



ASSOCIATION OF ATTORNEY-MEDIATORS

Newsletter

August 2003

“...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,

I have long been interested in things international. That interest has continued as I have progressed through my mediation career. As a result, over the last several years, I have traveled to many parts of the world to learn about what's going on with mediation, as we know and practice it, outside the United States.

I have learned that mediation is gaining popularity and acceptance in England, though mandatory mediation is looked upon with skepticism. I have learned that mediation is also gaining popularity in Australia and is even mandatory in certain states. I have learned that mediation is having difficulty getting a foothold in France, Belgium and Germany and other European countries and has a long way to go before it gains acceptance in China (perhaps, excluding Hong Kong).

I have been somewhat of a rare bird in my travels. It seems that being a full-time mediator is a novel concept for most of the rest of the world. I have met many aspiring mediators who look longingly on the notion of a full-time mediation practice and wonder if and when that will be possible in their countries.

All of this has made me realize what a truly amazing organization AAM is. While I have done no research on this, I would venture to guess that AAM has more full-time mediators than most of the rest of the world (outside the U.S.) combined. And the well over 130,000 mediations our members have conducted likely exceed the number of mediations that have been conducted in most other countries in the world combined. We literally have some of the most experienced mediators in the world.

I think some of us, myself included, take for granted the status of mediation and the role it plays in our legal systems, our practices and our lives. This is just what we do. Isn't it like this everywhere? Is there really any need to associate with other mediators? Does AAM have any relevance?

I believe it does. Doctors have the AMA. Lawyers have bar associations. Any profession can benefit from an association of its most experienced members. To discuss current issues relevant to the practice, to maintain and advance skills, to monitor standards, to foster up and coming members and to generally look out for the interests of the profession. Mediators are no different.

Or perhaps we are. I remember the passion I felt, for the process and the practice, when I was first introduced to mediation (thank you, Walter). I have seen that same passion in other AAM members and other mediators in the U.S. and around the world. There often seems to be a need or desire to proselytize. Perhaps that is why, from its humble beginning in Texas in 1989, AAM now has members in 12 states. I think we can expand on this.

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Letter from the President *continued from page 1*

The mission of AAM is 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.”

I believe AAM is uniquely situated to “*support and promote*” the profession and to benefit experienced mediators and those who are new to the field. It would be a shame to waste the rare and valuable resources we have in our membership.

Others seem to think so, as well. AAM generated a lot of interest from mediators around the country and from other countries at the recent ABA Section of Dispute Resolution’s Annual Meeting in San Antonio, which we cosponsored. Perhaps it was the fancy calculators we gave away. I prefer to think it’s because of what we have to offer.

In an effort to foster expanded membership, the AAM Board of Directors, at our April, 2003 meeting, voted to allow for Associate Chapter status for any interested group with 5 to 9 AAM members. Previously, it was required to have 10 members to start a local chapter. Associate Chapters will not be entitled to reimbursement of 10% of the membership fees, as are full chapters. We hope that this will create a momentum that will lead to full chapter status.

Additionally, as an incentive for the creation of new full chapters of 10 or more members, the AAM Board voted to provide for a mediation training by AAM members, at the new chapter location, within a reasonable period of time after full chapter status is obtained. With the large number of experienced mediators in AAM we did not anticipate we would be short on volunteers. And when we get 9 more members in Hawaii, I’ll be happy to volunteer. The Board felt that these measures would be a great way to support fledgling chapters and to spread some of the wealth that AAM members have to offer.

In that vein, we are following our successful Advanced Mediator Training held last year in Oklahoma City with this years program in St. Louis. The St. Louis Chapter has put together an excellent program which will take place on Friday, September 19, 2003 from 9:00 a.m. until 5:00p.m. We’re pleased and honored to have as our Keynote Speaker renowned mediator, arbitrator and educator H. Jay Folberg. Former Dean and now Professor of Law at the University of San Francisco School of Law, Jay is an active practitioner who serves on several national and regional ADR panels, is a resolution consultant and trainer for ADR provider organizations and courts in the United States and other countries and is a prolific author and speaker on ADR. Jay will lend his unique perspective as active practitioner and academician to the critical issues that face us as the practice of mediation evolves and matures.

Our speakers will also include the Hon. Susan S. Soussan, former State District Judge and one of our most experienced mediators speaking on mediation of complex, multiparty cases. Susan mediated a significant part of the Exxon Valdez dispute, along with other notable cases. Our experienced mediators from the St. Louis Chapter will have a panel discussion on “Responding to Difficult Moments in Mediation.”

We’ll hear from Larry Molloy, President and CEO of our professional liability carrier, Complete Equity Markets, Inc., on the subject of claims being filed against mediators and how we can avoid them. And, we’ll have our traditional interactive sessions facilitated by some of AAM’s most experienced mediators and trainers, who, as we now know, are some of the most experienced in the world.

