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**WRITTEN TESTIMONY ON BEHALF OF THE  
PENNSYLVANIA COUNCIL OF MEDIATORS (PCM)  
BY JUDY SHOPP, ESQUIRE  
POLICY CHAIR OF THE COUNCIL  
PENNSYLVANIA HOUSE JUDICIARY COMMITTEE  
HEARING ON SENATE BILL 432  
AUGUST 29, 1995**

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, MY NAME IS JUDY SHOPP. I AM THE POLICY CHAIR OF THE PENNSYLVANIA COUNCIL OF MEDIATORS. THE PENNSYLVANIA COUNCIL OF MEDIATORS IS AN ACTIVE PROFESSIONAL ASSOCIATION OF PUBLIC POLICY, COMMUNITY AND FAMILY MEDIATORS IN PA. IT DEVELOPS STATEWIDE POLICES SUPPORTING MEDIATION, PROMOTES COOPERATIVE CONFLICT RESOLUTION THROUGH PUBLIC EDUCATION AND TECHNICAL ASSISTANCE, AND MAINTAINS A SUPPORT AND INFORMATION NETWORK AMONG ITS MEMBERS. OUR DIRECTIVE TODAY WAS TO DISCUSS MEDIATION IN GENERAL AND S.B. 432 SPECIFICALLY.

**MEDIATION IS A PROCESS IN WHICH A NEUTRAL THIRD PARTY, THE MEDIATOR, ASSISTS TWO OR MORE DISPUTANTS TO REACH A VOLUNTARY, NEGOTIATED SETTLEMENT OF THEIR DIFFERENCES. THE PROCESS IS UNLIKE ARBITRATION OR**

LITIGATION IN THAT THE MEDIATOR DOES NOT IMPOSE A RESOLUTION ON THE PARTIES; RATHER, THE MEDIATOR PROMOTES COMMUNICATION, EXPLORES THE PARTIES' INTERESTS, AND HELPS DEVELOP OPTIONS FOR SETTLEMENT. THE GREAT MAJORITY OF MEDIATED CASES SETTLE, ALLOWING THE PARTIES TO RESOLVE THEIR DISPUTES IN AN EFFICIENT, HUMANE MANNER RELIEVING THE COURTS OF BURDENSOME LITIGATION. THERE IS A DOCUMENTED SUCCESS RATE OF 80 TO 90%.

IN REGARD TO THE GENERAL DISCUSSION OF MEDIATION I WOULD LIKE TO TAKE THIS OPPORTUNITY TO INFORM THIS COMMITTEE THAT HOUSE JUDICIARY HEARINGS WERE HELD ON SEPTEMBER 29, 1994 IN REGARD TO H.B. 2960 WHICH WAS REINTRODUCED THIS TERM ON JANUARY 20, 1995 AS H.B. 141. (A BILL WHICH PRESENTLY IS WITH THIS COMMITTEE) S.B. 951 HAS BEEN INTRODUCED TO ESTABLISH A STATEWIDE COMMISSION. THIS BILL WOULD ESTABLISH A STATEWIDE OFFICE OF DISPUTE

**RESOLUTION AND CONFLICT MANAGEMENT. PCM ESTABLISHED A FORMED A COALITION TO ESTABLISH A STATEWIDE OFFICE IN 1992. THE COALITION CONSISTS OF KEY INDIVIDUALS AND GROUPS ACROSS A VARIETY OF SECTORS - LEGAL, BUSINESS, LABOR, EDUCATION, GOVERNMENT AND CIVIC - WHO SUPPORT THE CONCEPT OF A STATEWIDE OFFICE.**

**WHY DO WE NEED A STATE OFFICE?**

**WHILE DISPUTES ARE INEVITABLE AND PEOPLE ARE INCREASINGLY FRUSTRATED OVER HOW BEST TO RESOLVE THEM, MEDIATION AS AN ALTERNATIVE METHOD FOR PROBLEM SOLVING REMAINS UNDERUSED. CREATING A STATE OFFICE WILL PROVIDE THE ORGANIZING FORCE, INFORMATION, AND RECOGNITION NECESSARY TO ENSURE THAT INNOVATIVE DISPUTE RESOLUTION APPROACHES REACH ALL PENNSYLVANIANS. CLOSE TO 20 STATES HAVE REACHED THIS CONCLUSION AND HAVE CREATED STATE OFFICES OR ARE IN THE PROCESS OF DOING SO. EACH IS ORGANIZED DIFFERENTLY DEPENDING ON THAT STATE'S NEEDS.**

