

ASSOCIATION OF ATTORNEY-MEDIATORS

Newsletter

March 2002

"...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 hope the year 2002 has begun well for each of you. The Association of Attorney-Mediators (AAM) has begun the year in solid financial condition, enjoying strong membership renewals and inquiries from prospective members around the country. Many thanks to all of you whose hard work makes AAM a successful organization.

We are planning an exciting annual meeting in San Antonio on May 10-11. Members from around the country will speak about the progress of mediation in their states, Mitch Winick will present a great skills-enhancing program, Dicky Grigg will speak to us about the Mediators Achieving Peace program, and Dr. Linda Golden will report on her recent survey of the general public's views of mediation. We will also have the crowd-pleasing interactive sessions. Our keynote speaker on May 11 will be U. S. Representative Charlie A. Gonzalez, who represents San Antonio's 20th Congressional District. As many of you know, Representative Gonzalez was a strong advocate of court-annexed mediation when he was a district judge in San Antonio, and he is an honorary member of AAM. Further details about the program and hotel arrangements for the annual meeting are found elsewhere in this newsletter. Many thanks to Larry Maxwell and Tommy Smith for organizing a great event.

When most of you joined AAM or renewed your memberships this year, you volunteered for committee assignments. If you did not volunteer to serve on a committee, I assigned you to one. Look for your committee assignments elsewhere in this newsletter. Many thanks to those who volunteered to chair committees.

The Uniform Mediation Act (UMA) was approved by the House of Delegates of the American Bar Association (ABA) on February 4, 2002. The ABA's approval of the UMA sets the stage for state legislatures to consider adopting the UMA. If you are not familiar with the UMA, now is the time to become familiar with it; it could have a major impact on your future mediation practice. See the UMA article in this newsletter for sources of information about the UMA.

I look forward to seeing you on May 10-11!

Sincerely,

Walter A. Wright
President

COMMITTEE ASSIGNMENTS

Many thanks to all of you who volunteered to serve on AAM committees. If you did not volunteer for a committee, you have been given a committee assignment. If you believe you were assigned to a committee in error, or if you would like to change your committee assignment, please contact Brenda Rachug at (800) 280-1368 or aam@airmail.net by April 15, 2002. The committees, committee chairs, and committee members are as follows:

Continuing Education Committee. Chair: Trey Bergman. Members: Sherrie Abney, Jeff Abrams (Dallas), Courtenay Bass, Gay Cox, Harry DeFord, John Dowdy, Jr., Franklin Holcomb, Jim Knowles, Jerome Levy, Jay Madrid, Bobby Mann, Robert Matlock, David Matthiesen, Gary McGowan, Cheryl McMullan, C. Michael Moore, Susan Perin, Robert Pfeuffer, Francis Raucci, Sundra Spears, Erin Thrash, William Towns, Jimmy Vaught.

Ethics Committee. Chair: Michele O'Brien. Members: Mary Burdin, Allan Davis, John Davis, Herman Gordon, Robert Hellrung, Greg Jensen, Charles Jordan, Jim Knowles, Witcher McCullough, Steven Metzger, Kenneth Mighell, Harriet Miller, Thomas Mitchell, Cecilia Morgan, Priscilla Kim Park, Susan Perin, Francis Raucci, Jay Robinson, Michael Wilk, Peyton Williams, Alvin Zimmerman.

Leadership Committee. Chair: William Towns. Members: Joseph Hart, William Hartsfield, Bernard Hebinck, J. L. "Larry" Hinojosa, Pamela Hoerster, Richard Hoffelt, Charles Holm, Donald Hood, John Hughes, Nancy Huston, Paula James, Gary Javore, Jerry Jordan, Robert Kelly, Clarence Kendall, Raymond Kerr, Jeff Kilgore, Juergen Koetter, C. Suzanne Landers, Michael Loftin, Theodore Mack.

Legislative Committee. Chair: Dean Kilgore. Members: William Frank Carroll, JoAnne Christian, L. Hayes Fuller, III, John A. Hutchison, Jimmy (Skip) Hulett, Jr., Cynthia Morrison, Michael Neel, Steven Nelson, Christopher Nolland, Alice O'Neill, Walter "Rip" Parker, Edward Patterson, Mike Patterson, B. Pennypack, Mark Perlmutter, James Phillips, Mike Sadler, Michael Schless, George Wilhite.

Long-Range Planning Committee. Chair: *To Be Appointed*. Members: Heshia Abrams, Donald Fisher, Bert Pluymen, Arthur Poger, Herbert Pounds, W. Thomas Proctor, Will Pryor, Vick Putman, Robert Raftery, Jack Raines, Francis Raucci, Gary Reynolds, Ron Roberts, Jay Robinson, Jack Scheske, Dick Sher, Bud Silverberg, Fred Simpson, George Wilhite, J. Williams, Susan Wright, Edwin Wright.