After the Program, attendees and their guests will have a number of options to experience St. Louis at its finest. The St. Louis AAM chapter will be buying tickets for Friday’s St. Louis Cardinals vs. Houston Astros baseball game. Additionally, Disney’s The Lion King and the renowned St. Louis Symphony Orchestra will be in town on Friday night. Please see the full program included in the newsletter for all the details as well as information on hotel reservations.

Finally (thank goodness*), I would like to thank Larry Maxwell for his steady stewardship of the organization last year and our retiring Board members Walter Wright, Suzanne Duvall and Tommy Smith for their years of service to the organization.

I look forward to an exciting year as President of AAM. Fell free to contact me at any time if I can be of assistance to you. Support our St. Louis Chapter and all our local chapters by attending the excellent program in September. Bring a spouse, bring a friend and “Meet me in St. Louie.” Go Astros!

Sincerely,

Jeffrey S. Abrams
President

* I went into mediation so I wouldn’t have to write.

Lively Interactive Session Challenging and Encouraging

Mike Amis

AAM Member, Dallas, TX

Definition of “Real Courage”: AAM’s interactive sessions at the Annual Meeting where members put out on the table all their practice questions, angsts, dilemmas, fears, and hopes — “letting it all hang out” in front of their peers. These sessions build on our basic training and our experience in active mediations, however few or many mediations we have done (of course, confidentiality of real situations is maintained). This year’s annual meeting program proved no exception, as we gained new insights on the endemic problems which we daily confront. Here is how our discussions broke down:

Mediator’s interjections of opinion

This is familiar territory which continues to be a minefield in certain situations with ever-increasing desire by counsel and parties to learn what the mediator thinks. This problem can come head-on or very subtly and seductively as in “This is a pure question of law; what do *you* say the law is?” Or, “What would you do if you were in *my* shoes?” Or, the invitation by the lawyer “to beat up on my client.” As you would suspect, we flushed out the facts, explored the nuances, and arrived at conclusions consistent with empowering the counsel and the parties, encouraging and requiring that they arrive at their own decision, not ours.

Mediator’s responsibilities when he or she sees bad lawyering, hears plainly false advice, and even becomes privy to acknowledged malpractice

These situations stirred great debate if not passion. Example of just one specific question raised: “What do you do when there is a casualty claim in excess of policy limits, I think the insured is exposed, and the insured is absent?” What excited our discussion was the simple deletion or addition of just one

fact here and there which could lead us to a completely different conclusion. This reminds us that our work is principle-driven: we don’t know all that is going on, we should suspend judgment, and, above all, “do no harm.” Adherence to basic principles leads us to the appropriate response.

Tough situations which push the ethical envelope

How about these brain-busters: (1) There is at least a temporary impasse, and one of the attorneys (make it someone who recommends you “a lot”) suggests that you do one of those mediator’s proposals and then dictates the terms! (2) In your post-mediation follow-up, one of the attorneys calls to say the Court just called to say the Judge ruled against him on the MSJ and he wants you to call the other side to accept its last-announced offer (!!)

(3) Out in the hallway, one of the attorneys confesses his /her malpractice — what duty, if any, do we have to that client?

(4) In a multiparty case with four sides in four different rooms, the mediator tells one side that the Plaintiff has settled with two of the defendants, and the third defendant is the only one left with the Plaintiff, all others having vanished into the night! In our equal service to each party/ side, have we managed the process so that equal service is obeyed, so that any other side could not complain of our conduct? Are we fostering or creating any dynamic that is not a potential reality if they were all back at their offices negotiating on the phone?

At the end of our session, having cussed and discussed, we could honestly join Goldsmith in saying, “Let schoolmasters puzzle their brain, With grammar, and nonsense, and learning; Good liquor, I stoutly maintain, Gives genius a better discerning.” Oliver Goldsmith, “She Stoops to Conquer, I”

Advanced Certified Mediators

AAM congratulates the following members who have achieved or renewed their Advanced Certified Mediator status for the 2003 year (since the last newsletter printing):

Mike Amis
Dana Tait-Sandlin

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 1-800-280-1368/972-669-8101 or email a request to aam@airmail.net.

AAM Welcomes New Members

We are pleased to welcome the following new members:

James Bannerot, Austin, Texas
Robert Binder, Austin, Texas
Ben Carroll, Honolulu, Hawaii
Tracy Cluck, Austin, Texas
Ben DeVries, Conroe, Texas
Bryan Forman, Austin, Texas
Terry Fry, Houston, Texas
Judge Louis Gohmert, Tyler, Texas
Jeff Jury, Austin, Texas
Lance Olinde, Houston, Texas
William Seerden, Victoria, Texas
James Simpson, Dallas, Texas

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

The License Agreement for using AAM's service mark and logo on your stationery/business cards can now be found on the website (www.attorney-mediators.org) or you may request it from Brenda at aam@airmail.net.