THE COALITION PROPOSED AND THE HOUSE AND SENATE  
VERSIONS OF THE BILLS REFLECT THE COALITION'S VISION OF A  
STATEWIDE OFFICE'S DUTIES AND PROJECTS WHICH ARE AS  
FOLLOWS:

- 1) SERVE AS AN INFORMATION AND REFERRAL CLEARINGHOUSE  
FOR DISPUTE RESOLUTION AND CONFLICT MANAGEMENT  
SERVICES, SUCH AS MEDIATION, ARBITRATION, CONCILIATION  
AND FACILITATION;
- 2) ESTABLISH A DISPUTE RESOLUTION SERVICE AVAILABLE TO THE  
GENERAL ASSEMBLY, COMMONWEALTH AND LOCAL AGENCIES TO  
ADDRESS PUBLIC POLICY CONTROVERSIES;
- 3)ADMINISTER A FUNDING PROGRAM FOR ESTABLISHING AND  
OPERATING COMMUNITY DISPUTE SETTLEMENT CENTERS;
- 4)ENCOURAGE AND SUPPORT THE ESTABLISHMENT OF PEER  
MEDIATION PROGRAMS IN SCHOOL DISTRICTS; AND
- 5) SUPPORT THE DEVELOPMENT COURT PROGRAMS IN  
COOPERATION WITH THE COURT AND BAR FOR REFERRAL OF  
APPROPRIATE CASES TO DISPUTE RESOLUTION PROCESSES.

THE PENNSYLVANIA BAR ASSOCIATION HAS EXECUTED A RESOLUTION IN SUPPORT OF THE STATEWIDE OFFICE CONCEPT AND IN MY POSITION AS VICE CHAIR OF THE DISPUTE RESOLUTION COMMITTEE OF THE PBA I CONTINUE TO PROMOTE THIS EFFORT ON BEHALF OF THE PBA.

AT THE HEARINGS HELD IN SEPTEMBER OF 1994 REPRESENTATIVES FROM THE MANY AREAS OF MEDIATION IN PA TESTIFIED AND SUBMITTED WRITTEN TESTIMONY: TRICIA S. JONES, CHAIR DEPT OF COMMUNICATIONS, TEMPLE UNIVERSITY WHO SPECIALIZES IN RESEARCH IN THIS AREA; PHIL SCHULLER, PRESIDENT OF THE BOARD OF THE NEIGHBORHOOD DISPUTE SETTLEMENT OF DAUPHIN COUNTY REFLECTING THE COMMUNITY VOLUNTARY MEDIATION PERSPECTIVE; MARIE HAMILTON OF CENTER PEACE IN BELLEFONTE AND POLICE CHIEF RICHARD SHAFFER OF HARRISBURG TO EXPLAIN THE BENEFITS OF MEDIATION IN THE CRIMINAL JUSTICE AREA; THE NATIONAL INSTITUTE OF DISPUTE RESOLUTION (NIDR) SUBMITTED TESTIMONY ON THE NATIONAL EFFORTS AND SUPPORT GIVEN TO STATES IN THEIR EFFORTS TO CREATE STATEWIDE OFFICES; THE ENVIRONMENTAL MEDIATORS,

