



AAM-a-gram

April 2015

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

Last summer's message discussed the future of this organization, which lies in expanding to fully realize our ambition to be a national organization of and for attorney-mediators. We have one initiative to build a local chapter already underway and several others on the drawing board. Our blueprint for growth lies in the development of local groups of attorney-mediators, and in attracting newer attorney-mediators in Texas, St. Louis, Arkansas, Illinois and other places where AAM is already established. The formula for doing this is based on providing the most practical and useful training to be found anywhere, and at a cost everyone can afford.

This column focuses on the other important AAM priority: advancing mediation generally and creating opportunity for newer mediators. These objectives work hand in hand, building on the model that the founders of AAM established.

Defining AAM To Mediation Stakeholders.

The AAM model for promoting mediation is simply to present ourselves as focused on what is best for everyone. For lawyers, we are not trying to eliminate litigation practice;

we offer a way to end cases that need settling sooner and less expensively. For judges, we do not oppose the civil justice system; we offer a process that frees up judges to concentrate on the cases that actually need adjudication, and not be distracted by cases that need to be settled. To the mediation trainers, we are not competitors, but an organization that will help graduates of their programs to develop practices and build their skill sets. To other mediation organizations, we are collaborators focused particularly on civil case mediation for cases where lawyers are involved.

Trade Association— Professional Society.

Most important, for the marketplace, we are emphatically *not* another ADR provider service like AAA or JAMS. We are a group of professional practitioners of mediation seeking to improve our craft. We make available to the market a quicker, more efficient and ultimately more satisfying process for resolving cases than placing the dispute

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President's Message—Continued

in the hands of people with no particular stake in the outcome. While promoting mediation in our own localities, it is critically important to emphasize that our members, like the members of a bar association, are colleagues but also competitors, and that we collectively seek the greater good, not personal enrichment.

Mandatory Court-Annexed Mediation.

Experience in Texas, Florida and California demonstrates that creating a mediation culture requires a push from the judiciary. Two elements are almost always present where mediation has been effective. First, the courts have presumed that a civil case should not go to trial without mediation, absent special circumstances. Such a requirement should be a part of the litigation process *in every jurisdiction*. Achieving this, or where it has been established, protecting it, is a central aim of AAM, nationally and locally.

A Market-Based and Choice-Focused Process.

Second, mediation must be a paying proposition. Free mediation prevents the development of a body of professionals who can devote themselves to being effective mediators. Market-based mediation permitting the maximum freedom of choice for the parties and participants in mediation consistently produces the most favorable outcomes from mediation.

Letting The World Know About AAM.

For most of its life, AAM has attracted great loyalty from members but has not been known to outsiders. One of our Atlanta speakers last year, someone who has been heavily involved in the ADR world for over 20 years, had never even heard of AAM. Outside the few places where AAM is known, this is a common reaction to our organization. The time has come to stop hiding our light under a bushel.

Having a clear sense of who we are and what we want to do allows us to take our place in the mediation community as we build AAM nationally. Last July's President's Message and this one, taken together, have been designed to articulate that vision. There are many other fine groups in the mediation space—many of our members are active in one or more of them. AAM's participation in the ABA Dispute Resolution Section's program in San Antonio last fall, at the behest of our Bexar County chapter, was another step towards making ourselves better known.

Just as there is room at the ADR table for the niche that AAM has established for itself, there is room for us to learn from people other than just ourselves. Sid McCollum's effort to bring new and different speakers to our programs demonstrates this.

President's Message—Continued

Importance of Local Chapter Efforts.

The work of building mediation generally and practice opportunities for our members in particular is best done locally, with support from the national board, loyal AAM members and our tireless Executive Director, Brenda Rachuig. A current project of the Illinois chapter illustrates how local chapters can do this.

The Chicago mediator market is dominated, like many other markets, by former judges acting as mediators. Some are excellent mediators, but many conduct mediations that are more akin to ordinary judicial settlement conferences. This isn't surprising in places where mediation is just taking hold—lawyers and judge-mediators alike are familiar with that process and comfortable with it. The former judge mediators are familiar figures with whom the lawyers are comfortable with in this role.

