



Connection

UNIVERSITY OF BALTIMORE SCHOOL OF LAW ♦ CENTER FOR FAMILIES, CHILDREN AND THE COURTS

Family Court Reform in Egypt Offers Women Rights They Lacked

BY JUDGE JUDITH L. KREEGER

Divorce rates in Egypt mirrored the meteoric rise in divorce rates elsewhere in the world in recent decades. In the 1970s, divorce rates in Egypt were at about .5 percent. By 2000, the rate had increased significantly to approximately 40 percent.

At that time, basic Egyptian family law was essentially the same as it was when it was enacted in 1925 during colonial times, based upon a combination of Shariah (Islamic law) and the Napoleonic Code. During the past ten years, however, Egyptian family law and the family court process changed dramatically.

Although religious and secular interests can be remarkably divergent in a number of respects, consensus has been achieved to effect what one commentator calls a “quiet revolution.” (*The New Egyptian Family Law*, http://findarticles.com/p/articles/mi_hb003/is_2_19/ai_n28971294/). The new laws give Egyptian women rights that they lacked and establish dedicated courts for family law cases.

Before the first reform, passed in January 2000, men could file for no-fault divorce (known as *kuhl*), but women could not. Women had to petition in court, citing marital misconduct by the husband. Because of inefficient procedures and the backlog of cases, they had to wait several years to terminate their marriages.

Giving women the right to seek a *kuhl* divorce, although not offering them financial relief, gives them a means to sever a difficult or abusive relationship. (Women, however, pay a steep price in a *kuhl* divorce: they must return the dowry they received upon marriage. This places the often uneducated woman in the position of having to return to her family for sustenance and support.)

Traditionally, men had unregistered marriages (known as *urfi* marriages) that lacked protections for women. The new law gave women who were in unregistered marriages the right to file for divorce. These marriages previously were not recognized by law and thus deprived women of legal rights such as spousal maintenance, alimony and inheritance. Under traditional Shariah law, women had little right to maintain the custody of their children who were over the age of seven and had no right to give their nationality to their children. Women recently obtained the right to maintain custody of children under the age of fifteen and to give children their Egyptian nationality. In addition, women also recently obtained the right to travel abroad without their husbands.

Women do have the right to seek divorce in family court for certain fault-based reasons. If the wife prevails, then the court may

Family Law in Australia 2009: Troubling Changes

BY JUDGE ALASTAIR NICHOLSON

The current picture of family law in Australia is a troubled one, and the previous progress toward a unified approach to family courts has been largely nullified.

The former conservative federal government, which lost office in 2007, introduced a number of significant changes to family law, described by it as “reforms,” that proved to be disastrous in the eyes of many people, including myself.

It should be noted that, unlike the United States, the Australian federal government has constitutional responsibility for marriage and divorce. The states and territories also have ceded jurisdiction to the federal government over children born outside marriage, so that federal policies have a much more significant influence than in the United States. On the other hand, child protection is the province of the State and Territory Courts, which militates against a Unified Family Court approach.

The steps taken by the former government can be grouped conveniently into four parts, most of which are influenced by pressure from fathers’ groups.

The first change effectively dismantled the previous system, whereby the Family Court of Australia provided conciliation and mediation services, free of charge, prior to the start of proceedings.

The former government instead has substituted “Family Mediation Centres,” independent of and away from the court premises and conducted by various non-governmental organizations

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Court Reformers Face Different Cultural Issues Internationally

Court reform is occurring internationally as courts grapple with burgeoning family law cases. In this issue, we take a close look at court reform in Egypt, Australia and Israel.

The articles in this issue address the different cultural and social issues facing court reformers in these countries.

Circuit Court Judge **Judith Kreeger** of Miami, Florida, discusses Family Court Reform in Egypt and how it is now offering women rights they have lacked in the past.

Deborah Chase, Senior Attorney with the California Administrative Office of the Courts, Center for Families, Children and the Courts, writes about how Egypt's family courts and mediation offices are working in partnership with each other.

Judge **Alastair Nicholson**, the Chief Justice of the Family Court of Australia from 1988 to 2004 and current honorary professorial fellow of the University of Melbourne, talks about the troubling changes occurring with family law in Australia.