WENDY EMRICH OF PENNACCORD IN PHILADELPHIA AND WINSOR ASSOCIATES IN ARDMORE PRESENTED THE EFFORTS OF MEDIATORS IN THE AREA OF ENVIRONMENTAL DISPUTES; DEVONNE COLEMAN- WHITE FROM GOOD SHEPHERD COMMUNITY NEIGHBORHOOD HOUSE MEDIATION PROGRAM IN PHILA TOLD OF THE WORK DONE WITH CHILDREN IN PEER MEDIATION IN PHILADELPHIA SCHOOLS; ED BLUMSTEIN AND PAT MARCUS, BOTH OF WHICH YOU WILL HEAR FROM TODAY, DESCRIBED THE CUSTODY MEDIATION PROGRAMS IN YORK AND PHILADELPHIA COUNTIES; ROBERT GARRATY FORMERLY OF THE MILRITE COUNCIL GAVE THE OUTLOOK OF LABOR IN THE FIELD OF MEDIATION; ROBERT ACKERMAN, PROFESSOR OF LAW AT DICKINSON SCHOOL OF LAW PRESENTED THE POSITION OF THE PBA ON MEDIATION AND THE HONORABLE ABRAHAM GAFNI, FORMERLY A PHILADELPHIA COMMON PLEAS COURT JUDGE AND NOW A PROFESSOR OF LAW AT VILLANOVA SCHOOL OF LAW DESCRIBED FOR THE COMMITTEE THE INNOVATIVE WORK IN THE PHILADELPHIA COURT SYSTEM UTILIZING ALTERNATIVE DISPUTE RESOLUTION PROCESSES.

**IN PENNSYLVANIA AND ELSEWHERE, MEDIATION HAS BEEN INCREASINGLY EMPLOYED AS A MEANS OF RESOLVING DISPUTES.**

**ONE ASPECT OF MEDIATION THAT MAKES IT SO EFFECTIVE IS THE PROMISE OF CONFIDENTIALITY. MEDIATION WORKS BEST WHEN THE PARTIES FEEL FREE TO ENGAGE IN FRANK, UNFETTERED DISCUSSION, WITHOUT FEAR THAT STATEMENTS MAY BE USED AGAINST THEM IN LITIGATION. DISPUTING PARTIES ARE THEREFORE USUALLY ASKED TO AGREE TO CONFIDENTIALITY WHEN THEY ENTER INTO MEDIATION. IN THE ABSENCE OF STATUTORY PROTECTION, HOWEVER, THERE IS NO GUARANTEE THAT SUCH AGREEMENTS WILL BE HONORED BY THE COURTS. THEREFORE, SOME PEOPLE ARE RELUCTANT TO ENTER INTO MEDIATION, FOR FEAR THAT THEIR STATEMENTS MAY COME BACK TO HAUNT THEM. OTHERS MAY PARTICIPATE IN MEDIATION, BUT MAY HESITATE TO ENGAGE IN FRANK DISCUSSION OF THE ISSUES. STATUTORY PROTECTION WOULD ALLAY THESE CONCERNS.**

S.B. 619, THE MEDIATION PRIVILEGE STATUTE, PROVIDES SUCH PROTECTION. THE SENATE PASSED THIS BILL AND IT IS NOW IN THE HOUSE JUDICIARY COMMITTEE FOR CONSIDERATION. IT ALLOWS PARTIES TO AIR THEIR DIFFERENCES AND RESOLVE THEIR DISPUTES WITHOUT FEAR THAT FRANK DISCUSSIONS WILL REBOUND TO THEIR DETRIMENT. THE BILL INCLUDES EXCEPTIONS FOR THREATS OF BODILY INJURY OR FELONIOUS PROPERTY DAMAGE AND FOR CRIMINAL CONDUCT DURING A MEDIATION SESSION (EXTREMELY RARE, BUT WORTHY OF PROTECTION). IT THEREFORE REPRESENTS A REASONED, BALANCED APPROACH THAT SHOULD RESULT IN EXPEDITIOUS SETTLEMENTS, GREATER CONSUMER AND LITIGANT SATISFACTION, AND A MORE PEACEFUL PENNSYLVANIA.

