

## **Dana E. Prescott, JD, MSW, PhD**

Prescott, Jamieson, & Murphy Law Group, LLC  
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### **PROFESSIONAL EMPLOYMENT**

**Partner**, Prescott, Jamieson, & Murphy Law Group, LLC, Saco, ME (1988-present).

- Trial lawyer with extensive experience in complex litigation, including divorce, non-married partnerships, economic valuations, spousal and child support, child custody, de facto parenting and grandparents, domestic violence and abuse, constitutional and civil rights, economic misconduct, and civil tort and business cases.
- Comprehensive experience with alternative dispute resolution methods, such as mediation, references, arbitration, and judicial settlement conferences.
- Appellate practice, including preparation of briefs and oral argument.
- Court-Rostered Guardian ad litem (2009).
- Completed certificate program for Parent Coordination (2009).

**Associate**, Smith & Elliott, P.A., Saco, ME (1983-1988).

### **EDUCATION**

**PhD**, Simmons College Graduate School of Social Work, Boston, MA (2009-2014).

- Dissertation: *Clinical Social Workers and the Judicial System: Toward an Understanding of the Experience of Becoming and Being an "Expert."*

**MSW**, Boston College School of Social Work, Chestnut Hill, MA (2002-2005).

**JD**, Vermont Law School, South Royalton, VT (1980-1983).

**BA**, Western New England College, Springfield, MA (1977-1980).

- Major: Psychology; Massachusetts Teacher Certification (Grades 7-12, Social Studies, 1980, not current).

Lemoyne College, Syracuse, NY (1976-1977, transferred).

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## LICENSURES

**Licensed Attorney in Maine and Massachusetts**, State and Federal Courts (1983-present).

**Licensed Master Social Worker (LMSW)**, License #LM10173 (2005-present).

## TEACHING EXPERIENCE

**Adjunct Faculty, Simmons College Graduate School of Social Work**, Boston, MA (2011-present).

- Integrating Public Policy Issues and Outcomes [PhD], SW670-01 (Spring, 2015).
- Advocacy and Social Action [MSW], SW523 (Summers 2012, 2013, 2014, 2015, 2016).
- Social Policy and Services [MSW], SW401 (2011-2016).
- Social Policy and Services [MSW, on-line], SWO401(Summer and Fall, 2014).
- Course Lead, MSW online policy courses (Summer and Fall, 2014).

**Adjunct Faculty, Boston College School of Social Work**, Chestnut Hill, MA (Spring, 2015-2017).

- Social Welfare System [MSW] SCWK7701 [2 sections].

**Adjunct Faculty, Boston University School of Social Work**, Boston, MA (Summer, 2014).

- Family Law and Children's Rights [MSW], WP710.

**Adjunct Faculty, Salem State University School of Social Work** (2014-2015).

- Community Practice [MSW]. SWK 706 (Spring, 2015).
- Child, Youth, and Family Policy [MSW], SWK 833 (Spring, 2014).

**Paralegal Course Instructor, York County Community College**, Wells, ME (2002-2006).

## SELECTED PUBLICATIONS

### Books

**Prescott, D.E.**, & Jamieson, N.D. (2015). *Divorce in Maine: The legal process, your rights, and what to expect*. Omaha, NE: Addicus Books, Inc.

**Prescott, D.E.** (2001). *Maine family law forms: Discovery, trial and settlement* (3rd ed.) (Michie-Butterworth 1993 & Supplements 1994-1997). Newark, NJ: Lexis/Nexus Law Publishing.

**Prescott, D.E.** (1997). *The Hydra hypothesis: Litigating the minefield of allegations of abuse, chronic interference and the rights of children*. Portsmouth, NH: Peter Randall Press.

## Dana E. Prescott, JD, MSW, PhD

### Articles

**Prescott, D.E.** (2016). The New Phoenix: Maine's innovative standards for Guardians ad Litem, *Maine Law Review* (forthcoming).

**Prescott, D.E.** (2016). Forensic experts and family courts: Science or privilege-by-license?, *Journal of the American Academy of Matrimonial Lawyers*, 28, 521-552.

Fadgen, T., & **Prescott, D.E.** (2016). Do the best interests of the child end at the Nation's shores?: Immigration, state courts, and children in the United States?, *Journal of the American Academy of Matrimonial Lawyers*, 28, 359-390.

**Prescott, D.E.** (2014). Inconvenient truths: Facts and frictions in defense of guardians ad litem for children. *Maine Law Review*, 67, 43-71.

**Prescott, D.E.** (2014). Brief parent education programs in the family courts: A good faith human experiment but does it work? *Journal of Social Science for Policy Implications*, 2(1), 31-57.

