



Association of Attorney-Mediators

AAM-a-gram

April 2011

“...to support and promote professional and qualified attorney-mediators who are committed to the proposition that the existing dispute resolution system can fulfill its intended purpose through the use of mediation.”

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Association of Attorney-Mediators

P.O. Box 741955 · Dallas, Texas 75374-1955 · Phone: 800-280-1368 · 972-669-8101 · Fax: 972-669-8180
Website: www.attorney-mediators.org · Email: aam@attorney-mediators.org

Thanks for the Memories

- Bob Hope

When the AAM “Powers That Be” (that would be Brenda) kindly invited me to say a few last words from the bully pulpit, I decided that it was silly to reinvent the wheel when more famous and/or eloquent souls than I have already done so to a degree far beyond my poor power to enhance.

It has been a labor of love to work with Brenda, Hughes, Duvall, Lemons, Davis, the board, Leech *et al* in Illinois, Hunter *et al* in Mississippi, and most recently Trimble in Indiana.

It has also been an honor to work with and for each of *you*. Special kudos to Suzy and each of the speakers at New Orleans...you raised the bar to new heights.

But now it is time to say, “So long, farewell, auf wiedersehen, adieu.” And I could not have said it better than....

A convicted murderer, one James French, who is said to have shouted to reporters gathered to witness his electrocution, “Hey fellas, how about this for a headline... ‘French Fries’!?”

A doctor, while tending to Ethan Allen as Allen lay dying from injuries he received in a (sleigh) driving while intoxicated accident, is reported to have said, “General, I fear the angels are waiting for you.” To which the Green Mountain boy responded, “Waiting are they? Waiting are they? Well...let ’em wait!”

When asked by a priest to renounce Satan, Voltaire reportedly responded from his death bed, “Now, now, my good man, this is no time for making enemies.”

Groucho Marx: Die, my dear? Why that’s the last thing I’ll do!

Garrison Keillor: Be well, do good work, and keep in touch.

Lou Gehrig: Today I consider myself the luckiest man on the face of this earth.

Jimmy Durante: Goodnight Mrs. Calabash, wherever you are.

Ludwig van Beethoven: Friends applaud, the comedy is finished.

Humphrey Bogart: I should never have switched from scotch to martinis.

Oscar Wilde: Either that wallpaper goes, or I do.

George Burns: Say good night, Gracie.

Gracie Allen: Good night Gracie.

Thank you, one and all,
Mike Schless

Mike has a special love for words. Appropriately, he was presented with a glass box filled with word cubes at the Annual Meeting in New Orleans. We feel certain these will not be the last "words" we hear from Mr. Schless. Thank you, Mike, for your dedication to AAM.

AAM Does It Again in New Orleans

AAM returned to New Orleans on March 25 and 26, 2011 for it's Annual Meeting and Advanced Attorney-Mediator Training. Having visited New Orleans prior to Katrina, we were pleased to find the city, music, food and fun were all intact. AAM's training came away with wonderful reviews from attendees for the conference as a whole. Suzanne Duvall put quite a spin on this one, entitled "Something Old – Something New" and it was a truly enjoyable event for all one hundred in attendance. We enjoyed some new speakers as well as some returning speakers and came away with new information and tips. Special thank you to **Tommy Smith, Mark Myers, Dan Naranjo, Don Philbin, John Trimble, Robert Berliner, Michael Leech, Richard Sher, Ross Stoddard, Gary McGowan, Ben Cunningham** and **Suzanne Duvall** for sharing their insights and wisdom. We, once again, followed up the Annual Meeting with a special marketing segment moderated by **Christopher Nolland** and **Trey Bergman**. The marketing segment is highly requested to return – watch for it next year!

The International House Hotel was a unique venue for the AAM group – very *avant-garde*. Forty-two spouses joined the group for a social gathering at

the lobby Bar Loa with food, beverage and networking time before dinner engagements elsewhere. We welcome these special guests and thank you for being with us.