The settlement conference model of mediation misses so much of what mediation can offer—the ability to move beyond focus strictly on the merits of a lawsuit, to delve into the interests of the parties and mold a resolution driven by the concerns of the clients, sometimes finding outcomes no one might have predicted. The marketplace needs to better understand the possibilities of mediation beyond the settlement con-

ference model. One way to do this is to reach out to the former judges who are mediating and invite them into AAM to see how much more can happen with the use of full mediation techniques. The Illinois Chapter has done this.

A more important method is to educate the market directly. Borrowing from the “settlement week” project from early in AAM's history, which has been replicated in a number of other jurisdictions around the country, the Illinois Chapter will hold mediations in the week of June 1-4, 2015 in its own “Settlement Week.” Members and others who are court-certified will volunteer for mostly half-day mediations just in that one week, focused on but not exclusively for the many smaller (under \$100,000 genuinely at stake) cases that clog the court's docket.

To build interest in the program, members have enlisted co-sponsorship or statements of support from an impressive array of organizations: the Illinois State Bar Association, the Chicago Bar Association, the Will and Lake County Bar Associations, the Center for Conflict Resolution, the local chapter of the Association for Conflict Resolution, and others. We are working to encour-

age judges to offer the opportunity to litigants in the cases before them. Law firms, legal groups and members' own contact lists are being solicited to participate in this no-lose proposition. In the process they become better aware of both AAM and how its members conduct mediations.

Our members are well-aware of the risks of promoting “free” mediation, and our original structure for the program called for a modest but mandatory contribution to a deserving charity. Our experience launching this program in 2014 taught us that the requirement posed an obstacle for our local judiciary, which was concerned about the judicial ethics of pushing people to make even charitable contributions.

Just as free settlement week mediations in Texas educated the marketplace and the judiciary there about how effective mediation could be in the 1990's, the Illinois chapter intends to use the results of the program to push the market and the judiciary to adopt mediation by attorney-mediators as a path to resolution that should be tried in every case. We expect a settlement rate that we can point to in urging judges

President's Message—Continued

and the court system as a whole to adopt mandatory mediation, which is legally authorized in Illinois, but rarely used.

This program is not right for every situation or area, but it *is* an example of what attorney-mediators can do to advance the cause of mediation. Thanks to this effort, the local mediation community and judiciary are already more aware of AAM than before. Our educational programs have already been attended by a number of former judges as well as sitting judges, offering a glimpse of what mediation can accomplish that cannot be done by any other process.

As we conduct programs like this, along with our local attorney-mediator forum meetings that focus on mediator education, we are carrying out the AAM mission of advancing mediation generally while building our organization in membership and in recognition by the mediation world generally. Let's seek out other options both locally and nationally with the aim of doing the same.

Mike

Michael Leech
AAM National

Don't Forget to Send In Your Proxy!



**We will elect new board
members on May 1,
2015 in New Orleans.
Your vote is important!**

**Add AAM's website link to your website.
It increases AAM's exposure, which increases
YOUR exposure.**

www.attorney-mediators.org

A Magical Day in Dallas

Our fall fly-in, fly-out in Dallas was truly a “magical” conference. **Kelly Browe Olson**, Professor from Little Rock, enlightened our thinking about communication skills and we made a unified decision to invite her back to teach us more! Thank you to our great team of speakers that brought us new information, skills and “out of the box” ideas we might not have thought about using in our mediations. **Don Philbin, Larry Maxwell, Sherrie Abney, Lee Taft, Will Hartsfield**—all had good things to add to the magic of the day! We also want to thank guest speakers **Clayton Starnes** and **J. Loren Norris** for sharing their information on this magical day.

“Dinner with a Group” was a fun night before the training, with seventeen AAM members and guests gathering in the Wyndham Dallas Love Field hotel sports bar for some good food and a great time. Watch for the “Dinner with a Group” sign up for future conferences. **It is a wonderful way to connect with colleagues before the meeting day.**

We hope you will continue to give us your suggestions for trainings, speakers and locations. We’re listening . . .



