An essential underpinning of mediation is the creative use of collaboration. Throughout my career and in writing this book, I have been blessed and helped by so many people who have given generously of their talent, time, and caring.

*Forrest S. Mosten*

Just when I was drowning in the drafting stage of the first edition, Jeff Jacobson appeared deus ex machina and volunteered to help. A promising law student at UCLA with a proven passion and commitment to peace and people, Jeff sacrificed countless hours researching, writing, and editing the ever-moving manuscript. Jeff is now a leading family lawyer in Los Angeles recognized for his peacemaking. Andrea Kushner, then a law student from cross-town rival University of Southern California (by way of Birmingham, Alabama), devoted countless hours in competently researching newest developments and providing source material for the notes and bibliography. Andrea has become an accomplished estate planner.

My professional associations in family law, mediation, collaborative law, and legal access have provided inspiration and friendship, which have contributed to this book. I am indebted to the members of my Family Law and Mediation Study Groups with whom I have developed ideas over the years. The countless professionals who contribute to many listserves have provided comments and sources that have found their way into the book. My friends at the Beverly Hills Bar, Los Angeles County Bar, Association of Family and Conciliation Courts, Association of Family Law Specialists, International Academy of Collaborative Professionals, Los Angeles Collaborative Family Law Association, Resolution, and the American Bar Association have supported and contributed to my work. Will Hornsby of the ABA deserves special mention as the walking sourcebook on legal access policy and research.

In preparing the final manuscript, I turned to my closest colleagues to read and offer well-needed criticism in a way that would not cause me to become paralytic in despair. My heartfelt appreciation for adding this chore to already overcommitted lives goes to Professor Larry Teply of Creighton Law School, who is the U.S. Representative to the Louis M. Brown/Forrest S. Mosten International Client Consultation Competition (www.brownmosten.com). Frank Garfield and Jeff Krivis, both esteemed lawyers and mediators in Los Angeles, took time from their overloaded practices to offer their insights. Nancy
Manning, a family lawyer and mediator from Rapid City, South Dakota, took particular care in reading the manuscript and offering helpful suggestions.

My special gratitude goes to Professor Emeritus John Wade of Bond University in Australia. One of the world's finest mediators, scholars, and trainers, John has been my professional alter ego and is a source of continuous inspiration and friendship.

My appreciation to Frieda Gordon for conceiving of this project and working as my liaison with the ABA Family Law Publications Development Board. My thanks to Barbara Kahn Stark, Lynne Ustach, and other members of the board for making sure that the final product in both editions reflects the needs of the ABA Section of Family Law. I will always appreciate Don Gecewicz, my editor of the first edition and godfather at the ABA and Jeffrey Salyards, editor of the second edition, who were always available, candid, and helpful.

I am fortunate to have learned from some of the world's authorities in client counseling and mediation. Professor David Binder of UCLA, Professor Thomas Shaffer of Notre Dame, and the late psychologist/lawyer Dr. Robert Redmount all taught me client-centered counseling. Dr. Constance Ahrons and Dr. Mary Lund have given me expanded views of family systems and therapeutic interventions through our joint teaching and co-mediation. I also wish to thank all my faculty colleagues at UCLA School of Law, particularly Professor Russell Korobkin and Luz Herrear, Assistant Dean for Clinical Education, Experiential Learning, and Public Service for their constant flow of ideas and personal support. My students in both Mediation Clinic and Lawyer as Peacemaker update my thinking, and the students whom I supervise in their independent research papers stimulate an evolving agenda of scholarship.

My colleagues throughout the country and internationally provide me with ideas and projects. David Hoffman from Boston and I speak at least weekly, sharing approaches to practice and teaching, and he always provides a peacemaking and creative perspective. John Lande from the University of Missouri is the consummate collegial presenter and co-author, and I marvel how we are always able to reconcile different perspectives. Ron Ousky, former IACP President from Minneapolis, is always sharing cutting-edge ideas that shape my thinking. Professor Andrew Schepard, longtime editor of the Family Court Review, has provided me inspiration with his contributions to both mediation and collaborative law as well as has afforded me the opportunity to test out my own scholarship and “not yet ready for prime time ideas” by publishing my articles and special issues. Finally, my 35-year friendship with Sir Geoffrey Bindman of London, England, provides me with a never-ending stream of approaches from his lifelong commitment to human rights and legal access.

My career and my life have been inspired by Louis M. Brown, to whom the first edition of this book was dedicated. Until his death at age 87 on September 19, 1996, Louis was my teacher, role model, and friend for more than 25 years—and with whom I enjoyed
discussing and debating most of the issues and trends featured in this book. Louis’s legendary body of work and ambitious agenda for the 21st century offer a challenge that will take our profession several decades to even partially fulfill.