Agreed Judgment Reached in Unauthorized Practice of Law

(UPL) Action — June 18, 2003

A non-attorney mediator practicing in the Dallas/Fort Worth area recently settled with the UPL Committee and was permanently enjoined (1) From giving legal advice to laymen and the public; (2) From advising laymen of their rights, duties and responsibilities with regard to the law; (3) From preparing or assisting in the preparation of legal instruments for laymen; (4) From collecting fees from the public for activities constituting the unauthorized practice of law, including, but not limited to, collecting fees from one party and then telephoning another party not physically present in the room, or inviting another party into the room, and claiming to be conducting a "mediation" to resolve a dispute, while in fact attempting to assert a claim or collect a debt on behalf of the party from whom the "mediation fee" was collected; (5) From engaging in activities, directly or indirectly, which misleads the general public into believing Defendant is an attorney authorized or licensed to practice law in the State of Texas; (6) From advertising or displaying "bar numbers" or "bar cards" of any type or nature to the public; (7) From signing pleadings or other documents to be filed in any court reflecting any Bar Numbers obtained in the name of Defendants; (8) From engaging in any practice constituting the practice of law, or from performing any of the other acts enumerated herein, either directly or indirectly; and (9) From accepting money or any other consideration whatsoever for performing any of the services or acts from which the party was enjoined.

Legislative Update

From AAM member Bob Hornberger in Fort Smith, Arkansas:

In its recently concluded legislative session, the Arkansas legislature amended the Arkansas Alternative Dispute Resolution Act to allow all trial and appellate courts to order cases on their dockets to mediation, thereby creating court-annexed mediation in Arkansas. The amendment goes into effect on July 16, 2003. In conjunction with the act, the Arkansas Alternative Dispute Resolution Commission is taking applications for inclusion on its Roster of Certified Mediators. The Act requires the courts to choose mediators from the Commission's roster (unless the parties and court agree to the use of someone not on the roster) which effectively creates mediator certification in Arkansas.

Well Bob, we'll be looking forward to that Arkansas Chapter.

Golden Media Shares Marketing Tips

If you attended the annual meeting in Houston on April 11 and 12, 2003, you had the privilege to hear the presentation of Natalie Armstrong of Golden Media, giving valuable marketing advice for mediators. Her company, Golden Media, is offering a free e-zine called "Marketing Monday" every week. If you would like to subscribe, logon to <http://www.marketingmediation.com>. You will receive a free marketing workbook specifically for resolutionists and can unsubscribe at any time.

"A compromise is the art of dividing a cake in such a way that everyone believes he has the biggest piece."

— Ludwig Erhard

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!

Congratulations to Houston Chapter on Annual Meeting

Congratulations are in order for AAM's Houston Chapter, with a special thanks to Trey Bergman, for hosting this years Annual Meeting & CLE, one of our most successful ever. Over 90 participants enjoyed Natalie Armstrong's presentation on marketing, Dr. Rich Lucas' workshop on effective communication and the ever-lively interactive sessions facilitated by Ross Stoddard and the gang. Another special thanks to the Houston Bar Association ADR Section and its chair, Henry Blum, for cosponsoring the program and hosting the cocktail reception. It was our first attempt at inviting a cosponsor and it was a resounding success.

What Do Theoretical Physics and Mediation Have In Common?

Barbara Christiansen, Esq.

AAM Member, Granite Bay, California

EMPLOYMENT DISPUTE RESOLUTION SERVICES

bchristiansen@employmentmediation.com

Historically, approximately 95% of civil actions have settled before trial. Before mediation emerged as a popular method to settle civil disputes, cases typically settled by means of direct negotiation between the parties' attorneys. However, engaging the services of a mediator to facilitate settlement (often at additional expense to the parties), has not altered significantly the percentage of cases that settle before trial. Thus, as mediators, we should question whether the encroachment of mediation into the arena of civil litigation may be a function of social experimentation engineered by academicians, the result of clever marketing by organized ADR providers to create an artificial demand for mediation and a fine income for retired judges, or whether mediation and our role as mediators in the process has true value to the parties to a dispute. Perhaps theoretical physics affords an insight into this inquiry.

Contemporary science believes that a "Big Bang" started the universe. According to Dr. Michio Kaku, one of today's leading theoretical physicists, the "cosmological constant is empty space – or the energy of nothing." (See <http://www.mkaku.org/interviews/chat-event.shtml>.) Dr. Kaku posits a "Theory of Everything" (also the "Unified Field Theory") that will unify the theory of general relativity with the quantum theory "to explain the four fundamental forces that govern the universe: gravity, electromagnetism, and the two nuclear forces (weak and strong)."

