



New Jersey Family Lawyer

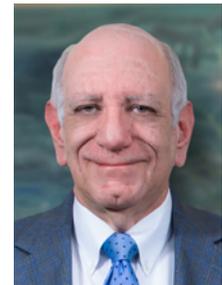
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Moderator's Column **The Family Law Symposium: An Overview and Brief History**

By *Frank A. Louis*

The Family Law Symposium has been the premier educational event presented by the NJSBA Family Law Section. While most lawyers know about the Symposium, they are unfamiliar with its history. The Symposium, as we now know it, is dramatically different than it was when it began. At first, it was just another ICLE seminar which simply added the word "Symposium." There was nothing unique or special about the "Symposium" in its early days except it had a title. Now it has become an essential event that not only brings family lawyers from across the state together, but also provides a platform for the exploration of new legal concepts and helps develop our law. More family lawyers attend the Symposium than any other family law event. Originally, ICLE ran the Symposium, with the Family Law Section only working as an adjunct with ICLE. The Symposium is now organized and controlled by the Family Law Section, with ICLE only being an administrator. It belongs to all of us. Before COVID-19 reduced attendance, the Symposium had reached the point where approximately 700 lawyers attended each year. At one time, the Symposium held the record for the highest attendance for any ICLE seminar. It was not simply a seminar; it was an event not to be missed.

Looking at what the Symposium has become, one might be surprised at its modest beginnings. Initially, the Symposium was not even conducted annually. The first Bi-annual Family Law Symposium took place in 1980. There were six speakers: David Ansell, Albert Cohen, Tom Forkin, Lee Hymerling, Gary Skoloff and Judge Thomas P. Zampino, (Ret.), then a partner as well as Chair of the Family Law Section. The topics reflected what was happening in the practice. While important, they did not present issues designed to change the law; they simply discussed the law. There were articles about *Lepis v. Lepis*,¹ which had



just been decided; an analysis of how to deal with the legal issues associated with *Tevis v. Tevis*;² and general issues concerning motion practice. None of the topics were particularly unique. It was a seminar with an ambitious name that was not even presented each year. Unlike today, the Symposium was then presented in four locations: Saddle Brook, Cherry Hill, Newark and Woodbridge, and on four separate dates over several months. Despite being characterized as the Bi-annual Symposium, it did not take place every two years. To be sure, there appears to have been a break, as the Third Bi-annual Family Law Symposium took place in 1986 (not 1984) and at two locations: Fairfield and Cherry Hill. The speakers at the Third Symposium were Larry Cutler, Forkin, Hymerling, Skoloff, Ed Snyder, Judge Katharine Sweeney Hayden (not yet appointed to the bench) and Judge Zampino, who was still a practicing attorney. Barry Croland spoke Fairfield, while I spoke in Cherry Hill.

Notably, the First Symposium had no female panelists. Judge Sweeney Hayden was the first woman to speak at a Symposium. At that time, she was a prominent matrimonial lawyer before she ascended to the federal bench. Interestingly, Judge Sweeney Hayden made a cameo appearance at the 1998 Symposium. In other years we had Supreme Court Justices appear, including Justice Virginia Long (Ret.) and Justice Roberto A. Rivera-Soto (Ret.). Now, quite properly, there is no shortage of female speakers, but in early years the Symposium, like the Tischler Award, had serious gender diversity issues. Today, fortunately, there is a greater balance of gender diversity. In 1998 the Symposium became an annual event; that has continued through the present.

At the first few Symposiums there wasn't a moderator, but that changed in 1989 when the Chair of the Section became the moderator. That continued on a rotating basis until 1995 when I became the moderator, and I continued as moderator for the next 19 Symposiums. One of staples added to the Symposium in the late '90s was the presentation of the 10 most important family law cases each year, a session led annually by John P. Paone, Jr. Paone has ably opened the Symposium with this topic now for approximately 25 years. As attendance increased, the Symposium moved to the New Jersey Law Center, then the Sheraton on Route 1 in Iselin and, ultimately, to its present location at the Hyatt Regency in New Brunswick.

At some point, Judge Lawrence M. Maron, who then was head of ICLE, expressed concern as to what would happen if there was a snowstorm (noting that the annual

Symposium was regularly held at the end of January). Fortunately, over the years, the weather never presented a serious problem, although there were some close calls. Judge Maron suggested that if we started a Friday night program, there would always be a core of people who could attend Saturday in the event of a weather event. Another excellent decision was my selection of John DeBartolo to run the Friday night program. He has done an excellent job, presenting a different approach and having a single theme for the Friday night.

As the Symposium developed, the nature of the presentations changed. It was the goal to identify a mix of cutting-edge topics with practical presentations. Around 1994, the Symposium panel addressed and questioned the validity of fair market value as the proper legal standard to value assets – an issue I repeatedly raised over the years and which remains unresolved. The *Grange* rule was criticized in 1998, which helped to end the rigid approach to the sale of assets *pendente lite* and which ultimately led to R.5:3-5(c) allowing assets to be used to fund ongoing litigation.

The Symposium has also given birth to many ideas that have been engrained or statutorily adopted in our practice. In 1988, I advanced the idea of term alimony, a concept which ultimately led to the adoption of limited duration alimony. How theoretical tax consequences should be treated was clarified when the Appellate Division ultimately adopted the principles advanced at the Symposium.³ Madeline Marzano-Lezneovich's comprehensive article on college has also been cited frequently by courts. In *Fatorre v. Fattore*,⁴ the Appellate Division referenced spousal duty as a part of our law – a concept first advanced at the Symposium.

Over the years, there were different teaching approaches. In lieu of individual talking heads, debates were tried for several years and, while interesting, have not continued. Panel discussions were introduced with mixed success since, at times, in lieu of interactive discussions, we had multiple talking heads. The Symposium works best when there is interaction between the panelists which, in a long day, is sometimes necessary, but is also an effective teaching technique. The Symposium, like the law we discuss, is not stagnant. Both change over time. We must always use the Symposium not just to teach what the law is and what the law should be. This is both an opportunity and a responsibility, and it is what makes the Symposium unique. Yet, most importantly, were it not for the participation of family

lawyers, the Symposium might only be another seminar. With thanks to all family lawyers, the New Jersey Family Law Symposium has become not only the most important teaching event family lawyers have, but the most important ICLE Seminar ever presented.

The purpose of this issue of the *New Jersey Family Lawyer* is to put in one place the Tables of Content of all annual Family Law Symposiums for the last 24 years from 2000-2023. We hope that this issue can serve as a readily accessible resource to family law practitioners. How many times have we gone to the Symposium and heard at least a half dozen critical legal points that were useful in pending cases? How many times would we all like to be able to easily have a resource that reminds us of what topics were discussed at the past Symposiums so they could be used in our practice? We have limited the Table of Contents contained herein to the last 24 years for two reasons: first, due to page limits of this publication, and second because we envision that the last 24 years are the most useful for current practitioners. We hope this issue of *New Jersey Family Lawyer* is kept in your office for future reference. ■

Frank A. Louis is a former chair of the Family Law Section, a Tischler Award Winner, author of over 75 articles and was selected as No. 1 by the Super Lawyers. He is the co-author with Sheryl J. Seiden of the treatise New Jersey Family Law Volume II: Divorce, Alimony & Property Division.

Endnotes

1. 83 N.J. 139 (1980).
2. 79 N.J. 422 (1979).
3. *Orlger v. Orgler*, 237 N.J. Super. 342 (App. Div. 1989) citing a Symposium article.
4. 458 N.J. Super. 75 (2019).

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The NJSBA Family Law Symposium, 2000-2023

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