



ASSOCIATION OF ATTORNEY-MEDIATORS

Newsletter

February 2004

“...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

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Dear Colleagues,

It's hard to believe a year has almost come and gone since I began my Presidency of the Association of Attorney-Mediators (“AAM”). It's been an honor and privilege to serve at the head of such a worthwhile and respected organization. My goal at the beginning of my term was to increase the profile of AAM, to spread the word about what this organization is and what it has to offer the mediation community, the legal community and the community as a whole.

One way we did so was through our Advanced Mediator Training last September in St. Louis. The program was a resounding success. I heard from many attendees, who were not previously familiar with AAM, how impressed they were with the program and our organization. We were able to showcase the best of what AAM has to offer: its members. Their knowledge and expertise made for a program at the highest level. I believe this is AAM's best marketing tool.

This effort to reach out has been a great success. Our increase in membership has been the highest in 8 years, we have added members from new states, and as the new year begins, the momentum continues.

As we expand our organization, there seems no better time to take a step back to reflect on our roots: where we came from and how we got here. To that end, this year's Annual Meeting and Advanced Mediation Training will be held in **Dallas, Texas: the “Birthplace” of AAM**. It started when the founder of AAM, Steve Brutsché, trained a handful of respected litigators in mediation and convinced the Dallas judiciary and litigators that they should try this new process that would resolve cases quickly and efficiently and reduce overcrowded dockets. He did the same throughout Texas. And the rest is history. Mediation is now an integral part of the litigation process in so many places around the country. I believe AAM has played a significant role in this expansion.

I like to say, and I believe, that AAM members are some of the best and most experienced mediators in the world. I think it says a lot about this organization that so many of these members from the Dallas area still take an active role in AAM. As we

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Letter from the President *continued from page 1*

return to Dallas, I thought this would be a great opportunity to highlight these valuable assets of AAM. We are fortunate that they agreed and have put together an outstanding Advanced Mediator Training for this year's Annual Meeting. I would like to thank Mike Amis for marshalling such an impressive group of presenters. **These attorney-mediator-trainers have, between them, mediated over 20,000 cases and have trained thousands and thousands of mediators.** Who better to learn from and with, be you an everyday mediator or one just getting started in the profession?

The list of presenters is a Who's Who of AAM mediators and includes Sid Stahl, Bud Silverberg, John Estes, Mike Amis, Courtenay Bass, Ross Hostetter, Suzanne Duvall, Jeffrey H. Abrams, Heshia Abrams and Chris Nolland. There will also be a mystery guest from the south. These presenters have come up with some fascinating topics, including "Art of the Forward (Im)Pass(e)-Uses of the Mediator's Proposal," "To Bracket or Not to Bracket, That is the Question," "Confidentiality and the Potential Claims Originating in the Session," "Effective Interim Caucuses" and some other creative topics which I won't mention but which are worth checking out in the enclosed Agenda.

At the Saturday luncheon we are honored to have as our keynote speaker the Honorable Jay Patterson, one of the very early members of AAM. His unique perspective from extensive experience as both a mediator and judge will, no doubt, be interesting and informative.

And of course, we will be having our famous, lively and informative interactive sessions. In these ever popular sessions, everyday attorney-mediators discuss the issues and problems they face everyday. These, too, shall be lead by our experienced members.

Before and after the program (depending on when you arrive) there will be numerous activities to enjoy in the Big D. Join your colleagues at one of Dallas' fine restaurants after Friday's Cocktail Reception, sponsored by the Dallas Bar Association Alternative Dispute Resolution Section, our co-sponsors for this Advanced Mediator Training. Go to the rodeo, the theater or shopping and ice skating at the Galleria. Music is a big part of my life. I may go to the Deep Ellum Arts Festival where there will be music on 4 stages or the North Texas Jazz Festival. The University of North Texas has one of the most respected jazz programs in the nation and the world. See the full program included in the newsletter for all the details as well as information on hotel reservations.

I would like to thank the AAM Board, as well as outgoing members Ray Tompkins and Larry Maxwell, for helping make this a successful year. Additionally, I would like to give a special thanks to Brenda Rachuig, our administrative assistant, without whom I would not have survived this year. Your nominating committee has nominated David W. Kisner, Oklahoma City, and Trey Bergman, Houston, for election to the Board of Directors. Biographical sketches of the nominees are in this newsletter. Additional nominations are welcome. You may vote at the meeting or proxies will be e-mailed or faxed to you thirty days prior to the meeting.

Spring is a great time to be in Dallas. So bring a spouse, bring a friend, learn from the masters and enjoy all that Dallas has to offer. I look forward to seeing you there.

