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# ACFLS

ASSOCIATION OF CERTIFIED FAMILY LAW SPECIALISTS

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REPLY TO:

Diane Wasznicky, President or  
Lynn Pfeifer, Executive Director

August 1, 2011

Daniel J. Jaffe  
Bruce A. Clemens  
William S. Ryden  
Jaffe and Clemens  
433 North Camden Drive  
Beverly Hills, CA 90210

Re: *In re the Marriage of Valli*

Gentlemen:

I write as ACFLS President on behalf of the ACFLS Board of Directors in response to your July 21 letter to Leslie Ellen Shear, co-chair of the ACFLS Amicus Committee.

ACFLS will post your letter to the ACFLS blog, along with a copy of this letter, and a copy of the amicus letter that we intend to submit to the California Supreme Court in this matter.

Before receiving your letter, members of the Amicus committee obtained, and considered a copy of the Answer that you have filed in the California Supreme Court, along with a copy of Mr. Dailey's reply.

When the *Valli* decision was published, members of the committee as well as other members of the organization expressed concerns about the holding. Amicus committee member Dawn Gray posted a review of the decision on the ACFLS blog, and the case provoked considerable discussion. The amicus committee is comprised of appellate lawyers, present and former family law academics, and other members with a scholarly bent.



Daniel J. Jaffe  
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Subsequently, the amicus committee received a copy of the Petition for Review, together with a request that the organization consider submitting a letter supporting review. The co-chairs of the amicus committee distributed the opinion, Dawn's blog post, the amicus letter request, and the Petition for Review to the Committee. The email to the committee noted that at the Petition for Review stage, the focus is on whether the case presents important issues of law, whether review would resolve a conflict between the district court of appeals, whether the particular case is a good vehicle for considering those issues, and how the issues for review should be framed. The chairs instructed the committee that an amicus letter at this stage should take no position on how the case should be decided if review is granted.

The discussion focused almost entirely on the opinion itself, and on Dawn's blog rather than the contents of the Petition for Review. At the time that the committee was considering the issue, the Answer had not yet been filed. The Executive Committee meets monthly, and the amicus committee works hard to get recommendations to the Executive Committee in advance of those meetings.

At the same time that the committee discussed whether to support review, they also discussed whether to seek depublication. By vote of the committee, a recommendation was made to the Executive Committee to do nothing on depublication, and to prepare a letter in support of review. The Executive Committee adopted that recommendation.

The committee then assigned the task of preparing a first draft, circulated the Answer and the Reply and is in the process of editing the final version of a letter in support of review. If the Answer had persuaded the committee to recommend a change in position, it would have made that recommendation to the Executive Committee rather than going forward.

If Review is granted, the committee will welcome requests from both sides about possible ACFLS involvement as amicus, and will (as always) consider the briefs filed by each side. In many cases we file an educational brief that does not take an outcome position. We never take a position with respect to the individual litigants – our focus is on the development of family law in our state.

We value your membership, invite you to consider greater participation in ACFLS's committees, and look forward to hearing from you if review is granted in this matter.

Sincerely

  
DIANE WASZNICKY, CFLS  
ACFLS President 2011-2012