

**RESOLUTION IN SUPPORT OF  
DIVORCE AND FAMILY LAW ARBITRATION**

Adopted by the American Academy of Matrimonial Lawyers Board of Governors on March 14, 2024.

WHEREAS, the American Academy of Matrimonial Lawyers (AAML), founded in 1962, is a national organization of attorneys specializing in family law practice, the mission of which is “to provide leadership that promotes the highest degree of professionalism and excellence in the practice of family law”;

WHEREAS, the AAML provides leadership and guidance in family law policy matters, assisting states in evaluation, enacting, and enforcing effective laws which protect the self-determination and autonomy of diverse family systems and individuals;

WHEREAS, the AAML endorsed the concept of arbitration in domestic relations matters in 1990,<sup>1</sup> adopted Rules for Arbitration of Financial Issues in 1990,<sup>2</sup> and published the Model Family Law Arbitration Act in 2005, based on the Revised Uniform Arbitration Act;<sup>3</sup>

WHEREAS, the AAML promotes alternative dispute resolution (“ADR”) in general in its Bounds of Advocacy published in 2000,<sup>4</sup> which recognized that the matrimonial lawyer should consider alternative means of achieving resolution of marital disputes by agreement and be knowledgeable about different ways to resolve them, including negotiations, mediation, arbitration and litigation;

WHEREAS, the AAML Bounds of Advocacy provide that a lawyer should act as an arbitrator only if competent to do so; the AAML provides high level training for arbitrators, including the AAML Arbitration Training Institute, and webinars by experienced arbitrators, to provide attorneys with the necessary knowledge and skills to act as arbitrators or to represent parties in a family law arbitration;

WHEREAS, the Conference of Chief Justices endorsed the Family Justice Initiative Principles for Family Justice Reform that included encouraging parties to try and reach resolutions themselves, through alternate means, including the use of arbitration, rather than to undergo a full adversarial proceeding;<sup>5</sup>

WHEREAS, The Uniform Family Law Arbitration Act (“UFLAA”) was recommended by the Uniform Law Commission for enactment in all the states at its annual meeting Jul 8-14, 2016, and was approved by the American Bar Association House of Delegates on February 6, 2017;

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<sup>1</sup> See Joan F. Kessler et al., *Why Arbitrate Family Law Matters?* 14 Am. Acad. Matrim. Law 333, 333 f.n.3 (1997), citing *Matrimonial Arbitration-The Board Votes to Take the Lead*, AAML NEWSL.(AAML, Chicago, IL), Apr. 1990;.

<sup>2</sup> Uniform Family Law Arbitration Act, Prefatory Note, at 1.

<sup>3</sup> *Id.*

<sup>4</sup> See American Academy of Matrimonial Lawyers Bounds of Advocacy, 1.4, 1.5, and 9.1.

<sup>5</sup> Conference of Chief Justices, Resolution 3 In Support of the Family Justice Initiative Principles, [In Support of the Family Justice Initiative Principles \(ncsc.org\)](https://www.ncsc.org/family-justice-initiative-principles). Principle 1, commentary, p.2.

WHEREAS, the UFLAA creates a statutory scheme for the arbitration of family law disputes, including key provisions that do not appear in the Uniform Arbitration Act or Revised Uniform Arbitration Act, to protect vulnerable individuals during the arbitration process, including children and victims of domestic violence, requires close judicial review of child-related issues, requires that the arbitrator apply the substantive law of the state, and allows for post-modification of the award or expansive appeal rights consistent with state law;

WHEREAS, the UFLAA permits experienced divorce and family law arbitrators to decide disputes arising under a state's domestic relations law, including disagreements about property, spousal support, alimony, and includes optional provisions for arbitrating child-related disputes, while permitting judicial review of a child-related arbitral award to ensure that the award is in the child's best interest;

WHEREAS, the UFLAA does not authorize an arbitrator to make an award that grants a divorce, terminates parental rights, grants an adoption or guardianship of a child or incapacitated individual, determines dependency, or issues a final protection order, and allows a state to exclude arbitration of child-related awards; and

WHEREAS, the UFLAA provides for the enforcement of out-of-state arbitration awards.

WHEREAS, family law arbitration offers the parties and their counsel the opportunity to resolve a family law dispute quicker, cost-effectively and at the convenience of the parties and arbitrator;

WHEREAS, family law arbitration provides a more tailored approach to the parties' needs by affording parties the ability to submit small as well as complex family law disputes to an arbitrator; and

WHEREAS, the family law arbitration process provides a streamlined pathway by permitting the parties to engage their decision-maker earlier in the process, which enables the arbitrator to move the dispute process along more constructively, lessening adversarial posturing and the emotional toll upon the family;

WHEREAS, family law arbitration allows litigants to be involved and empowered by having control over the selection of the arbitrator, the arbitration process, and its costs; and

WHEREAS, family law arbitration is more private, less formal and more flexible than traditional litigation:

NOW THEREFORE, IT IS RESOLVED that the American Academy of Matrimonial Lawyers reinforces its decision to support the use of arbitration of divorce and family law issues throughout our country; endorses the adoption of family law-specific legislation to address the unique needs of vulnerable family law participants; and, if a state does not have in place a family law-specific arbitration statute or rule, encourages the state's AAML chapter to work with their legislature to introduce the Uniform Family Law Arbitration Act, with modifications as appropriate to codify or incorporate any established family law arbitration caselaw, statutes, policies or procedures, with the goal of helping family law litigants resolve their matters expeditiously, competently, cost-efficiently, and confidentially in this alternative dispute forum, and

IT IS FURTHER RESOLVED that the members of the American Academy of Matrimonial Lawyers call upon the Judiciary throughout this nation to similarly support and encourage the use of arbitration of divorce and family law issues to the extent permitted by the laws of each state, recognizing that a goal of our judiciary is to help family law litigants resolve their matters expeditiously, competently, and cost-efficiently.