

“THERE HAS TO BE A BETTER WAY”

(By John G. Goodwin, as published in the 10th Anniversary Edition of SOLUTIONS, the Newsletter for the Ontario Association for Family Mediation, April 1993)

I have been asked to indulge in some reminiscences about the early years of the OAFM as we take a look back at what we have achieved in the last 10 years.

I had been practising family law for three years when I attended a Law Society program on family mediation organized by Jim MacDonald in 1978. There, Jim Coogler, the grandfather of the family mediation movement in the USA, told us about his clinic in Georgia and the successes they had there. Jim was a lawyer who went through a difficult and expensive divorce and he decided that there had to be a “better way.” He then trained as a family counsellor and began to develop an approach which he called “structured mediation.” I found his comments fascinating and began to wonder why everyone didn’t do it that way.

It took a couple of years for the idea to germinate, but I encountered a like-minded group in 1981 in Toronto and we decided the time had come. We began to organize the OAFM. I was lucky enough to be able to train with Jim Coogler and his Family Mediation Association team in New York in January 1982. After that, my enthusiasm and determination to forge ahead with family mediation knew no bounds. I say “lucky enough” because Jim was an inspiring teacher and he died of cancer a few months later.

In the spring of 1982, we chose the executive of the new association. Mario Bartoletti and I agreed to stand for the position of President. The other members of the organizing committee voted and the result was a tie - 4 for Mario and 4 for me. In a typical spirit of cooperation and goodwill, it was proposed that we flip a coin and the “winner” would be the first president and the “other” would be the vice-president/president elect for the following year. And so, with the toss of the coin, I became the first President, with Mario my successor, a win-win solution which seemed to satisfy everyone (Editor’s note: John it may be 10 years late, but to make up for Mario being second President, we tossed a coin and thereby decided to put his article first). I enjoyed very much my close collaboration with Mario and the rest of the committee. This also started the tradition of alternating legal and mental health professionals whenever possible in recognition of the importance of a multi disciplinary approach in family mediation and the OAFM.

In September 1982, we went public with our brand new organization and started soliciting members. We started to plan our first Annual Dinner for November 1982. One day when I went to lunch at a sandwich bar near my office, I met Mr. Justice George Walsh who was also going for lunch at the same place. He was the head of the Family Law Division of the Supreme Court of Ontario and very much involved in family law reform. We got our sandwiches and sat down. I couldn’t wait to tell him about the OAFM because I knew that he would likely be supportive. He seemed very interested in our plans and I began to think that he might be a good person to give the address at the upcoming Annual Dinner. I asked him and he quickly

answered, "You write the speech and I'll give it." I thought that was a fair deal. I wrote a draft speech that was as enthusiastic about mediation as I could get away with. Helen Goudge of the Family Mediation Service at the Supreme Court helped rewrite the speech. When Mr. Justice Walsh gave the speech, it was even more enthusiastic about mediation than the draft and he gave us a great boost on our way to broad acceptance in the legal community in Ontario.

Ten years later, mediation is firmly established as a way of resolving family disputes. It did not spread as quickly as I thought it would in those heady days of the early 80's. But from my vantage point in Ottawa as a family law lawyer, Bar Admission Course teacher and teacher of Family Mediation, I am encountering a new burst of enthusiasm for mediation from the general public and the legal community which, I expect, will carry it to new levels of public acceptance in the coming decade.

I would like to say one last thing before I sign off. Apart from the tremendous satisfaction of being part of the significant social movement I have had the good fortune to have met and worked with a wonderful group of people who have made up the family mediation movement. Without them, all the work wouldn't have been half the fun. We all deserve a great deal of credit for all we have done and I look forward with anticipation to another significant decade of progress.

There was a "better way." We found it and spread the word and now the community around is beginning to enjoy the benefits of family mediation. Our job is now to help make high quality mediation available as an option to a larger number of families in crisis.
