SHOULD MEDIATORS ALSO BE LAWYERS ?

Introduction

When disputes are ripe for mediation, the mediator's skills, knowledge and stature can be critical to making mediation successful. In several countries, including many states in the US, a law degree is a prerequisite for being listed as a court approved mediator. Therefore lawyer's interest in mediation is becoming more apparent in different jurisdictions. In England lawyer's attempt to mediate can be traced back to 1985, when a body called Solicitors in Mediation consisting of five mediators was formed. This was followed by the formation of a 'Conciliation Board' by the Family Law Bar Association in the same year.

The question as to whether or not mediators should also be lawyers has become a hotly debated issue amongst scholars in the field. Some writers submit that lawyers are the most successful mediators[1] and they are most qualified to take this role, while others disagree[2]. The reason for concern in this area is protection of the public from unqualified people providing such services, which might contain some legal elements. This discussion also led to a growing concern about the Unauthorised Practice of Law (UPL) by mediators.

In an attempt to tackle this controversial question, it is better to start with a brief on some characteristics of mediation. This will be followed by general discussion on lawyers' characteristics and visions of solving disputes to see if such visions have any similarities with the mediation process. General arguments 'for' and 'against' the notion of *whether or not* 'mediators should also be lawyers' will follow. These arguments will include discussions on the meaning of law practice.

General characteristics of mediation

Defining mediation has caused widespread disagreement in mediation literature. However, two key features remain visible. "First, mediation is identified as a form of third-party intervention supportive of negotiation. So the mediator's primary role involves facilitating other people's decision-making....Second it is seen as going to the essence of the mediator's role that he or she is not aligned with either party"[3]. Another central feature in mediation lies in its capacity to re-orientate parties towards each other and to enable them to create their own rules rather than imposing rules on them[4]. Accordingly in a true sense parties of the dispute own the whole mediation process. The choice of mediation and the mediator, the style of the process and the decision-making powers all belong to the parties and no one else[5]. Since they are the owners of this process, the main focus is not only on the legal claims and defences, but also on their interests, needs and emotions. Just as friends settle their quarrels without going to court, parties to mediation settle without considering legal rules[6].

The basic goal of mediation includes reduction of the negative effects and the anxiety of the conflict. The third-party is expected to help the parties to reach this goal and settle by negotiating in a collaborative rather than adversarial way.

It is to be noted that the informal atmosphere and the friendliness of all the participants are important elements involved in this process. The mediator's use of everyday language with positive and warm tone, regardless of his feelings, is important to simplifying the process to the parties and keeping them on the negotiating table.

Lawyers' characteristics and visions of solving disputes

The role of resolving conflicts by lawyers is not confined to the paradigmatic images of 'practising law'. Lawyers spend more time consulting with clients, negotiating and researching than they spend in court[7]. However, lawyers' techniques in performing such roles are specifically turned to persuading a jury, because there is a presumption that the dispute may be resolved through the application of some general rule of law by a third-party. Another presumption employed "by most practising lawyers and law teachers...[is] that disputes

---

1 Hazel Genn, 'The Central London County Court Pilot Mediation Scheme - Evaluation Report', 1996, www.law.warwick.ac.uk/woolf/report/contents.html; Raby, 'Mediation v. Solicitors? the reason for concern', 1993, Family Law, Vol.23, p.10.

2 Sandra Purnell, 'The attorney as Mediator - Inherent conflict of interest?', 1985, 32 UCLA L. Rev. 986.

3 M. Palmer and S. Roberts, 'Dispute Processes', 1998, at p. 101.

4 G. Simmel, 'The sociology of Georg Simmel', edited by K Woolf (1950, originally 1908), Free Press, Glencoe, Ilinois, p.151.

5 M. Noone, 'Essential Legal Skills: Mediation', 1996, Sydney, at p.33.

6 S. Purnell, Op. Cit., at p.989.

7 Ibid, at p. 986.

© Fadi Hashem, Hashem Law Office, Jordan

are adversaries - i.e., if one wins , the other must lose"[8]. This presumption compels lawyers to maximise the likelihood that their client will prevail. The result is that lawyers' only obligation is to abide by the established constraints on professional behaviour[9]. It is submitted that this adversarial perspective is a frequent companion to lawyers, which might keep them from appreciating the value of mediation[10]. Therefore the above presumptions of amenability to a general rule of law and adversariness do not fit in the context of mediation.