We welcomed new President, **Suzanne Duvall**; President-Elect, **Bill Lemons** and incoming board members, **Dean Kilgore** of Austin, TX, **Michael Leech** of Chicago, IL. A new director's roster is available in this newsletter. Communication to the board with questions, suggestions and comments is gladly received.

Evaluations show the number one reason to attend an AAM function is the fellowship time with other mediators from around the country and what we learn from each other. We hope to see you at a future event!

AAM Newsletter Renamed

You may recall a challenge from Immediate Past President, Mike Schless, to change the "AAM Newsletter" to a new name. Several took the challenge and the newsletter has been renamed the "**AAM-a-gram**". Special thanks to **John Hughes** for this contribution!

Brutsche' Award Recipient

The Brutche' Award is a very special and prestigious award "Given to the person(s) personifying the principles of service and commitment to the profession that are the foundation of the ADR movement."

Congratulations to **Judge Frank Evans**, the 2011 Brutsche' Award Recipient. Judge Evans has been an integral participant in the ADR movement since it's beginning. A very special thank you to Judge Evans for all he does for AAM and the mediation profession!

Welcome New AAM Directors

The AAM Annual Meeting was held on March 26, 2011 at 8:30 a.m. at the International House Hotel, 221 Camp Street, New Orleans, Louisiana.

The following board members were elected and we welcome them to the board of directors.

Below are short biographical sketches of the two new board members:

Dean M. Kilgore obtained a B.A. in government from the University of Texas at Austin in 1971. Following graduation, he attended the University of Texas School of Law, graduating in 1975. After being licensed in Texas, Mr. Kilgore spent twenty years engaged in the practice of civil litigation, first at McGinnis, Lochridge & Kilgore, where he served as a partner and coordinator of the firm's litigation section, and later at Kilgore & Oliver, P.C., as President and a principal shareholder. Kilgore now practices exclusively as a mediator and arbitrator. Mr. Kilgore conducted more than thirty trials (16 jury verdicts) in State and Federal Courts. He is admitted to all Texas courts, the United States District Courts for the Western, Northern and Southern Districts of Texas, the United States Court of Appeals for the Fifth Circuit, and the U. S. Court of Federal Claims. Kilgore began his alternative dispute resolution (ADR) practice in 1990, having received his first training as a mediator through the Travis County Bar Association. Kilgore later received training through the Academy of Attorney-Mediators, and numerous advanced mediation trainings through the Association of Attorney-Mediators (and other organizations). Kilgore has

also trained as an arbitrator through the bar of the Western District of Texas, and with The Arbitration Group. Mr. Kilgore now regularly serves as a mediator and arbitrator for complex matters in litigation, both for court-annexed and voluntary ADR, in State and Federal Courts. Kilgore also is a frequent presenter at CLE events. Substantive areas in Kilgore's mediation and arbitration practices include: Technology and E-commerce disputes, general commercial and business matters; construction litigation, eminent domain, land title and value matters; energy law; general tort, products, medical, professional liability, environmental matters; employment matters; insurance coverage cases; and trust and probate questions. More than 1,200 cases mediated and arbitrated, as a member of the Association of Attorney-Mediators (member since 1995). Kilgore also holds the Credentialed Distinguished Mediator designation from the Texas Mediator Credentialing Association, and is a Charter Member of the Texas Academy of Distinguished Neutrals, and Member of the National Academy of Distinguished Neutrals.

Michael Leech has been an AAM member for five years. He is the co-founder and President of the Illinois Chapter of AAM, which at year-end 2010 had 40 members, all but two of whom were recruited through the Chapter's efforts. He organized a two-day bridge and advanced training in October, 2010. He joined four AAM Texas members and DePaul Law School Professor Katheryn Dutenhaver in leading the training, designed to bring Texas-style mediation techniques to Chicago. Under his leadership, the Chapter has conducted a pilot program for mediators with the Circuit Court of Cook County in which those receiving the training were provided an opportunity to conduct pro bono mediations. The Chapter has now launched a new program that will provide referrals of cases to AAM mediators for reasonable, negotiated fees, designed to demonstrate the efficacy of mediation in reducing overcrowded court dockets and expand the use of mandatory mediation in the Cook County Circuit Court. Mike is A.V. rated by Martindale Hubbell and was selected as one of the "Top 100 Illinois Super Lawyers®" for 2011. He has been selected as a "SuperLawyer" and a "Leading Lawyer" each year