(See <http://www.techtv.com/screensavers/showtell/jump/0,24331,3379880,00.html>.)

General relativity [explains gravity and] is a theory of the very large: galaxies, quasars, black holes and . . . the Big Bang. It is based on bending the beautiful four-dimensional fabric of space and time [to produce a gravitational force]. The quantum theory [which can explain the two nuclear forces and electro-magnetism], by contrast is a theory of the very small, the world of sub-atomic particles. It is based on discrete, tiny packets of energy called quanta.

(See <http://www.techtv.com/screensavers/showtell/jump/0,24331,3379880,00.html>.)

As a co-founder of string field theory, Dr. Kaku proposes that the key to the unified field theory may be hyperspace consisting of a "10-dimensional universe . . . inhabited by tiny strings."

(See <http://www.techtv.com/screensavers/showtell/jump/0,24331,3379884,00.html>.)

[T]his 10-dimensional string theory gives us a simple, compelling unification of all forces. Like a violin string, these tiny strings can vibrate and create resonances or "notes." That explains why there are so many sub-atomic particles: They are just notes on a superstring.

Similarly, when the string moves in space and time, it warps the space around it just as Einstein predicted. Thus, in a remarkably simple picture, we can unify gravity (as the bending in space caused by moving strings) with the other quantum forces (now viewed as vibrations of the string.)

(See <http://www.techtv.com/screensavers/showtell/jump/0,24331,3379884,00.html>.)

So, what does theoretical physics have in common with mediation? From its emergence as a discipline in the 1960's, mediation draws from virtually all other disciplines that address human interactions such that any theory of mediation could be characterized as a "theory of everything." Jossey-Bass, a leading publisher of conflict resolution treatises, lists 49 titles on its web site under the heading "Conflict Resolution & Mediation" (only eight of which titles were published before 2000). (See <http://www.josseybass.com/WileyCDA/Section/id-2982.html>.) In 1999, Jossey-Bass published the landmark Dictionary of Conflict Resolution. This remarkable dictionary, compiled and edited by Douglas H. Yarn, contains more than 400 pages of definitions extrapolated from thousands of quotes and citations. It "records the language of conflict resolution" as it developed in the last quarter century and, as such, "is a sociological, cultural, and historical document that reflects

an emerging vocabulary.” (Dictionary of Conflict Resolution, at xiv.)

The Dictionary of Conflict Resolution devotes 12 pages to the term “mediation.” (Dictionary of Conflict Resolution at 272-284) It is no wonder then that mediators describe the mediation process as “magic” or “alchemy.” In his prefatory comments to the publication, “How ADR Works,” Norman Brand remarks:

Few would argue that mediation is an art. Sometimes it seems more like magic, when a “no-holds barred” battle turns into a concrete agreement that resolves the dispute. But there is no systematic theory that successfully explains when and why mediation works. Mathematical game theory gives some insight, as does heuristics, a field in economics. . . . (How ADR Works, Norman Brand, editor-in-chief, BNA Books, pub., 2002 at xiii-xiv.)

Dr. Kaku opines that “a theory of everything is also a theory of the every day.” Thus, perhaps the mystic qualities associated with the mediation process may be understood by reference to the laws of physics. If, indeed, the universe is a unified field consisting of not three but ten dimensions in which strings vibrate to produce interactions of elementary particles through the influence of fields surrounding the particles and the exchange of energy, then mediation is not mysterious. Rather, it is our narrow, three-dimensional perception of the universe, limited by our senses and constricted by our individual and collective minds, that creates the mystery. If mediation enables parties to resolve a dispute by agreement through exchange of energy in the form of communication between the disputants facilitated by a neutral participant, whereby a degree of harmony is restored to the universe, then mediation becomes a preferred alternative to an adversarial dispute resolution system. Because our existing adversarial dispute resolution systems (*e.g.*, civil trial, arbitration, agency hearings) discourage communication between disputants and preclude resolution through self-determined, mutual agreement, the dissonance that provoked the dispute is not harmonized. Nonetheless, the question remains as to why the injection of a third party may be a preferred method to facilitate resolution of employment disputes where the employee has resorted to

recourse under civil employment laws.

A part of the answer to the question may be derived from the premise that, had the employee been able to resolve the dispute through direct communication with the employer, the employee would not have sought resolution through legal processes. Although an employee may self-represent in civil actions, generally, the employee obtains an attorney to represent the employee’s perception of the circumstances that engendered the dispute. A fortiori, as the employee’s representative and advocate, the employee’s attorney replicates the employee’s perception of the circumstances that engendered the dispute. Indeed, the attorney’s ethical obligation of zealous representation mandates such replication. The same premise applies to the relationship between the defending employer and the employer’s attorney. Hence, even if the dispute settles before trial, without the mediation process, the parties will not be afforded the opportunity to exchange communication (energy) in a process that allows them to shift their respective perceptions of the circumstances surrounding the dispute and restore harmony.