Furthermore it is argued that the true nature of lawyers and the nature of their practice will never allow them to simply be instruments in resolving the dispute. They are inevitably a party. They are always a third-party commentator upon their clients dialogue, and even their silence plays an influential role[11]. Again such characteristics do not fall under mediation.

Moreover, in lawyers' vision "quantities are bright and large while qualities appear dimly or not at all,...and most often [their victory] is reduced to money judgement"[12]. It is argued that legal education fails to sensitise lawyers to the emotional dimensions of disputes. Therefore nonmaterial values including honour, dignity and love may also be reduced to amounts of money. Disputes become divorced from reality and human nature, and turn into pure questions of law and facts even though few clients' problems are devoid of emotional content[13]. This result completely contradicts mediators' role. Mediators must be sensitive to the emotional needs of all parties and to the interconnection between and among disputants.

However, it is submitted that the above image of the way lawyers think are exaggerated, and that a good lawyer will always consider nonmaterial values[14]. It is also worth mentioning that the image of a dispassionate neutral third-party is considered by some writers to be a desirable quality to maintain impartiality[15]. As mentioned above, impartiality and non-alignment are central features in mediation. Therefore it can be argued that lawyers are more capable of meeting this requirement in mediation.

From the above, one can say that lawyers' view is based upon rationalising and categorising events and people in a legally meaningful way. This would result in a greater focus on acts rather than persons. Thus a lawyer who is under this irremovable force of rationalising disputes in this sense, may be restricted in his abilities to serve as a mediator even though he might be successful in not showing any partiality.

FOR AND AGAINST WHETHER OR NOT MEDIATORS SHOULD ALSO BE LAWYERS

A) LAW PRACTICE ?

Supporters of lawyer-mediators rely on different grounds for their arguments against non-lawyer mediators. Most of their writers focus on the fact that mediation is an extension of legal practice because it may involve complex legal matters. Therefore they argue that lawyers are most suitable for this process. This argument has caused a growing concern about the unauthorised practice of law (UPL) by mediators. In the US, for example, there are several reports of charges filed against non-lawyer mediators who were engaged in the practice of law[16].

Defining law practice has caused controversies amongst practitioners, drafters of standards and rules and ethics scholars[17]. In the context of mediation the definition of law practice, while not entirely clear, always encompasses two main elements. First, is there a 'Lawyer-client relationship' between the mediator and the

---

8 Riskin, Leonard, 'Mediation and Lawyers', 1982, 43 Ohio St. L. J., 29, reprinted in Leonard L. Riskin and James E. Westbook, 'Dispute Resolution and Lawyers', St. Paul, Minn: West Publishing Co. at p.56.

9 Schwartz, 'Professionalism and Accountability of Lawyers', 1978, 66 Calif. L. Rev., 669, at p.673.

10 Riskin and Westbrook, 'Headwinds: Obstacles to Appropriate Involvement in Alternative to Traditional Litigation', 1987, in Leonard L. Riskin and James E. Westbook, 'Dispute Resolution and Lawyers', St. Paul, Minn: West Publishing Co., at p.52.

11 Lehman, 'The Pursuit of a Client's Interest', 1978, 77 Michigan L. Rev., 1078, at p.1080.

12 Riskin, Leonard, Op. Cit., at p.57.

13 Marcel, K.W. and Wiseman, 'Why We Teach Law Students To Mediate', Missouri Journal of Dispute Resolution', 1987, at pp. 77-78.

14 Riskin, Leonard, Op. Cit., at p.57.

15 Linda R. Singer, 'Settling Disputes', 1994, 2nd edn., at p.178.

16 David A. hoffman and Natasha A. Affolder, 'A well-Founded Fear of prosecution: Mediation and The Unauthorised Practice of Law, 1999, www.mediate.com/articles/index.cfm.

17 C Menkel - Meadow: 'Is Mediation The Practice of Law?',1996, 14(5) Alternatives to the High Costs of Litigation 57, at p.60.

© Fadi Hashem, Hashem Law Office, Jordan

parties? Second, does the mediator 'act as a lawyer'? The second element includes applying legal principles "to specifics of the parties' situation confided to [the mediator in order to] offer advice to the client"[18].

