



# AAM-a-gram

July 2014

## ASSOCIATION OF ATTORNEY-MEDIATORS

*"...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."*

**2014–2015  
AAM**

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### President's Message

There many good reasons to join and remain a member of this great organization; outstanding advanced training programs, camaraderie with other mediators and free mediator liability insurance coverage are among them. During my tenure, these will continue to be the essential benefits for AAM members. President-elect Sid McCollum is already hard at work on new, innovative programs for both the fall and next year's annual meeting.

#### 2014-2015 Priorities

But we should not stand still. There are three important priorities for the coming year: (1) expanding our membership, (2) raising AAM's profile in the mediation community and (3) advancing mediation generally and creating opportunity for mediators, especially newer mediators. This column will focus on the first of these priorities.

AAM remains centered on our Texas roots, something unlikely to change in the immediate future. Outside of Texas, we have grown incrementally through people who have attended our programs. In the

distant past, efforts were made to establish communities of mediators elsewhere, most of which were successful but only a few of which have survived the last decade and a half. As a result, AAM has not yet reached to every State and its local organizations are limited to a handful of areas.

#### Why It's Important To Attract New Members

This coming year, we will implement a more deliberate effort to find new members in new places. Why? First of all, AAM has tools and approaches not widely known in the mediation world, among them the seven "magic questions" to ask in first caucus; our focus on "living in the question"; the admonition not to "water barren holes"; a variety of bracketing tools; offering people certainty where they are beset with uncertainty. AAM training has combined such key concepts and approaches in a way that no one else has

## CHAPTER PRESIDENTS

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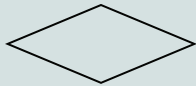
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## *President's Message—Continued*

assembled in the same way.

My own practice has been built in considerable part on things that I have learned at AAM programs and from AAM members. Our Illinois chapter has similarly benefited from AAM's collective wisdom and the active help of existing members. And a great way to remain popular to our respective followings of mediation users is to bring something new and fresh to every mediation.

Increasing membership will also mean more resources for our training programs and help to keep the cost of our trainings low. Instead of relying strictly on what has worked for 20 years, we can develop and learn new techniques and insights into the mediation process. We need this to adapt to the increasing sophistication of the folks we work with and to overcome the

"gaming" of the process by some users of mediation.

Finally, most mediators do not have forty or fifty year careers. It takes considerable legal experience to become credible as a mediator and building a practice rarely happens overnight. We need always to be working on AAM's next generation to survive. Having a true national reach will increase AAM's credibility and ability to attract members who have numerous bar and ADR organizations from which to choose.

### **How We'll Do It**

We'll begin by identifying specific locations where there is a need we can meet and someone on the ground interested in building a local group of AAM members. Several such people have already expressed interest. We will explore what each target area needs and do what we can to

generate local interest and enthusiasm. AAM leaders will actively encourage, mentor and provide resources for local AAM members who are willing to devote significant effort to founding and building a chapter. Local plans may target experienced mediators, fledgling mediators struggling to establish a practice and folks who have just completed their initial mediation training, or more likely, all of the above.

We'll supplement these local efforts with what has been AAM's trademark: low cost, high quality practical mediation training programs that help people be better and more effective mediators. When the timing is right, AAM veteran trainers will team with local mediators to present either a "bridge" course that moves the skills of new or less experienced mediators to a higher level or

## President's Message—Continued

special advanced training for the target area. AAM members in the region will also be invited to these programs to help build camaraderie.

We'll encourage our local groups to work with mediation-minded courts and judges—as well as other local mediator groups—to create opportunities for mediators. We will share the lessons of other efforts to build or strengthen a mediation culture, both in Texas and elsewhere. We will do it all with an emphasis on inclusiveness, and with a message that we do not seek to displace the civil justice system, but rather to allow it and those who participate in it to be more effective.

Finally, we will continue to rely on a special resource: Brenda Rachuig. Brenda is the glue that holds AAM together. She has formed relationships with members around the country, providing them with whatever they need and being a constant source of encouragement and support. She is usually the initial point of

contact for membership applications and the source of answers to questions of all kinds. She is great at smoothing transitions and soothing the feelings of our members (and leaders) when that is needed.