Membership Committee. Chair: JoAnne Christian. Members: W. Michael (Mickey) Bonesio, JoAnne Christian, Gayle Cipriano, Herman Gordon, Robert Prather, Sr., Anthony Riddlesperger, James Rodman, Amie Rodnick, Andree Rosen, Donald Royall, Allen Rudy, Brendan Ryan, Chris Ryman, Paul Satzberger, F. Michael Seay, William Short, N. Henry Simpson, Charles Smith, Thomas Smith, Frank Southers.

Newsletter Committee. Chair: John Feather. Members: Larry Ackels, A. Ann Alexander, Linda Allen, John Arellano, Clark Aspy, Keith Baker, Mary Black, Judith Blakeway, Robert Bliss, Henry Blum, Thomas Blumenthal, Stephen Boaz, William Bonham, Peter Bradford, Mina Brees, Charles Brunn, George Alan Butler, Thomas Cipolla, Michael Clann, Joe Clayton, Walter Wright, Gus Zgourides.

Outreach/Scholarship/Diversity Committee. Chair: Dan Naranjo. Members: Gay Cox, Leslie Hill, Jimmy (Skip) Hulett, Jr., John A. Hutchison, Ron Roberts, Larry Spears, Sidney Stahl, David Stephenson, Fred Stradley, Frederick Switzer, Dana Tait, Jeffrey Talmadge, William Towns, Michael Troutman, William White.

President's Committee. Chair: Walter Wright. Chair-Elect: Larry Maxwell. Members: Greg Bourgeois, David Kisner, Joel Klein, George McKearin, Doug Sandage, Dick Sher.

Website Committee. Chair: Mike Amis. Members: Paul Clote, Will Coates, David Cohen, Tom Collins, John Compere, Ben Cunningham, Michael Curry, Brenda Damuth, Donald Eckhardt, Patricia English, John Estes, Joan Geiger, Regina Giovannini, Otto Good, Samuel Graham, Thomas Graves, G. Maynard Green, James Greenwood, Stanley, Grimm, J. Keaton Grubbs, Earl Hale, Andrew Hanan, Ross Stoddard.

UNIFORM MEDIATION ACT UPDATE

The ABA's House of Delegates approved the Uniform Mediation Act (UMA) on February 4, 2002, the final step before the National Conference of Commissioners on Uniform State Laws (NCCUSL) proposed it for consideration by state legislatures. Our Oklahoma members report that the UMA has already been presented as a bill in the Oklahoma legislature.

In Texas, the UMA has caught the attention of the House of Representative's Civil Practice Committee. The Committee has set a hearing on April 3, 2002 to hear testimony in favor of and in opposition to the UMA. Because our Texas members have expressed overwhelming opposition to the UMA, and AAM has taken a position in opposition, our Texas lobbyist, George Scott Christian, has arranged for an AAM representative to appear at the hearing and speak in opposition to it. We will report on the hearing at AAM's annual meeting in May. We welcome news about the progress of the UMA in other member states.

Now is the time to familiarize yourself with the UMA if you have not already done so. The final draft can be found at http://www.law.upenn.edu/bll/ulc/mediat/UMA_Final_Styled_Draft-01.htm. The ADR Section of the State Bar of Texas maintains a UMA Resource Center at www.texasadr.org/uma.cfm. An editorial written by AAM member Wayne I. Fagan and Brian D. Shannon entitled "A Potential Threat to Texas ADR," can be found at the same UMA Resource Center. In-depth treatment of the UMA may also be found in the Fall 2001 issue of the Marquette Law Review.

AAM WELCOMES NEW AND RETURNING MEMBERS

We are pleased to welcome the following new members who have joined AAM this year (as of this printing):

Barry Davis, Oklahoma City, Oklahoma
Mike Davis, Round Rock, Texas
W. Randolph Davis, San Antonio, Texas

Toya Cook Haley, Austin, Texas
Louis Selig, Houston, Texas
Ron Wardell, Houston, Texas

We are also pleased to welcome Trey Bergman of Houston, Gerald Drought of San Antonio, and Allison Snyder of Houston, who have renewed their memberships after a period of absence.