One with a more thorough grasp of theoretical physics may discover more profound resonances between physics and mediation. However, for the purposes of the inquiry posed, we may conclude that mediation is of value to disputants. This conclusion, conjoined with the premise that 95% of cases will settle before trial and the opportunity to achieve early resolution through court-annexed and private mediation, requires attorneys to examine whether they should continue to prepare cases using traditional adversarial discovery methods or whether they should prepare cases for mediation from the outset of the case. Mediators may assist attorneys to shift case preparation strategies by providing information to educate the client as to the benefits of mediation, organize discovery and communications with opposing counsel to minimize expense to the client, and involve the client in a fashion that will afford maximum benefits to the client from the mediation process.

TO READ THIS ARTICLE IN ITS ENTIRETY, PLEASE VISIT AAM’S WEBSITE AT www.attorney-meditors.org.

Important Information About AAM's Professional Liability Insurance Coverage

The Association of Attorney-Mediators (AAM) carries a policy of Arbitrators and Mediators Professional Liability Insurance that covers all of the Association's members who are in good standing. This article contains basic information that every member should know about AAM's insurance coverage and underwriter, requirements of the insurance policy, and procedures to follow if a member is notified of a claim or potential claim.

Insurance Coverage and Underwriter

The limits of AAM's insurance policy are \$250,000.00 per claim, with an aggregate amount of \$2,000,000.00.

There is a \$500.00 deductible for each claim. Underwriters at

Lloyd's, London are responsible for 100% of AAM's coverage. AAM's policy begins on January 1 of each year and ends on January 1 of the following year.

Requirements of the Insurance Policy

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

- n 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.
- n 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.

Claim Procedures

Claims happen, and sometimes they are filed against our members. If a member is notified of a possible legal action, the member must notify the insurance carrier representative named below. Notice of possible legal action includes any notification that a legal action will be taken against the member, including a letter or telephone call, personal conversation, or knowledge of a potential situation that may give rise to a claim. Notice of possible legal action is not

limited to a member's receipt of a summons and complaint. Any member who receives notice of a possible legal action, as described in this paragraph, must notify the following insurance carrier representative by *certified mail*:

Mr. Walter Slezak
Lord, Bissell & Brook
115 South LaSalle Street
Chicago, Illinois 60603

A member who receives a summons and complaint must forward a full and clear copy to Mr. Slezak. Any relevant information the member believes may help Mr. Slezak in understanding the matter should also be included. A member who receives a letter indicating possible legal action must send a copy of the letter to Mr. Slezak by *certified mail*.

Copies of all information and claims provided to Mr. Slezak must also be sent to AAM's insurance agent, as follows:

Complete Equity Markets, Inc.
1098 South Milwaukee Avenue
Wheeling, Illinois 60090

AAM also requires that members notify it of potential claims when they apply for membership each year as a part of the membership renewal process. AAM requests that a copy of any actual claim filed be sent to:

Association of Attorney-Mediators
P. O. Box 741955
Dallas, Texas 75374-1955

A member may not admit liability for or settle any claim or incur any costs or expenses in connection therewith without the written consent of the underwriters, who are entitled to take over the conduct of the defense of any claim in the name of the member.

Any member who has a question about AAM's professional liability insurance coverage should direct the inquiry to Brenda Rachuig at (800) 280-1368.



Association of Attorney-Mediators

presents its

Annual Advanced Attorney-Mediator Training and CLE



**Friday, September 19, 2003
8:30 a.m. - 5:00 p.m.**

“Meet Us in St. Louie”

**Missouri History Museum
5700 Lindell Blvd.
St. Louis, Missouri 63112**

8:30 - 9:00 A.M.

Registration, Continental Breakfast & Greeting Colleagues

9:00 - 9:10 A.M.

Opening Remarks

Jeffrey S. Abrams, National AAM President
Richard P. Sher, AAM St. Louis Chapter President

9:10 - 10:00 A.M.

Responding to Difficult Moments in Mediation

Thomas M. Blumenthal, St. Louis, Moderator
Leonard J. Frankel, St. Louis
Brendan Ryan, St. Louis
Rebecca Magruder

A panel of our experienced St. Louis mediators will discuss and give us tips on those difficult moments which we all face in mediation, sometimes don't like to talk about, and are not always sure how to respond to.

10:00 - 11:00 A.M.

Conducting the Complex Multiparty Mediation

Hon. Susan S. Soussan, Houston, Texas

Susan S. Soussan, a former State District Judge, is one of AAM's original and most experienced mediators. Susan mediated a significant part of the Exxon Valdez dispute and several other notable complex, multiparty mediations. She will discuss the practical, logistical and strategic issues involved in conducting complex, multiparty mediations.