Sincerely,

Jeffrey S. Abrams
President

AAM Welcomes New Members

We are pleased to announce the following new AAM members:

Dick Alcalá, El Paso, Texas
Charla Beall, Olathe, Kansas
Judge Charles Campbell, Austin, Texas
Joel Carson, Oklahoma City, Oklahoma
Dale Crowder, Dallas, Texas
J. Patrick Hazel, Austin, Texas
Kight Higgins, Fort Worth, Texas
Judge Frank Maloney, Austin, Texas
Susan Marett, Houston, Texas
Lou McCreary, Austin, Texas
Linda Michler, Bethel Park, Pennsylvania
David M. Moore, Austin, Texas
Paul O'Bryan, Alexandria, Virginia
Austin O'Toole, Galveston, Texas
Paul R. Otto, Holts Summit, Missouri
Jerry Palmer, Topeka, Kansas
Gloria Portela, Houston, Texas
Judge James Reinhard, Hannibal, Missouri
J. Wescoat Sandlin, North Charleston, South Carolina
W. David Torok, Houston, Texas
Ann G. West, Little Rock, Arkansas
Melvin Wolovits, Dallas, Texas

We welcome you to the Association of Attorney-Mediators and look forward to your active participation within this organization!

What a Great Newsletter!

We owe special thanks to the law firm of Hunton & Williams for compiling and mailing the newsletter, to Allen Butler for supervising his firm's newsletter work, and to John Feather, Newsletter Committee Chair, for putting it all together. Thank you all for a great job!

Credentialing for Mediators Has Arrived In Texas

After years of effort, the Texas Mediator Credentialing Association (TMCA) formally launched its credentialing program for Texas mediators. The TMCA is a nonprofit organization composed of representatives from major sectors of the multi disciplinary Texas mediation community. AAM is one of the permanent board members of TMCA. The TMCA has worked by consensus to establish a voluntary credentialing system in order to promote mediation as a formal profession with established standards and ethics and to encourage mediators to strive for professional standards.

There are several levels of credentialing designed to allow everyone from the beginning mediator to the distinguished to join in this effort to promote the profession. The central features of the TMCA credentialing process are a commitment to continuing education, a standardized code of ethics and a grievance process that provides a means of redress for consumers of mediation services. The credential is completely voluntary and must be renewed annually.

The TMCA Code of Ethics raises the ethical standards for mediators in Texas by making mandatory many of the aspirational goals expressed in the various other ethical codes and practice standards. By raising the bar in this way, the TMCA hopes that its credential will become a mark of excellence.

The TMCA grievance process was designed to support this commitment to ethics by allowing the TMCA to act on consumer complaints that a mediator breached an ethical standard. This balanced grievance process allows the TMCA to protect the interest of both the consumer and the mediator whenever a complaint is filed.

Additional information and applications for TMCA credentialing may be found at www.txmca.org.

Submitted by Greg Bourgeois, Central Texas Chapter AAM Member and AAM liaison to the TMCA Board.

Chorda® Two-Track_{SM} Model for Attorney Representation in Dispute Resolution

At the invitation of AAM members Mike Amis and Larry Maxwell, Karl A. Slaikeu, CEO of Chorda Conflict Management, presented Chorda's new "**Two-Track**" model for attorney representation in dispute resolution to thirty-five AAM members and guests in Dallas on October 23, 2003. This was followed by similar presentations to AAM chapters in Austin and Houston. Developed by Karl Slaikeu (author of *When Push Comes to Shove*, Jossey-Bass, 1996) and Diane Slaikeu (attorney-mediator in Austin), the **Chorda Two-Track** model calls for attorneys to represent parties for Track 1 (negotiation and mediation) or Track 2 (litigation or arbitration), though not both on the same case.

"For attorney-mediators, the model offers two additional ways to use their talent in collaboration — representing a plaintiff in Track 1, or a defendant in Track 1," said Slaikeu. He also noted that **Two-Track** serves clients by: (1) controlling costs (through "cooperative discovery" in Track 1); (2) using four standard solutions (acknowledgment/apology, restitution, plan for the future, and forgiveness), in the protected context of a Track 1 settlement conference; and

(3) preserving access to the courthouse if the issue is not resolved by Track 1 attorneys through direct negotiation and mediation. The model includes a "consult" by Track 1 attorneys and clients with their respective Track 2 attorneys at the start of the case, in anticipation of the possibility that the case may need to be resolved through adversarial litigation. "The client gets the best of both worlds," said Slaikeu, "a negotiator focused on cooperative resolution, and a litigator to take the case to court if needed.... We are pleased that early signees on the **Two-Track** web site include many AAM members who have plaintiff and/or defense experience in health care."

Chorda is bringing the model to hospitals and insurance carriers as a part of a new **Partners in Healing** program aimed at improving patient care and controlling professional liability costs for providers, and plans to make it available to other industries as a part of Chorda's **Partners in Business** initiative.

To learn more about the process, log on to: www.twotracklawyers.com. If you are interested in a presentation by Chorda on the **Two-Track** model for your chapter, similar to the ones offered in the Texas cities listed above, contact Larry Maxwell at (214) 265-9668, lmaxwell@adr-attorney.com, or Karl Slaikeu at (512) 482-0356 ext. 13, kslaikeu@chorda.com.

Reception to be Hosted by Dallas Bar Association-ADR Section

PLEASE JOIN US!