IN MARCH OF 1995 THE REPRESENTATIVES OF THE PENNSYLVANIA COUNCIL OF MEDIATORS, THE PENNSYLVANIA BAR ASSOCIATION AND THE PENNSYLVANIA COALITION AGAINST DOMESTIC VIOLENCE MET AND REACHED CONSENSUS ON LANGUAGE PROTECTING VICTIMS OF DOMESTIC VIOLENCE FROM FRAUDULENT COMMUNICATIONS, ORAL AND WRITTEN, MADE



DURING MEDIATION THAT RESULT IN A FRAUDULENT AGREEMENT. UNDER SECTION 3 (B) (3) THE PRIVILEGE THEREFORE DOES NOT APPLY TO A FRAUDULENT COMMUNICATION DURING MEDIATION THAT IS RELEVANT EVIDENCE IN AN ACTION TO ENFORCE OR SET ASIDE A MEDIATED AGREEMENT REACHED AS A RESULT OF THAT FRAUDULENT COMMUNICATION.

PCM AND THE PBA URGES THE HOUSE JUDICIARY COMMITTEE TO MOVE THIS BILL TO THE HOUSE FOR A VOTE.

ADDRESSING S.B. 432 I WOULD LIKE TO STATE THE GENERAL REASONS FOR PROMOTING ALTERNATIVE DISPUTE RESOLUTION PROCESSES IN THE COURT SYSTEM:

- 1) TO REDUCE THE COURT'S BACKLOG OR DECREASE THE COURT'S DOCKET IN GENERAL;
- 2) TO SPEED THE PACE OF CASES TO RESOLUTION;
- 3) TO DECREASE THE COST OF RESOLVING CONFLICT FOR THE COURT;
- 4) TO HANDLE CERTAIN CASES MORE EFFECTIVELY;
- 5) TO FREE JUDICIAL RESOURCES TO HANDLE "MORE COMPLEX"

CASES;

6) TO PROVIDE LITIGANTS WITH MORE OPTIONS OR BETTER RESULTS;

7) TO INCREASE LITIGANT SATISFACTION WITH THE COURT SYSTEM;

8) TO SAVE LITIGANTS TIME AND/OR MONEY;

9) TO LOWER THE RETURN RATE OF DISPUTES IN THE SAME CASES;

10) TO IMPROVE THE RELATIONSHIP BETWEEN THE DISPUTING PARTIES;

11) TO RESPOND TO POLITICAL OR LEGISLATIVE DIRECTIVES.

PCM, PBA AND PA COALITION AGAINST DOMESTIC VIOLENCE AGAIN MET IN MARCH OF 1995 TO REACH CONSENSUS ON THE PROVISIONS OF SECTION 3901 (C)(2) PERTAINING TO SPOUSAL AND CHILD ABUSE. THE REVISION AGREED TO STATES AS FOLLOWS:

**(c)(2) The court shall not order an orientation session or mediation in a case where either party or child of either party is or has been a subject of domestic violence or child abuse at any time during the pendency of an action under this part or within 24 months preceding the filing of any**

**action under this part.**

**ON JUNE 5, 1995 THE SENATE PASSED THIS BILL 50-0.**

**THERE ARE PRESENTLY THREE MANDATORY CUSTODY  
MEDIATION ORIENTATION PROGRAMS IN PENNSYLVANIA - YORK  
UNDER THE DIRECTION OF HON. PENNY BLACKWELL WHICH  
ATTORNEY PAT MARCUS HAS DESCRIBED FOR YOU; PHILADELPHIA  
UNDER THE DIRECTION HON ESTHER SYLVESTER WHICH SHE AND  
ATTORNEY EDWARD BLUMSTEIN WILL DESCRIBE TO YOU AND  
LEHIGH COUNTY UNDER THE DIRECTION OF HON ROBERT K.  
YOUNG.**

**IN LEHIGH COUNTY THE COURT HAS APPOINTED TWO ATTORNEYS  
WHO ARE TRAINED FAMILY MEDIATORS TO HEAR THE CUSTODY  
MEDIATION CASES. THESE MEDIATORS SIT ONE DAY EACH WEEK.  
THE COURT PAYS FOR THE SERVICES OF THE MEDIATORS AT NO  
COST TO THE PARENTS. ONE OF THE PURPOSES OF S.B. 432 IS TO  
AUTHORIZE THE COUNTIES TO IMPOSES AN ADDITIONAL \$20 FEE  
TO DIVORCE AND CUSTODY COMPLAINTS TO DEFER THE COSTS OF  
THE MEDIATION PROGRAMS. THIS WILL MOST CERTAINLY  
ENCOURAGE COUNTY COURTS TO CONSIDER IMPLEMENTATION OF**

THIS IMPORTANT PROCESS FOR RESOLUTION OF CUSTODY MATTERS.

