

RHODE ISLAND MEDIATORS ASSOCIATION

Comments at

Celebrate Mediation RI – 2011

May 18, 2011

By Hon. Haiganush Bedrosian, Chief Judge, RI Family Court

Mr. President, Members of the Rhode Island Mediators Association, Guests, Friends of the Rhode Island Mediators Association -

It is my pleasure to speak to you tonight. Those who are familiar with Family Court know that a contested case, whether it is a contested paternity matter or a contested divorce trial is often a traumatic and dreaded situation for anyone involved.

In the mid-nineteen nineties, to solve families' legal problems, the Family Court began considering the use of mediators to assist in resolving disputes between a husband/wife or a girlfriend/boyfriend with a child when discussing their parenting plan, financial issues such as child support, as well as their emotional estrangement and the effect it has on them and their children.

Back then, it was a time when there was little local interest in solving problems with the help of a neutral third party. From then to now as we fast forward to 2011, mediators have been developing their businesses to assist divorcing couples and all others who are unwilling to spend their life's savings to prove a point in a lengthy contested divorce case. We at the Court have seen the good work that our own mediators have done in many very complicated cases. It is our goal to ensure that all parties to a case may have the assistance of well-trained mediators.

The Court's mediators are lawyers familiar with both domestic relations and juvenile justice cases. I had hoped that the new Mediation Unit would be ready by this month, but the construction of new offices on the third floor, along with the preparation of necessary legal forms have moved more slowly than anticipated. We expect that the Mediation Unit will be ready and fully operable by June 30th.

Parties to all domestic relations cases, i.e., divorces, separations, miscellaneous petitions, motions for custody of children, paternity actions, and child support matters, as well as post final judgment matters should be referred to mediation. At this time, I would like to thank

Professor Kogan and the Roger Williams Law School students for their participation as mediators in hundreds of Family Court cases.

In order to succeed, there must be a shift away from promoting an adversarial system which pits family members against one another; we often remind litigants that Family Law litigation is unlike matters in District or Superior Court.

E.g. a car accident case or a workers' compensation case usually has unrelated parties hoping to resolve a dispute which led them into the Court system. After those cases are completed via a settlement or a trial, the parties will often not see one another again -- unlike the situation in Family Law cases.

Angry couples and their children will interact with one another long after final orders or judgments have been entered. The scars of the Court hearings, the difficult negotiations, and a decision made by a judge or magistrate will challenge the parties' ability to be civil in the face of the reality of the pains caused by litigation.

Mediation is the key to a fair, respectful and civil resolution of their disagreements or disputes. I congratulate the Rhode Island Mediators Association for your efforts to promote the practice of mediation in Rhode Island and am respectful of your work and the standards you have set for the mediation profession.

Through your leadership, the association is cultivating a network of mediators who are committed to ethics, mentoring, continuing professional development, and ongoing dialogue regarding the practice of mediation.

The good news for all Rhode Islanders who are looking for an alternative to a difficult Family Court experience that is typically divisive and combative is that mediations are the solution to a better experience in the Court system.

We will continue to provide mediation services to Family Court litigants, and we will encourage parties to consider the use of private mediators before or after a complaint or petition has been filed.

The services offered by our Court mediators are an important and integral component of the Family Court's work to help parties resolve their cases, but we cannot do it alone.

(We do not have the resources to help ALL parties who could benefit from mediation. i

I look forward to working with the Rhode Island Mediators Association to enable us to expand the use of mediation, and make alternate dispute resolution via mediators a common practice in the Family Court.

It has been said that every conflict we face in life is rich with positive or negative potential.

We have seen too much of the negative. Let's work together to increase awareness of the practice of mediation, and promote more positive outcomes for Rhode island families that make their way through our court system.