since the programs began in Illinois in 2005. He was also listed by Lawdragon.com as one of the "Top 500 Litigators in America" in 2005. In the fall of 2010, he was one of three faculty members training staff mediators at the U.S. Department of Education's Office of Civil Rights and has been a guest speaker for the 40-hour mediation training program of the DePaul Center For Dispute Resolution. Mike was selected as a distinguished fellow by the International Academy of Mediators in 2010. He is an AAA mediation panelist and has been certified by the International Mediation Institute. He has conducted over 200 mediations over the past 13 years, including 60 full days of mediation in 2010. He is also a fellow in the College of Labor & Employment Lawyers and is its liaison to the American Law Institute's Restatement of Employment Law project. His publications include the legal treatise *Holloway & Leech, Employment Termination: Rights & Remedies* (1985; 2d ed. 1995; Supp. 2002). Mike is a founding member of the National Employment Lawyers Association and of the ABA Labor & Employment Section's Committee on Employee Rights & Responsibilities. He is a former member of the Section Council of the Illinois State Bar Association Committee on Labor & Employment Law. He is a partner in the Chicago-based law firm Hinshaw & Culbertson LLP, where he has worked for the past 33 years with a practice in business litigation and employment litigation--and where he now devotes the majority of his time to conducting mediations. Mike received his B.A. (History) from the University of Virginia in 1973 and his J.D. from the University of Virginia School of Law in 1976.

Kudos to the Illinois Chapter

Special recognition was given to the Illinois Chapter at the AAM Annual Meeting in New Orleans. This Chapter has grown very rapidly to proudly boast of 50 members (and still growing)! Illinois members attending in New Orleans were presented with a small memento trophy applauding their enthusiastic approach to increasing the membership. Way to go Illinois Chapter!

The AAM Board of Directors Introduces the President and President-Elect for 2011

Suzanne Mann Duvall, President 2011

Suzanne Mann Duvall became a full-time mediator more than 20 years ago. She has mediated more than 2000 cases, trained hundreds of mediators and is a frequent lecturer and panel member for alternative dispute resolution programs nationwide. Suzanne is a faculty member and trainer for numerous dispute resolution and educational organizations, including the Dallas Bar Association, the State Bar of Texas, SMU and Texas Wesleyan Schools of law, Texas Woman's University and Texas A&M University. She has received numerous awards in her distinguished career: First Annual American Arbitration Association Steve Brutsche' Award for Professional Excellence in Dispute Resolution; First Annual Tom Eisner Mediator of the Year Award for service to the courts and citizens of Tarrant County; Association of Attorney Mediators Pro Bono Service Award; Louis Weber Outstanding Mediator of the Year Award, Susanne C. Adams Award for Outstanding Commitment and Dedication to the Mediation Professions, State Bar of Texas Frank G. Evans Award for outstanding leadership in the field of alternative dispute resolution; names "Super Lawyer 2003 - 2010; by Texas Monthly and Law and Politics magazines. She has chaired the Dallas Bar Association ADR section, the ADR Section of the State Bar of Texas and is a past president of the Texas Association of Mediators. Suzanne is a TMCA Credentialed Distinguished Mediator.