A cocktail reception will be given on Friday, April 2, 2004, immediately following the Friday portion of the CLE seminar in the Westin Galleria "Options Restaurant and Bar," 2nd floor of the hotel, for attendees of the seminar and their guests. We hope you will come and enjoy some food, drinks and fellowship! Thank you, Dallas Bar Association ADR Section, for sponsoring this reception!

Discourage litigation. Persuade your neighbors to compromise whenever you can. As a peacemaker the lawyer has superior opportunity of being a good man. There will still be business enough.

— Abraham Lincoln

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.

Nominees for Board of Directors

You will be receiving your proxy 30 days prior to the annual meeting. Further nominations are welcome. Below are short biographical sketches of the nominees selected by your Nominating Committee:

TREY BERGMAN

Trey has practiced complex commercial litigation since 1980 in Houston, Texas and is Board Certified in Civil Trial law. Trey took basic mediation training from Steve Brutsche in Dallas in 1990 and has mediated 776 cases since then, while maintaining an active trial practice. Trey served on the faculty of the Attorney Mediators Institute from 1993 to 1997, training thousands of attorneys and judges across the United States. He has also served as a past national and local Board Member of AAM and President of the Houston Chapter of AAM. Trey is a charter member of and serves on the Board of the Houston Bar Association's ADR Section, is a former General Counsel for the Harris County Dispute Resolution Center and is a past Chairman of the Houston Bar Association's Litigation Section. He is a frequent speaker and author for the State Bar of Texas and numerous National and local bar associations and organizations throughout the state and the nation. Trey now devotes his practice exclusively to mediation and arbitration and is an adjunct professor at South Texas College of Law since 2002 teaching classes in mediation and negotiation.

DAVID W. KISNER

David graduated from the University of Tulsa School of Law in 1967 and has been engaged in the general practice of law in Oklahoma City since 1968. He is currently a member of the Oklahoma State Bar, Oklahoma County Bar and the Oklahoma Trial Lawyers Association, Past Vice President and Secretary-Treasurer of the Oklahoma Trial Lawyers Association, and formerly served a three-year term as Director of the Oklahoma County Bar Association. David is a Hearing Examiner/Prosecutor for the Oklahoma Real Estate Commission, having served in said capacity since 1974. He also served as the 2002 President of the Oklahoma Chapter of AAM. David has, since 1990, conducted over 2,000 mediations involving personal injury and death, real estate, contract disputes, products liability, employment discrimination, wrongful termination, debtor-creditor issues, assault and battery, bad faith claims, probate/heirship disputes, medical malpractice and administrative law. David resides in Oklahoma City, Oklahoma with his wife and son.



Association of Attorney-Mediators

presents its



Annual Meeting and Advanced Attorney-Mediator Training & CLE

Co-sponsored by the Dallas Bar Association
Alternative Dispute Resolution Section

“Dallas — The Birthplace of AAM”
Friday–Saturday, April 2-3, 2004

Westin Galleria Dallas
13340 Dallas Parkway
Dallas, Texas 75240
(N. Dallas Tollway at IH-635 LBJ Freeway)

Friday, April 2, 2004

12:30 – 1:00 P.M. **Registration and Greeting Colleagues**

1:00 – 1:10 P.M. **Opening Remarks**

Jeffry S. Abrams, National AAM President

Donald Hood, Chair, Dallas Bar Association Alternative Dispute Resolution Section

1:10 – 1:30 P.M. **“The River Runs Through It” — The Common Elements Present In Effective Mediations; The Mediator’s Training — “Pre-game Warm Up”**

Ross Hostetter, a founding Director and Charter Member of AAM has conducted over 2,000 mediations and trained over a thousand attorneys and judges in mediation since 1989. Ross was recently named a Texas Super Lawyer by *Texas Monthly Magazine* and one of the Best Lawyers in Dallas by *D Magazine*.

1:30 – 2:00 P.M. **Flying the Plane Through the Storms — Challenges Before and In the Mediation Session — From Scheduling to Caucusing to Reporting; Sex in Mediation**

Hesha Abrams and *Jeffry H. “Jeff” Abrams*, have been involved with AAM since its inception and were instrumental in training AAM’s first mediators. Over the past 18 years they have mediated thousands of cases, written over 100 articles and training materials and have conducted countless trainings, nationally and internationally.

2:00 – 2:30 P.M. **Ethics — The Watchful, Wondering, Wakened Mediator in the Tent; Confidentiality and the Potential Claims Originating in the Session; Regulation of Mediators**

Mike Amis, co-founder, original Board Member and former President of AAM, has stayed actively involved in AAM since its inception. Since 1989, Mike has mediated well over 1,000 cases and trained well over 1,000 mediators. Mike was also instrumental in putting this program together.

Suzanne Duvall has mediated over 1,300 cases to resolution, trained countless mediators and received numerous awards for her work in mediation. Suzanne has recently been named Super Lawyer 2003 by *Texas Monthly* and *Law Politics* magazines.

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Annual Meeting Agenda - continued

Bud Silverberg, former Board Member and President of AAM, has mediated well over 1,000 cases and has trained numerous mediators since 1989 for a number of different training organizations. Bud was recently named a Texas Super Lawyer by *Texas Monthly Magazine* and one of the Best Lawyers in Dallas by *D Magazine*.

