appears to sacrifice **effectiveness** purely for the sake of achieving some **statistical efficiency**. **Effective** jurisprudence is a **deliberative process**. A forms driven process does nothing to aid judicial deliberation. In fact, a forms driven “administrative system of justice” smacks of a robotic system in which justice might be delivered by computers. Computers cannot resolve human conflicts. Such a judicial system would be devoid of thought, judgment, wisdom, compassion, and many other human qualities that our society values.

Trial courts with jurisdiction over family law proceedings should be designed to provide equal access to a form of Justice that is both **efficient** and **effective** in serving the best interest of children and the well-being of their parents. **Efficiency and effectiveness are equally important**, and both of these values must be balanced in the administration of Justice for families. Trial court practices and affiliated services should facilitate the healing of human conflict while administering justice through due process. This is the “mark” of a justice

system that serves the best interest of children and the well-being of their parents.

The proponents and opponents of “do-it-yourself forms” miss this mark. A forms driven “administrative system of justice” and an “adversarial litigation system of justice” also miss this mark.

A systematic program for the introduction of innovations at the trial court level is required to hit this “mark” – innovations to put in operation a set of procedures and court services that are **collaborative and therapeutic** in nature. Texas is long over-due in its response to the August 2000 call by The Conference of Chief Justices & Conference of State Court Administrators for **Problem-Solving Courts to enhance judicial effectiveness**.

4. **Recommendations:** EJIF requests that this Advisory Council to the Supreme Court discuss and then adopt and present the following recommendations to the Supreme Court.

EFJI Recommendation No. 1: A science-based study be coupled with any introduction of Uniform Forms & Instructions for any family law proceeding. The purpose of such a study would be to measure the positive and negative impacts on the users of the forms and on the Bench and Bar.

EFJI Recommendation No. 2: Uniform Forms & Instructions, if adopted by the Texas Supreme Court, be introduced through a series of pilot projects in selected jurisdictions to test the positive and negative impacts.

EFJI Recommendation No. 3: The Texas Supreme Court establish either (a) a Permanent Judicial Commission on Family Court Innovations or (b) change the charter of its Permanent Judicial Commission on Children, Youth & Families to include the study and promotion of innovations “**to facilitate the healing of human conflict**” by procedures and court services that provide a frame-work for cooperative and therapeutic problem solving.

EFJI Recommendation No. 4: The Texas Supreme Court issue an Order Creating a Family Court Innovations Task Force with a charter to study, propose,

and implement innovations in family court procedures and services that provide a framework for cooperative and therapeutic problem solving.

EFJI Recommendation No. 5: The Supreme Court and/or the Chief Justice of the Supreme Court assign to the Director of the Office of Court Administration, pursuant to Gov't Code, secs. 72.011 and 72.027, the duty to

- a. perform research on and develop standards for the effectiveness of judicial decision-making as respects the well-being of children, parents, and couples who are governed by court orders or decrees in family law proceedings;
- b. perform research on trial court local procedures and practices as respects the impact on the well-being of children, parents, and couples who are governed by court orders or decrees in family law proceedings; and,
- c. develop a program of grants to support the design and implementation of pilot projects to introduce innovations in procedures and practices of and services provided by those trial courts with jurisdiction over family law proceedings with the intention that those trial courts will facilitate the healing of human conflicts.

5. **Conclusion.** Trial court with jurisdiction over family law proceedings should be designed to provide equal access to a form of Justice that is both efficient and effective in serving the best interest of children and the well-being of their parents. Efficiency and effectiveness are equally important and both of these values must be balanced in the administration of Justice for families. Trial court practices and affiliated services should facilitate the healing of human conflict while administering justice through due process. This is the “mark” of a justice system serves the best interest of children and the well-being of their parents.

A systematic program for the introduction of innovations at the trial court level is required to hit this “mark” – innovations to put in operation a set of

procedures and court services that are **collaborative and therapeutic** in nature. This would be an answer to the August 2000 call by The Conference of Chief Justices & Conference of State Court Administrators for **Problem-Solving Courts to enhance judicial effectiveness**.