I HAVE ATTACHED AN ARTICLE WRITTEN BY ATTORNEY-MEDIATOR DEB GABER OF LEHIGH COUNTY WHO IS ONE OF THE CUSTODY MEDIATORS FOR THE COURT THERE, WHICH FURTHER EXPLAINS THE ADVANTAGES OF MEDIATION IN CUSTODY. THIS ARTICLE WAS PUBLISHED IN THE MAY 1995 ISSUE OF THE PENNSYLVANIA LAWYER.

I AM A CUSTODY MEDIATOR IN THE YORK PROGRAM AND HAVE BEEN PART OF A SUBCOMMITTEE WORKING WITH JUDGE BLACKWELL TO OBTAIN A STATE JUSTICE INSTITUTE (SJI) GRANT TO EVALUATE THE COURT-CONNECTED PROGRAM. WE HAVE OBTAINED TRICIA JONES OF TEMPLE UNIVERSITY A WELL-KNOWN RESEARCHER TO WORK WITH US ON THIS PROPOSAL. USUALLY SJI GRANTS ARE OFFERED ONLY TO STATEWIDE PROGRAMS,. HOWEVER THERE IS SUCH INTEREST IN EVALUATING THE BENEFITS OF CUSTODY MEDIATION THEY HAVE ENCOURAGED US TO PURSUE THE FUNDING TO FULLY SURVEY THE PROGRAM

ESTABLISHED IN YORK COUNTY. RESULTS OF ALL SJI  
EVALUATIONS ARE PUBLISHED AND OFFERED NATIONALLY TO  
AID COURTS IN DEVELOPING AND DESIGNING PROGRAMS.

AS POLICY CHAIR FOR AND ON BEHALF OF PCM I WOULD  
ENCOURAGE THIS COMMITTEE TO SUPPORT SB 432 (CUSTODY  
MEDIATION), S.B. 619 (PRIVILEGE STATUTE) AND H.B. 141 AND S.B.  
951 (STATEWIDE OFFICE OF DISPUTE RESOLUTION AND CONFLICT  
MANAGEMENT).

COMMENTARY

# THE CASE FOR MEDIATION IN FAMILY LAW PRACTICE

By EDITH W. GARDNER AND DYN S. FUCHS



*Mediation may ease  
the painful battle over  
custody of children*

The best explanation for the growing popularity of alternative forms of dispute resolution comes from former U.S. Chief Justice Warren Burger who in 1982 wrote. "The notion that ordinary people want black-robed judges, well-dressed lawyers, and find courtrooms as settings to resolve their disputes is not correct. People with problems, like people with pains, want relief, and they want it as quickly and inexpensively as possible."

Though mediation is far from the legal equivalent of Alka Seltzer, the medical metaphor is apt. The people who walk into the offices of a family lawyer are usually in pain. They may be dissolving a marriage, seeking custody of children, or battling with a sibling, a best friend or a neighbor. For those who practice family law, it's easy to see why the adversarial judicial system by definition may not be the best place to resolve interpersonal disputes. Too often, adversaries stay adversaries even when compromise and peaceful coexistence are in their best interests. They leave the courtroom angry and dissatisfied — with predictable results.

It's clear that, despite Burger's admonition that the obligation of our profession is to "serve as healers of human conflict," few conflicts are settled, let alone healed. In fact, it is often their pain that brings disputing parties again and again into the judicial system that continues to fail them. This has led, in part, to the widespread mistrust of and animosity toward the adversarial legal system — and the legal profession — in the United States.

Mediation, as one of the currently available forms of alternative dispute

*Deborah Gaber has a private mediation practice in the Lehigh Valley. Denise Foley is a freelance writer who specializes in family issues.*

resolution, can get at the underlying problems that often sabotage dispute resolution. With the intervention of a neutral third party whose goal is to help them to a mutually acceptable settlement, two people who may not be able to live together can work together to reach a compromise. That compromise then becomes a legal agreement that both are more likely to honor because they created it.