Karni Perlman, an attorney and mediator who has co-founded the first Academic Mediation Center in Israel at Bar Ilan University and has served as its chairperson, writes about a proposal for a mandatory cooperative process designed to help parties resolve their dispute before going to court.

We hope this issue provides perspectives on how other countries are dealing with family court reform.

Reprints of Family Court Survey Article Available

To receive the results of the CFCC survey, "Reevaluating Where We Stand: A Comprehensive Survey of America's Family Justice Systems," published in the April 2008 issue of the *Family Court Review* by Barbara A. Babb, director of the Center for Families, Children and the Courts, please email Professor Babb at bbabb@ubalt.edu.



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Troubling Changes in Australian Family Law

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(NGOs), to provide these pre-filing mediation and conciliation services. Lawyers are excluded from mediations at these centers, which, unlike the Court, do not deal with property disputes, despite the obvious linkage between property and children's disputes in many cases.

Further, parties now are required to seek mediation at their own cost, either from one of these centers or from a qualified mediator, as a prerequisite to commencing proceedings relating to children. Parties can apply to the court to be excused from this requirement if they can establish violence, or a reasonable apprehension of it, in the relationship, but they also are liable to pay costs if they unreasonably raise allegations of violence. The system thus is loaded against them.

The motivation for this change seems to have been conservatives' unease about a court providing non-court services in the absence of proceedings and an anti-court, anti-lawyer bias. It has been asserted, without supporting evidence, that parties feel uncomfortable being required to use court premises for mediation.

The second change was the setting up of a Federal Magistrate's Court with identical jurisdiction to the Family Court of Australia, operating out of Family Court premises and using Family Court administrative staff, but under the direction of a separate administration. Thus, the two courts effectively were set up in competition with each other, rather than one complementing the services of the other.

As the Family Court's Chief Justice, I long had argued that there should be a summary level of jurisdiction within the Family Court to deal swiftly with simple cases, but this move did not achieve this result and at the same time created an administrative nightmare. The motivation for this step was unclear, but it seemed to relate to a desire to reduce the Family Court's power and influence.

The third and fourth series of changes are legislative. The third contains a provision that in making a parenting order, a court should apply a presumption of equal shared parental responsibility. This provision is subject to some exceptions relating to evidence of child abuse and violence or other evidence that the application of the presumption would not be in the child's best interests.

Where a parenting order provides for equal shared parental responsibility, the court "must consider whether the child spending equal time with each of the parents would be in the best interests of the child, is

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Troubling Changes in Australian Family Law *from previous page*

reasonably practicable and, if it is, to consider making such an order.” If the court does not make such an order, it must go through the same exercise in considering whether the child should spend substantial and significant time with each parent.

A major vice of the legislation is that it creates expectations among parents and mediators that a court will be likely to make orders for shared parental responsibility and equal sharing of time. In fact, courts often do not do so in contested cases, but many cases are resolved out of court on the basis of these expectations.

This legislation does not take into account the fact that the needs of children differ depending upon age and other factors, and orders that may be appropriate for one age group are quite inappropriate for another, quite apart from individual differences among children. These are concepts focused on the needs of parents, rather than on the child, and are an approach which, despite its superficial appearance of equity, neglects the needs of the child in the equation.

Further, because of the difficulties relating to proof of abuse or violence, there are now great concerns that the legislation has increased the risks of children being subject to abuse and violence by unsuitable parents as a result of court orders to this effect or, more commonly, parents making these agreements.

The fourth series of legislative changes were the only ones that could be described as progressive, and resulted from an initiative of the Family Court itself. In 2004, the Family Court commenced a pilot program based upon a German civil law approach for a less adversarial system of deciding children’s cases. In 2006, the federal government legislated to give recognition to this program. Salient points included:

Much greater control by the judge over the conduct of proceedings, including:

- The power to direct the calling of witnesses, to eliminate unnecessary evidence (including expert evidence) and to curtail unnecessary cross examination;
- The abolition of the rules of evidence unless the judge otherwise orders;
- More direct involvement of the parties in the proceedings;
- The judge to determine the issues to be decided.