**ENLIGHTENED FAMILY JUSTICE INSTITUTE
STATEMENT OF VISION, MISSION & OBJECTIVES
PLUS COMMENTS & CAUTIONS**

VISION: Design the administration of justice to serve families by resolving legal issues through due process and facilitating the healing of human conflicts.

MISSION: Create and implement programs – using integrated systems design principles and practices -- to realize the Vision.

OBJECTIVES: Design and integrate processes into the judicial system that stimulate and encourage the healing of family relationships and to aid families -- and individuals functioning within the family -- to move progressively toward optimal healthy relationships. Break the cycle of dysfunctional patterns being repeated in each successive marriage and divorce and in each successive generation through interventions integrated into the judicial system intended to:

- Avoid use of the justice system to do harm to those who are in the troubled relationship and are impacted by it (children and extended family),
- Make available neutral family system assessments to aid and enhance judicial decision making,
- Enhance parenting skills and effectiveness,
- Teach healthy methods of dealing with family conflicts,
- Aid and foster healing of damaged relationships,
- Increase awareness of psychological "wounds" that generate conflict in marriage, and
- Increase efficiency and reduce the stress on judges, attorneys, and other service providers.

Develop innovative case management processes to achieve these objectives with performance review and measurement in a context of total quality improvement.

COMMENTS: Integrate the disciplines of law, mediation and other ADR non-adversarial processes, psychotherapy, and spiritual growth into judicial procedures.

Family relationship problems being intertwined with legal issues require a balanced focus.

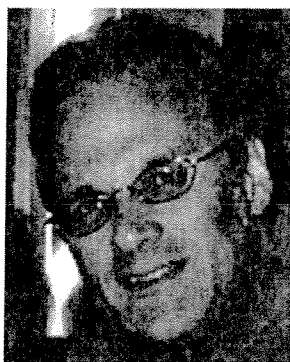
Emphasize prevention and provide access to programs for families with serious relationship challenges prior to their entering the judicial system.

Build-in flexibility so the processes themselves may grow, develop, and evolve with self-correcting feedback mechanisms. Seek early intervention, prevent escalation, and encourage reconciliation.

CAUTIONS: Avoid bureaucratization and centralization -- keep the processes dynamic and sensitive to the needs of the families and those assisting troubled families.

Send your comments to: Richard A. Shannon/P. O. Box 82455/Austin, TX 78708-2455.

Anderson, Edward R.



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- Ph.D, University of Virginia 1989
- Human Development & Family Sciences
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Dr. Anderson specializes in the adjustment of children and families to parental divorce and remarriage. His interests include understanding how divorced parents' dating and re-partnering affects children and family relationships, how divorced parents balance the potentially competing demands of their personal and parenting lives, how family members respond to and deal with conflict, and how prevention programs affect divorcing or at-risk-for-divorce families. Dr. Anderson has published in numerous journals, including Journal of Family Psychology, Journal of Marriage and Family, and Monographs of the Society for Research in Child Development. He has received grant support from the National Institute of Child Health and Human Development and the National Institute of Mental Health. In 2006, he received the prestigious President's Associates Excellence in Teaching Award at UT. Currently he serves on the editorial board of Journal of Research on Adolescence and Journal of Prevention and Intervention in the Community.

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SKILLS

Writing/Editing

Publications Management

Public Speaking Training

Community Relations

Media Relations

Project Management

Research & Analysis

Print Design

Budget Management

Art Development

Photography

Digital Media Editing

EXPERIENCE

Principal, May 2007-present, Bryant Hill Media

- Provide public relations, photography and design services to clients.
- Write press releases, corporate bios and informational features.
- Compose and make story pitches to media reps.
- Help develop corporate mission and branding statements.
- Photograph events, products, staff and clients for Web and print.
- Design print and electronic collateral including newsletters, direct-mail cards and brochures.