**Prescott, D.E.** (2013). The Supreme Court in UNITED STATES V. WINDSOR: Why the "death" of fungible federalism after a century of convenience? *Journal of the American Academy of Matrimonial Lawyers*, 26, 701-727.

**Prescott, D.E.** (2013). Book Review: The modern "world" of families sure is flat and noisy. *Journal of the American Academy of Matrimonial Lawyers*, 26, 101-124.

**Prescott, D.E.** (2013). Social workers as "experts" in the family court system: Is evidence-based practice a missing link or host-created knowledge? *Journal of Evidence-Based Social Work*, 10(5), 466-481.

**Prescott, D.E.** (2012). Judicial decision making, personality theory, and child custody conflict: Can heuristics better predict a difference between parents who do and those who don't? *Whittier Journal of Child and Family Advocacy*, 11(2), 185-222.

Steinfeld, S. M., & **Prescott, D.E.** (2012). After Brenda and Eddie divorce, Eddie files for bankruptcy: The unusual life of defalcation under BAPCPA. *Journal of the American Academy of Matrimonial Lawyers*, 25(1), 57-86.

**Prescott, D.E.** (2011). Book Review: "Here come da family court judges." *Journal of the American Academy of Matrimonial Lawyers*, 24(2), 505-525.

**Prescott, D.E.** (2010). The AAML and a new paradigm for "thinking about" child custody litigation: The next half century. *Journal of the American Academy of Matrimonial Lawyers*, 24(1), 107-146.

**Prescott, D.E.** (2010). Complexity theory as a conceptual construct for understanding client change. *Perspectives on Social Work*, 8(2), 11-15.

**Prescott, D.E.** (2010). Judicial settlement conferences in domestic relations practice: Traps for unwary (and weary). *Maine Bar Journal*, 23(3), 125-132.

**Prescott, D.E.** (2009). Unified family courts and the modern judiciary as a "street level bureaucracy": To what end from the "mythical role" of judges in a democracy? *Quinnipiac Law Review*, 27, 55-112.

## Dana E. Prescott, JD, MSW, PhD

- Prescott, D.E.** (2008). COSAs and psychopharmacological interventions: Informed consent and a child's right to self-determination. *Journal of Law and Family Studies*, 11(1), 97-112.
- Prescott, D.E.** (2007). The act of lawyering and the art of communication: An essay on families-in-crisis, the adversarial tradition, and the social work model. *Legal Ethics*, 10(2), 176-192.
- Prescott, D.E.** (2007). Consent decrees, the Enlightenment, and the "modern" social contract: A case study from Bates, Olmstead and Maine's Separation of Powers Doctrine. *Maine Law Review*, 59, 76-110.
- Prescott, D.E.** (2005). When co-parenting falters: Parenting coordinators, parents-in-conflict, and the delegation of judicial authority. *Maine Bar Journal*, 20(4), 240-247.
- Prescott, D.E.** (2005). Chronic conflict parents and group therapy as a means of intervention: A preliminary proposal. *Social Work with Groups*, 28(1), 81-96.
- Prescott, D.E.** (2004). Child protection: Kinship and family group conferencing. *Maine Bar Journal*, 19(3), 140-148.
- Prescott, D.E.** (2003). Biological altruism, splitting siblings, and the judicial process: A child's right to constitutional protection in family dislocation. *University of Missouri at Kansas City Law Review*, 71, 623-657.
- Prescott, D.E.** (2003). Interim attorneys' fees and expert "costs": Ask and your client may receive. *Maine Bar Journal*, 18(1), 40-47.
- Prescott, D.E.** (2000). The Guardian ad litem in custody and conflict cases: Investigator, champion, and referee? *University of Arkansas at Little Rock Law Review*, 22, 529-564.
- Prescott, D.E.** (2000). Parental conflict and the appointment of referees in child custody cases. *Maine Bar Journal*, 15(1), 44-48.
- Prescott, D.E.** (1999). Machiavelli and a unified theory of parental responsibility: A proposed statute. *St. Thomas Law Review*, 12, 95-155.
- Prescott, D.E.** (1996). Responsibility for children: Equitable distribution, alimony and chaos. *Maine Bar Journal*, 11(1), 22-28.
- Prescott, D.E.** (1995). Guardians ad litem: Defenses to tort claims. *Fairshare*, 15(1), 11-16.
- Prescott, D.E.** (1993). The liability of lawyers as guardians ad litem: The best defense is a good offense. *Journal of the American Academy of Matrimonial Lawyers*, 11, 65-116.
- Prescott, D.E.** (1993). Family law financial forms, and floundering federalism. *Maine Bar Journal*, 8(3), 156-161.
- Prescott, D.E.** (1991). Post-judgment modification in divorce: From best interests to repose. *Maine Bar Journal*, 6(1), 12-21.
- Prescott, D.E.** (1989). The constitutionality of Maine's protection from abuse act (and other matters). *Maine Bar Journal*, 4(5), 264-270.
- Prescott, D.E.** (1987). Workers compensation, substance abuse, and safety in the working place: A proposal. *Maine Bar Journal*, 2(2), 100-104.