1- Lawyer-Client relationship:

The existence of this element is primarily determined by whether or not the client is represented by the lawyer at the negotiating table. It is argued that in the context of mediation there is always a great risk that the parties will view the mediator as a representative performing the role of a lawyer[19].

However, it is also argued that the basis of establishing the issue of representation should be the 'reasonable' belief of the parties of whether they are represented or not. Therefore if the mediator informs the parties that she is working as a mediator, it is implicit and reasonable to think that she is not representing either party. In practice, however, it is submitted that mediators should explicitly inform the parties that they are not their representatives, and to avoid any behaviour that clearly includes 'acting as a lawyer' for one or both parties[20].

2- The mediator's conduct:

At this stage of the discussion it is important to further analyse the conduct of mediators in order to see if it constitutes 'acting as a lawyer'. There are several models of the mediation process, and regardless of those models, there are two relevant conducts that mediators are always engaged in: Facilitating communication and facilitating decision-making.

a) Facilitating communication:

Facilitating Communication can be a very sensitive function to the mediator. Parties interactions with each other and their interactions with the mediators are constantly changing. Therefore mediators' approach might also change in order to make the process successful. In some instances, for example, it is crucial to take the responsibility of a co-ordinator. This includes keeping order and directing procedures. This role also resembles the function of a chairman ,or even illustrating it vividly, it resembles a "bystander who jumps into an intersection and begins to direct traffic at an impromptu traffic jam [and therefore] he is conceded the power to discriminate among cars by being able to offer a sufficient increase in efficiency to benefit even the cars most discriminated against"[21].

From the above it seems that this facilitative function might constitute more than simply widening lines of communications between the parties. The mediator is presuming who has a greater bargaining power than the other. Therefore in her attempts to equalise the bargaining power of the parties, she may clarify or interpret the weaker party's ideas to assure that they receive a fair hearing. This might unfairly advance the weaker party's interests at the expense of the stronger party, and as a result 'representing' the weaker to the stronger[22]. The mediator is always at risk of re-shaping or reframing[23] the weaker party's ambiguous remarks of his rights and obligations to conform to her analysis. She can impose her own definitions of 'appropriate' kinds of talk and therefore moving the discussion in a particular direction[24]. This could be a move away from an impartial mediator towards a legal practitioner!

On the other hand, it can be argued that since there is no direct legal advice involved, which would fall under the second element of the definition of law practice, there is still no practice of law. It can also be argued that deviation from absolute impartiality is not sufficient to establish the practice of law[25]. However, in light of the above, even if there is no practice of law involved, one can always ask: Are non-lawyer mediators sufficiently qualified to deal with this situation of unequal powers?

The facilitative role which is primarily concerned with enhancing and clarifying communications between the parties, might not be the only role employed by mediators. Facilitating communication might lead mediators to employ an analytical or evaluative approach to the dispute. An analytical mediator assists the parties in

---

18 S. Purnell, Op. Cit., at p. 1003; see also David A. Hoffman and Natasha A. Affolder, Op. Cit.

19 David A. Hoffman and Natasha A. Affolder, Op. Cit.

20 S. Purnell, Op. Cit. at p. 1004.

21 Gulliver, 'Disputes and Negotiation: A cross-cultural Perspective', 1979, Academic Press, New York and London, p.200-225.

22 S. Purnell, Op. Cit. at p. 1011.

23 M. Noone, Op. Cit. at p. 49.

24 Debrah M. Kolb, 'When Talk Works: Profiles of Medistors', 1996, www.library.northernlight.com, at p. 3.

25 Ibid, at p.1012.

© Fadi Hashem, Hashem Law Office, Jordan

assessing the risks of their cases. While an evaluative mediator does not only manage the negotiation process or assess the risks involved, she may also reveal her own opinion of the offers available on the negotiating table, help parties to understand their legal situation, and predict court dispositions[26]. The conduct of the parties may assume this evaluative position of the mediator especially when they address their speech to the mediator in their attempts to convince her of the strength of their cases[27]. Parties can also ask the mediator to evaluate their cases or even arbitrate and enter an award!

Professor Carrie Menkel-Meadow argues that this kind of assessment and evaluation which involves applying legal principles to specific fact situations should actually fall under law practice[28]. His argument can be strongly supported by the two main elements in the definition of law practice. The 'client-lawyer' relationship and applying legal principles for purposes of giving advice to the client are likely to be present in an evaluative mode of mediation.