2:30 – 2:45 P.M.

Break

2:45 – 4:00 P.M.

Getting to It — The Negotiation and What the Mediator Brings to the Table; Use of the Mediator's Opening Statement; Effective Interim Caucuses; Moving to the Close — Momentum, Pace, Hope

Sid Stahl, the original incorporator of AAM has conducted over 1,700 mediations and has trained hundreds of mediators since becoming a mediator in May 1989. Sid was recently named a Texas Super Lawyer by *Texas Monthly Magazine* and one of the Best Lawyers in Dallas by *D Magazine*.

John Estes, former President of AAM and the Dallas Bar Association and Founding Chair of the State Bar of Texas ADR Section has conducted well over 1,000 mediations and has trained hundreds of mediators since 1990. John was recently named a Texas Super Lawyer by *Texas Monthly Magazine* and one of the Best Lawyers in Dallas by *D Magazine*.

Christopher Nolland, recently named a Texas Super Lawyer by *Texas Monthly Magazine* and one of the Best Lawyers in Dallas by *D Magazine*, has mediated almost 1,000 cases, has trained numerous mediators and has taught Legal Negotiation and Settlement as an Adjunct Professor at Southern Methodist University since 1997.

4:00 – 4:15 P.M.

Break

4:15 – 5:15 P.M.

Getting to It (continued)**“To Bracket or Not to Bracket, That is the Question”****“Art of the Forward (Im)Pass(e)” — Uses of Mediator's Proposals; Blind Bids; Structures; Mass Claims**

Sid Stahl, Dallas; **John Estes**, Dallas; **Christopher M. Nolland**, Dallas

5:15 – 5:30 P.M.

How and Why It Worked Here and Why It Can Work Anywhere

Mike Amis, Dallas

5:30 – 6:30 P.M.

Cocktail Reception hosted by the Dallas Bar Association Alternative Dispute Resolution Section at the Westin Galleria

All attendees of the program, their spouses and guests are invited. Reception will be held at **Options Restaurant & Bar** on the 2nd floor of the hotel.

Friday Evening Activities

Gather with colleagues for dinner at one of Dallas' many fine restaurants. Reservations have been made at **Oceanaire Seafood Room** (seafood, steaks), **Mi Cocina** (Mexican cuisine) and **Nicola's** (Italian), all located within the Galleria Mall. For dinner reservations contact Brenda Rachuig at (972) 669-8101 / 1 (800) 280-1368 or aam@airmail.net no later than Wednesday, March 31, 2004. Please specify your choice of restaurant and the number in your party.

Later in the evening, go to the rodeo, the theater, check out the Deep Ellum Arts Festival or North Texas Jazz Festival or just go shopping and ice skating at the Galleria. See the attached list for information on these and other activities during your stay.

Saturday, April 3, 2004

8:30 – 9:00 A.M.

Continental Breakfast

9:00 – 9:30 A.M.

Update from Around the States

Attending AAM Chapter Presidents and Members will update us on important mediation issues from around the states.

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Annual Meeting Agenda - continued

- 9:30 – 10:30 A.M. **Advanced Mediator Interactive Sessions**
Courtenay Bass, Dallas (over 2,000 mediations, over 1,000 mediators trained)
Trey Bergman, Houston (over 700 mediations, thousands of mediators trained, Super Lawyer 2003)
David W. Kisner, Oklahoma City (over 2,000 mediations)
Leonard J. Frankel, St. Louis (extensive mediation and training experience)
Mike Amis, Dallas
- 10:30 – 10:45 A.M. **Break**
- 10:45 – 11:45 A.M. **Advanced Mediator Interactive Sessions (continued)**
- 11:45 – 1:00 P.M. **Luncheon**
 Keynote Speaker, *Honorable Jay Patterson*, 101st Judicial District Court of Dallas County, Texas, who has been involved with AAM almost from its inception, will give us his unique perspectives gleaned from his extensive experience as a mediator, trainer and trial judge. (.5 hours)
- 1:00 – 1:30 P.M. **Annual Meeting: Awards, President's Closing Report and Election of New Board Members**
- 1:30 P.M. **Adjourn**

(MCLE credit pending in Texas and Oklahoma (6.75 participatory hours, .5 ethics hours) and Missouri (8.2 participatory hours; .5 ethics hours). We are happy to facilitate MCLE credits in other states. Contact Jeff Abrams, (713) 522-4733, mediator7@aol.com ASAP.

Conference Hotel

A block of rooms has been reserved at a reduced rate for our out of town guests at the lovely Westin Galleria Dallas at the reduced rate of \$115.00 per night, plus tax. Call the hotel directly for reservations at (972) 934-9494 or toll-free at (800) 937-8461 (1-800-Westin-1) on or before **March 4, 2004**.