With these resources, and the terrific talent we have in this organization, we will work to build a broad base of support among mediators from coast to coast and all points in between. Don't be surprised if the phone rings or you find a message in your e-mail in-box sometime soon seeking your help with this or the other initiatives!

Next time: more on those other two priorities. You can probably sense how they dovetail with this one, but we'll be specific about it.

*Mike*

Michael Leech,  
AAM National President



## Welcome New AAM-Members

We are pleased to announce the following new AAM members (as of this publishing):

**Barbara Allen, Florence, TX**

**Karin Bonicoro, Austin, TX**

**Elizabeth Chappell, Coppell, TX**

**David Hamilton, St. Louis, MO**

**Jerold Schnayer, Glencoe, IL**

**Joseph Spinola, New York, NY**

**Jessica Winters, Lexington, KY**

We welcome you to the **Association of Attorney-Mediators** and look forward to your active participation within this organization! We hope you will join us on **September 19 in Dallas** so we will have the opportunity to meet you! Please let an officer of a local chapter or the national board of AAM know what AAM can do for you and how you would like to become involved in AAM's activities.



## BRUTSCHE' RECIPIENTS 2014

The Brutsche' 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."* The 2014 Brutsche' Award was awarded to recipients **Trey Bergman** of Houston and **Don Hawbaker** of Atlanta. The Brutsche' Award was last bestowed upon two recipients in 1994, twenty years ago, to Sid Stahl and Ross Stoddard.

### Congratulations to Trey Bergman



**Trey Bergman of Houston, Texas**, is certainly worthy of the Brutsche' Award! He was an original trainer for AAM and has never ceased in his desire to increase the public awareness of AAM and mediation. He is always "at the ready" to help with any training or project that is offered by AAM. Trey is a Past President (2007-2008) of the Association of Attorney-Mediators and his contagious personality makes him a true "go to" person when a need arises for a special topic or as facilitator in an AAM Advanced Training. In short this Brutsche' Award is given to Trey Bergman for "being there" whenever and wherever he can further the goals of the Association of Attorney-Mediators. Trey, thank you for your years of service to AAM and mediators throughout the country!

### Congratulations to Don Hawbaker

**Don Hawbaker** is a pioneer in mediation in Texas as well as throughout the United States. Don resigned as partner from the Winstead law firm in 1990 to practice mediation full time in Houston, at a time when mediation was in its infancy. In 1991, while still mediating full time Don took over the Attorney Mediators Institute from its founder, Steve Brutsche' upon Steve's death. From then until 2000, Don and Trey Bergman, Sid Stahl, and other AAM leaders trained thousands of attorneys and judges across the United States in the art, skill and service of mediating disputes serious enough to become lawsuits. Don was also instrumental in recruiting attorneys to join The Association of Attorney Mediators and opening AAM chapters nationwide. Don left his private mediation practice in 1998 to become the sole Circuit Mediator for the U.S. Court of Appeals for the First Circuit in Boston. He later became the Chief Circuit Mediator for the U.S. Court of Appeals for the Eleventh Circuit in Atlanta, where he continued to mediate appeals as well as supervise five attorney-mediators in three cities in Alabama, Florida and Georgia. In 2012, Don left the Eleventh Circuit and returned to private law practice in the suburbs of Atlanta and is running for County Commissioner of his rural county of residence.



## New Additions to the Board of Directors

The AAM Annual Meeting was held on April 26, 2014, at 8:30 a.m. at the JW Marriott in Atlanta, Georgia. The following board members were elected and we welcome them to the board of directors. Two new board members were selected to three year terms:

**Jeff Kilgore** has been an AAM member since 1999 and resides and practices in Galveston, TX with the firm of Kilgore Mediation.



**Francis “Hank” Raucci** has been an AAM member since 1996 and resides and practices in Helena, MT with the firm of Gough, Shanahan, Johnson & Waterman.



## President’s Award Presented to William “Bill” Lemons

Each year the outgoing President of AAM is given the option of a personal privilege to bestow a special President’s Award to an individual who has demonstrated outstanding service to the Association of Attorney-Mediators.

For the year 2014-15 the award is presented to William “Bill” Lemons of San Antonio, the Immediate Past-President of the Association for his continuing dedication to AAM, not only through his diligence in working on Texas legislative matters, but for his creation and implementation of the plan to keep legislation

and training separate within the organizations and keeping those components competition free.