## **Dana E. Prescott, JD, MSW, PhD**

**Prescott, D.E.** (1987). Educational support for children of divorces beyond the age of majority: A need for reform. *Maine Trial Practice*, 3, 54-57.

**Prescott, D.E.** (1986). Economic fairness and divorce: A professional degree as marital property in Maine. *Maine Trial Practice*, 2, 58-60.

**Prescott, D.E., & Kundin, C.L.** (1985). Toward a model parent liability act. *California Western Law Review*, 20, 187-217, reprinted in National Safety Center (1985). *School Safety Legal Anthology*. Sacramento, CA: Pepperdine University Press.

### **SELECTED PRESENTATIONS AND PANELS**

Interventions for Parental Conflict: Tying ‘em All Down in a Procrustean Bed? AAML Pre-Conference, Chicago, Ill (November, 2016).

Ethical Duties and Immunity: Why the Appointment Order Matters?, GAL Core Training, Maine State Bar Association [MSBA]/Maine Judicial Branch, Augusta, ME (October, 2016).

Evaluations and Testing in Child Custody: Wozzles or Science-by-Privilege? AAML Boston Chapter, Boston, MA (September, 2016).

Attracting the Good Juju: Ethics in Adoption and ARTS-Evaluating Decisions made in Adoption and ARTS, What Duties Owed and Whose Interests Served? American Academy of Adoption Attorneys, New Orleans, LA (September, 2016).

From the Nuremberg Code to the APA’s Hoffman Report: Forensic Experts and “Do No Harm”?, National Organization of Forensic Social Work, New Orleans, LA (June, 2016).

Ethics and the New Role of the GAL, The Brave New World of GALs for Lawyers and Courts (and GALs), MSBA/York Bar Association [YBA], Saco, ME (April, 2016).

The New GAL Rules: Ethical Practices and Report Writing for Children and Courts, Child Protection Conference: Trauma in the Rearview Mirror: Closer than it may Appear, South Portland, ME (April, 2016).

From the Nuremberg Code to the APA's Hoffman Report: Forensic Experts and "Do No Harm"?, American Psychology-Law Society, Division 41 of the American Psychological Association, Atlanta, GA (March, 2016).

Invited Lecture, Harvard T. H. Chan School of Public Health, SBS222, Social Services for Children, Adolescents, and Families Issues in Maternal Health, Families: Getting Off to the Right Start, Boston, MA (February, 2016).

Writing a GAL Report: Best Practices, GAL Core Training for Court Rostering, MSBA, Bangor, ME (October, 2015).

## **Dana E. Prescott, JD, MSW, PhD**

GALs and Best Practices for Lawyers under the New Laws and Rules: Better for Clients (and Resistance is Futile), Family Law Institute, MSBA, Augusta, ME (September, 2015).

The Ethics of Being an Expert: Science-by-Licensure or Science-by-Bacon, National Organization of Forensic Social Work, Arlington, VA (August, 2015).

Group Parenting Training: Does it Really Reduce Child Custody Conflict? The Excite Annual Symposium of the International Association for Social Work with Groups, University of North Carolina, Chapel Hill, NC (June, 2015).

Guardian ad Litem as Investigator and Expert: New Roles and New Rules, Maine Guardian ad Litem Institute, Freeport, ME (June, 2015).

Invited Lecture, Harvard T. H. Chan School of Public Health, SBS246, Issues in Maternal Health, Policy Systems, and Environmental Interventions, Boston, MA (March, 2015).

GAL Training and Continuing Education Seminars, Maine, Guardian ad Litem Institute, Rockport, Houlton, Waterville, Lewiston, ME (October, 2014).

Forensic Social Workers as Expert Witnesses: Do the Courts as a Host Environment Warp Social Work Values and Ethics?, National Organization of Forensic Social Work, Fordham University, NY (July, 2014).

The Elimination of GALs and the Silencing of a Voice for Children: What Lawyers Need to Know, MSBA, Summer Bar Meeting, Rockport, ME (June, 2014).