11:00 - 11:15 A.M.

Break

11:15 - 12:30 P.M.

Keynote Speaker: Critical Issues in the Evolving and Maturing Practice of Mediation

H. Jay Folberg, San Francisco

Jay Folberg, renowned mediator, arbitrator and educator, is former Dean and now Professor of Law at the University of San Francisco School of Law. Jay is an active ADR practitioner who serves on several national and regional panels, is a dispute resolution consultant and trainer for ADR provider organizations and courts in the United States and other countries and is a prolific author and speaker on the topic of ADR.

As mediation has evolved and matured is it still an alternative to litigation or merely a part of the litigation process? Has it become too predictable? Is it as effective as it once was or are attorneys simply using it to improve their position in litigation? Are cases harder to settle now? Is follow up now standard procedure to settle a case? Is there a backlash against mediation? Regulation created mediation; will it also destroy it? How has the practice evolved? Is there still room for new or part time mediators? Is mediation more suited to an individual or group practice? Jay will lend his unique perspective as active practitioner and academician to these critical issues in the evolving and maturing practice of mediation.

12:30 - 1:45 P.M.

Lunch

Bonus Presentation: Mediation Trends Around the World

H. Jay Folberg, San Francisco

Jay recently returned from 3 weeks of training new mediators in Hungary. He has also trained in numerous other countries. He will lead an informal discussion on mediation trends around the world.

(1:00 - 1:30 P.M.)

1:45 - 2:45 P.M.

Mediator Malpractice — What It Looks Like and How to Avoid It

Lawrence T. P. Molloy, Wheeling, Illinois

Larry Molloy is President, CEO, Chairman of the Board and owner of Complete Equity Markets, Inc., the longstanding professional liability carrier for AAM. Larry has been in the business of insuring mediators and ADR professionals since 1982. Larry will discuss, anonymously, of course, claims being made and paid against mediators and what steps we can take to avoid the same fate.

2:45 - 3:00 P.M.

Break

3:00 - 5:00 P.M.

Advanced Mediator Interactive Sessions

Ross Stoddard, Dallas

Richard P. Sher, St. Louis

Courtenay Bass, Dallas

Mike Amis, Dallas

In these lively, informative and ever popular sessions our most experienced mediator/facilitators will mine the minds of our very experienced attendees to flesh out and discuss the pressing issues faced by mediators in their day to day practices. Come share ideas with some of the most experienced mediators in the world.

(Minimum Continuing Legal Education credit pending: Missouri **7.9** participatory hours, **1** hour of ethics; Texas **6.5** participatory hours, **1** hour of ethics; Oklahoma **6.5** participatory hours, **1** hour of ethics. To request MCLE credit in other states contact Jeff Abrams at (713) 522-4733 ASAP)

Thursday, September 18, 2003 7:30 p.m.

Meet your local and out of town colleagues at a cocktail hour in the bar at the Conference Hotel, The Seven Gables, the night before the program. (See hotel information below)

Friday, September 19, 2003 5:30 p.m.

Meet back at the bar of the Seven Gables Hotel for a tasty beverage prior to your chosen evening activity.

Friday Evening Activities

The AAM St. Louis Chapter will be buying a block of seats for the St. Louis Cardinals vs. Houston Astros baseball game. Contact Tom Blumenthal, (314) 727-2266, tblumenthal@pcblawfirm.com to reserve your tickets.

There are also numerous other options for Friday evening activities. The renowned St. Louis Symphony Orchestra will be in town as will Disney's The Lion King. See the attached sheet for details on these and other exciting activities.

Conference Hotel

A block of rooms has been reserved for our out of town guests at the charming boutique hotel Seven Gables Inn. A very reasonable, reduced rate of \$110.00 per night will be available until September 5, 2003 for those attending the conference.

Contact Information: Seven Gables Inn
 26 North Meramec
 Clayton, Missouri 63105
 1-800-433-6590

CHAPTER NEWS

CENTRAL TEXAS CHAPTER

The Central Texas Chapter has members from San Marcos, Waco, Austin, and Round Rock. The chapter continues to have monthly meetings on the second Friday of each month. Each month a different member provides the program on relevant mediation-related topics. Some of the topics include: "Dispute Review Boards, Standing Neutrals, and Other Real Time Dispute Resolution Processes for Ongoing Transactions," "Med/Arb and Arb/Med — Can It Really Be Done Ethically and Practically," "How Can a Mediator Resist Becoming an Advocate During Mediation?" "Full Settlement Authority: What Does It Mean?" "The Future of Mediation." Our members gain from the interaction with fellow members, the interesting and useable information, and the CLE credit! The chapter has had its own web site — www.attorney-mediators-tx.org — for several years. This year members Steve Nelson and Karl Bayer are focusing their techno-expertise on revamping and updating the website, and adding features which will be useful to the members. Our members love mediating and are very generous in sharing know-how and techniques with each other.

