



# AAM-a-gram

ASSOCIATION OF ATTORNEY-MEDIATORS

## President's Message

March 2018

*"...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."*

**2017-2018  
AAM**

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### Message from Debra Leo . . .

Last night my son, who is not quite 30, expressed shock that some teenagers didn't know famous classic rock songs. It reminded me that when we were discussing the theme for our fall meeting, The Good, The Bad and The Uninformed, I was shocked to discover there are a couple of generations out there who have never seen "The Good, The Bad and The Ugly". Or thinking back on our Nashville meeting and visiting the Grand Ole Opry, some don't know who Merle Haggard was so how could they appreciate the wonderful article Jimmy Lawson contributed. All of these thoughts make me keenly aware of the memories and friendships I have built through AAM. I remember when I was a new member, Mike Leech shared with me how AAM helped him build his mediation practice. I have been privileged to call fellow mediators and pick their brains about predicaments in mediation and to gather useful information from those of us who litigate as well as mediate. It was amazing how much relevant information I gained from Kathleen Coble's presentation on managing a mediation practice. These are some of the many non-tangible benefits from being a member and attending meetings. I'm always excited about speakers, the wealth of knowledge our members bring, the years of experience that is collected in one arena and is there for the asking. I look forward to the knowledge gain, but more than that I look forward to seeing friends and fellow "peacemakers", to having dinner with old and new members, to toasting new accomplishments and highlights, and to listening and being listened to. As we begin preparing for our journey to Indianapolis think of one thing you would like to take back home with you, that you can get from a fellow member, that's not on the program, and think of one thing you would like to share with a fellow member that will benefit them. When you get to Indianapolis, don't stop talking to different members until you have your answer (you may receive several different answers) and you have shared your information.

**CHAPTER  
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**Bexar County/San  
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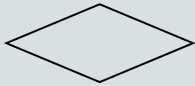
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**Association of  
Attorney-Mediators**

**P O Box 741955**

**Dallas, TX 75374-**

**1955**

**1-800-280-1368**

**972-669-8101**

**972-669-8180 Fax**

**www.attorney-  
mediators.org**

**Email:**

**aam@attorney-  
mediators.org**

***President's Message—Continued***

I encourage you to get to know three members you've never met. If you are a more seasoned mediator, get to know a newbie to the profession. If you are a newbie, latch on to a seasoned one (we all love to tell our war stories). I assure you, you will return home a richer person. One thing I'm sure we will all find is that in the mediation world "the times – they are a-changing".

So, show your age and identify the artist. Better yet, do you know the lyrics?

I hope to see you all in Indianapolis on April 20 & 21.

Debra Leo

AAM National President

debraleoadr@gmail.com

(205) 305-2510

**Emeritus**

In response to requests from retiring members, the AAM Board voted to make a new membership level/category "Emeritus Membership" available to active members that are retiring. The Latin word Emeritus translates "veteran soldier". Many of our long time AAM members were the true "mediation soldiers" and we feel it is appropriate that retiring AAM members be encouraged to stay connected with AAM. This level of membership will be \$25 per calendar year but will not include insurance coverage. It will allow admittance to AAM conferences and functions at the AAM member rate. Attendance at these conferences would be beneficial to both the retiring member as well as new AAM members. It would provide the opportunity for the Emeritus mediator to network with newer mediators and share their wisdom and experience, as well as an opportunity to travel with the group and enjoy the camaraderie so evident at AAM events. You will find this optional membership available on the Join AAM page. We look forward to continuing these special connections with AAM members and welcome additional Emeritus members.

## **Welcome AAM New Members**

The following are new members since the last newsletter printing. We welcome each of you and look forward to your active participation within this organization! Please let an officer of a local chapter or a member of the national board know what AAM can do for you and how you would like to become involved in AAM's activities.

**Mary Adams-Moe, Allen, TX**

**Laura Browning, Del Rio, TX**

**Suzanne Chamberlain, Newport Beach, CA**

**Kathleen Coble, Austin, TX**

**Kathy Erickson, McKinney, TX**

**King Fifer, Dallas, TX**

**Ilana Forbes, Deer Park, IL**

**Steven Garver, Reston, VA**

**Monica Haddad, Morgantown, WV**

**Barbara Hale, New Braunfels, TX**

**Kathleen Howlett, Winnetka, IL**

**James Jameson, Houston, TX**

**Sandra Lauro, Plano, TX**

**Marianne Lizza-Irwin, Golden, CO**

**Faith Nouri, Huntington Beach, CA**

**John Owen, Dallas, TX**

**Greg Perkes, Corpus Christi, TX**

**Denise Peterson, Houston, TX**

**Jesus Ramirez, San Juan, TX**

**Tobin Richter, Chicago, IL**

**Marilee Roberg, Wilmette, IL**

**William Shepherd, Houston, TX**

**Rebecca Simpson, Bowling Green, KY**

**James Smith, Little Rock, AR**

**Lisa Tatum, San Antonio, TX**

**Barry Wernick, Dallas, TX**



# **welcome**



Our awesome speakers at the September 15, 2017 AAM seminar included:

Chris Nolland (Dallas), and a panel of distinguished Dallas lawyers addressed the best and worst qualities in mediators. Chris led a panel including Hal Gillespie, Gillespie Sanford, LLP, Employment Law; Jim Hartnett, Hartnett Law Firm, Probate Litigation; Gary Eisenstat, Ogletree, Deakins, Nash, Smoak & Stewart, P.C., Labor and Employment Law; and Andy Payne, Payne Mitchell Law Group; Personal Injury Law. Chris Nolland graciously performed double duty, with a second presentation on The Holy Trinity of Mediation: Ethics, Effort and Results.

Ross Stoddard (Irving, TX), a national and perennial favorite, and his Panelists Hon. Elizabeth ('Peach') Ray, (Houston); and Marty Wickliff, guest speaker, Cozen O'Connor, (Houston); enlightened us with excellent information on Effective Opening Statements.

Dean Kilgore (Austin), with wit and wisdom, shared his insights from decades of experience on dealing with difficult and challenging personalities.

Lisbeth Bulmash, (Dallas), and her mock mediation actors, Robert Berliner, (Chicago, IL), Jimmy Lawson (Lakeland, TN), Debra Leo (Birmingham, AL) highlighted conflicts of interest issues in a fun and enlivened ethics session.

David Lopez, (Houston) offered us a fascinating glimpse into the Future of International Conflicts in Global Commerce.

Joe Paulk, (Tulsa, OK) delighted us with his "EASY BUTTON" show of What Mediation Clients Value the Most.

Linda Michler (Bethel Park, PA and Outer Banks, NC) and Daniel Yamshon (Sacramento, CA) gave us terrific information on ADR Neutrals' Disclosures. Special thanks to Daniel for traveling from California to be a guest speaker for us.

Hurricane Harvey had a minor impact on our stay at the Embassy Suites (as this Dallas location was chosen as a FEMA staging area for individuals rendering assistance to those hardest hit in the Gulf Coast and Florida areas). Although that made for a more crowded than normal conference area, we learned much in our time together. Travel from the Houston and Gulf Coast areas was challenging for attendees who had planned to participate in the conference. Our thoughts were with those affected in the Gulf Coast regions.

For about 30 attendees (and some spouses) that were able to arrive early, dinner was enjoyed on Thursday evening. It was a lovely September night, with a nice walk to the nearby restaurant, Mi Camino Restaurant. Good food and drink were enjoyed. But most of all, there was time to meet others before our CLE day began on Friday morning.

What a great cast for the AAM Fall CLE that was held in Dallas in September 2017! The speakers were outstanding, dynamic and incredibly effective. They were appreciated by all. Our room was filled to max overflowing (90+). We wish to thank all who contributed to this very successful CLE program.

The day ended with cocktails and camaraderie as we said goodbye until the next CLE in Indianapolis on April 20 & 21, 2018.



Dinner with a Group

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Fall CLE in Dallas, Texas—September 2017

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Dinner with a Group

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Dinner with a Group

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*We are currently accepting newsletter articles to [aam@attorney-mediators.org](mailto:aam@attorney-mediators.org).*



# RACE FOR EXCELLENCE

***Indianapolis, IN – April 20 & 21, 2018***

This highly interactive **Advanced Attorney-Mediator Training, CLE Seminar and Annual Meeting**, will lead you in your **Race For Excellence** and you will take away new skills for immediate use. The training will include some of the country's most experienced and talented mediators sharing their **excellent** ideas and tips for your daily mediations. These top tier mediators from various parts of the country all have something in common – they mediate and are **excellent at what they do!** John Trimble, Ross Stoddard, John Van Winkle, Laura Josephson-Bernat, Courtenay Bass, Tom Woodrow, Kimberlee Kovach, Mari Frank, Karen Vervaecke, Jeff Kilgore, Randy Rapp, Mike Leech, Hank Jones and Rebecca Simpson are all on this spectacular line-up! They will show you how to sharpen and apply your mediation techniques and enhance your ethical awareness by addressing various issues with you and other participants. You will leave this CLE seminar with renewed enthusiasm to be a part of the mediation world today! Registration and additional information is available at [www.attorney-mediators.org/register](http://www.attorney-mediators.org/register). [www.attorney-mediators.org/conference-info](http://www.attorney-mediators.org/conference-info)