William H. Lemons, President-Elect 2011

Bill Lemons is engaged in all aspects of Alternative Dispute Resolution, practicing full-time as Arbitrator and Mediator, and counseling companies and individuals on implementing ADR programs. He is an Arbitrator on the Employment Law, Commercial Dispute and Large Complex Case panels of the American Arbitration Association, and is a member of the Panel of Distinguished Neutrals of CPR (International Institute for Conflict Prevention and Resolution), a panelist of the American Health Lawyers Association ADR Services and a Member (MCI Arb) of the Chartered Institute of Arbitrators in London. He maintains an active mediation practice, and is a Qualified Neutral for the United States District Courts for the Western and Southern Districts of Texas. He currently serves as President of the San Antonio/Bexar Chapter of the

Association of Attorney-Mediators and has served as Chair and earlier was Treasurer of the ADR Section of the State Bar of Texas. Bill is a member of the College of the State Bar of Texas, Association of Attorney-Mediators, Texas Association of Mediators, Texas Mediator Credentialing Association, Institute for Responsible Dispute Resolution, and is a Life Fellow of the Texas Bar Foundation. Bill has served as a National Trainer/Facilitator in mediation/arbitration skills for the American Arbitration Association, teaching the 40 hour basic mediation skills course to Alamo Community College District, Southwest Foundation, Coca Cola Enterprises, Inc., Zachry Construction Corporation and many others. He also teaches the AAA course "Arbitration Advocacy," and designs dispute resolution programs. Bill is a permanent neutral for Kraft Foods, Toyota U.S.A., Inc., Neiman Marcus and the Alamo Community College District. He sits as a panel member on the Southwest Airlines Company/TWU Local 555 arbitration board and the Montana Labor Relations Board. Now in his 36th year of practice, Bill was a Shareholder with what is now the Cox Smith Matthews law firm in San Antonio immediately prior to this career, and before that was in house labor counsel for Braniff Airways in Dallas.

President's Award Presented to Raymond Hunter and Larry Latham

A special President's Award was given to **Raymond Hunter** of Gulfport, MS and **Larry Latham** of Ridgeland, MS, at the Annual Meeting in New Orleans on March 26, 2011 for the roles they played in getting the new Mississippi Chapter of AAM up and running. Raymond and Larry have both been AAM members for several years and had a vision of bringing other Mississippi attorney-mediators into the membership. That vision has been realized and we owe that to the tireless efforts of both Raymond and Larry. Thank you both for your dedication and loyalty to AAM!

Are You Aware . . .

That AAM members can find forms for mediation on the AAM website in the members only area?
www.attorney-mediators.org

That Suzanne Duvall, President, may be contacted by email at the AAM National office by emailing aam@attorney-mediators.org?

Requirements of Professional Liability Insurance

AAM's insurance policy requires that its members provide mediation participants with the following information:

- **a written statement to all parties explaining the member's role as a neutral intermediary and stating that the member may not act as an advocate for either party.**
- **in cases where the member assists in preparing a written settlement agreement in connection with the provision of dispute resolution services, a written statement advising each participant to have the settlement agreement independently reviewed by the participant's counsel before executing the agreement.**

A "Notice to Parties in Mediation" can be used by AAM members to send as an enclosure with their initial letter to the parties or handed out at the mediation. Alternatively, the wording of the notice may be incorporated into the initial letter to the parties or the Agreement to Mediate to be signed by the parties. The language regarding drafting the agreement can be incorporated into the agreement, itself. The "Notice to Parties in Mediation" can read as follows:

The mediator acts as a neutral intermediary for the parties. The mediator can not and will not act as an advocate for any of the parties. Additionally, in the event the mediator assists in preparing a written settlement agreement pursuant to a mediation, each participant should have the settlement agreement independently reviewed by the participants counsel before executing the agreement.

AAM BOARD OF DIRECTORS 2011-2012

Michael J. Schless
Michael J. Schless, P.C.
Immediate Past-President
(term exp. 2012)

1301 West 25th Street, Suite 550
Austin, TX 78705
512/476-5507, (fax) 512/476-4026
(email) mjschless@cs.com

Suzanne Mann Duvall
Attorney-Mediator
President
(term exp. 2013)

4514 Cole Ave., Suite 1450
Dallas, TX 75225
214/361-0802, (fax) 214/368-7258
(email) aam@attorney-mediators.org

Williams H. Lemons
Mediator-Arbitrator
President-Elect
(term exp. 2014)