Publisher (now advisory only), May 2007-present, *Living Austin*

- Brought in by investor to start new Austin real estate magazine.
 - Produced editorial plan for first two issues.
 - Hired and worked with design staff to produce publication.
 - Wrote and edited all content for publication.
 - Shot and/or edited all photography for publication.
- (Investors now seeking additional funding for publication.)*

Editorial Director, July 2004-April 2007, Southwestern University

- Established editorial direction and messaging for all major university publications and admission marketing materials including magazines, brochures, direct mail and e-communications.
- Established and maintained new contacts at key state media outlets.
- Composed press releases and garnered regular, increased visibility in state media outlets.
- Wrote op-ed pieces for the university president.
- Developed editorial plan, set production schedule, and assigned features and departments as the editor for *Southwestern@Georgetown* magazine.
- Maintained communications and publications schedules and output while operating at only 25 percent staff.
- Produced film for alumni and donors in support of university's \$125 million fundraising campaign.
- Art-directed photography for key university publications and renegotiated vendor rate structure to reduce standard photography costs by 25 percent.
- Photographed subjects for print and on-line marketing materials.
- Conducted media, market and peer institution research.
- Supervised public relations associate.
- Instituted and managed three-tiered public relations internship program for communication studies majors at the university.

Project Manager, October 2002-December 2003, Annette Strauss Institute for Civic Participation

- Initiated the Speak Up! Speak Out! program in Austin high schools.
- Managed events associated with this grant program and generated media coverage for its events.
- Drove support and participation of key political constituents.
- Secured corporate sponsorship from more than 30 Austin businesses.
- Crafted educational materials, programs, brochures and public relations documents.
- Supervised production of promotional film.
- Drafted reports to foundations on program progress.
- Recruited and trained all teachers and volunteers.
- Researched and developed database of foundations for grant funding.
- Moderated political campaign focus groups across the country.

Communications Consultant, 1991-2002

Consulting Highlights:

- Developed networking collateral for Strategic Impressions, a communications and image consulting company.
- Served as research analyst for the Campaign Mapping Project, a grant project at the University of Texas at Austin funded by the Ford Foundation and the Carnegie Corporation.
- Created corporate mission statement for David Cochran Custom Homes that established corporate mission and culture and provided foundation for initial public relations campaign.
- Contributed to corporate news magazine, edited freelance articles, fielded press inquiries, drafted press releases and wrote executive speeches for CSX Transportation.

Instructor, Virginia College at Austin, May 2002-April 2004

Assistant Instructor, University of Texas at Austin, 1994-1998

Graduate Instructor, University of Virginia, 1992-1994

- Taught more than thirty college courses in Effective Speaking, Public Speaking, Introduction to Communication, Business & Professional Communication and Approaches to Media and Cultural Studies.

EDUCATION

Ph.D., Communication Studies, University of Texas at Austin, 2001

M.A., Rhetoric & Communication Studies, University of Virginia, 1994

B.A., Rhetoric & Communication Studies, University of Virginia, 1991

SOFTWARE SKILLS

Microsoft Office Suite

Adobe Creative Suite

Final Cut Pro

Mac or PC Environment

PUBLICATIONS

Co-authored "Campaign Forums" in *Campaign Talk: Why Elections Are Good For Us* by Roderick P. Hart, Princeton University Press, 2000.

PROFESSIONAL AFFILIATIONS

National Communication Association

AWARDS & RECOGNITION

CASE Award of Excellence for 4-color Magazine Series, 2006

CASE Achievement Award for Publications Writing, 2005

CASE Special Recognition Award for Feature Writing, 2005

CASE Award of Excellence for Magazine Visual Design, 2004

References available upon request.

Stephanie K. Nestlerode, MSW
Founding Partner of Omega Point International, Inc.
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snestlerode@omegapoint.net

EXPERIENCE

Omega Point International, Inc., Driftwood, TX **2008 – Present**

Nurturing Leadership for the Common Good by providing learning opportunities that inspire, guide, and cultivate skills.