The New Guardian ad Litem Statute: History and Policy, MSBA, Bangor, ME (June, 2014).

Intensive Group Parenting Education Programs and Parental Conflict: What Works and Why?, The XXXVIth Annual Symposium of the International Association for Social Work with Groups, Calgary, Alberta, Canada (June, 2014).

Annual Training Seminar, Maine Guardian ad Litem Institute, Hallowell, ME (May, 2014).

Getting from “No Way” to “OK”: Divorce Professionals Share their Secrets for Successfully Working with Families in Conflict. Kids First Center Annual Conference, Freeport, ME (2013).

Underemployment and Imputed Income in Child Support Cases in New England. American Academy of Matrimonial Lawyers [AAML]: New England Chapter. Boston MA (2013).

The Perils of Virtual Venom. Kids First Center Annual Conference, Freeport, ME (2012).

Income Manipulation and Child Support: Whining is not Winning. YBA/MSBA, Saco, ME (2012).

Parenting Coordination: A New Tool in the Family Court Toolbox. MSBA, Portland, ME (2012).

Ethics, Values, and Best Practices for School Social Workers. Portland School Social Workers, Portland, ME (2011).

The Act and Art of Negotiation. Family Law Institute, MSBA, Augusta, ME (2011).

Judicial Settlement Conferences. District Court Bench Bar Conference, MSBA, Augusta, ME (2010).

A Critical Perspective: How Mental Health Providers View Lawyers and the Courts. MSBA, Saco, ME (2010).

Drafting Tighter Agreements and Judgments in Family Law. MSBA, Freeport, ME (2010).

## **Dana E. Prescott, JD, MSW, PhD**

So You Want To Be a Guardian Ad Litem: Ethical Conundrums for the Social Worker. NASW-Maine Chapter, Rockport, ME (2010).

The Ethical and Legal Issues You Didn't Learn in Social Work School: A Minor's Right to Autonomy, Confidentiality, Informed Consent and Privilege. NASW-Maine Chapter, Portland, ME (2009).

The New Family Law Rules: Best Practices and Common Problems Encountered from Pre-Trial, Trial and Post Judgment Phases, YBA/MSBA. Wells, ME (2009).

Highly Challenging Clients: Axis II and What Do You Do? Kids First Annual Conference, Freeport, ME (2008).

Parental Rights and Responsibilities and the Ethics of Confidentiality. NASW: Maine Chapter, Rockport, ME (2008).

Hot Tips for Family Law Lawyers, Family Law Institute. MSBA, Augusta, ME (2006).

Who Made You Boss? Thoughts About the Third Branch in a Democracy. New England Bar Association [NEBA], Boston, MA (2005).

The "Civil Practice" of Law, Bridging the Gap. MSBA (2004).

Constitutional Law: An Up-date. NEBA, Norwich, CT (2004).

Family Law and District Court Practices. MSBA (2003).

Multi-Jurisdictional Bar Admissions, NEBA. Providence, RI (2003).

Underreporting of Income and Support. YBA/MSBA (2003).

Trial Practice and Family Law. MSBA (2002).

The Role of the Guardian ad Litem in Conflict and Custody Cases. The Ben J. Altheimer Symposium, University of Arkansas School of Law at Little Rock, Little Rock, AR (1999).

New Developments in Family Law. MSBA (1997).

The Impact of Federal Law on Domestic Relations Practice: A New England Perspective. Massachusetts MA Chapter of AAML, Boston, MA (1995).

A Guide to the Financial Issues Facing Your Family Law Practice. MSBA (1995).

The Pro Bono Lawyer: Child Support - Interstate, Military and Tribal Issues. MSBA (1994).

Family Law: Advocacy - Pleadings, Practice and Discovery. MSBA (1993).

Child Support Guidelines Workshop. MSBA (1993).

Grandparents and Extended Family Custody, Parenting Alternatives. MSBA (1993).

Children and Divorce, American Academy of Adolescent Psychiatrists. Washington, DC (1992).

Families and Tort Actions in the 1990's. Maine Trial Lawyers Association (1992).

Updated Rule 80: Explanation at Managing a Family Law Practice. MSBA (1992).

Emerging Issues in Domestic Practice. MSBA (1991).

Criminal Violation of Maine's Protection from Abuse Act. MSBA (1990).

## **Dana E. Prescott, JD, MSW, PhD**

Economic Issues in Divorce. MSBA (1990).

### **SELECTED PROFESSIONAL SERVICE**

**Guardian ad Litem Review Board**, Maine Board of Overseers of the Bar, appointed Chair by Maine Supreme Judicial Court (2015-present).