The program has been highly successful in the Sydney registries of the court and has been well-received by litigants, but it has yet to win full acceptance throughout the country. It has enormous potential to revolutionize the hearing of family law proceedings.

The new federal government, elected in November 2007, now has implemented a number of processes to alleviate the worst effects of the previous Government’s “reforms.” These include the setting up an inquiry, conducted by a former judge, on the need to make

A major vice of the legislation is that it creates expectations among parents and mediators that a court will be likely to make orders for shared parental responsibility and equal sharing of time.

provision for victims of violence in the family law area; the merger of the Family Court and the Federal Magistrate’s Court; and an inquiry by the Australian Law Reform Commission into the issues of the presumption of shared parenting and the need to consider the equal sharing of time.

Hopefully, the outcome will lead to a better family law system in Australia that is much more responsive to the needs of parents and children.

The history of recent family law changes in Australia is a classic example of a political knee-jerk reaction attempting to

address family law problems that do not exist, except in the minds of noisy pressure groups. The resulting consequences include deterioration in the position of children affected by the changes and the destruction of a system that previously was working well. ■



Alastair Nicholson was the Chief Justice of the Family Court of Australia from 1988 to 2004. He is currently an honorary Professorial Fellow of the University of Melbourne, attached to the Faculty of Law, and continues to speak and write extensively on family and children’s law and human rights.

CFCC Names New Senior Fellow

Sharon Rubinstein, an attorney and former journalist with a particular commitment to juvenile justice, has joined the University of Baltimore (UB) School of Law’s Center for Families, Children and the Courts (CFCC) as a senior fellow.

Rubinstein joined CFCC following service on the Public Justice Center’s Right to Counsel project.

“We are pleased to have Sharon join our team as we continue to develop CFCC as a leader in addressing the most important issues facing families and children today,” said Barbara Babb, CFCC’s director and associate professor in the UB School of Law. “Her experiences and perspective will enhance our effectiveness in seeking justice for families and children in Baltimore and beyond.”

“The Center draws on many disciplines and engages multiple communities; CFCC is advancing justice, and I’m honored to be aboard,” said Rubinstein.

Rubinstein will be involved in CFCC’s Truancy Court Program, a cooperative effort to lower Baltimore’s truancy rate in public schools; initiatives involving Unified Family Court promotion and technical assistance; the Urban Child Symposium; and outreach and



Sharon Rubinstein

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Family Court Reform in Egypt Offers Women New Rights *from pg. 1*

grant spousal support for a limited term of years and, if there are minor children, the court may require the husband to provide living accommodations for a wife who has custody of the children.

In 2004, Egypt established 224 new family courts, with 1200 specialist judges located in child-friendly facilities. Family court procedures were to be less adversarial and required pre-suit use of a form of alternative dispute resolution known as Egyptian-style mediation.

Family law mediation in Egypt is not confidential, the parties need not be present, extended family members are engaged in the process and the process includes the mediator(s) making recommendations to the court about the family's issues. Consequently, the parties often do not speak freely about the underlying issues that are the basis for the family disputes, family members often exacerbate the dispute, and, if the parties are not present, their legal representatives have no incentive to facilitate resolution of the case. Women are inhibited in the process by traditional cultural and religious norms.

The mediation process is led by three specialists who are annexed to the family court and have training in law, psychology, and social work. If the parties reach a settlement at mediation, it is legally binding. If the mediation fails, then a court case can be filed within a week. Each family law case is reviewed by a panel of three judges, which is assisted by two social and psychological experts. One of those experts must be a woman. The Egyptian court process, generally based upon French legal concepts and judicial process, is a civil law process. Previous judicial decisions, however, do have persuasive authority.

More recently, the Family Insurance Fund has been established, creating a mechanism through which litigants can collect court-ordered alimony and child support. Each family court now has an execution department, which is intended to accelerate the implementation of these judgments.

Although the new family court procedures are meant to ease the backlog of cases, prolonged family law litigation is still perceived to be a problem: one to four years to conclude maintenance cases, one to two years to resolve *kubl* divorce and one-and-a-half to three years to decide divorce based on fault.

