
Tribute to Ruth Charlton

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It is my privilege to have been asked to write a fitting tribute to Ruth Charlton, the foundation co-editor of the *Australasian Dispute Resolution Journal* published by Thomson Reuters. I have been asked to recount her life and times, her impact on Dispute Resolution and the enormous legacy she has left in the field of Dispute Resolution.

To start, I wish to quote (with permission) the words of the Honourable (Terry) Terence William Sheahan, AO, Patron of the *Australian Dispute Resolution Association (ADRA)*¹ an organisation of volunteers of which Ruth was a founding member, who said at Ruth's Memorial service in New South Wales Parliament House on 8 September 2022, the following:

It is with deep regret that I note the passing of Ruth Charlton.

As Patron of ADRA, I also sincerely regret that I am unable to attend the memorial on 8th, either in person or on Zoom. I extend my sincere condolences to Geoff and all who held Ruth close. May her noble soul rest in peace.

Many younger devotees of ADR may not be aware of how significant Ruth Charlton's role in its advancement has been. Those of us who have been involved for many years are in awe of her efforts and her standing – we stand on the shoulders of several giants, but none more significant than Life member, Ruth Charlton.

To my mind, Terry's words said it all. And like Terry, on behalf of the members of ADRA as its current President, I too extend ADRA's condolences and my personal condolences to Geoff, Ruth's husband, and professional partner, and to Ruth's extended family.

RUTH'S BACKGROUND

I would also like to thank, Geoff for making the information about Ruth's life available to me for this tribute.

As Geoff has informed me, Ruth was born in Nottingham England and came to Australia in her early 20s. Before she could return to England, she met Geoff at a bus stop and there began a relationship lasting nearly 60 years. While raising two children, Christopher and Natasha, Ruth became a mature aged student completing her High School Certificate by topping the State of New South Wales in History. She then began studying Law at NSW University where she graduated in 1985. She was admitted as a solicitor in 1986 which coincided with the same time that Geoff switched from practising Law at the NSW Bar to also become a solicitor.

While at Law School, Ruth was accepted into the second intake of mediation trainees at the Community Justice Centres (CJC) in 1982, being trained by Linda Fisher another ADR pioneer and ADRA foundation member. Ruth's training stretched over six weekends and she was always quick to say that the initial training of mediators by CJC was far more comprehensive than our current effective five-day courses. Having graduated she conducted her very first mediation in 1983, beginning a mediation career lasting nearly 40 years.

Ruth's work as a solicitor included making personal injury claims for members of a bikie gang when they fell off their motor bikes and defending criminal charges against them. The impact of her presence was best described by the fact that she was finally accepted by the gang and made an honorary member of their club, a testament to the fact that she could win over anyone. Having started as an employed solicitor in 1986 Ruth did not attend the very first ADR conference hosted by the Australian Institute of Criminology in Canberra. At a side meeting to that conference several founding members decided

* President and Fellow of ADRA, Fellow of the World Mediation Organization, Founding Member of PAVE PEACE. A Founding member of CADR (Council of Alternative Dispute Resolution).

¹ ADRA is a membership organisation for Mediators convened by a group of volunteers as Board members to promote the interests of mediators and support the development of Mediation.

to form an organisation to promote mediation and ADR.² Although not present at the first Canberra meeting, Ruth did become a committee member of the very first Board of what was then the *Alternate Dispute Resolution Association of Australia* (ADRAA) which after two years changed its name to The *Australian Dispute Resolution Association* (ADRA) as it is today.

Ruth was very active in that first committee of volunteers and participated in developing ADRA's Constitution, in presenting the publication of the first newsletter, in forming sub-committees including an Ethics subcommittee that began drafting ethical standards for mediators, in forming a domestic violence committee that held the first ever conference on the subject in early 1990, and finally in converting the newsletter to a journal publication with the support of Sir Laurence Street.

