



"Respecting Accuracy in Domestic Abuse Reporting"

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May 29, 2008

William H. Neukom, President
American Bar Association
321 North Clark Street
Chicago, IL 60610

RE: Errors and Falsehoods in Commission on Domestic Violence Flyer

Dear Mr. Neukom:

I am an attorney and the vice president of RADAR (Respecting Accuracy in Domestic Abuse Reporting), a non-profit, non-partisan organization of men and women established in 2005 that works to improve the effectiveness of our nation's approach to solving domestic violence.

It has come to our attention that the website of the American Bar Association currently posts and offers for sale in the form of 8½ x 11 laminated cards a two-page flyer developed by the ABA Commission on Domestic Violence entitled "10 Myths about Custody and Domestic Violence and How to Counter Them." The stated purpose of the flyer is to assist "attorneys who represent victims of domestic violence in custody matters" who "often encounter ... false claims" by providing "facts and statistics for use in litigation" that counter the "myths."

But according to the two enclosed reports – "Myths of the ABA Commission on Domestic Violence: Summary Report" and "Myths of the ABA Commission on Domestic Violence: Detailed Findings" – half of the statements purported to be myths are either misleading or not myths at all, and 17 of the 19 "facts" provided by the flyer are unsupported, misleading, or false.

Among the "facts" found to be false are the following claims:

- "Child sexual abuse allegations in custody cases are rare (about 6%), and the majority of allegations are substantiated (2/3)."
(TRUTH: While allegations of sexual abuse made in divorce actions are indeed rare, they are substantiated only one third of the time.)
- "False allegations are no more common in divorce or custody disputes than at any time."
(TRUTH: According to the best available research, rates of false allegations increase four-fold during custody and access disputes.)
- "Allegations of domestic violence have no demonstrable effect on the rate at which parents are awarded custody of their children, nor do the allegations affect the rate at which parents are ordered into supervised visitation. (i.e., abused with unsupervised custody and visitation at the same rate as non-abusers.)"

May 29, 2008
Page Two

(TRUTH: A study that examined 393 custody and/or visitation orders entered by 60 judges in six states found that in states with a presumption against awarding custody to abusers, judges were more likely to award sole legal and physical custody to mothers.)

Overall, the statements contained in the flyer “represent a profound distortion of truth,” the first report concludes. “Under the guise of exposing myths, the American Bar Association has lent the imprimatur of legitimacy to numerous falsehoods about domestic violence, child abuse, and custody.”

The flyer contains a standard disclaimer: “The views expressed herein have not been approved by the House of Delegates of the ABA Board of Governors of the American Bar Association except where otherwise indicated, and accordingly, should not be construed as representing the policy of the American Bar Association.” Nevertheless, the ABA logo appears at the top of the flyer and, as noted above, the ABA posts and sells the flyer on its website.

To assure that the ABA combats rather than promotes custody and domestic violence misconceptions, we request that the ABA end all sales of the flyer and remove it from its website until the numerous factual errors and misrepresentations can be corrected.

For your convenience, I’ve enclosed a copy of the flyer. If you have any questions or comments, I can be reached at dheleniak@mediaradar.org and at 973-538-1230.

We look forward to receiving your response by July 11, 2008.

Thank you for your attention.

Very truly yours,

David N. Heleniak, Esq.

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