One study reports that the role of the court-appointed experts is limited. Although they are supposed to meet with the parties to provide another opportunity for mediation, as well as to gather information that would be helpful to the court, litigants often do not cooperate with the process. Some judges in rural areas report, however, that their experts are helpful in investigating the assets of husbands so that the court can make an informed determination about the husband's ability to support the family.

Just as dramatic as the increased divorce rate is the increased incidence of transnational marriages and divorces, an experience that Egypt shares with much of the world. In recent years, Egyptian judges and Ministry of Justice representatives have participated in

several international conferences of family law specialists. In 2003, Egypt and the United States concluded a Memorandum of Understanding on Consular Cooperation in Cases Concerning Parental Access to Children, which sets forth guidelines for future discussions on cooperation in consular cases concerning parental access to children from American/Egyptian families.

In 2005, following a series of meetings of family court judges facilitated by the Permanent Bureau of The Hague Conference, judges from the United Kingdom and Egypt reached agreement to recommend to their respective governments judicial cooperation in international child abduction cases. In the Cairo Declaration, the chief justices of these countries agreed to certain basic principles of family law, which included giving primary consideration to the best interests of children and implementing the decisions of a foreign tribunal that has jurisdiction to make a custody determination.

Most recently, a team of Egyptian family court judges and court administrators visited family courts in Washington, D.C. and Miami, Florida., attended the 2009 Association of Family and Conciliation Courts annual meeting, and met with Professor Barbara A. Babb at the University of Baltimore School of Law Center for Families, Children and the Courts, seeking to learn more about the American family court system and mediation. (Their visit was funded by a grant from the United States Agency for International Development, which also supported educational programs in Egypt for Egyptian family court judges and other family court professionals.)

Deeply embedded gender values persist and continue to affect the legal process in family law cases in Egypt. Men continue to have rights to polygamy, and although the most recent amendments made in July 2008 have increased the ages until which children are in their mother's custody, the rights of women concerning their children are still limited compared to those of men.

A study conducted in 2008 by American University in Cairo has concluded that many Egyptian women remain uninformed about their rights under the new laws and, of those who are informed, many are intimidated by cultural attitudes (www.ipsnews.net/africa/nota.asp?idnews+44281). Egypt's state information Web site, however, proudly points to policies in the country's recent legislation and to organizations it has fostered to empower women. The National Democratic Party of Egypt continues to advocate for a comprehensive family law system that includes all rights and duties within the family and that eliminates discrimination against women (www.ndp.org.eg). ■



Judge Judith L. Kreeger has served as a family court judge in the Miami-Dade Circuit Court (Florida) for the past 16 years. She has taught various aspects of family law, family court procedure, rights of privacy and public access to court records and proceedings in continuing professional education courses nationally and internationally. She is designated as a Hague Network Judge in connection with implementation of the family law treaties to which the United States is a signatory.

Egypt's Family Courts & Mediation Offices Work in Partnership

BY DEBORAH J. CHASE

The family courts in Egypt are dealing with a broad and complex array of issues fundamental to Egyptian society and will continue to grow as a critical component of Egypt's judicial system.

During the spring of 2009, I had the privilege of visiting family courts in Egypt. I participated as the senior U.S. legal expert on an evaluation team brought together by the United States Agency for International Development (USAID) with a contract to conduct a mid-project evaluation of Egypt's Family Justice Project (FJP). The FJP was established in 2006 by USAID, in collaboration with the Egyptian Ministry of Justice (MOJ), to support the goals of Egypt's Family Court Law No. 10 of 2004 (Law 10/2004).

Law 10/2004 made significant procedural changes to the existing family justice system by establishing a family court. Law 10/2004 also mandated that one or more mediation offices be established within the jurisdiction of each family court. The new law required that all litigants seeking to file an action for divorce, as well as most other family law actions, attend mediation at the mediation offices prior to actually filing a case.

Each family court is presided over by three judges, one of whom must be an experienced chief judge. The three judges must deliberate on all cases. Each family court also must be staffed with an expert in psychology and an expert in social work. At least one of the experts must be a woman. Both experts are required to be present in cases involving divorce, physical separation, annulment or voiding a marriage, child custody, custody residence, visitation, relocation, paternity or obedience. They also may be asked to do site visits for the court. Upon completion of their assigned work, the two experts prepare reports to the court.