RUTH'S CONTRIBUTION TO DISPUTE RESOLUTION AND HER LEGACY

One way to measure Ruth's contribution to the world of Dispute Resolution is to measure the impact she has had on those around her and for me that impact has been not only immense but also character building. For me, Ruth was not just an inspiration but living proof that being a woman in a world with as much animosity against Dispute Resolution as there was 30 years ago from the legal profession in Sydney was still no barrier to getting things done. Ruth understood the causes behind the animosity and understood that by modelling more appropriate ways of resolving disputes she could forge a path for disputants and especially lawyers, to see life other than from an adversarial perspective. She modelled that path with grace, and dignity always quietly persevering to encourage a better perspective and showing what Terry called, *the presence of her noble soul* in action thus proving the immense impact she had on others as well as myself.

For Ruth, and those early Dispute Resolution pioneers Mediation was not just a job but a way of life, a practice of how best to live in an ever-changing world with grace and dignity. Her continued perseverance leaves a legacy in the many areas of her interests but especially as the co-editor of the *Australian Dispute Resolution Journal* for over 30 years and that is just one of her accomplishments. The journal began its life as a newsletter from ADRA and ADRA is very proud that it was the original home of such dispute resolution devotees who in Terry's words, *became giants in their field*, and foundation members of ADRA like Ruth Charlton, Linda Fisher, Wendy Faulkes, Micheline Dewdney, Jennifer David, David Newton and Sir Laurence Street, the original Patron of ADRA – all true pioneers in the face of much adversity towards Mediation.³

Wendy Faulkes reminded us that in 1990⁴ the birth of Mediation in Australia came via a Pilot Project which set up the CJC in 1979, to deal with neighbourhood disputes. Wendy states:

It is generally accepted that the modern development of Alternative Dispute Resolution (ADR) in Australian has its origins in 1979 with the establishment, by the then Attorney-General, Mr Frank Walker, of a Co-ordinating Committee to test the notion that many disputes, which had been unresponsive to court processes could be resolved quickly and inexpensively by using a process of informal and voluntary mediation. This would be effected by way of a Pilot Project.

Ruth was among the second intake of mediators for that project in 1983 which began her long 40 years of service as a practising mediator. Ruth felt compelled to build the industry of mediation which was a major driving factor in the formation of ADRA. From its inception ADRA took on the responsibility to advocate for social justice such as advocating against domestic violence which at the time was considered as nothing to do with the Law. Domestic Violence orders were unknown in the early 1980s, let alone any criminal action being taken for matters of domestic violence.

² Those present at that side meeting were Wendy Faulkes, Linda Fisher, David Newton, Jenny David, Gerald Raftesath and David Bryson, and apologies to anyone who may have been missed.

³ Basil Evangelidis – a Community Justice Centre mediator – was the original Treasurer of ADRA; Gerald Raftesath a litigation partner of what was then *Mallesons Law Firm* and subsequent founder of LEADR (Lawyers Engaged in Alternative Dispute Resolution) was a foundation Committee member of ADRA as was Janice Williams, a community mediator, and Ruth Charlton.

⁴ Wendy Faulkes, "The Modern Development of Alternative Dispute Resolution in Australian" (1990) 1 ADRJ 6.

As Anne Ardagh described in her 2016 article celebrating ADRA's 20 years of service,⁵ ADRA established a Family Mediation Division from its onset in which Ruth played an active part setting up conferences, consulting with a wide range of agencies and participating in the research and education services to the community to alert the public that the Law around Domestic Violence needed to change. To that end, during the years 1990–1991, ADRA engaged Margaret Burns to prepare a monograph for ADRA in consultation with the *ADRA Domestic Violence Committee* and *Board of Management* and was so successful that it was published becoming widely available as a major contributor to policy in this area and instrumental to alerting the Australian Parliament and the NSW Police Force of the seriousness of domestic violence.⁶

Ruth's involvement in raising awareness around social justice issues further extended to include an ADRA domestic violence conference in 1990 where the prime speaker was the woman who founded the first women's refuge in Sydney and included a speaker who was a survivor of domestic violence and a resident of that refuge who gave a first-hand account of her terrifying experiences. It was through such actions of people like Ruth that domestic violence was finally treated as a criminal offence; and even though domestic violence still occurs today, criminalising it has helped to set the boundaries in domestic relations and has allowed society to come a long way from accepting that "it's only a domestic". ADRA is very proud of the part it played to assist such changes in society adopting the vision statement of *Building Community through Dispute resolution*, a vision statement of which Ruth was very proud.

