
BOOK REVIEW

Anne Purcell *

L Fisher and M Brandon Mediating with Families, 2nd ed., (Thomson Reuters, Australia, 2009).422pp

Given the recent evolution of accreditation requirements for Family Dispute Resolution Providers in Australia and mandatory mediation under the *Family Law Act 1975, Mediating with Families (2nd ed.)* (1) is a timely and important contribution to the literature on dispute resolution. In unison, Linda Fisher and Mieke Brandon bring decades of experience both as teachers, authors and coaches but also countless hours of working with families across sectors, jurisdictions and cultures as mediators or as they are now more commonly known, FDRPs (family dispute resolution providers).

With wisdom that can only come from the experience of working *with* and *within* family systems, across mediation models and professional and community sectors, the authors have not only captured the essence of fundamental approaches to mediation from a theoretical perspective but have also articulated the nuance of a particular style of mediating that places families first. They do this by acknowledging that mediation is indeed an inter-disciplinary interest involving both legal and psychological processes. Further, Fisher and Brandon note that in the 21st Century, nuclear, 'traditional' families make up only a portion of our society (2); Grandparents often 'parent'; and that other, non-traditional families also may require the assistance of a mediator who works from both a process-driven and humanist perspective. It is this insightful, culturally-sensitive and indeed post-modernist approach which makes *Mediating with Families* a refreshing addition to the oft-cited one-size-fits-all approach to family mediation. This book heralds a new era in mediation in this country as it acknowledges that as a mature profession, practice models must be malleable enough to be critiqued and tweaked in order to meet the needs of the clients (and that the reverse should never apply).

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1. L Fisher and M Brandon *Mediating with Families, 2nd ed., (Thomson Reuters, 2009).*
2. IBID (pp.1-10) and chapter 8 – *Mediating Other Family Disputes (pp 169ff)*
3. IBID Chapter 2 & 3 (pp 17ff)
4. IBID Chapter 3 – *What Mediators Bring to Practice (pp 45ff)*

While *Mediating with Families* will be a useful addition to the bookshelves of students and researchers as it provides solid practice frameworks (3), it is also sure to become a well-thumbed resource on the desks of working mediators as it provides overviews of models and agreements that align with current legislative requirements. This dual-appeal is borne of the approach that sees it acknowledge and then stray from standard discussions about mediation processes, models, interventions and the like and venture to the newer ground of mediator style, personal dynamics and the impact of interpersonal dynamics (4) and the challenges faced by ethical and legal requirement of mediators. To achieve this, the authors have drawn from interdisciplinary literatures including law, social work and psychology. The authors then use these literatures to scaffold current practice models in light of contemporary legislative imperatives. This thorough approach is didactic enough for the beginner to follow structured guidelines but also broad enough for the seasoned professional who is looking to update professional skills and knowledge with overviews of models and techniques.

So how does legislation influence practice? *Mediating with Families* strategically chronicles and raises questions about agreements necessary for parenting plans, co-habitation and pre-nuptial agreements in chapter 5 while chapter 6 is confined to property and financial issues such as property divisions and wills and estates. These areas provide for the reader information about contemporary social mores and the legislation by which is governed. To the relief of the reader, the authors do not ignore the changing status of practitioners in the field. They note that accreditation brings both professional and ethical responsibilities for the practitioner and these are noted under sections in 'Duty of Care' and 'Ongoing Assessment During Mediation'.

Of particular note is the section on 'Intake' (pp. 197ff). This may be described as a section on *mediator screening procedures and interventions*. The pre-mediation assessment (or 'intake') is a part of the process that can readily distinguish mediations in family law from mediations in other areas of law. For example, in many personal injuries mediations for example, intake is often not considered a necessary step and sometimes not included at all (though it must be said that intakes are more often making an appearance in some areas such as workplace mediations). Through their careful overview of this step, Fischer and Brandon elucidate the efficacy of the intake by detailing the indicators which might screen out certain cases as suitable for mediation. One of the indicators is the mandatory assessment of violence as well as the emotional readiness and psychological health of the parties. This section (and

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the respective appendices) documents not just the 'what' but also the 'how and when' i.e., *what* to look for before proceeding to mediation, *how* to ask the right questions to elicit meaningful responses and *when* to refer a case and discontinue the mediation process in order that the best interests of the parties (including children) might be upheld. This section highlights the importance of the intake from the perspective of the client. Further, it showcases that for the mediator, a skilful intake with thorough screening procedures can be a critical foundation from which to build the rest of the process. This careful and comprehensive approach makes this book as much a text as 'ready-reference' resource that will be welcomed by practitioners trying to stay abreast of these changes and developments.

In addition to these professional imperatives, most readers of *Mediating with Families* will surely be grateful for practical and useful resource material. Any practitioner who has ever conducted a telephone or shuttle mediation will surely be aware of the difficulties of working with parties who must counter barriers to direct or face-to-face communication. The authors detail these difficulties but further, provide step-by-step 'how-to' guides through the processes e.g. by providing a 'shuttle mediation checklist' (pp242) as well as tips on moving parties in and out of private meetings. It is these practical and time-tested techniques and suggestions that separates this book from many texts in the field ensuring that it will be a useful resource to the practice of mediation

Chapter 5 – *Language and Culture* is perhaps one of the most entertaining albeit educational chapters of *Mediating with Families*. The easy to read section on 'The Language of Mediation' is augmented with case studies designed to foreground linguistic and psychological steps that a mediator can employ to guide their clients through the dance of negotiation. The authors suggest that these steps or techniques might assist clients to have their emotional as well as practical (and legal) needs served by the process and the outcomes. This section helpfully guides the reader through case studies that in some excerpts, read as though they have been written verbatim from case notes of mediation impasses that most FRDPs would recognise to be part of their day-to-day fare. These case studies serve to provide an overview of techniques that might break an impasse (or avoid one altogether!). Some of these include paraphrasing, rapport building, metaquestioning and reframing, to name a few. It is the combination of the case studies and the techniques that make this section particularly useful and a good example of how theory can meet practice.

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In *Mediating with Families* Linda Fisher and Mieke Brandon have captured the essence of their impressive careers and distilled them into a readable and practical resource for students, theoreticians and practitioners alike. It is a commendable effort to at once, cover the ever-evolving legislative climate within family law and to reach an audience of diverse readers across disciplines. *Mediating with Families* (2nd ed.) is a useful and useable resource for working practitioners and a pedagogical support for professional training and development within the field. This is a significant contribution to the fields of family law and psychology and in particular, the profession of family dispute resolution.

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