Take, for example, a typical custody case. In most instances we're faced with

children will spend with their father; about who gets Christmas and who takes Easter; and about what happens when an alternating weekend coincides with a business trip. They begin to resent the court-ordered solution, which may have cost them thousands of dollars. So it's not long before it goes back to court, the cause of another costly, acrimonious battle long after the war should have been over.

With the help of a mediator trained in conflict management, however, the cou-

## Bill would allow courts to mandate mediation orientation

The PBA Dispute Resolution Committee is monitoring the progress of a bill its chair says could speed acceptance of mediation in divorce and custody cases.

Introduced by Sen. Stewart J. Greenleaf, R-Montgomery, Senate Bill 432 would allow the court to order parties involved in divorce and custody matters to attend an orientation session that explains the mediation process. It also would impose an additional filing fee on all divorce and custody complaints to fund mediation programs.

"The courts have been slow to adopt mediation without the imprimatur of the Legislature," says Allegheny County Common Pleas Judge Lawrence W. Kaplan, chair of the Dispute Resolution Committee. "With the hoped-for passage of SB 432 and its funding provision, I would anticipate much more rapid acceptance of mediation in Pennsylvania."

Kaplan will be among the panelists at the June 1 PBA Pro Bono Conference discussing mediation. For more information about the conference, call Kara Dolphin, PBA pro bono coordinator, Ext. 213, at (800) 932-0311 in Pennsylvania or (717) 238-6715 out of state.

For information about the PBA Dispute Resolution Committee, call Jennifer Zimmerman, PBA deputy director for committees, Ext. 286, at the above numbers. — Anne Marie Thompson



Art by Scott Fraser, THE PAWN, 1985

two good parents who love their children but hate each

other. What happens? The court tries to fashion a parenting plan that meets the needs of both parties. Yet, in the end, no one seems happy with the result. Why? Because the court substitutes its own judgment for that of the parents. And because these two good parents still can't stand one another and their marital hate seeps into the parental relationship. They begin to argue about pick-up and drop-off schedules; about what three days of the week the chil-

ple may learn to separate their angry feelings for one another from their loving feelings for their children. The custody arrangement that is hammered out in the mediation sessions is custom-made by both parties, who then have an emotional attachment and commitment to it.

In the mediation process, both parties have been allowed to vent their emotions, encouraged to listen to and understand each other's point of view, to articulate their wishes and goals and taught to negotiate in an atmosphere not of conflict but of conciliation. When they walk out of mediation, there is not one winner and one loser. If it has been

*Though mediation is far from the legal equivalent of Alka Seltzer, the medical metaphor is apt. The people who walk into the offices of a family lawyer are usually in pain.*

a successful process — and it is in 85 percent of the cases reported nationwide — both parties are satisfied with and committed to the results.

But despite the widespread success of mediation — or perhaps because of it — some family law attorneys regard it as a threat, as something that might lead to legal agreements not in the client's best interest or that might siphon off revenue from their practices. They don't seem to recognize the potential benefits it offers to them and their clients. Many attorneys have the mistaken notion that the mediator replaces them in the process. Nothing could be farther from the truth.

Most mediators, myself included, make it clear from the outset that clients should be represented by counsel. There are a number of reasons why this is necessary. For one thing, mediators, even if they are attorneys, cannot give legal advice. Our role as neutral third parties impels us to offer information to both sides but precludes suggesting that clients take any particular action. Unlike arbitrators, we do not make decisions for the clients but help them make their own, often with the additional help of a variety of experts such as attorneys, accountants, actuaries and appraisers.

Attorneys can advise clients of their rights under the law and answer any legal questions the clients may have and review and comment on any action the client is contemplating. The clients also need an attorney to draft any pleadings relating to divorce and custody and all property-settlement agreements. Attorneys can provide important "reality checks" for clients. An attorney's previous experience litigating family issues can help clients forecast what they can expect to get if their case were to go to court — give or take some margin of error, since no one knows exactly what will happen. While it is up to the clients to decide their own standard of fairness and develop their own settlement, this "reality check" can be useful. Attorneys can empower their clients by offering information and advice that clients can then use to generate their own ideas on how they want to resolve custody and divorce-settlement issues.