Dispute Resolution in Australia survived those difficult early days in the 1980s from the efforts of those like Ruth Charlton, who continued to simply work silently in the background, pushing the wagon of Dispute Resolution as the way forward for the future despite resistance to acceptance of Mediation by the legal fraternity. Their achievements were ADRA's achievements which initially included setting up structures for educating mediators through regular seminars, submissions to government, courts and regulators, and later included setting up structures for practise groups, for complaints handling, for standards of training and accreditation, and for advancing ADR through co-operation with other likeminded organisations, including those overseas such as with the *World Mediation Organization* and lately with projects in Mongolia, the Judicial Council of which has become an affiliate of ADRA – all thanks to the strong foundations set by those early pioneers such as Ruth.

Ruth's accomplishments include:

- Topping the State of New South Wales in her High School Certificate History Exam as a mature aged student.
- Being a foundation member of ADRA, the only volunteer membership organisation for Mediation which started its life in 1986 as the ADRAA under the Presidency of Wendy Faulkes with Secretary, Linda Fisher and Vice President, David Newton, and changed its name in 1988 to *the Australian Dispute Resolution Association Inc (ADRA)* as it is today.
- Being the foundation co-editor with Micheline Dewdney of the *Australian Dispute Resolution Journal* published by the Law Book Company at the time, with the chief Editorial consultant being Sir Laurence Street. The first part of Volume 1 was published in February 1990 and expressed as being *in association with the Australian Dispute Resolution Association*.
- In 1995, Team Charlton and Dewdney combined to write and publish "The Mediator's Handbook". The text was an instant success and was adopted or recommended in many mediation training courses and four university courses. It was followed by the Second Edition in 2004 and the Third Edition in 2014. To date the book has sold almost 5000 hard copies and numerous electronic versions.
- In about 1995, Ruth and husband Geoff were the first to mediate under the Farm Debt Mediation Act.
- In about 1997 – onwards: Team Charlton and Dewdney conducted various advanced skills training courses for LEADR across Australia and in New Zealand.

⁵ Anne Ardagh, "Australian Dispute Resolution Association: Its History and Its People" (2016) 27 ADRJ 252, 257.

⁶ Ardagh, n 5, 257.

- In 2000, Ruth was invited by the Peruvian Arbitration Institute to conduct mediation training in Lima, Peru. This was a success among initially dubious arbitrators.
- Subsequently in about 2000, the University of Poland invited Ruth to conduct a five-day training course in Warsaw, Poland. This exercise included a TV News interview on the “novel” process.
- In about 2000, Ruth wrote “The Dispute Resolution Guidebook”. It reflected the expansion of ADR into many different sides of the law. This text sold almost 1,000 copies.
- In about 2008, Ruth was made an Honorary Life Member of ADRA for her service to mediation and ADRA.
- By about 2019, Ruth retired from mediating due to back problems and emerging ill health, having conducted over 3,000 mediations either privately or organised through NSW Law Society, NSW Legal Aid Commission, Workers Compensation Commission, Health Care Complaints Commission, Rural Assistance Authority and others.
- In about 2021 Ruth was recognised by the *Resolution Institute* which gave an award for her service to ADR.
- In about 2022, Ruth was still the Co-Editor of the ADRJ, expressing strong views on the articles that were submitted.

The institutions above in which Ruth took a significant part have contributed to the very fine reputation that Australian Dispute Resolution practitioners experience today, not just in Australia but worldwide. Geoff said that Ruth asked for the song *Bridge over Troubled Waters* to be played at her funeral as that is how she saw the job of Mediator – a vision that is a lesson and goal for all of us.

As Terry said:

Many younger devotees of ADR may not be aware of how significant Ruth Charlton’s role in its (dispute resolution) advancement has been.

It is only:

Those of us who have been involved for many years are in awe of her efforts and her standing.

It is not a small statement that Terry makes when he says that:

We stand on the shoulders of several giants but none more significant than Life member, Ruth Charlton.