One of the great fortunes of my professional life is my teaching and writing partnership with Elizabeth Potter Scully. Liz’s brilliance and hard work are demonstrated on the pages of this second edition. As I am now past Medicare age, I feel comfortable that many future editions of this book will be in Liz’s most capable stewardship. Until then, we will continue laughing together about our writing, teaching, and ourselves.

On the home front, during the first edition, my daughter, Jordana, and my stepson, Derek, deserved major kudos for having me unavailable way too often. “He’s still up in the study!” was the mantra imprinted on their psyches and hopefully will not impair their future development. Twenty years later, they seem to have turned out fine. Jordana is now a lawyer herself and Derek is a successful business person who has given me a wonderful daughter in law, Juli, and a grandson, Daniel.

From my first breath, my mother, Shelia Mosten, offered me a model of flexibility, empathy, and gentle resolve. During her welcomed visits from Missouri as the manuscript evolved, my mother displayed her lifelong patience and acceptance when I was absorbed in this project. She and my dear sister, Margo, are very much missed but have left me a full family of nieces and grandnieces and nephews.

Finally, I wish to thank my in-home editor and consultant, Jody Mosten, for her tireless patience and unfailing support and encouragement during both editions. Jody, a far better writer and certainly more organized, agrees that our personal collaboration on this project has taken over our lives—fortunately, we continue to have so much fun together in the process.

Elizabeth Potter Scully

Like Woody, I have been fortunate enough to enjoy a career marked by warm and sustaining relationships with talented teachers and colleagues. Professor Melissa L. Nelken at U.C. Hastings College of the Law introduced me to mediation, igniting that first spark of interest, which I have carried with me since. Susanne Stanford, Patty Kushner, and Suzanne Mascarena, our stellar family law team at Luce Forward Hamilton & Scripps LLP in San Diego, California, taught me about teamwork, pursuit of excellence, and a client-focused practice. When Susanne, at the top of her profession, first took me to court with her, she had us sit in the gallery with our client while all of the other attorneys sat bantering together in the well. Her public and unconventional choice to prioritize client comfort over assertion of her own professional status was eye-opening and unforgettable. I am grateful as well to my talented and settlement-oriented colleagues at Kaufman Young Spiegel Robinson and Kenerson LLP.
Judith C. Nesburn, Michelle “Micki” Katz, and David Kuroda have been unfailingly gracious, both personally and professionally, and I treasure their support and insight. I am grateful to Hon. Mitchell Beckloff of the Los Angeles Superior Court, who first gave me the opportunity to represent children in contested guardianship cases; this work renewed my passion for family law and gave me the opportunity to implement my mediation skills effectively in an unexpected new context. I am also grateful for the wisdom and good humor of Hon. Cindy D. Davis of the San Diego Superior Court. Their humility, kindness, hard work, and unfailing respect for self-represented litigants are unparalleled.

Also like Woody, I deeply appreciate the clinical faculty at UCLA Law School, including Prof. Korobkin, Assistant Dean Herrera, David Babbe, and Associate Dean for Curriculum and Academic Affairs Eileen A. Scallen, who is as generous a colleague as she was a Civil Procedure professor lo these many years ago. The students in our mediation clinical courses challenge and delight us on a regular basis and give us great hope for the future of mediation and peacemaking in the legal profession.

I am forever indebted to my brilliant law partners, Jeffery S. Jacobson and David P. Shebby, whose commitment to excellence and integrity is as boundless as their patience with my frequent absences from the office for teaching and writing and my penchant for taking my heels off at work. Jeff, a creative, problem-solving, and passionate mediator and collaborative attorney, encouraged me to start my own practice—only the first of many instances in which following his advice has transformed my life for the better. Dave’s perspective as a trial attorney is invaluable to my thinking about tradition and innovation in the world of Family Law, and his commitment to furthering the needs of the poor and vulnerable is an inspiration. Randi Akasaki and Kristen Hirashima, our hard-working associate attorneys, make us all proud, as does our world-class team. Deborah Uhtof in particular, who can make any document beautiful, contributed a great deal of time and skill to this project, and we simply could not have done it without her.

I count myself beyond lucky in my friends, old and new, and my family, whose support cannot be measured. I especially acknowledge Tom Scully, co-parent extraordinaire, for his flexibility, reliability, and devotion to our bright, soulful, and loving little fellow, Benjamin Tilden Scully.

Last but not least, I acknowledge my co-author Woody Mosten—gifted teacher, mediation visionary, and tireless advocate for sanity and innovation in our field. The teaching, writing, and speaking opportunities our collaboration have opened for me have been among the most transformative and satisfying of my career, and I am so grateful to count him and Jody among my most valued friends.