**Board of Directors**, Kids First, Portland, ME (2015-present).

**Board of Directors**, Caring Unlimited, York County's Domestic Violence Program (2004-present).

**Fellow**, American Academy of Matrimonial Lawyers (1990-present; Board of Editors, Journal of the AAML, 2009-present; Co-Chair, Legislation Committee, 2012-present).

**Fellow**, International Academy of Matrimonial Lawyers (2010-present; Delegate to US/Canada Board 2016-present).

**Board of Directors**, Maine Guardian ad Litem Institute (2013-2015).

**Member**, Fee Arbitration Commission, Maine Board of Overseers of the Bar (2007-2013; Chair, Panel I, 2011-2013).

**Member**, Saco Bay Rotary Club (1991-1997; 2005-present).

**Member**, Task Force on Electronic Court Record Access (2004-2005).

**Member**, Justice Action Group, Legal Service Providers of Maine (2002-2005; JAG's Leadership Development Group (2006-2007).

**Board of Governors**, Maine State Bar Association (1993-2005; President, 2004; President-Elect 2003; Second Vice-President, 2002; Third Vice-President, 2001; Treasurer, 2000).

**Director**, New England Bar Association (1994-2002; President, 2001-2002; Vice-President, 2000-2001).

**Member**, Tri-State Commission on Bar Admissions (1998-2000).

**Family Law Section**, Maine State Bar Association (Chair 1993-1994; Vice-Chair 1991-1993).

**Member**, Advisory Committee on the Maine Rules of Civil Procedure (1990-1999).

**Member and Reporter**, MSBA Committee on the Unauthorized Practice of Law (1997-1998).

**Maine State Bar Association** (1983-present).

**Massachusetts Bar Association** (1983-present).

**York Bar Association** (1987-present; Executive Committee 1990-1994; President, 1993-1994; Interim President, 2014-2016).



# **Dana E. Prescott, JD, MSW, PhD**

## **AWARDS**

Family Law Section Achievement Award, MSBA (2016).

Charles Walter Smith Jr. Award, York Bar Association (2010).

Maine Bar Foundation and Volunteer Lawyers Project Pro Bono Publico Award, Most VLP Family Law Cases accepted by an Attorney (2010).

Paul Harris Fellow, Rotary Foundation of Rotary International, Saco Bay Rotary (2003).

## **SELECTED APPELLATE CASES**

Estate of Hall, 86 A.3d 596, 2014 ME 10

Weston v. Weston, 40 A.3d 934, 2012 ME 50

Laqualia v. Laqualia, 30 A.3d 838, 2011 ME 114

Dewhurst v. Dewhurst, 5 A.3d 23, 2010 ME 99

Lund v. Lund, 927 A.2d 1185, 2007 ME 98

Morin v. Lundrigan, 916 A.2d 202, 2007 ME 37

Lawrence v. Webber, 894 A.2d 480, 2006 ME 36

Raisen v. Raisen, 896 A.2d 268, 2006 ME 49

Lewis v. Lewis, 817 A.2d 867, 2003 ME 26

Lyon v. Lyon, 728 A.2d 923 (Me. 1998)

Harriman v. Harriman, 710 A.2d 923 (Me. 1998)

Miller v. Miller, 677 A.2d 64 (Me. 1997)

Sargent v. Sargent, 691 A.2d 184 (Me. 1997)

Sargent v. Sargent, 677 A.2d 528 (Me. 1996)

Mariello v. Giguere, 667 A.2d 588 (Me. 1995)

Lewellyn v. Bell, 635 A.2d 945 (Me. 1993)

Scott v. Little, 617 A.2d 1025 (Me. 1992)

First NH Banks Granite State v. Scarborough, 615 A.2d 248 (Me. 1992)

Donn-Griffin v. Donn, 615 A.2d 253 (Me. 1992)

Jones v. Jones, 611 A.2d 575 (Me. 1992)

Gerber v. Peters, 584 A.2d 605 (Me. 1990)

Rogers v. Sylvester, 570 A.2d 311 (Me. 1990)

Anuszewski v. Jurevic, 566 A.2d 742 (Me. 1989)

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Roy v. Danis, 553 A.2d 663 (Me. 1989)

Kennebunk Savings Bank v. West, 538 A.2d 303 (Me. 1988)

Town of North Berwick v. Jones, 534 A.2d 667 (Me. 1987)

Inniss v. Methot Buick-Opel, Inc., 506 A.2d 212 (Me. 1986)

Fitzpatrick v. Greater Portland Public Dev. Com'n., 495 A.2d 791 (Me. 1985)

In re Simone S., 474 A.2d 500 (Me. 1984)