***Fine Tune Your Mediation Engine and Rev Up Your Enthusiasm –***

***We're saving you a seat!***

***EARLY REGISTRATION ENDS APRIL 10, 2018!***

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## MEET THE CANDIDATES

Our Annual Meeting is fast approaching, and we will be electing three new Board members at that time. Your proxy for that election is attached. Please email to [aam@attorney-mediators.org](mailto:aam@attorney-mediators.org) or fax to 972-669-8180 **ONLY** if you will not be attending the annual meeting. **Your vote is important!** Click here for the proxy that will need to be returned to the AAM National Office: [Proxy 2018.pdf](#) (Clicking this link opens the printable pdf)

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**Danielle Hargrove** practices in San Antonio, TX and has been an AAM member since 2003, returning in 2017 after a brief absence. For more information about Danielle, please see her bio. [Danielle Hargrove Bio.pdf](#)



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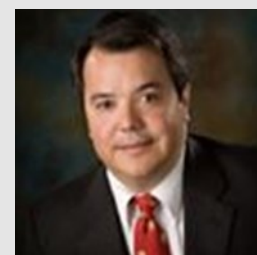
**Francis (Frank) Neuner** practices in St. Louis, MO and has been an AAM member since 2012. For more information about Frank, please see his bio. [Frank Neuner Bio.pdf](#)



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**Carlos (Charlie) Ochoa** practices in McAllen, TX and has been an AAM member since 2008. For more information about Charlie, please see his bio. [Charlie Ochoa Bio.pdf](#)

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# Return Your Proxy

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## AAM Provides Free Audio Seminars for Members on Marketing and Managing Your Mediation Business

AAM offers, from time to time, Audio Seminars free to its members to give good information on marketing and managing your mediation business. *Many State Bar Associations do not allow CLE credit for topics of marketing or managing your practice. AAM will endeavor to offer this benefit to our members through free audio seminars. If you missed the audio seminars in 2017, you can listen to the recordings.* These audio seminars are available on the website at: <https://www.attorney-mediators.org/seminars/>

### Managing Your Mediation Business and Office

AAM offered a special Audio Seminar on Managing Your Mediation Business and Office in December of **2017** with presenter, Kathleen Coble of Austin, Texas. Kathleen shared her passion with us about effectively and efficiently running your mediation business and office. Kathleen has a BBA from UT Austin and worked as a corporate accountant prior to attending law school. She cares deeply about lawyers running good businesses as well as good law and mediation practices.



Kathleen Coble  
Sheridan Barrett Coble and Andrae, PLLC  
1301 S. Capital of Texas Hwy, Suite C-120  
Austin, Texas 78746  
(512) 477-4700  
[Kathleen@sbcafamilylaw.com](mailto:Kathleen@sbcafamilylaw.com)

### Managing Your Online Presence

AAM offered an Audio Seminar on Managing Your Online Presence with marketing presenters, Steven and Cindy Reddy of Select Marketing, Houston, Texas in July of 2017. Steven and Cindy also presented our first Audio Seminar in January of 2017. They shared with us about the top proven effective marketing tips for your website, the effectiveness of social media, the importance of Google reviews and many more interesting topics. Participants were able to “send in” questions prior to the seminar so the topics were specifically geared to our members. You can listen to the recordings in the members only area under “seminars”. Special thank you to Steven and Cindy for giving us this information!



Cindy & Steven Reddy  
Select Marketing  
409-737-5387 office  
214-538-1342 cell  
[www.selectmkt.com](http://www.selectmkt.com)

**You can now add a second email address to your AAM profile! If you wish to have your assistant or optional email copied—just input it on your profile!**



## Why Do We Ask?

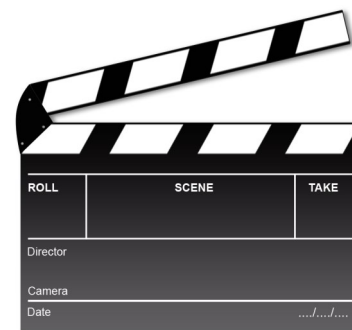
A member called the AAM office this renewal period and said **“Why do you always make me fill out this form each year? My answers are always the same.”** Well, we need to know that you are growing in your mediation skills and keeping up to date on CLE requirements, which keeps the Association of Attorney-Mediators “not just any mediator organization”, but a high quality organization of attorney-mediators.

**BUT**, the most important reason we ask you to return that same questionnaire each year is because the insurance question just above your signature. **Our insurance carrier REQUIRES each member to answer the possible claim question each year prior to being covered by the policy and for us to archive those answers. They really do! You will not receive your confirmation with insurance letter without us receiving the form.**

If you have not received an email with the subject line: **Confirmation of AAM Membership Renewal with Insurance Coverage Information**, chances are we have not received your Membership Qualifications 2018. You may have paid your dues, but the second step is to return the questionnaire. Your insurance coverage letter is awaiting!