Advanced Certified Mediators

AAM congratulates the following members who have achieved or renewed their Advanced Certified Mediator status for the 2004 year (as of this newsletter printing):

Mike Amis
William D. Bonham
Bryan D. Coleman
John Hughes
Nancy Huston

L. Reed Leverton
Dana Tait-Sandlin
Susan Z. Wright
Alvin Zimmerman

In order to retain Advanced Certified Mediator status, holders of the certification must submit renewal applications annually. To receive an application for Certified Mediator or Advanced Certified Mediator, please contact the National Office at (800) 280-1368/ (972) 669-8101 or email a request to aam@airmail.net.

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CENTRAL TEXAS NEWS

The Central Texas Chapter is in the process of its annual membership renewal and recruitment campaign. Our project to revamp and update our website is almost finished. Check it out at www.AAMCTX.org. (We have changed the log-on, but you can still find us at www.attorney-mediators-tx.org.) We will also be choosing our new officers next month. Steve Nelson is our president-elect. After that, the regular monthly meetings, with CLE credit will resume in March.

HOUSTON CHAPTER NEWS

The Houston Chapter has continued the tradition of holding monthly seminar programs with the Alternative Dispute Resolution Section of the Houston Bar Association in order to draw greater participation from our members and maintain quality continuing education in the field of mediation. Recent programs have included the "Bench Series" involving presentations by members of the judiciary and a presentation by Trey E. Bergman, III and Alice J. O'Neill on the application of ethical guidelines for mediators. Future programs will include a presentation by James Alfini, Dean of the South Texas College of Law, and an introduction to the Chorda Two Track Dispute Resolution Model by Karl A. Slaikeu, President of Chorda Conflict Management, Inc. The joint monthly meetings with the ADR Section have also served as a means of educating non-members on the benefits of joining AAM, thus increasing membership.

Houston Chapter members will also be hosting AAM's information booth at the Annual Conference of the Texas Association of Mediators, to be held in Houston February 27-28, 2004. It is expected that AAM's information booth will serve to increase membership as this annual meeting typically draws a number of attorney-mediators from all areas of the state, including the non-metropolitan areas where AAM currently has less of a presence. Non-Houston members are also invited to participate in hosting the AAM booth by contacting Allan Davis at (713) 850-1271.

NORTH TEXAS CHAPTER

The North Texas Chapter elected new officers at our October 2003 meeting. The new officers are Allen C. Rudy, Jr., President; Gay G. Cox, Vice President; William B. Short, Jr., Secretary; and Gregory E. Jensen, Treasurer. We intend to continue the Chapter's practice of holding quarterly CLE breakfast meetings and of joining together with the ADR Section of the Dallas Bar Association to co-sponsor a day-long CLE program as well as a summer social for area ADR practitioners. At our last breakfast meeting this past October, Karl Slaikeu, President of Chorda Conflict Management, Inc. of Austin, spoke to us about his new "TWO TRACK" model for dispute resolution. At our first breakfast meeting in 2004, scheduled for February 19th at 7:30 a.m., Suzanne Duvall, President of the Texas Mediator Credentialing Association, will give us the latest word on our state's new mediator credentialing program and Tom Railsback of Roberson & Railsback, will discuss interest-based negotiations as presented in "The Power of Nice: How to Negotiate so Everyone Wins — Especially You!," a book by Ronald M. Shapiro, James Dale and Mark A. Jankowski. The site for the February 19th meeting is yet to be announced.

OKLAHOMA CHAPTER NEWS

The Oklahoma Chapter hosted a reception for lawyer-mediators and panel members at the Oklahoma Bar Association convention in Oklahoma City in November 2003. Representatives of NASD/NYSE, National Arbitration Forum as well as AAM members and prospective members attended. We look forward to increased AAM membership in Oklahoma this year. *Peter Bradford, Chapter President.*

SAN ANTONIO/BEXAR COUNTY CHAPTER NEWS

The San Antonio/Bexar County local chapter continues to have a full membership roster — it is anticipated that we

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will have 40–42 members this year. Nonetheless, due to the plethora of other CLE and meeting opportunities, we do not have seminars or monthly meetings. We simply exist as an informal group for interacting from time to time and to advertise in the San Antonio Bar Association Directory and in the San Antonio Lawyer. *William Lemons, Chapter President.*

ST. LOUIS CHAPTER NEWS

The AAM Fall MCLE/Advanced Mediation Training seminar was a great time for everyone. Thanks to Dick Sher, St. Louis Chapter President for putting together a great program and a special thank you to Linda Sher of TLC Travel, for securing such a lovely venue. The Missouri History Museum was a very exciting and unusual site for our meeting and the Seven Gables Inn was indeed a treat for AAM members to enjoy the quaint feel and atmosphere of a European hotel while attending the MCLE conference. New friendships were formed and many members were able to reconnect with friends of years past. Thank you to the St. Louis group for co-hosting this Missouri adventure. It was enjoyed by all!

ADR Developments

PENNSYLVANIA

On January 16, 2004, the US District Court for the Western District of Pennsylvania hosted a forum seeking discussion on possible changes in the court's mediation program. Judge Jeremy Fogel from San Jose, Federal Court Clerk James Woodward from St. Louis, and Federal Judicial Center ADR coordinator Donna Steenstra from Washington, D.C., at the invitation of this District's Chief Judge Donetta Ambrose, spoke to judges and practitioners in this District.