However, it can still be argued that the two elements of law practice have not been realised in the above situation. Assessing strengths and weaknesses of the case, predicting court dispositions and impartially giving legal information to the parties might not fall under 'applying legal principles to specifics of the parties' situation confided to the mediator in order to give legal advice'. The mediator may be viewed as a "dispenser of general legal information who is not engaged in the practice of law".[29] This argument will depend heavily on the behaviour of the mediator. His behaviour should always reflect his understanding of the important distinction between legal advice which would fall under law practice, and providing general legal information which is argued to be a tolerated activity when performed by non-lawyer mediators.

It is worth mentioning that even if law practice can not be ascertained in an evaluative form of mediation, it can be argued that having a legal background is advantageous in many mediation situations. Complete ignorance of the legal context might lead parties to enter into agreements which are considered inappropriate or illegal by the court. Therefore a lawyer-mediator might be more appropriate to evaluate or predict court dispositions especially that such prediction needs a high degree of substantial knowledge of law. This argument can strongly be supported by the fact that the mediator's evaluation often provides an anchor point for settlement. The parties may rely on the mediator to evaluate their case, and his opinion is likely to be influential on both parties. Thus the mediator's information or advice can be unfair, unjust or even wrong and yet the mediator may not be held liable for it[30]!

b) Facilitating decision-making:

As mentioned above, the scope of mediator's role is variable. Some mediators may be passive throughout the mediation process, while others tend to be active. This variation will affect the degree of the mediator's involvement in the outcome. An evaluative mediator, for example, can propose or press for a specific outcome to the parties. Supporters of lawyer-mediators tend to focus on this evaluative mode of mediation in establishing that contribution to the outcome is law practice. They submit that it is a myth that the mediators are impartial neutrals who do not wish to impose their own views and suggestions on a process that is supposed to be entirely non-coercive. Accordingly they argue that parties' autonomy cannot be fully guaranteed, and settlements are likely to bear the mediator's imprint than that of the disputants.

The above argument also includes the issue of drafting final agreements. An active mediator might have a further opportunity of formulating, and reducing the outcome reached by the parties to a written document. Some mediators might even be involved in drafting detailed settlement agreements that go far beyond the words of the disputing parties themselves. This kind of behaviour is treated by several scholars as a law practice[31].

On the other hand, it can be argued that even suggesting solutions and drafting final agreements do not fall under the two elements in the definition of the law practice. If the mediator avoids the legal judgement and

---

26 Karin S. Hobbs, 'Attention Attorneys!: How To Achieve The Best Results In Mediation', 1999, www.library.northernlight.com; for further analysis of the evaluative mediator see LL Riskin, 'Mediator Orientations and Techniques', 1994, 12(9) Alternatives 111, at p. 111-113.

27 Ibid.

28 C. Menkel-Meadow, Op. Cit., at p.61.

29 S. Purnell, op. Cit., at p. 1009.

30 C. Menkel-Meadow, Op. Cit., at p.61.

31 Ibid, P.61; see also David A. Hoffman and Natasha A. Affolder, Op. Cit.

© Fadi Hashem, Hashem Law Office, Jordan

makes suggestions and recommendations primarily concerned with economic, social and emotional elements of the dispute, she might not be viewed as representing the parties or applying legal principles to the parties' specific situation. Accordingly this will depend heavily on the mediator's conduct and behaviour throughout the process.

However, in light of the above, the question is again posed as to the suitability of non-lawyer mediators to engage themselves in such activities that can have a legal character. A mediator who is not trained as a lawyer might need to be wary of such activities because a great part of lawyers' expertise "lies in appreciating the legal consequences of an agreement's phrasing"[32].

B) CONFLICTS OF INTERESTS

Another argument that surrounds the notion of 'mediators should also be lawyers' is related to the conflict of interests. It is argued that only lawyer-mediators are faced with this special obstacle. In mediation, parties of the dispute might be represented by their lawyers on the negotiating table. This means that there is a risk of pre- or post mediation representation of the parties by the lawyer-mediator himself or by the lawyer-mediator's law firm. There is also a risk that the lawyer-mediator has or is perceived to have prior knowledge from a privilege relationship that might be used in a manner adverse to the party giving his information on the dispute[33].