Omega Point International, Inc., Colorado Springs, CO **2002-2007**

Helped organizations translate noble intentions into wise choices by applying and learning partnership skills. Organizations enhanced their ability to bring their unique contribution into the world.

Omega Point, Monument, CO **2000-2001**

Partnered with organizations to create and sustain success by aligning leadership, culture and strategy. Strategic intent flows into exceptional implementation through the application of new skills to existing challenges.

The Nestlerode Group, Monument, CO **1993-1999**

Consulting services focused on leadership development, dialogue, systems thinking, organizational assessment and positioning, vision creation, and change management. Adjunct faculty member for Chapman University.

Organizational Technologies, Inc., Anaheim Hills, CA **1992-1993**

Facilitated quality management efforts within client organizations emphasizing leadership development, cultural change and quality tools.

Baptist Medical Center, Columbia, SC **1987-1992**

Directed the integration of strategic planning and quality management. Key components included leadership development, training, metrics, and quality teams. Managed the Certificate of Need process.

Lexington Medical Center, West Columbia, SC **1981-1987**

Directed strategic planning and marketing research. Designed cost accounting, productivity and patient satisfaction monitoring systems. Founding Member and President of the Carolinas Society for Hospital Planning/Marketing.

South Carolina Division of State Health Planning, Columbia, SC **1980-1981**

Coordinated data acquisition and analysis for the State Health Plan. Authored the Health Status Section. Staffed the Statewide Data Use and Analysis Committee.

Health Planning Council, Inc., Madison, WI **1974-1980**

Provided technical assistance to community groups in program development. Coordinated plan development and reviewed program applications. Designed innovative models for primary healthcare delivery. Chaired the Wisconsin Data Coordination Committee.

EDUCATION/HONORS

Certificate in Gerontology (electives in Marketing), University of South Carolina, 1986
Masters of Science in Social Work Administration, University of Wisconsin-Madison, 1978
Bachelor of Arts in Social Work with Highest Honors, University of Oklahoma, 1974
Graduated Phi Beta Kappa

RICHARD A. SHANNON

ATTORNEY-MEDIATOR CONFLICT MANAGEMENT SYSTEMS DESIGNER

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SUMMARY

Currently serve as General Counsel of Concertas, LLC, a dispute systems design firm. Served as In House Legal Counsel and Director of a Start-Up Inter-Net Company, Insurance Company General Counsel, Trade Association Executive Director, private law practitioner with experience as lead counsel in contested case hearings as well as trial and appellate proceedings in state and federal courts, mediator, advocate on public interest issues, Special Counsel to Major State Agency and Assistant Attorney General, State of Texas.

LICENSES HELD

Texas Supreme Court, United States Supreme Court, U.S. Circuit Court - 5th Circuit, and U.S. District Courts.

(Previously held licenses in the fields of insurance and securities.)

EDUCATION

Juris Doctorate: University of Texas, Law School.

Bachelor of Arts: University of Texas at Austin.

Honors: Omicron Chi Epsilon, Xi Chapter - Founding Member, [National Honor Society in Economics].

POST GRADUATE TRAINING

South Texas College of Law; Advanced Administrative Law Course and Employment Regulations in Texas Business Law - State Bar of Texas; Law-Science Academy, Crested Butte, Colorado - Tuition Scholarship; Legal Writing Seminar, University of Texas; Advanced Civil Litigation; Basic Mediation Training - American Academy of Attorney-Mediators, Inc. and Travis County Dispute Resolution Center; Commercial Mediation Training - Austin Association of Mediators. Credit for numerous continuing legal education seminars.

RELATED SKILLS

Experienced in using PC word processing, spreadsheet and related applications.

PROFESSIONAL BACKGROUND

Present: Concertas®, LLC – Founder and Principal. This dispute system design firm has created Conflict Transformation Systems® (CTS®) for a wide range of conflict situations and civil disputes, including employment, closely held businesses, and family law courts. Principal of Law Office of Richard A. Shannon, Attorney-Mediator.