Agreements reached in the mediation offices prior to filing must occur within 15 days of the request for service; this period can be extended only upon agreement of the parties. There is no fee for the mediation.

The mediation team must consist of three specialists: legal, psychological and social work. The legal specialist explains to the conflicting parties the legal problems that can result from their quarrel, their legal rights, and the consequences of pursuing the case in the family court. They also prepare legal documents. The psychological specialist reviews whether or not there are psychological reasons for the conflict and identifies solutions from a psychological perspective. The social work specialist examines all the social problems leading to the dispute between the two parties and attempts resolution in light of social theories. All three specialists participate in the mediations.

In Egypt, only women are required to seek permission from the court to get a divorce. Under Shariah, Muslim men have a unilateral right to divorce without resort to legal proceedings ("talaq").

The goal of the mediation is to reconcile the parties. If reconciliation is not possible, then the mediators will attempt to facilitate an agreement between the parties. When a case is actually filed with the family court for litigation, the mediators write a report. The reports must stick to factual information and may not contain any

opinions or recommendations. By statute, the mediators are not to make any medical or psychological diagnostic statements in their reports or to say anything that is harmful to the litigants.

One of the first things to understand about the substantive family law in Egypt is that only women are required to seek permission from the court to get a divorce. Under Shariah, Muslim men have a unilateral right to divorce without resort to legal proceedings (*talaq*). Since 1955, family law disputes have been heard by government, rather than religious, courts. Shariah, however, is the substantive foundation of Egypt's family laws. Therefore, the majority of litigants seeking mediation from the mediation offices are women, and motivating men to attend is often a challenging issue. By law, the first priority of the Egyptian family court and mediation offices is to reconcile parties seeking divorce from the courts, particularly if there are children involved. Interestingly, we have been unable to determine if this priority is an equally important component of the *talaq* process.

A primary role of the FJP is to support the family court and the mediation offices by providing training for the mediation specialists and, in collaboration with the MOJ, organize trainings for newly assigned family court judges. Since its inception, the FJP has trained 1,582 individuals from 220 family courts and has conducted a national training program for 563 family court judges. MOJ counselors (judges) who specialize in family law serve as trainers and facilitators.

The FJP also has assessed and implemented significant infrastructure changes to the courthouses in three pilot areas—Giza, Minya and Port Said—to upgrade facilities and equipment for the mediation offices. Improvements include dedicated rooms for mediation sessions; upgrades to mediator offices; information technology enhancements, including computer systems, server rooms and new wiring; and refurbished bathroom facilities.

The FJP also is charged with raising public awareness about the new family courts and mediation offices. The awareness-raising campaign is critical because Egyptian culture historically has been highly protective of family privacy and resistant to using public resources to intervene in family disputes.

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Are Israeli Family Courts Leaning Toward

BY KARNI PERLMAN

Three years ago, Israel published a bill, called “The Early Settlement of a Dispute,” dealing with the regulation of litigation in family disputes. The proposed law appears to be logical and desirable. Since its publication, however, the bill has made no progress. It is hard to determine the exact reason for this delay.

This bill constitutes the recommendation of a committee headed by Judge Yitzhak Shenhav, Vice President of the Ramat Gan Family Court, and composed of members of the legal profession, mediators, professional therapists, and court representatives, including from the religious courts.

Pursuant to the authority bestowed on them under the law, the family courts and religious courts in Israel both deal with various disputes that arise between married couples regarding marriage and divorce, child custody, maintenance, etc.

The “Early Settlement” proposal seeks to require that the parties to a family dispute start a legal process by way of a “Dispute Resolution Application” and not by submitting a regular lawsuit that includes a detailed statement of claim. After the application is filed, the parties meet with a professional therapist, who makes an initial assessment of the dispute and the wishes and needs of the parties. During the meeting, the parties are educated about possible methods for resolving the dispute in a consensual and cooperative way, including consultation, mediation, and treatment for the family or the married couple.

Only after an attempt has been made at this meeting to get the parties to agree to a procedure, or after such a procedure has been tried, can a party submit a claim that launches a standard legal procedure.