Another obstacle that can be faced by lawyers is the fact that lawyers are generally prohibited from representing multiple clients with conflicting interests[34]. Accordingly even if supporters of lawyer-mediators succeed in establishing that mediation is a law practice, lawyer-mediators will be in a 'catch 22' situation, since they cannot represent both parties as it would be against their fiduciary duties.

C) Justice?

Another argument that is usually invoked by supporters of lawyer-mediators is based on achieving justice. It is argued that lawyers are the traditional gatekeepers of the justice system, and therefore justice is more guaranteed by lawyers because of their knowledge of the legal system and the law.

However, this argument can reflect a lack of understanding of the true nature of mediation. In mediation the term 'justice' should not be interpreted according to what legal experts, lawyers or judges think. Justice should reflect what parties think is fair and just. As mentioned earlier, parties are the owners of mediation, and they are the only people who impose their own interpretation of the meaning of justice. Whether or not this is a desirable result is outside the scope of this discussion.

D) Non-legal degrees:

The importance of holding degrees other than the law degree is another argument that is usually stressed upon. It is argued that an expertise in non-legal areas maybe as important or even more important than a law degree. For example the expertise desirable can be political especially in disputes involving public entities. Another example can be industrial expertise. A mediator with industrial expertise can bring an intellectual framework for understanding industrial disputes that may involve complaints related to manufacturing or distributing a specific product[35].

However, it is also submitted that prior professional experience (no matter what the discipline) is just as likely to be a hindrance as an asset to learning mediation[36]. It is argued that mediators with social expertise tend to emphasise the theory of conflict resolutions in mediation, while lawyer-mediators tend to stress on legal knowledge and skills. Therefore this would lead to missing creative and more complete resolutions in the process. It is suggested that the field of mediation should focus on finding "a good neutral and not restrict itself to examining a mere collection of degrees or professional licenses"[37].

---

32 S. Purnell, Op. Cit., at p.1014.

33 Leonard L. Riskin and James E. Westbrook, 'Dispute Resolution and Lawyers', 1987, St. Paul, Minn: West Publishing Company, at p.410.

34 Ibid, at p.405.

35 Norman Brand, 'Choosing the "Expert" Mediator', 1996, www.mediate.com/articles/index.cfm, at p.3.

36 Neilso, L.C., 'Mediators And Lawyers Perception Of Education And Training In Family mediation', 1994, Mediation Quarterly, 12(2) 165-184.

37 Linda R. Singer, Op. Cit., at p.171.

© Fadi Hashem, Hashem Law Office, Jordan

Conclusion

Mediation and adjudication are vastly different methods of resolving disputes. The philosophy behind both methods also lies on different grounds. Therefore lawyers who are primarily trained to deal with adjudication, might find it difficult to appreciate those differences. Law schools celebrate their effort by constantly "telling students that they are being taught 'to think like a lawyer'. But...[it seems] that the times cry out for more than these traditional skills"[38]. However, this does not mean that lawyers are not suitable as mediators. With proper training lawyer-mediators might be able to achieve more than non-lawyer mediators. This also does not mean that mediators should also be lawyers, because an expertise in non-legal areas can be as important as legal expertise. There is always a tendency to overemphasise the legal expertise in mediation. A non-lawyer mediator who has well-established skills and the stature that can come from successfully resolving disputes, may possess all the expertise needed.

However, the above conclusion seems to fall only under the facilitative mode of mediation. As mentioned earlier, a facilitative mediator assumes that her primary mission is to enhance communications between the parties. She refrains from giving her opinion because there is a presumption that the parties are intelligent enough to understand their situation better than the mediator[39]. This means that if non-lawyer mediators limit their role to facilitation, the public is more likely to be protected since there is a small legal dimension in this model and there is no need for legal expertise.

The legal dimension starts to become more apparent in evaluative modes of mediation. As mentioned above, mediators' involvement ranges from minimal assistance with communications to an extensive expert advice[40]. The higher the degree of involvement of mediators, the greater the risk of exposing the public to rely on this service to their detriment. If evaluative mediation does not fall under 'law practice' which is still a controversial issue, one cannot assert with certainty that it does not include legal elements in most of its phases. Accordingly this strongly supports the notion of 'mediators should also be lawyers'.