**“Keep
doing what
you’re
doing.
This was a
first class
seminar!”**



Dinner with a Group—
Stevann Wilson and Mike Patterson



The Magic of Mediation, Dallas, TX -
Clayton Starnes at the podium

AAM Members Take Survey

The AAM board decided it was time for a member survey on AAM's two CLE programs per year. This was to determine member preference on locations, timing, and number of days for meeting planning purposes.

Thank you to those of you that took the time (about 3 minutes) to answer the nine question survey.

You have probably noticed that the AAM Annual Meeting and Advanced Attorney-Mediator Training in New Orleans is a one day format this year. The votes for the Annual Meeting to be held on two partial days or one full day were evenly divided. So, it was time to give it a try. The same number of CLE's will be offered for the one day that would have been offered for a two partial day CLE format.

Member Survey on CLE

Examples of the questions on the survey:

Which do you prefer?

One program, in the SPRING

One program, in the FALL

Two programs, one spring, one fall (current format)

If AAM continues to conduct TWO programs a year, select your preference for the annual meeting/advanced training in the SPRING.

One full day program, Friday

Two partial days, Friday afternoon, Saturday morning (current format)

One full day program, Saturday

We welcome feedback on this trial "one day Annual Meeting format" after your attendance in New Orleans!

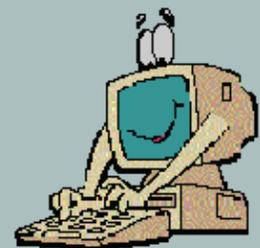
AAM Members Do An Outstanding Job on Membership Renewal for 2015

We hope you are enjoying the ease of the online membership renewal system and event registration.

Our "office staff" enjoys the ease in tracking membership and events. Now that the system has been in place for several years, we even see several "old dinosaurs" that have given the online system a try and had **SUCCESS!**

Help is only a phone call away or an email away if you get stuck or the system fails.

Thank you for making the online experience a positive change!



AAM *Advanced* Attorney-Mediator Training and CLE Seminar What You Learn In New Orleans Doesn't Stay in New Orleans



Advanced Attorney-Mediator Training, CLE Seminar and Annual Meeting

Warm Weather, Great Food, Music, Music, Music (JazzFest!)

MAY 1, 2015

Hyatt Regency New Orleans
601 Loyola Avenue, New Orleans, LA

Hotel, Registration and Agenda information are available at:

www.attorney-mediators.org/register

Contact AAM at aam@attorney-mediators.org or 972-669-8101/1-800-28-1368

• One Day Format for 2015 •

AAM Welcomes New Members

We are pleased to welcome the following new AAM members as of the publishing of this newsletter:

Beverly Baker, *Helena, AL*
Carla Cotropia, *Houston, TX*
John DeGroote, *Dallas, TX*
Wade Emmert, *Dallas, TX*
Mari Frank, *Laguna Niguel, CA*
D. Gilbert Friedlander, *Dallas, TX*
Linda Gibson, *Temple, TX*
Frank Hill, *Chicago, IL*
Travis Holley, *Bastrop, LA*
Richard Hunt, *Dallas, TX*
Karen Kealy, *Loveland, CO*
Michael Kuhn, *Houston, TX*
Debra Leo, *Birmingham, AL*

David Lopez, *Houston, TX*
Martin Lowy, *Dallas, TX*
James Mesnier, *St. Louis, MO*
Jamie Patterson, *San Antonio, TX*
Edward Pina, *San Antonio, TX*
Gary Risley, *Farmington, NM*
Kenneth Roberts, *Costa Mesa, CA*
Jason Rugo, *Clayton, MO*
Laura Schlenker, *Dallas, TX*
Stephen Simpson, *Gulfport, MS*
Aric Stock, *Dallas, TX*
Gary Wallace, *Dallas, TX*

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 in New Orleans on May 1, 2015 so we will have the opportunity to welcome 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.

WELCOME