When mediation is successful, it results in divorces that alter but do not

destroy families, custody- and child- and spousal-support agreements that are adhered to, and property settlements that don't leave one or both parties angry and resentful toward each other and their lawyers. For an attorney, that translates into a satisfied client who is likely to return for other legal problems and who will be eager to make referrals. Clearly, mediation can be a business-builder for the family-law attorney who recognizes its potential.

Mediation also frees attorneys from the therapist role, a time-consuming position often thrust upon them in emotionally charged interpersonal disputes and for which they are not trained. Though mediators do not act as therapists, they are trained in therapeutic skills, such as active listening and empathy, which aid them in guiding clients through the underlying issues of their dispute. Those issues are often

left unaddressed by the court, yet they are often the real reason the two parties are in conflict. The mediator can help the couple deal with the volatile issues that stand in the way of a workable final agreement, freeing the attorney to focus solely on legal matters.

Mediation can become another service that attorneys offer clients that will be of inestimable mutual benefit. That means that the attorney must take on another role — as a consumer advocate. It's up to the attorney as his or her client's advocate to make sure a mediator is qualified. Before you refer a client to mediation, understand that at the very least, a mediator should have 40 hours of divorce-mediation training, with an organization such as the American Academy of Family Mediators certifying the training, and a solid familiarity with family law.

If you have a client whose case would be appropriate for mediation, your local bar association may have its own referral list of qualified and experienced local mediators. If not, the Academy of Family Mediators has a list of trained and qualified members ("practitioner" members) by geographical region. J

## **Lawyers, Judges to Advise on Domestic-Relations Law**

**T**wenty-six family law experts from around the state — lawyers and judges — have been appointed to advise on an ongoing basis a bipartisan legislative task force studying the commonwealth's domestic-relations laws.

The advisory committee will report to the Task Force on Domestic Relations Law, chaired by state Sen. Stewart J. Greenleaf, R-Montgomery. Both the committee and the task force are operating under the auspices of the Joint State Government Commission, the permanent, bipartisan research agency of the General Assembly.

The principal function of the advisory committee will be to provide advice on the technical maintenance of the Domestic Relations Code and to identify emerging issues in domestic-relations law and to recommend legislative responses.

The mission of the advisory committee is to help the task force "reach consensus on important issues" involving family law, said Emanuel A. Bertin, a Montgomery County lawyer appointed as advisory committee chairman.

Calling the formation of the advisory committee "the most important development in family law in Pennsylvania in this century," he said, "we anticipate that this collective expertise will bring to bear the best statu-

tory law for the citizens of the commonwealth."

Besides Bertin, the members of the advisory committee are Superior Court Judge Phyllis W. Beck, Ann L. Begler, Union County President Judge Wayne A. Bromfield, Maria P. Cognetti, Frederick Cohen, Joseph J. DiPrimio, Mary Cushing Doherty, former PBA President Leonard Dubin, Peggy L. Ferber, Frederick N. Frank, Lynne Z. Gold-Bikin, Harry J. Gruener, John C. Howett Jr., Steven S. Hurvitz, Allegheny County Judge Lawrence W. Kaplan, Mary Ann Kirkpatrick, Catherine M. McFadden, Patricia G. Miller, Albert Momjian, John R. Mondschein, Robert Rains, Robert R. Raphael, Charles C. Shainberg, Joseph Waters and Philadelphia Common Pleas Judge Jerome A. Zaleski.

The members of the task force are the majority and minority chairs of the Senate and House Judiciary and Aging and Youth committees: Greenleaf; Sen. Michael A. O'Pake, D-Berks County; Sen. David W. Heckler, R-Bucks County; Sen. Christine M. Tartaglione, D-Philadelphia; Rep. Jeffrey E. Piccola, R-Dauphin County; Rep. Thomas R. Caltagirone, D-Berks County; Rep. Leonard Q. Gruppo, R-Northampton County; and Rep. Kevin Blaum, D-Luzerne County.