Judge Fogel (San Jose) described the program in his district as offering early neutral evaluation, mediation or arbitration

just after a case is filed. Litigants are given information about alternative dispute resolution alternatives and attorneys must confer about the option of using one of these methods early in the litigation. Litigants directly contract for attorney-mediator services after receiving a list of attorney mediators certified as having received specified mediation training. That program does not accept pro se litigants. All judges in his district participate in the program.

Mr. Woodward (St. Louis) described his court's program as offering early neutral evaluation and mediation, making allowances for requests from litigants or attorneys for arbitration or other forms of alternative dispute resolution. He observed that in order for such a program to succeed several elements are necessary: adoption of local rules to facilitate the choice of ADR, establishment of a protocol of procedures, committed leadership from the local bench, a bar association active in ADR advocacy, and sufficient follow-through attendant to such program.

Ms. Steenstra (Washington, D.C.) observed that in some jurisdictions, such as the Western District of Washington, the local bar association or federal bar chapter assists its federal district court in administering an ADR program.

All participants agreed that, in general, the earlier in the litigation process litigants opt to try an ADR process, the more likely it is that the case will settle. They also agreed that primary goals of a court-annexed ADR program are increased litigant satisfaction and reduction in court time devoted to resolution of pretrial motions. *The foregoing was submitted by Linda Michler, Pennsylvania AAM Member and colleague, Norma Caquatto.*

SOUTH CAROLINA

South Carolina, carefully reviewing the successes and failures of other jurisdictions in ten years of experience training and appointing court mediators and arbitrators, will implement statewide mandatory ADR in all 46 counties by

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the end of 2004. At present, only 6 counties appoint neutrals through the clerks of court.

There are 435 civil court mediators, 212 family court mediators and 312 civil arbitrators as of September 2003. Total neutrals with one or more active certificates is 709, including 42 non attorney neutrals with active family certificates.

The Supreme Court of South Carolina has charged the ADR Commission with responsibility to develop a court annexed program that will increase public satisfaction with the judicial system. Cost savings and docket control are secondary considerations.

Court mandated rates for mediators in South Carolina is \$125/hour plus one hour of administrative time with no authorization for travel expenses. Obviously, mediators would prefer to be voluntarily selected rather than court appointed, so that they may receive market rates. Unlike some other jurisdictions, the mediator is not expected to work for nothing. The local bar is well aware of what it takes to sustain a practice.

Good faith in mediation in South Carolina is more than just showing up with a pulse, as recent sanctions against bad faith parties demonstrate. In an unreported case out of Florence County, parties who fail to send an informed representative with full settlement authority were sanctioned about \$9,000. ADR processes are now rapidly becoming understood, valued and requested, rather than avoided in South Carolina, as demonstrated by increasing requests for early neutral evaluation before filing of law suits. Though not a tidal wave, it is certainly a trend. *The foregoing was submitted by South Carolina AAM Members Dana Tait Sandlin and J. Wescoat Sandlin, Advanced Solutions, Charleston, SC (843) 747-1800 (wescoat.sandlin@scbar.org) and taitlaw@msn.com.*

The Association of Attorney-Mediators invites similar reports from other areas of the country.

Special Offer to AAM Members from Jossey-Bass Publishers

Jossey-Bass is the leader in providing cutting-edge resources for conflict resolution professionals — from mediators and attorneys to teachers and therapists. In the rapidly developing world of conflict resolution and mediation, Jossey-Bass continues to bring you the latest practical leadership from the top practitioners and teachers in the field. We are offering AAM members a 20% discount when ordering from our website or customer service at www.josseybass.com/go/conflictresolution or (800) 956-7739. Special promotion code is JBNPD. To obtain your 20% discount, type promotion code JBNPD in the promotion code field on the online order form and hit the “apply discount” button.

AAM to be Cooperating Sponsor

Resolution and Resilience in New York

Sixth Annual ABA's Section of
Dispute Resolution Spring Conference

April 15–17, 2004

Sheraton New York Hotel & Towers
811 Seventh Avenue (between 53rd and 52nd Streets)

New York, NY

(800) 325-3535, (212) 581-1000

www.starwood.com/sheraton

<http://www.starwood.com/sheraton>

For more information and registration visit <http://www.abanet.org/dispute/conference/6th/home.html>.

Reduced Hotel and Airline Rates Available.

CLE Credits Available.

To Do List:

- ☑ Register early for the AAM Annual Meeting and Advanced Mediator Training Seminar in Dallas and make hotel reservations. Reservation deadline for the hotel's reduced rate is March 4, 2004.
- ☑ Update the national office with any changes to your address, phone, fax or email.
- ☑ Add AAM's website link to your law firm/mediation firm/personal website. It increases AAM's internet priority and exposure. www.attorney-mediators.org.
- ☑ **TELL ONE COLLEAGUE OR FRIEND ABOUT AAM.** Brochures are available for your circulation upon request to the National Office. (800) 280-1368 or aam@airmail.net.