Under the proposal, a consultative process can take place in the court, where there is a special Assistance Unit of professional therapists and mediators. Alternatively, it can take place either in the community or the private sector. This type of procedure currently exists only as an option and only within the framework of the family court. No such Assistance Unit exists in the religious courts, nor is there any such procedure.

In the bill’s explanatory notes, the committee points out that the filing of pleadings in a family dispute causes the parties to adopt more radical positions, exacerbates mutual accusations, and creates new interpersonal family relationship obstacles. Moreover, even after the ruling has been handed down, the parties often engage in different conflicts resulting from breaches of the settlement arrangements, which are determined by the Judge but are contrary to the needs or wishes of one of the parties.

It is important to emphasize that in Israel there is a factor that leads to an escalation of conflicts, which is called the “authority race.” Either a husband or wife can select the kind of court that will hear a married couple’s dispute by filing a claim ahead of his or her spouse. An “authority race” occurs between the Rabbinical courts, which base their judgments on the Hebrew Law (the religious

The proposed law calls for regulation of litigation in family disputes, but since its publication it has made no legislative progress. The reason for delay is difficult to determine.

Jewish law), and the civil courts for family matters, and similarly between the Muslim religious courts and the Christian community courts, on the one hand, and the family court on the other.

The innovative bill seeks to integrate the concept of consensual dispute resolution on two levels. First, the proposed law would facilitate clarification of the dispute in a way that tempers the positions of the parties, prevents their animosity from becoming more intense, facilitates the appropriate relationship in the future and minimizes the harm caused to the children. Second, it would facilitate the incorporation of this approach in the religious courts in a way that minimizes the “authority race.”

In the Dispute Resolution Application, the applicant declares that a dispute exists and indicates on which matters he or she wishes to institute action in the event that the dispute does not end in agreement and he or she wishes to sue for divorce. The applicant cannot give details regarding the allegations, the facts connected with the dispute, or the type of court that is competent to hear the matter.

The submission of the proposed bill indicates the validity of the alternative dispute resolution (ADR) movement in the Israeli legal system. The integration of ADR’s ideas in Israeli law essentially has existed since the 1990s. The most widespread ADR procedure in Israel today is mediation. In the “regular” magistrate’s court system, a pilot program is being conducted in which selected disputes are referred to compulsory pre-mediation meetings. At these meetings, the parties deliberate with the mediator about the option of settling the dispute through mediation. Parties must participate in the compulsory pre-mediation meeting, which is conducted before experienced mediators who are selected by the Ministry of Justice.

It is evident from the bill that the Shenhav committee recognizes concepts central to therapeutic jurisprudence, which regards law as a social force that influences the emotional life and the psychological well-being of the individual. Therapeutic jurisprudence is based on the view that the law should function as a therapeutic agent. The judicial and legal systems should change and adapt legal rules, through the legal process and by the conduct of the players in the legal system, in order to create positive therapeutic results (results that are emotive, positive and constructive) and to prevent anti-ther-

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Alternative Dispute Resolution?

apeutic outcomes.

The bill's memorandum refers to the emotional aspects of family disputes. It regards the cooperative process as preferential to the adversarial process in order to reduce the negative emotional outcomes that the parties, their children, and other family members can develop from disputes.

It is difficult to determine why the proposed law has made no progress. Its stalled state possibly stems from budgetary problems, as its acceptance would necessitate the establishment of an Assistance Unit in the religious courts.

On the one hand, we can detect a trend toward increased support for cooperative conduct in the family courts in Israel and for creating new rules to improve the quality and efficiency of the court system. On the other hand, these courts are not yet able to fully implement this objective. ■



Karni Perlman is an attorney, mediator, and adjunct lecturer in several faculties of law and conflict resolution programs in Israel. She holds the degree of LLB (in Law) and MA (in Conflict Management and Negotiation) and is currently working towards her PhD. Perlman was a co-founder of the first Academic Mediation Center in Israel at Bar Ilan University and has served as its chairperson.

CFCC's New Senior Fellow *from pg. 3*

communications to foster the work of CFCC.

Prior to her work at the Public Justice Center, Rubinstein worked for over eight years at Maryland's Advocates for Children and Youth, where she served as communications director, interim child welfare policy director, and as a registered lobbyist.