Eighteen Months: COMDAQ CORPORATION d/b/a EquiDAQ Corporation □ In House Legal Counsel and Director of Business Development and Co-Founder. This high-tech start-up company intended to establish an integrated capital creation exchange for intellectual and financial capital. Co-inventor on approved patent pending using object-oriented intelligent search agents. Raised over \$750,000 in seed stage capital. Counseled on (1) intellectual property law issues as Head of Patent Development Team (2) securities issues related to fund raising and regulation of an inter-net based securities exchange and (3) set-up of HR Department for anticipated rapid growth of employees.

Thirty Years: PRIVATE LAW PRACTICE. Law Offices of Richard A. Shannon represented business clients, including major financial institutions with hundreds of millions in assets and venerable business firms before public agencies (principally insurance companies and managing general agencies) and designed and created complex business arrangements for our clients. Counseled with company officials on both business and private matters. Engaged in delicate negotiations on high stakes issues. Developed novel interpretation theories on major public issues. Advocate in contested case hearings on licensing matters. Appeal administrative decisions to district and appellate courts, state and federal. Served as mediator in over 125 cases in many areas of law.

Served as General Counsel and Secretary for a property and casualty insurance company and Executive Director for Texas Surplus Lines Association, Inc. [an insurance trade association], Previously licensed as an insurance risk manager, managing general agent, Group I (Life, Health and Accident Insurance), Variable Annuity, and Securities - Series 6 and 63.

Four Years: TEXAS DEPARTMENT OF INSURANCE - SPECIAL COUNSEL. Represented estates of insolvent insurers having assets in excess of \$100 million; worked with personnel of insolvent companies to collect assets. Selected by Board Chairman for a special legislative drafting project on a topic of high public visibility; exercised creativity in working with complex legal theories and issues to draft legislation that was enacted by the Legislature. Administered legislation [unauthorized and surplus lines insurance and proxy and insider trading regulations] that impacted vast areas of the insurance industry, reported directly to Insurance Commissioner. Worked with industry leaders to teach, counsel and aid practical implementation of the regulatory changes.

Three Years and Six Months: ASSISTANT ATTORNEY GENERAL FOR STATE OF TEXAS. Represented a major state agency in holding full charge responsibility for land acquisition projects representing over \$100 million annually. Used innovative techniques to resolve major disputes and to persuade local jurors on damage issues. Developed the art of writing to persuade client's representatives to settle cases without litigation when the client had an unlimited budget to litigate and had adopted a "one offer -- no negotiation" policy. Displayed creativity in writing an official opinion interpreting federal and state statutes so as to permit the construction of roadside rest areas and beautification projects along major federal highways.

OTHER EXPERIENCE: Developed a nation-wide network marketing company with over 2,500 representatives.

LISA M. WALKER, Ph.D., LMFTA, CFLE

Licensed Marriage and Family Therapist Associate

Collaborative Consultant, Parenting Coordinator

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Dedicated to the Healthy Resolution of Family Matters

Education

University of Texas at Austin, Ph.D. in Human Development and Family Sciences, 2004

Rhode Island College, MA in Psychology, 1994,

Rhode Island College, BA in Psychology, 1992

Honors and Professional Associations

Independent Practitioner, Austin Psychotherapy Associates

Lecturer, University of Texas at Austin, 2003 to 2007

Licensed, Marriage and Family Therapist Associate

Certified Family Life Educator

Certified Gottman Educator

Research Associate, University of Texas at Austin, 2001-2005

Health Education Coordinator, Urban League of Rhode Island,

Case Worker, Bellevue Mental Hospital, Kingston, Jamaica

Board of Directors, Brown Fox Point Pre-School, Brown University, Rhode Island (1995-1997).