Visit the AAM Website

Now is a good time to look at your biographical sketch on the AAM website. Has your information changed? Need an update? Do you want to add a photo? Update your photo? Your photo can be sent in electronically, in hard copy or, if you have a photo on a different website, we can retrieve it from that site. There are new features and articles of interest and documents that can be easily downloaded. Click on to www.attorney-mediators.org. To make changes to your website information, please email Brenda at aam@airmail.net or call (800) 280-1368.

Add AAM's website link to your personal website! It increases priority and exposure for AAM: www.attorney-mediators.org.



ASSOCIATION OF ATTORNEY-MEDIATORS

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ASSOCIATION OF ATTORNEY-MEDIATORS

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ASSOCIATION OF ATTORNEY-MEDIATORS

Annual Meeting and Advanced Attorney-Mediator Training Seminar

Co-sponsored by the Dallas Bar Association
Alternative Dispute Resolution Section

Friday and Saturday, April 2-3, 2004

Westin Galleria Dallas

13340 Dallas Parkway (North Dallas Tollway at IH635/LBJ Freeway)
Dallas, Texas

REGISTRATION FORM

Please complete the form below and mail it and your check (if not paying by credit card) in the amount of \$125 (for AAM Members and Dallas ADR Section Members) or \$200 (for non-members) to Brenda Rachuig, Association of Attorney-Mediators, P.O. Box 741955, Dallas, Texas 75374-1955, **FOR RECEIPT NO LATER THAN FRIDAY, March 26, 2004**. Credit Card registrations may be faxed to (972) 669-8180. Registration for AAM Members and Dallas Bar ADR Section Members after March 26, 2004 is \$150. Guests/Spouses may attend the seminar and meals for \$50.00. (This does not include CLE credit for those guests/spouses). Non-members can apply \$75.00 of their registration fee toward AAM membership. (Registration begins at 12:30 pm on April 2; Continental Breakfast begins at 8:30 am on April 3.)

NAME _____

GUEST/SPOUSE NAME _____

ADDRESS _____

PHONE _____ FAX _____

EMAIL _____ Special dietary needs? _____

To secure my place at the April 2-3, 2004 Annual Meeting/Advanced Mediator Training Seminar, I am enclosing my **check** in the amount of \$_____, made payable to "Association of Attorney-Mediators."

OR

Please charge the registration fee of \$_____ to my **credit card**: _____ Visa _____ MasterCard
_____ Discover. Account # _____ Expiration Date _____

Signature _____

NO REFUND FOR CANCELLATIONS AFTER MARCH 26, 2004.

HOTEL RESERVATION INFORMATION:

Attendees may reserve a guest room at the **Westin Galleria Dallas** at the discounted nightly rate of **\$115.00** plus tax by calling the Westin Galleria Dallas directly for reservations at (972) 934-9494 or toll-free at (800) WESTIN-1 *on or before March 4, 2004*.

ASSOCIATION OF ATTORNEY-MEDIATORS



**Annual Meeting and Advanced
Attorney-Mediator Training
April 2-3, 2004**

Dallas Texas Events April 2004



The Duval Collection

Dallas Museum of Natural History
4/1/04 – 4/30/04
(214) 421-3466

Consisting of dazzling specimens of native copper, azurite, amethyst, selenite, and others, this rare collection is a breathtaking showcase of form and beauty.

**Remembering Jack: Intimate &
Unseen Photographs of the Kennedys**

Sixth Floor Museum at Dealey Plaza
4/1/04 – 4/30/04
(214) 747-6660

Jacques Lowe had the privilege of photographing the Kennedys in some of their most private, candid moments and he shares those memories with the world.

Adrenaline Rush — The Science of Risk

The Science Place in Fair Park
4/1/04 – 4/30/04
(214) 428-5555

From the soaring and breathtaking cliffs of Norway to the calm and inspiring immensity of the Mojave Desert explore the innards of risk taking in a wide and spectacular way.

Wagner: Overture to Paulus

4/1/04 – 4/3/04
2301 Flora Street Dallas, Texas 75201
(214) 692-0203

Organ Concert/Organist Bradley H. Welch, Winner of Dallas International Organ Competition.

**Nonsense 20th Anniversary Tour
Broadway Contemporary Series**

4/1/04 – 4/4/04
Majestic Theater
(214) 421-5678

This habit-forming comedy features Kaye Ballard, Georgia Engel, Mimi Hines, Darlene Love, and Lee Meriwether as the beloved Little Sisters of Hoboken.

Dallas Blooms Spring — 20th Anniversary

4/1/04 – 4/11/04
Dallas Arboretum
(214) 327-4901

The gardens of the Arboretum spring to life in a symphony of color and sweet scents.

New Vintage Wine Trail

4/2/04 – 4/3/04
Grapevine, Texas
www.grapevinetexasusa.com

Begin this festive weekend with a ride on the Grapevine Vintage Railroad's Jazz Wine Train on Friday evening, April 2. The train rocks to a swinging beat as it departs the Grapevine Cotton Belt Depot, 705 S. Main, at 7 PM. Enjoy food and music — as well as Grapevine wine — on the round trip adventure.