We appreciate your loyalty to AAM and your willingness to continue with these requirements each year. (The Membership Qualifications 2018 may be found in the members area of the website.) If you have not renewed your membership, you can take care of that now. Don't know if you have renewed—is your profile on the “Find A Mediator” directory? If you don't see it, the answer is probably “no”. Just log in with your email address or contact the AAM National Office for assistance. [aam@attorney-mediators.org](mailto:aam@attorney-mediators.org)

# Take 1



We had requests in the past for our CLE trainings to be recorded. Well, we did it! They are pretty simple, but we gave it a try in Dallas at the fall CLE 2017. They are all loaded on the website as individual segments for your viewing. **We do not anticipate this to be a regular occurrence for our trainings.** These videos have CLE credit in **Texas ONLY** until **September 1, 2018**, as this was a trial run. Members in other states may view them and ask for viewing credit in their state as self-study is permitted. We are happy to issue a certificate of viewing for anyone that views the videos. Videos are located in the events section of the website at <https://www.attorney-mediators.org/On-Demand-Videos>.

*Special thanks to John Feather, Newsletter Chair, for his assistance with this edition.*

1990 OPEN LETTER FROM STEVE BRUTSCHE' (1944-1991)  
Co-Founder,

Dallas Bar Association Attorney-Mediator Training Program for Court-  
Annexed Mediation \* Founder, Association of Attorney-Mediators

I have been practicing civil trial law in Dallas, Texas, for approximately 17 years - a certified specialist since 1978. The resolution of civil disputes is an adversary system. Attorneys are hired advocates whose sworn duty is to zealously defend their client's positions. The heritage of this system of justice originates in the laws of England.

The early origins sought to reach truth by combat or by ordeal. Disputants would fight to the death or undergo an ordeal such as a hot coal placed in the hand. The premise of these systems was that "truth" would protect the virtuous and empower the proper parties.

Our system evolved attempts to make the fight fair. All people are not equal in combat, so we allowed people to hire their champions. This also had the "virtue" of protecting those who had wealth. Again, the objective was to find "truth" through the premise that the virtuous would be protected by divine order.

The modern trial lawyer is the "champion" selected and hired by the litigant to find "truth." The premise is still that truth will be revealed...and efforts to make the fight more fair continue by having rules of evidence...and by using neutral jurors to be the parties who "decide" the winner and loser.

The word "decide" is from the Latin root, *cider*, which means to "kill." To "decide" is to kill the alternative (Homicide is to kill a human being). Thus, our adversary legal system seeks to resolve disputes by basically the same methodology as trial by combat. However, the *legal position* of the losing party is killed rather than the body. As you can imagine, this system offers very little joyous satisfaction or ultimate justice to litigants. Polls have shown that about 97% of the parties leaving a courthouse after a trial are unhappy with the process, including the winners.

As a lawyer, I came to the conviction over a period of time that what I was doing was not serving my clients and that our system was not serving its intended purpose of providing for the prompt, fair and cost effective resolution of disputes. In fact, the system was being used to take advantage of and abuse people. More often than not, cases were resolved, not on the basis of fairness, but on the basis of who had the most money and the best lawyer.

Believe it or not, the vast majority of attorneys studied the law with the desire to contribute and to make the world a better place. Their idealism has been thwarted by the resignation that all they could do was "win" or make money.

My inner guide revealed that if I could support lawyers in rediscovering their capacity to serve and their ability to make a difference they would leap at the opportunity. How true that has been.

Through our local bar associations, we have been training attorneys as mediators for settling civil disputes. In the past year, we have trained almost 100 attorneys and former judges as mediators. In the first six months, approximately 1000 cases in Dallas County were referred for mediation and approximately 80% of them settled voluntarily.

In mediation, the parties decide whether settlement is in their best interest, not a judge or jury. To be sure there is adversary conduct in the mediation process in the sense that people argue and state their positions. But the attorney mediators, committed to service and to peacemaking, help the parties vent their frustrations and communicate effectively so that they can find solutions that everyone can live with. I often state that the difference between mediation and litigation is that in litigation the dispute is resolved by somebody "dying," whereas in mediation the dispute is resolved by everybody finding a solution that they can all live with.

**As part of the training program of these attorney mediators, I teach the golden rule of dispute resolution, "Have it be your purpose to resolve the dispute rather than to gain an advantage".**

We are educating judges and court clerks in the use of the mediation process and privately training and educating large law firms in mediation. Incidentally, more than 90% of the people that use the mediation process indicate they are satisfied even though they almost never get what they wanted (in order for cases to settle, everybody has to give more than they think they should). This contrasted with the 97% dissatisfaction rate in parties to litigation speaks highly of the process. The Dallas program has become a model for programs in Houston and other cities in Texas.

(Partially edited)