

Pro Bono Success Story — Mediation Works!

Allegations flew back and forth like the final match at Wimbledon. It was clear that both parents loved their daughter but hated each other. Like the love they once had known, their hatred ran hot and heavy.

Neither parent could speak of the other without their voices getting louder and their blood pressures rising. Yet, when the same parents spoke of their 7-year-old daughter, they were equally proud parents who bragged of their daughter's intelligence, school performance and polite behavior. One parent brought out a picture of the blonde hair, blue-eye child. Both parents loved their daughter dearly. On this, and only this, they could agree.

Each parent raised issues about the other rehashing the touch points that had separated the parents five years ago — old fights and hurt feelings that did not heal. This case was not going to settle. Both parents participated at the custody conference on Sept. 24, 2004. According to the written report by the seasoned conciliator, "Parents exhibit a total inability to communicate."

How could a custody case with two such stubborn, angry parents possibly settle at a two-hour pro bono mediation? Nothing short of a miracle would work with these two. On Oct. 26, 2004, one month after the heated custody conference that demonstrated the parents' "total inability to communicate," the parents came to an acceptable agreement and settled the case at mediation. No kidding.

Corky Goldstein served as the pro bono mediator. Both parents were represented by counsel. Corky did most of the talking, showing his sincere respect for both parents and his skill at humbly encouraging the parents to focus on their daughter's future. Corky asked questions of both parents while they were in the room together and at private, confidential sessions with each.

The attorneys rarely spoke empowering the parents to create their own solution. The solution that the parents, not the lawyers, would need to accept and implement every day.

After the mediation, neither parent walked out of the room with a smug smile and cocky gait. Neither parent felt that they had "won," but neither felt as if they had lost. The parents left with a custody agreement; their pride intact and hope for their daughter's future.

According to Corky, "They just needed to have someone help them work through their anger and get to the real concern — the future emotional well being of their daughter." This type of free mediation is available to any lawyer with a pro bono case and to all MidPenn Legal Services attorneys.