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**“The expectation one has when they retain an attorney mediator is that this individual will be a neutral, but bring knowledge of the law to the process. AAM’s annual meeting provided valuable information to navigate the process doing just that; resolving disputes and having confidence that the agreements are final and legally sound.”**

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## Georgia On Our Minds

April in Atlanta was the perfect weather! Atlanta provided easy transportation, a wonderful hotel facility, (the JW Marriott, that by far exceeded the norm for customer service), dinner of steak and grilled salmon at Shula's 347 Grill within a short easy walk, wonderful banquet food at the training (!) and best of all, being together with our AAM colleagues! Georgia and the Annual Meeting 2014 will surely be "on our minds" for some time.

The conference was themed to be a walk through a mediation from beginning to end, with many tips and pointers along the way. Mission accomplished as many attendees indicated they walked away with tips for practices they were not aware of. Many seasoned mediators also commented that they got at least one tip that

made the conference worthwhile. Post conference emails indicate that others used those tips as soon after the conference as the first business day following the training! A very successful conference with awesome reviews and a chance to meet mediators from Alabama, Kentucky, Nebraska, Washington, and to put faces with the names of some of the members that attended an AAM conference for the first time.

**Our awesome facilitator for the day, Ross Stoddard, Irving, TX,** kept the energy level up, the questions coming, and the topics alive! Ross was recognized for his skills, talents, and giving nature with an award created especially for him, the "**Energizer Award**" with a small replica of the Energizer Bunny attached.

Our day began with special guest speaker, **Phil Armstrong, of Atlanta, Georgia.** Formerly in-house at Georgia Pacific, Phil was actively involved

in the most comprehensive survey of mediation users ever undertaken by the ABA. He shared the insights of this survey with the group and we enjoyed hearing the results.

We are truly appreciative for those that shared their wisdom and candor on the subjects throughout the day: **Jeff Abrams,** Houston, TX, **Dave Meyer,** Westmont, IL, **Courtenay Bass,** Dallas, TX, **Suzanne Duvall,** Dallas, TX, **John Rothman,** Tulsa, OK, **Robert Dietz,** Orlando, FL, **Raymond Hunter,** Gulfport, MS, **Jeff Kilgore,** Galveston, TX, **Debra Leo,** Birmingham, AL, **Hal Gray,** Atlanta, GA, **Dean Kilgore,** Austin, TX. AAM's "ever popular and sure to return" Marketing Segment was facilitated by **Trey Bergman,** Houston, TX with guest speaker, **Michele Gibson, of Digital Smart Tools, LLC,** Atlanta, GA.

We welcome your feedback, suggestions for locations, topic suggestions, and you are always welcome to submit your proposal to be on the faculty! You may send an email to AAM at [aam@attorney-mediators.org](mailto:aam@attorney-mediators.org).



Eighteen early arrivals enjoyed dinner together at Prime Restaurant. It was a fun gathering and a nice way to have a dinner partner! Join us for "Dinner With A Group" at an upcoming AAM event—a great way to start the conference!

*"So glad I attended! Thoughtful examination of each stage confirmed with shared experience was powerful!"*

**AAM *Advanced* Attorney-Mediator Training  
and CLE Seminar  
The Magic of Mediation**



**The Magic of Mediation - Dallas, Texas  
Wyndham Dallas Love Field Hotel  
Friday, September 19, 2014**

**Do you believe in magic? Has anyone asked you to work your magic on their best number so it will be acceptable? Is there a certain time around 3:30 pm where the parties always seem to change their point of view? Is that magic?**

**Join us on September 19 in Dallas as we explore the Magic of Mediation – giving you some tips and potions to keep the mediation moving.**

**Hotel, Registration and Agenda information are available at:**

**[www.attorney-mediators.org/register](http://www.attorney-mediators.org/register)**

**Registration is open and we are saving a seat for you!**

**Contact AAM at [aam@attorney-mediators.org](mailto:aam@attorney-mediators.org) or 972-669-8101/1-800-28-1368**

## 10 Things Your Webmaster Won't Tell You (but you need to know)

Michele Gibson, *Atlanta, Georgia*

There is no getting around the fact that if you are going to market an ADR practice today you must have a professionally developed website. While it

is easy to spend \$10K+ having a beautiful site built for you, if you don't pay attention to details that expensive site might not be effective in marketing your practice. However, unless you are an internet professional you probably don't have the knowledge necessary to make sure your webmaster is doing everything right. While we don't have the space here to go over all the critical issues we can cover some of the basics. The most important of these break down into two categories: business and technical. Let's start with the business issues.