Gaylord Texan Resort

4/2/04
Grapevine, Texas
www.gaylordhotels.com/gaylordtexas

Grand Opening of the new Gaylord Texan Resort on beautiful Lake Grapevine. Surrounded by rolling pastureland and overlooking Lake Grapevine, the magnificent new Gaylord Texan pays tribute to everything Texas as only Texas can: on a grand scale.
www.gaylordhotels.com/gaylordtexas

Deep Ellum Arts Festival

4/2/04 – 4/4/04
Deep Ellum, Texas
(214) 855-1881

A festival featuring visual artists, continuous music on four stages, and tasty morsels from local restaurant menus.

4th Annual North Texas Jazz Festival

4/2/04 – 4/3/04
Inter-Continental Hotel Dallas
(972) 450-6221

Addison and the University of North Texas, in a collaborative effort, bring nationally and locally recognized jazz artists to town for a week of incredible music. Various venues.

O'Reilly Texas 300

NASCAR Busch Grand National
4/3/04
Texas Motor Speedway
(817) 215-8500

Drivers: Start your engines! Share the excitement of NASCAR racing as they battle it out on the banks of the Motor Speedway.

ASSOCIATION OF ATTORNEY-MEDIATORS

Samsung/RadioShack Texas 500

NASCAR Winston Cup

4/4/04

Texas Motor Speedway
(817) 215-8500

The cream of the crop in the NASCAR world will come in droves for the Winston Cup Series. Get caught up in the action!

The Dallas Museum of Art

1717 North Harwood, Dallas, Texas 75201
(214) 922-1200 or (214) 922-1803

The Museum hours are Tuesday - Sunday, 11-5; Thursday 11-9. Special exhibitions, unless otherwise stated, are included in the admission price and discounts are available for groups of 10 or more.

The Dallas Opera

(214) 443-1000

A forty-four year tradition of artistic excellence and outstanding community service has made.

West End Market Historic District

1801 N. Lamar Street Dallas TX 75202
(214) 741-7180

A turn of the century district in downtown with more than 80 restaurants, shops and nightclubs with horse drawn carriage rides.

Nasher Sculpture Center

2001 Flora Street, Dallas
(214) 242-5100

A world-class addition to the Dallas Arts District, the Nasher Sculpture Center, features the private collection of Patsy and Raymond Nasher –one of the foremost important collections in private or public hands today. 19th Century masters such as Auguste Rodin, Edgar Degas and Paul Gauguin will be housed with such notable sculptors as Pablo Picasso, Henri Matisse, Alberto Giacometti, Henry Moore, Alexander Calder and many more.

The Dallas Zoo

4/2/04 – 4/4/04

Three miles south of downtown Dallas
on I-35E at the Marsalis Avenue exit
(214) 670-5656

Open daily except Christmas. Winter hours are 9 a.m. to 4 p.m., and regular hours are 9 a.m. - 5 p.m. Admission is \$8 for adults (11-64), \$4 for seniors (65+) and \$5 for children (3-11). Children under 3 and Dallas Zoological Society members are free. The Monorail Safari is \$2 per-person, 3 and up. Pre-registered school groups get discounted rates.

Gondola Adventures, Inc.

4/2/04 – 4/4/04

357 Westfork Street, Irving, Texas 75039
(972) 506-8037/(866) 4-GONDOLA
www.gondola.com

Classic Champagne & Chocolate Cruise or Gourmet Dinner Cruise. This is romance at its finest. Variety of cruises on Lake Carolyn and the Mandalay Canals for 2 to 12 passengers. For the final touch, our gondoliers are marvelous singers, specializing in romantic Italian love songs.

“The Ticket” Charity Challenge on Ice VII

(214) 526-7400

American Airlines Center

“The Ticket” Charity Challenge on Ice VII American Airlines Center Radio 1310 “The Ticket” and the Dallas Stars present an amateur Charity Hockey Challenge benefiting the Dallas Stars Foundation.

Mesquite Championship Rodeo

4/2/04 – 4/4/04

Resistol Arena
(972) 285-8777

Experience the spirit of the Western Frontier. The season runs weekends through the end of September. Friday & Saturday evenings.

Thoroughbred Horse Racing Season

Lone Star Park in Grand Prairie, Texas
(972) 263-7669

Live thoroughbred horse racing begins at Lone Star Park April 15, 2004. Simulcast facility available until April 15, 2004. Thursday – Sunday in April.

Texas Rangers Professional Baseball

The Ballpark in Arlington, Texas
(817) 273-5100

The Rangers will be in action at The Ballpark in Arlington through September. Season begins April 9, 2004.

Six Flags Spring Season

Six Flags Over Texas Arlington

(817) 530-6000

Top Texas attraction featuring more than 100 rides, including the Titan roller coaster, shows and other activities. Weekends only in April.

Dallas Stars Hockey

(214) 467-8277

Dallas Mavericks Basketball

(214) 747-6287

Dallas Desperados Arena Football

(972) 785-4900