The question as to whether or not a mediator may 'evaluate' the legal aspects of a dispute, has actually generated much controversy. many mediators believe that providing parties with an evaluative feedback is often an essential part of the mediation process. For other mediators "any form of evaluation is anathema, because mediation(in their view) should be solely facilitative"[41]. Other group of mediators believe that mediation can be practised in several ways including evaluative forms, yet they admit that it might be 'inherently risky'[42] to non-lawyer mediators. The above controversy has not yet been settled.

Therefore one can say that as long as evaluative modes of mediation still exist, and as long as there are no unified rules limiting mediation process to facilitation, it is perhaps right to say that mediators generally should also be lawyers. On balancing the positive and negative effects of lawyer-mediators, the positive effects seem to outweigh and override any negativities involved.

38 Riskin, Leonard, Op. Cit., at p.59.
39 LL Riskin, Op Cit., at p.111-113.
40 M. Palmer and S. Roberts, Op. Cit., at p.105.
41 David A Hoffman and Natasha A., Op. Cit., at p.6.
42 Leonard L. Riskin and James E. Westbook, Op.Cit., at p. 395.

© Fadi Hashem, Hashem Law Office, Jordan

Bibliography

1 Hazel Genn, 'The Central London County Court Pilot Mediation Scheme - Evaluation Report', 1996, www.law.warwick.ac.uk/woolf/report/contents.html.

2- Raby, 'Mediation v. Solicitors? the reason for concern', 1993, Family Law, Vol.23, p.10.

3 Sandra Purnell, 'The attorney as Mediator - Inherent conflict of interest?', 1985, 32 UCLA L. Rev. 986.

4 M. Palmer and S. Roberts, 'Dispute Processes', 1998.

5 G. Simmel, 'The sociology of Georg Simmel', edited by K Woolf (1950, originally 1908), Free Press, Glencoe, llinois, p.151.

6 M. Noone, 'Essential Legal Skills: Mediation', 1996, Sydney.

7 Riskin, Leonard, 'Mediation and Lawyers', 1982, 43 Ohio St. L. J., 29, reprinted in Leonard L. Riskin and James E. Westbook, 'Dispute Resolution and Lawyers', St. Paul, Minn: West Publishing Co. at p.56.

8 Schwartz, 'Professionalism and Accountability of Lawyers', 1978, 66 Calif. L. Rev., 669.

9 Riskin and Westbrook, 'Headwinds: Obstacles to Appropriate Involvement in Alternative to Traditional Litigation', 1987, in Leonard L. Riskin and James E. Westbook, 'Dispute Resolution and Lawyers', St. Paul, Minn: West Publishing Co., at p.52.

10 Lehman, 'The Pursuit of a Client's Interest', 1978, 77 Michigan L. Rev., 1078.

11 Marcel, K.W. and Wiseman, 'Why We Teach Law Students To Mediate', Missouri Journal of Dispute Resolution', 1987, at pp. 77-78.

12 Linda R. Singer, 'Settling Disputes', 1994, 2nd edn.

13 David A. Hoffman and Natasha A. Affolder, 'A well-Founded Fear of prosecution: Mediation and The Unauthorised Practice of Law, 1999, www.mediate.com/articles/index.cfm.

14 C Menkel - Meadow: 'Is Mediation The Practice of Law?',1996, 14(5) Alternatives to the High Costs of Litigation 57.

15 Gulliver, 'Disputes and Negotiation: A cross-cultural Perspective', 1979, Academic Press, New York and London, pp.200-225.

16 Debrah M. Kolb, 'When Talk Works: Profiles of Medistors', 1996, www.library.northernlight.com

17 Karin S. Hobbs, 'Attention Attorneys!: How To Achieve The Best Results In Mediation', 1999, www.library.northernlight.com

18- LL Riskin, 'Mediator Orientations and Techniques', 1994, 12(9) Alternatives 111.

19 Leonard L. Riskin and James E. Westbrook, 'Dispute Resolution and Lawyers', 1987, St. Paul, Minn: West Publishing Company.

20 Norman Brand, 'Choosing the "Expert" Mediator', 1996, www.mediate.com/articles/index.cfm

21 Neilso, L.C., 'Mediators And Lawyers Perception Of Education And Training In Family mediation', 1994, Mediation Quarterly, 12(2) 165-184.

© Fadi Hashem, Hashem Law Office, Jordan