4040 Broadway, Suite 616
San Antonio, TX 78209
210/224-5079, (fax) 210/930-5082
(email) whlemons@satexlaw.com

Dean M. Kilgore
Attorney-Mediator
Secretary
(term exp. 2014)

1301 West 25th Street, Suite 540
Austin, TX 78705
512/478-6120, (fax) 512/478-6213
(email) kilgorelaw@msn.com

Michael Leech
Hinshaw & Culbertson
Treasurer
(term exp. 2014)

222 N. LaSalle Street, Suite 300
Chicago, IL 60601-1081
312/704-3133, (fax) 312/704-3001
(email) mleech@hinshawlaw.com

W. Raymond Hunter
W. Raymond Hunter, Attorney At Law
(term exp. 2013)

P. O. Box 7917
Gulfport, MS
228/868-6833, (fax) 228/868-6822
(email) wrhunterlawmediation@cableone.net

Alice O'Neill
O'Neill Mediation/Arbitration Center
(term exp. 2012)

1529 Heights Blvd.
Houston, TX 77008
713/523-5402, (fax) 713/523-5295
(email) aoneill@oneilladr.com

Mike Patterson
Mike Patterson Mediation
(term exp. 2013)

515 S. Vine Avenue
Tyler, TX 75702
903/592-4433
(email) mike@mikepattersonmediation.com

John Rothman
Oklahoma Mediation/Arbitration Service
(term exp. 2013)

2021 S. Lewis, Suite 301
Tulsa, OK 74104
918/747-6886, (fax) 918/747-6226
(email) mail@oklahomamediation.com

Executive Director
Brenda Rachuig

Association of Attorney-Mediators
P.O. Box 741955
Dallas, TX 75374-1955
800/280-1368
972/669-8101, (fax) 972/669-8180,
(e-mail) aam@attorney-mediators.org

AAM Chapter News

AAM currently has chapters in several locations. Some of these meet on a regular basis, offering members CLE credits. Several meet in conjunction with their local bar ADR section. Contact your local Chapter President for information and to get involved.

Bexar Co.(San Antonio) Chapter

Ronald Hornberger
Plunkett & Gibson, Inc.
70 NE Loop 410, Suite 1100
San Antonio, TX 78216

P: (210) 734-7092
X: (210) 734-0379
hornbergerr@plunkett-gibson.com

Central Texas Chapter

David Moore
Lakeside Mediation
3825 Austin Lake Blvd. Suite 403
Austin, TX 78703

P: (512) 477-9300
X: (512) 477-9302
david@lakesidemediation.com

Houston Chapter

Larry Hinojosa
Law Office of J.L. "Larry" Hinojosa
440 Louisiana, Suite 900
Houston, TX 77002

P: (713) 236-7772
X: (713) 236-7799
jlarryh@gmail.com

Illinois Chapter

Michael Leech
Hinshaw & Culbertson
222 N. LaSalle Street, Suite 300
Chicago, IL 60601-1081

P: (312) 704-3133
X: (312) 704-3001
mleech@hinshawlaw.com

Mississippi Chapter

W. Raymond Hunter
W. Raymond Hunter, Attorney At Law
P. O. Box 7917
Gulfport, MS 39503

P: (228) 868-6833
X: (228) 868-6822
rhunterlawmediation@cableone.net

North Texas Chapter

John B. Shipp
Crouch & Ramey, L.L.P.
1445 Ross Avenue, Suite 3600
Dallas, TX 75202

P: (214) 922-7180
X: (214) 922-7101
JShipp@crouchfirm.com

Oklahoma Chapter

Joel L. Carson
Attorney-Mediator
3555 NW 58th St., 5th Fl
Oklahoma City, OK 73112

P: (405) 946-8022
X: (405) 942-8362
jlc99@att.net

St. Louis Chapter

Richard Sher
Devereux Murphy LLC
190 Carondelet Plaza, 11th Floor
St. Louis, MO 63105

P: (314) 721-1516
X: (314) 721-4434
rsher@devereuxmurphy.com