### **You need to have a good domain name that is registered in your name**

Domain names are your "www" address on the internet. You buy / register them through a select group of companies (e.g. Network Solutions, GoDaddy, Globat, etc.) for \$10-\$25 per year. The key point to remember here is that the domain needs to be registered in your name - not your webmaster's name. All too often busy professionals decide on a name and then turn the process over to whomever is building their website only to find out, once the webmaster has gone on to greener pastures, that the domain was registered in the name of the webmaster....not in the name of the client. If you can't find the webmaster at that time then you'll never get your name back and you've wasted all the money you spent building name recognition for the site.

**You need a web hosting account that is in your name.** Web hosting companies are basically businesses who provide the disk space where your website resides. Like the domain registration companies, they will only talk with the individual who owns the accounts hosted with them. If the account is in your webmaster's name then you have nothing when they disappear. To make things a little easier for our clients we recommend a web hosting company that is also a domain registrar - Globat - because that means the client has only one relationship to track instead of two. In the end, having one relationship instead of two will also save you money. Globat, for instance, charges only \$53 for the first year of web hosting (+/- \$90 ongoing) but they include domain registration in that fee. Here's a link to their signup location: <http://tinyurl.com/7hzk7p4>

### **Don't spend too much!**

The dirty little secret in web hosting is that hosting companies pay webmasters a referral fee to get them to bring their clients online. In the past year I've seen ADR clients who have paid as much as \$700 per year for web hosting and that didn't include email boxes! You should be able to get web hosting for \$100-\$125 per year and that should include at least 25 free email boxes. Before you jump on a cheap offer however, do a Google search to see what customer complaints are out there. Paying \$18 per year for hosting is no bargain if the company's servers are always down and their tech support is overseas.

Now that we've addressed the business basics let's look at some of the technical issues. In reviewing those you need to understand our focus. While having a website is admirable, having one that can be found easily is what you're really aiming to do. What your webmaster does on the backside of the site will make the difference between being found and being forgotten.

### **Images are not words**

Go take a look at your website or one that belongs to a competitor. At the very top of the page you'll probably see their logo or at least the firm name. Take your mouse and highlight that name and then try to paste it into a word document. Then try to edit the name. In most cases you won't be able to edit it because it is embedded in an image. The computer search engines (the tools that get you the high rankings) can't read images in the way the human eyes do. While you might see "Jones & Associates, PC" the search engine computers see something like "jones-logo.jpg" and that won't get you ranked highly by the search engines. Ask your webmaster to add "alt text" to the image so it tells the search engine what the human eye would see.

### **Bigger and bolder is more important**

Think about what you noticed first when you started reading this article. The title caught your eye because it was the biggest text. Next you noticed the paragraph headers because they were bold. The same is true for the search engines. When they review your website they assume that the bigger, bolded text is the most important wording on the page. This means that they index those words and when someone searches for them your site will pop up in the re



## 10 Things Your Webmaster Won't Tell You—Continued

turns. On the downside it means that if you don't highlight the important content your site isn't going to be found.

### **Emphasize your name**

Go to almost any website and click the "About" or "Contact Us" buttons. You'll be directed to a page whose page is headlined "About" or "Contact Us". There are millions of websites out there whose page titles are the same. If you want to be found try "About Jones & Associates, PC" - that's the way the search engines will index the page and it will be easier for searchers to locate you.

### **Know what your audience searches for**

Until December 2013 Google offered a great tool that told us what key words and phrases web visitors were searching for. Sadly, in the wake of the NSA revelations, they elected to eliminate that tool. Now it is up to you to know what the average person searching for you would use for the key word or phrase. Perhaps it would be "Texas commercial mediator" or "FINRA certified arbitrator". You know your audience best. It is up to you to come up with that list of words and phrases and then to make sure they are integrated into your text. Each page should have one focus and that word or phrase should be used 2-3 times on that page in a way that sounds natural. Better yet - find a way to use them in page titles in big, bold type. When possible, ask your webmaster to use them in the computer name for the page (e.g. [www.JonesMediation.com/About-Texas-Commercial-Mediation.com](http://www.JonesMediation.com/About-Texas-Commercial-Mediation.com)).