Rubinstein is an active member of the American Bar Association's Criminal Justice Section, and has consulted to the ABA's Juvenile Justice Center. She is one of the editors of the *Fourth Amendment Handbook*. She was recently named the liaison from the CJS to the *ABA Journal*.

Rubinstein is currently on the faculty of the Advocates for Children program at the University of Maryland at College Park.

As a journalist, Rubinstein wrote for many outlets, including *BusinessWeek*, *Newsweek International*, *The Baltimore Sun*, *Criminal Justice Magazine*, CNN and CBS News. She was also the producer of a local radio show, "Justice for Youth." She serves on the board of the Megaphone Project, a video production company that promotes social justice causes.

Rubinstein, former law clerk to the Hon. John Feikens, who was then chief judge of the Eastern District of Michigan, is a graduate of the University of Michigan's Law School. She has a B.A. in psychology with distinction in all subjects from Cornell University. ■

Partnership of Egypt's Family Courts and Mediation Offices *from pg. 5*

Prior to 1955, all family law matters were heard in non-governmental Shariah courts presided over by religious scholars. This was in contrast to civil, business, and criminal cases, which all were heard in government courts based on the French Napoleonic Code. In the last ten years, the government of Egypt introduced a series of new laws pertaining to family justice and the rights of women and children. For example, in 2000, women were given the right to initiate no-fault divorce, provided they waived any financial settlement. Law 10/2004 significantly improved access to the courts and the rule of law for family litigants.

To address the issue of public awareness, the FJP has awarded a total of \$2 million in grants to 27 non-governmental organizations in different locations nationwide to include awareness-raising activities about the family courts and mediation offices along with the other services they provide, such as economic empowerment programs.

The FJP also has worked with the MOJ to develop a media campaign that includes a press conference at the judicial training, a television campaign, and informational materials, including brochures and posters that are displayed in family courts throughout the country. In addition, the FJP has produced a documentary video.

The number of cases served by the mediation offices has risen significantly every year since their implementation, suggesting that the public increasingly has accepted courts as institutions capable of

resolving family disputes.

Overall, we have observed that the new family courts and the mediation offices represent a significant step in the development of justice for families in Egypt, and the FJP provides excellent support. Although mediation is present in other legal areas, such as economic courts, it is mandatory and extensive in family law. It is likely that the family mediation offices can be the flagship for court-based mediation in Egypt, and that the family law judges are in an optimal position to provide judicial leadership in this area.

Community attitudes toward the court clearly are changing, and the MOJ's activities in implementing Law No. 10/2004 demonstrate a serious intention on the part of the Egyptian judiciary to meet the needs of the public and encourage its trust and confidence in the family law courts. ■



Deborah J. Chase is a Senior Attorney with the California Administrative Office of the Courts, Center for Families, Children & the Courts. She is a family law specialist certified by the State Bar of California and holds a doctorate in psychology. Dr. Chase has been a frequent presenter nationally and internationally on issues related to problem-solving courts and judicial satisfaction, family law and pro se jurisprudence, and recently served as legal consultant for DPK Consulting, Inc. on the USAID evaluation of Egypt's Family Justice Project.



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DVD on Unified Family Courts Now Available



A compelling DVD, "Unified Family Courts: Efficient, Effective, Responsive," puts a human face on the Unified Family Court (UFC), a court model designed to address the nature of family law cases. The DVD contrasts the experiences of two women in their divorce proceedings. As portrayed in the DVD, one woman was subject to a traditional court system, while the other's divorce was handled in a UFC. The University of Baltimore School of Law's Center for Families Children and the Courts produced the DVD, which includes interviews with judges, attorneys, services providers, and UFC experts. For a free copy of the DVD, please email Professor Barbara A. Babb at bbabb@ubalt.edu.

ASK THE EDITOR: Unified Family Courts cover a myriad of issues, problems and innovations. If you have questions you would like us to address, or if you want to contribute to the newsletter, please send your suggestions to us. We will try to include them in upcoming editions of the *Unified Family Court Connection*. Send your questions or contributions to: cffc@ubalt.edu.

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