HOUSTON CHAPTER

The Houston Chapter continues to enjoy an exceptionally high membership renewal rate as well as continued enrollment of many new members thanks to its active and high profile membership. This last year was exceptionally busy for the Houston Chapter. It started out the year co-sponsoring with South Texas College of Law a full day seminar taught by some of Houston's best lawyers telling how they effectively use mediation in their practices. The Houston Chapter also inaugurated a joint monthly morning CLE program with the Houston Bar Association ADR Section which averages over 25 people per month in attendance. Finally, the Houston Chapter hosted one of the most highly attended Annual Meetings ever. Trey Bergman will be handing over the Presidency of the Houston Chapter

to Allan Davis at the August Chapter meeting. All inquiries regarding activities of the Houston Chapter can now be directed to Allan at 713-751-3080 or KADTX@aol.com.

NORTH TEXAS CHAPTER

The annual ADR Section/AAM/TAM sponsored summer dinner gathering of area ADR practitioners, their spouses and guests was held at Popolos Café on Wednesday, July 23rd. This time together was enjoyed by all. North Texas continues to hold its AAM meetings in conjunction with the local ADR Section. We are planning a CLE program to be held in October or November with details still in the planning stages.

OKLAHOMA CHAPTER

The Oklahoma Chapter of AAM currently has 11 members and will be having a membership drive this fall. Peter Bradford is the current Chapter President.

SAN ANTONIO CHAPTER

The San Antonio Chapter is currently meeting together with the local ADR section. For further information, please contact Chapter President, Bill Lemons, 210-224-5079.

ST. LOUIS CHAPTER

The National AAM Fall CLE Advanced Mediator Training will be held in St. Louis on Friday, September 19, 2003. This will be a great time for meeting mediators, not only from Missouri, but from the surrounding states. The Missouri History Museum will be the meeting venue and there are many activities in the area that we invite you to enjoy during your visit. Mark Mittleman has agreed to arrange for St. Louis Symphony tickets for anyone interested. He can be reached at 314-863-8484. Tom Blumenthal has agreed to arrange for tickets to the Cardinals/Astros game and he can be reached at 314-727-2266. We hope to see you September 19!

To Do List:

- ⌋ Register early for the AAM CLE Advanced Mediator Training Seminar in St. Louis and make hotel reservations. Reservation deadline for the hotel's reduced rate is September 5, 2003.
- ⌋ 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 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. 1-800-280-1368 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 1-800-280-1368.

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



St. Louis Events for September 19, 20, 21, 2003



St. Louis Cardinals Baseball Game

9/19/2003 - 9/21/2003

Location: Busch Stadium

Time: 7:10 p.m. (19); 1:10 p.m. (20-21)

AAM Ticket Contact:

Tom Blumenthal (314-727-2266)

Tickets: (314) 421-2400

St. Louis Cardinals vs. Houston Astros

Cost: \$9.00 - \$43.00

stlouis.cardinals.mlb.com

The Lion King

8/22/2003 - 10/12/2003

Location: The Fox Theatre in Grand Center

Time: 8:00 p.m. Tuesday-Friday; 2 & 8:00 p.m.

Saturday; 1 & 6:30 p.m. Sunday

Cost: \$25.00 - \$75.00

Tickets: (314) 534-1111

Experience the phenomenon of Disney's "The Lion King." Marvel at the breathtaking spectacle of animals brought to life, thrill to the pulsating rhythms of the African Pridelands and a score including Elton John and Tim Rice's "Can You Feel The Love Tonight" and "Circle of Life." www.fabulousfox.com

Saint Louis Symphony Orchestral Program

9/19/2003 - 9/20/2003

Location: Powell Symphony Hall in Grand Center

Time: 8:00 p.m.

Cost: Prices range from \$10.00 to \$85.00

Tickets: (314) 534-1700 or (314) 534-1111

Ticket Contact:

Mark Mittleman (314-863-8484)

Maestro Deneve, pianist Piotr Anderszewski, and the Saint Louis Symphony Orchestra present Britten's "Peter Grimes," Haydn's "Piano Concerto in D major," and Tchaikovsky's "Symphony No. 4." For more information call: (800) 232-1880. www.slso.org

La Cage Aux Folles

9/5/2003 - 10/5/2003

Location: Kirkwood Civic Center

Tickets: (314) 821-2407

A unique musical creation that is both poignantly real and exhilaratingly entertaining. "La Cage Aux Folles" is the outrageous and hilarious story of a gay couple whose twenty years of domestic tranquility is shattered when their son decides to marry.