President, West Indian Social Club, Rhode Island College, 1992-1993

Member, National Council on Family Relations

Member, Texas Council on Family Relations

Member, Texas Counseling Association

Member, Texas Association of Licensed Marriage and Family Therapists

Member, American Association of Licensed Marriage and Family Therapists

Member, International Academy of Collaborative Professionals

Member, Collaborative Law Institute of Texas

Member, The Association of Family and Conciliation Courts

Scholarship, Ima Hogg Memorial, University of Texas at Austin, 2001- 2003

Scholarship, Pre-emptive Fellowship in Human Ecology, University of Texas at Austin, 2000-2001

Phi Beta Kappa, University of Rhode Island

Special Training

Collaborative Law Basic, Intermediate, Advanced, and Interdisciplinary Training

Parenting Coordination/High Conflict Couples

Basic Mediation

Family Mediation

Interest-based Negotiation

Gottman Method Couples Therapy

Gottman Transition to Parenthood

Remarriage/Repartnering Counseling

Intimacy Counseling

Cognitive Behavioral Therapy

Anger Management

Stress Management

Conflict Resolution

Presentations and Publications

- Algert, K. A., Walker, L. M., Demetri, J. & Tull, J. (2008). Collaborative Case Autopsy. Collaborative Law Spring Conference February 29, 2008
- Walker, L. (2007). Increase Probability of Success by Getting Comfortable with Managing Strong Emotions in Collaborative Divorce. Collaborative Review, Journal of the International Academy of Collaborative Professionals.
- Walker, L. (2006). Parental Repartnering after Divorce: What counselors need to know. St Edward's University, Austin Texas, Invited Speaker, Fall 2006.
- Walker, L. Adolescent Gambling: A New Risk Behavior and Emerging Public Health Problem, Presented at the Child and Adolescent Health Psychology Seminar, The University of Texas at Austin, Department of Health and Kinesiology (Invited Lecturer), Spring, 2005
- Walker L. Pathological Gambling in Adolescence: A Bio-Psycho-Social Perspective, Presented at the Child and Adolescent Health Psychology Seminar, The University of Texas at Austin, Department of Health and Kinesiology (Invited Lecturer), March, 2004
- Anderson, E., Greene, S., Walker, L., Malerba, C., Forgatch, M., & DeGarmo, D. (2004) Ready to Take a Chance Again: Transitions into Dating Among Divorced Parents. Journal of Divorce & Remarriage, 40, 3/4, 6 1-75.
- Peterson, F. Walker, L. Pathological gambling in adolescents: A bio-psycho-social perspective, American Public Health Association Conference, Washington, DC, November, 2004
- Walker, L. & Peterson, F. Sexual risk-taking in young adolescents; Looking at the full picture. International Youth Conference, Kingston, Jamaica, WI, August, 2004.
- Walker, L. (2004). The Young adolescent's interest and intention to engage in sexual risk-taking. Doctoral Dissertation.
- Peterson, F., Walker, L., Jordan, T., Rheinboldt, K., & White. C., & Hodgkinson, M. Evidence-Based Sexuality Education: Moving from Just Say No to Just Say Know. American Public Health Association Conference, San Francisco, CA, November, 2003.
- White, C., Peterson, F., Jordan, T. Walker, L. Improving Teacher Sexual Health Literacy: An Evidence Paradigm for Teacher Training, Presented at the American Association of Sexuality Educators, Counselors, and Therapists Annual Conference, Las Vegas Nevada, June, 2003
- Walker, L., Malerba, C., Smith. M.A., & Anderson, E. Effects of Friend's and Family member's Suicide Attempt on Adolescent Psychopathology: Cross-Sectional and Longitudinal analysis. National Council on Family Relations 64th Annual Conference: Families over the Life Course: Bridging Research and Practice, Houston, TX, November 2 1-24, 2002.
- Rollins, J. & Walker, L. Ethnic and Religious Differences in Adolescent Females' Perceptions of Male and Female Responsibility for Sex and Contraception, American Orthopsychiatry Association Conference, Toronto Canada, March 12-15, 1997.
- Walker, L. Adolescent Sexuality in the Nineties: What every teen should know. Area-wide Health Education Conference, Providence, Rhode Island, March, 1996.
- Walker, L. (1996). Cross-Cultural Look at Young Women's Attitude towards Contraceptive Use. Master's Thesis.