### **Establish links back to your page**

One of the ways that the search engines find your page is when they index other pages where you are listed. This could include social media sites such as LinkedIn, association sites, alumni sites and more. Any place you are listed on the web you want to make sure your website is also listed. This is something you are responsible for - not your webmaster! One caveat - several years ago people started selling what they called "back links". For some small monthly fee they guaranteed you hundreds of back links on the premise that the more back links the better you would rank with the search engines. The problem is if a back link isn't relevant to your business it isn't going to improve your ranking. A link from a strip club or corner store is actually going to downgrade your ranking.

### **Drive traffic to your site**

Search engine ranking is the classic chicken v. egg dilemma. Your site will rank higher with the search engines if it has more traffic. However to get more traffic you need to be listed higher. There is a way around this although it isn't automatic. Every time you publish a newsletter, write an article, or write a bio for a speech you need to include a link to your website in the author information. This will make it easy for the audience to click and view your site. The traffic you derive from this will help push you up in the rankings.

### **Register your site with the search engines**

This is such a simple concept that I am continually surprised when it doesn't happen. When your website is first published your webmaster needs to notify the major search engines (Google, Bing, Yahoo, and Ask.com) that the site is out there. If they do that, your site will be included in their index within 7-28 days and then will be re-indexed on a regular basis. If they don't do this then the search engines won't find you until they stumble over another link to you on the web. If you have built your site yourself or if you maintain it yourself there is a DIY tool that will build your sitemap (the index for the search engines) and automatically register the site. It's from Coffee Cup Software and it is called Sitemapper: <http://www.coffeecup.com/sitemapper/> This is the best \$35 tool on the market.

### **Push v. Pull - our new reality**

Before you spend tens of thousands of dollars on a phenomenal website you need to understand that today we live in a "push" world instead of a "pull" world. Prior to the economic crash of 2007-2008 people actually spent time on the web searching for service providers. Today people spend their time trying to make a living so spending thousands of dollars on SEO (search engine optimization) makes absolutely no sense as long as you pay attention to the basics outlined here. Instead, spend money for a professional looking, basic website and then put the rest of your marketing

10 Things Your Webmaster Won't Tell You—Continued

dollars into email marketing and maximizing your LinkedIn profile. While people don't spend their time searching for websites, everybody opens their email daily and most professionals are on LinkedIn regularly. Social media and email are "push" marketing in that the recipient doesn't have to initiate any action - your marketing is "pushed" to them in the course of their normal daily actions.

**Wondering how your current website stacks up?**

We have a special offer for the members of your organization. Through the end of July we'll give you 50% off our standard website analysis. That means you'll pay just \$249 to receive an actionable document that will help you maximize the impact of your current site. To take advantage of this offer just email me at [mgibson@digitalsmarttools.com](mailto:mgibson@digitalsmarttools.com) and mention Atty-Mediator 2014 and we'll get right to work on your analysis.

**Spend your marketing dollars and time wisely and you will be rewarded!**

Michele

Gibson

404.592.3367 Voice & Fax



Special Thanks!

We want to extend a special thank you to the outgoing AAM National Board Members, **Bill Lemons and Dean Kilgore**. Thank you for volunteering your time and energy serving on the AAM Board. Your willingness to serve in this capacity for the last several years is greatly appreciated!

**Association of Attorney-Mediators  
Welcomes President-elect, Sid McCollum**

The Association of Attorney-Mediators held its Annual Meeting in Atlanta, Georgia on April 26, 2014. Sid McCollum, of Little Rock, was selected as the incoming President-elect of the organization and will assume the role of planning chairman for the upcoming Advanced Attorney-Mediator Training to be held in Dallas, Texas. We welcome Sid and look forward to the trainings he will put into place, as well as his step into the President's role in the Spring of 2015.



# *Smile*



**Don Hawbaker accepting Brutsche' Award in Atlanta**



**Trey Bergman shocked when a second Brutsche' Award was given to him!**



**Ross Stoddard accepting his special "Energizer Award"**



**Bill Lemons receiving President's Award from outgoing President, Mike Patterson**

*Comments or suggestions may be sent to [aam@attorney-mediators.org](mailto:aam@attorney-mediators.org)*