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Defending Liberty Pursuing Justice

The American Bar Association
Section of Family Law and
The ABA Center for Continuing Legal Education
Present a 90-Minute TeleConference and Live Audio Webcast

Discovery and Admissibility of Mental Health Records in Custody Disputes

Tuesday, March 1, 2005, 12:00-1:30pm EST

Contested custody cases can present a conflict between the court's interest in searching out the truth and a party's right of privacy as recognized by the privilege surrounding one's mental health records. The conflict impacts both parents in dramatically different ways, and impacts the guardian ad litem's ability to evaluate the child's best interests. This program will survey the different approaches adopted by different states to address the conflict, discuss the public policy arguments involved, and provide techniques and arguments to use as an advocate for either parent or the child's best interests.

Participants Will Learn . . .

The scope of the psychotherapist privilege and how the privilege works;

Balancing and discovering the truth and parties right to privacy;

Distinguishing between forensic versus therapeutic communication between the party and the mental health provider; and

Trial advocacy techniques in custody litigation.

Panelists

Hon. Debra H. Lehrmann has seventeen years of judicial experience including four years as an IV-D Associate Judge for all Tarrant County Family Law Courts; nine years as an Associate Judge for the 360th Judicial District of Texas; and this is her fourth year as a District Judge. Lehrmann graduated with high honors from the University of Texas in 1979 and the University of Texas Law School in 1982. Her legal experience includes one year as the lead attorney for the Tarrant County Domestic Relations Office and one year as the director of enforcement. She is an active member of the National Commission on Uniform State Laws (NCCUSL) and the American Bar Association, and has been recognized on numerous occasions for her achievements. Lehrmann is also a frequent lecturer and author.

Carlton D. Stansbury is a shareholder with Burbach & Stansbury S.C. in Milwaukee, Wisconsin. He focuses his practice in family law. He is a board member of the State Bar of Wisconsin Family Law Section and Chair of the Collaborative Family Law Council of Wisconsin, Inc. He is chair of the Finance Committee the ABA Family Law Section and sits on its Council. He is a fellow in the American Academy of Matrimonial Lawyers. He graduated from the University of Iowa College of Law with distinction and then clerked for the Honorable Daniel P. Anderson of the Wisconsin Court of Appeals. He has spoken to audiences throughout the country on child support, spousal support, hot tips, legislation, office management, appellate procedure, social security and QMCSOs. He has published articles in the *Iowa Law Review*, the *Wisconsin Lawyer*, the *Wisconsin Journal of Family Law*, the *New York Domestic Relations Reporter*, the *Family Advocate*, *GPSOLO*, and *American Journal of Family Law.* He is the author of a book titled **The Family Law Practitioner's Guide to Social Security** (American Bar Association 1995). He is a member of the Wisconsin Association of Mediators and the International Academy of Collaborative Professionals.

Moderator

Scott N. Friedman has been practicing Family Relations Law exclusively since 1998. Mr. Friedman is licensed to practice law in the both Ohio and Florida. Mr. Friedman received his Bachelor of Arts from Miami University and his Juris Doctorate from Capital University Law School. Mr. Friedman is a member the Ohio State Bar Association Family Law Committee, and the American Bar Association Section of Family Law. Mr. Friedman serves as an elected member of the American Bar Association Section of Family Law Council, Chair-elect of the Section's CLE Committee, Chair of the Scope and Correlation Committee and as Vice-Chair of the Trial Practices Techniques Committee.

TeleConference/Live Audio Webcast Tuition

$**85** for **Section of Family Law Members**; $**125** for ABA Members; $**150** for all other registrants. Additional registrants who use the same phone line pay only **$60.** All participants must be registered for the program. Cancellations and requests for refund will be honored on the following basis: 2 business days or more, 100% refund; 1 business day or less, 100% refund *minus* a $25 administrative fee. Substitute registrants are welcome. Scholarship applications are available upon request. Written confirmations of refund must be received within 14 days of the teleconference. *States Not Accrediting ABA TeleConferences: DE, IN, PA, KS, OH*

Unable to Participate? **The complete program is available on audio CD (Ref.# T05DAMC) and audio tape (Ref.# T05DAMA) to order, $150, plus $17.95 domestic s/h. Illinois residents, add 8.75% sales tax; District of Columbia residents, add 5.75% use tax; Maryland residents, add 5 % sales tax, before including s/h. Shipping/handling charges subject to change without notice).**

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Online: **www.abanet.org/cle/programs/t05dam1.html**

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