www.stagesstlouis.com

Currents 89: Toba Khedoori Exhibit

9/12/2003 - 11/30/2003

Location: The Saint Louis Art Museum in Forest Park

For more information call: (314) 721-0072

An exhibition of Toba Khedoori's work that is hybrid in nature, containing elements of drawing, painting and installation art.

www.slam.org

ASSOCIATION OF ATTORNEY-MEDIATORS

A Fiction of Authenticity: Contemporary Africa Abroad Exhibit

9/20/2003 - 1/3/2004

Contemporary Art Museum St. Louis in Grand Center

Time: 10:00 a.m. - 5:00 p.m., Tuesdays through Saturdays

Cost: Free

For more information call: (314) 535-4660

www.contemporarystl.org

The inaugural exhibition of the new Contemporary Art Museum St. Louis. A Fiction of Authenticity: Contemporary Africa Abroad will present new work by 12 prominent contemporary African and African Diaspora artists who work and live in Europe and the United States. This will be the first large-scale exhibition in the U.S. to commission and present, in depth, the diversity of contemporary art practices in and out of Africa. The works will include sculpture, paintings, photography, installation, video and performance.

The Sidewalks of St. Louis: Selections from the Swekosky Collection

11/2/2002 - 2/29/2004

Location: The History Museum in Forest Park

For more information call: (314) 746-4599

www.mohistory.org

Peer into the past at rarely-before-seen photographs and prints from the Swekosky Collection. The exhibit presents vignettes of urban daily life in early 20th century St. Louis. Highlights of the exhibition include images of the St. Louis riverfront, civic events and daily life of ordinary St. Louis citizens.

Old Webster Jazz and Blues Festival

9/20/2003 - 9/20/2003

Location: Old Webster Historic District

Time: 12:00 p.m. - 11:00 p.m.

Cost: Free

A day long festival featuring 10 bands on two stages with the Johnnie Johnson band headlining. For more information call: (314) 961-4656 www.oldwebsterjazzfestival.com

City Museum by Candlelight

6/1/2003 - 12/31/2003

Location: City Museum

Time: Friday nights until 1 a.m.

For more information call: 314-231-CITY

Spend your Friday nights exploring City Museum's caves, slides, tunnels and more by candlelight. www.citymuseum.org

Luxury Dinner Train Excursions

3/15/2003 - 9/28/2003

Location: St. Louis Union Station

Time: Boarding begins at 6:30 p.m. on Friday,

5p.m. on Saturday and 4:30 p.m. on Sunday

Cost: \$79 for standard seating; \$99 for Dome Car seating

For more information call: 314-231-9500

Ride the rails from historic St. Louis Union Station and experience a three-course dinner while you see the region from the comfort of a luxury train. Routes vary. Excursions last from 2.5 to 3 hours. Advance reservations required. Cost includes parking at Union Station. www.railcruiseamerica.com

Central West End Association Glow in the Park Party

9/19/2003

Location: World's Fair Pavilion in Forest Park

For more information call: (314) 367-2220

www.centralwestend.org

Enjoy a magnificent view of lighted hot air balloons that will be racing in the Great Forest Park Balloon Race on Saturday, September 20. The party will feature a catered dinner, valet parking, open bar, dancing and a live auction.

Great Forest Park Balloon Race

9/19/2003 - 9/20/2003

Location: Central Field in Forest Park

Time: 12:00 - 6:00 p.m.

For more information call: (314) 993-2468

promos.stltoday.com/balloonrace/index.html

Festivities begin with a balloon glow beneath the World's Fair Pavilion in Forest Park, September 19 from 7:15 - 8:30 p.m. Race day activities include a performance by the Saint Louis Symphony Orchestra, a parachute team exhibition, children's entertainment area and a photo contest prior to the launch of the hare and hound balloons at 4:30 p.m., September 20.

ASSOCIATION OF ATTORNEY-MEDIATORS

Advanced Mediator Training Seminar

Friday, September 19, 2003



Seven Gables Inn
26 North Meramec
Clayton, Missouri

(Seminar to be held at the Missouri History Museum, 5700 Lindell Blvd., St. Louis,
with transportation provided between the hotel and the museum)

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) 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, September 12, 2003.** Registration for AAM members after September 12, 2003 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.

NAME _____

GUEST/SPOUSE NAME _____

ADDRESS _____

PHONE _____ FAX _____

EMAIL _____ Special dietary needs _____

To secure my place at the September 19, 2003 Advanced Mediator Training Seminar, I am enclosing my check in the amount of \$_____, made payable to the 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 SEPTEMBER 12, 2003.

HOTEL RESERVATION INFORMATION:

Attendees may reserve a guest room at the **Seven Gables Inn** at the discounted nightly rate of **\$110** plus tax by calling the Seven Gables Inn directly for reservations at 1-314-863-8400 or toll-free at 1-800-433-6590, *on or before September 5, 2003.*