

Family Attorneys' Pledge of Cooperation

In 2005 over 50 family attorneys from St. Joseph County, Indiana signed the following Pledge of Cooperation. Many had contributed considerable time writing and commenting on earlier drafts. The values, work, and final pledge of these attorneys reflect the growing number of American lawyers wanting a system of family law responsive to the true needs of their family clients and in closer keeping with the historical role of the law as an instrument of problem-solving. See "Attorneys as Healers: Rediscovering the Law's Problem-Solving Tradition" on the Professionals Corner link of www.UpToParents.org.

It's our hope that leaders on the bench and in the bar will soon establish a standard of care for family attorneys incorporating these ideals.

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Recognizing that families involved in divorce and other legal cases will be served best by solutions that build cooperation and protect children, the undersigned attorneys pledge as follows.

1. As family attorneys we will constantly test the propriety of our words and advocacy by whether they can be expected to serve the healthy and child-focused cooperation of parents and other family members. We will educate our clients that in most cases family members will either win together or lose together and that success must be gauged by achieving solutions serving the best interests of all family members.
2. We will ensure that our clients fully understand their legal duty and personal interest in observing the letter and spirit of all court orders.
3. Knowing that clients will often follow our lead, we will consistently practice and model courtesy with all persons, including clients, family members, courts, and fellow counsel.
4. We will work cooperatively with our colleagues and the courts. On request, we will voluntarily trade all relevant and discoverable information in our cases. We will accommodate procedural requests that do no harm to our clients' best interests. We will not mislead any court, party, or attorney.

5. We will work cooperatively with our colleagues and the courts to assure the safety of all family members. If there has been any history or threat of violence or abuse against any family member, we will:
 - Consult with fellow counsel to find the best ways to protect all family members, including any children who may have suffered or witnessed any violence or abuse.
 - Counsel clients on their duty to observe the letter and spirit of all court orders and on the benefits of seeking useful counseling.
6. Except in cases of dangerous relationships, we will discuss with all prospective divorce clients any interest they may have in saving their marriages and the advantages and disadvantages of attempting to do so.
7. We will educate our clients that parent conflict can be gravely dangerous to children and that parents can often serve their own best interests by building cooperation for the sake of their children.
8. Because litigation can damage relationships and polarize family members, we will make every reasonable effort to avoid filings, custody evaluations, and hearings, including by:
 - Whenever possible, consulting with fellow counsel to attempt cooperative resolutions before filing pleadings or scheduling hearings.
 - Refraining from taking any nonlegal matters to court, including any matters better served by counseling or mediation solution rather than a legal ruling.
 - Educating our clients that while parents' cooperation can build better alternatives, a judge can merely pick from the poor alternatives available in the midst of parent conflict and that judicial decisions are not a substitute for parents working together.
9. We will refer our clients to counseling, mediation, or other assistance we believe could help them improve their relationships and the healthy functioning of their families.
10. We will work in our cases, in our professional associations, and in our public statements to develop a culture of cooperation in all family cases. We will give a copy of this Pledge to (and discuss it with) all clients in dissolution and paternity cases and in any other cases involving conflict between family members. We will educate the public, fellow counsel, and professionals from other fields about the urgency of, and many opportunities for, cooperative problem-solving in family cases.

**Pledge of Cooperation Signatories from St. Joseph County, Indiana
October 2006**

Claire Konopa Aigotti	John C. Hamilton	Diane Shields
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