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Boston College Law School

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Madoff Receives ACTEC Grant

1/10/02--Boston College Law School is pleased to announce that Professor Ray Madoff has been awarded a grant by the American College of Trust and Estate Counsel to study the use of mediation to resolve will and trust disputes. Professor Madoff will use this grant to fund her research identifying the real and perceived impediments to the widespread adoption of mediation as a method of resolving these disputes.

"Mediation in other areas of the law involving family members--most notably divorce and child custody disputes--has been widely adopted and indeed has become the dominant method of resolving disputes. In part based on this success, there has been a growing interest in the use of mediation to resolve will and trust disputes," Professor Madoff said. "There now exist a number of court-sponsored mediation programs, and many jurisdictions currently are considering adopting their own court-sponsored programs geared specifically towards will and trust disputes. But many jurisdictions still provide little or no formal opportunity for mediation of will and trust disputes, and even where mediation is offered, many judges and practitioners are skeptical as to its value in the realm of trusts and estates.

"This project will study those jurisdictions in which mediation has made the greatest inroads and attempt to identify those conditions which have led to its successful adoption."

Professor Madoff’s research methodology will include interviews with judges, lawyers, mediators and parties involved in will and trust disputes. She also plans to draw on the growing body of literature about the successes and failures of mediation in other areas of the law. She expects to publish at least one article from her research, and to present her findings to probate judges, the probate and trust bar and academics.

Professor Madoff is an academic fellow of the American College of Trust and Estate Counsel. Fellows of the College are nominated by other Fellows in their geographic area and are elected by the membership at large. A lawyer cannot apply for membership in the College. Fellows are selected on the basis of professional reputation and ability in the fields of trusts and estates and on the basis of having made substantial contributions to these fields through lecturing, writing, teaching and bar activities.

The purposes of The American College of Trust and Estate Counsel are to maintain an association, international in scope, of lawyers skilled and experienced in the preparation of wills and trusts; estate planning; probate procedure and administration of trusts and estates of decedents, minors and incompetents; to improve and reform probate, trust and tax laws, procedures, and professional responsibility; to bring together qualified lawyers, whose character and ability will contribute to the achievement of the purposes of the College; and to cooperate with bar associations and other organizations with similar purposes.