THANKS TO FALL 2001 CLE PARTICIPANTS

AAM wishes to extend a special thanks to all of those who made presentations, participated in role plays, and conducted interactive sessions at the Fall 2001 CLE program in Dallas on November 9, 2001, especially AAM members Mike Amis, Courtenay Bass, Ross Hostetter, Steve Boaz, Cecilia Morgan, Christopher Nolland, Ann Alexander, Ron Roberts, Susan Wright (winner of best actress award), John Dowdy (winner of the best actor award), Ray Tompkins, Mike Neel, Mike Patterson, Skip Hulett, Greg Jensen, Sherrie Abney, Suzanne Duvall, Bud Silverberg, and Priscilla Kim Park, as well as non-members Sim Israeloff, Craig Haynes, Ralph "Red Dog" Jones, and Alison Moore.

THE NEWSLETTER NEEDS A SUCCESSOR TO THOMPSON & KNIGHT

For the past two years, the Houston office of Thompson & Knight, Immediate Past President Regina (Gina) Giovannini's law firm, has generously compiled and mailed AAM's newsletter. Gina and her office staff have ensured that AAM's members have received a quality newsletter at regular intervals. Their services have been a tremendous benefit to AAM. Gina's term on AAM's board of directors will expire in May. In fairness to Gina and her law firm, AAM needs to find someone else to compile and mail the newsletter. If your firm has desktop-publishing capabilities and is willing to help AAM with its newsletter for a period of time, please contact Brenda Rachug at (800) 280-1368. AAM will reimburse your firm for paper and mailing costs. In addition, we will be eternally grateful, as we are to Thompson & Knight.

MEET ME IN SAN ANTONIO ON MAY 10 & 11th!!

Don't miss AAM's annual meeting in San Antonio on May 10 & 11. This year, our meeting will take place at the beautiful Marriott Riverwalk, located at 711 East Riverwalk Street. The room rate at the hotel (\$112/night) is an exceptional bargain for a hotel located on San Antonio's world-famous riverwalk; take advantage of it! The annual meeting will end just before Mother's Day, so make plans to spend an extra day in San Antonio with a special woman in your life. Or, if you are that special woman, gently suggest an extra day in San Antonio to those with whom you wish to spend that special day.



The Marriott International hotel chain also owns the San Antonio Marriott Rivercenter, which is located on Bowie Street near the Riverwalk. Please don't confuse this hotel with the Marriott Riverwalk, where AAM's meeting will take place. But if you do get confused, don't panic. The two hotels are across the street from each other.

Remember, only AAM offers programming exclusively about mediation, exclusively for attorney-mediators, and exclusively drawing upon the talents and expertise of some of the nation's most experienced attorney-mediators. Evaluations of our CLE events consistently rate AAM's programs as unparalleled opportunities to learn from the best instructors, as well as fellow AAM participants.

Register by May 3 to secure your place at the annual meeting. See you there!

CALL FOR NOMINATIONS FOR BRUTSCHÉ AWARD

If you know a person who has made sustained, outstanding contributions to the mediation profession, consider nominating that person for a Brutsché Award, the highest honor that AAM can bestow on any member or nonmember. The award, "given to the person(s) personifying the principles of service and commitment to the profession that are the foundation of the ADR movement," is named after Steve Brutsché, one of AAM's revered founders. Please forward any nominations to the attention of Brenda Rachuig at P. O. Box 741955, Dallas, Texas 75374-1955. Past recipients are:

1992	Judge Gary Hall, Grant Seabolt, Jay Madrid, Jeff Abrams (Dallas), Heshia Abrams, Charles Guittard	1998	Mike Amis
1994	Sid Stahl, Ross Stoddard	1999	Gary McGowan, U.S. District Judge Nancy Atlas
1995	Roger Fisher	2000	W. Thomas Proctor

AAM NATIONAL BOARD NOMINATIONS SOUGHT

Pursuant to AAM's By-laws, President Walter Wright has appointed a nominating committee to propose a slate of candidates to fill vacancies on the AAM Board of Directors. The terms of three current Board members (Immediate Past President Regina Giovannini, Director Michael Clann and Director Henry Simpson) will expire in May. New Board members will be elected at AAM's annual meeting in San Antonio on May 11th. Candidates must be AAM members in good standing who are willing to make a commitment of time to actively participate and fulfill the responsibilities of Board membership. Interested members should contact Larry Maxwell at 214-265-9668.

MARTINDALE-HUBBELL TO BE PRESENT AT ANNUAL MEETING

Those who attend AAM's annual meeting in San Antonio will have an opportunity to speak with Ms. April L. Stanford, an Account Executive for Martindale-Hubbell. She will promote Martindale-Hubbell's Online Dispute Resolution Directory at a booth located outside our meeting room. Martindale-Hubbell has graciously agreed to host a cocktail reception for our members on the afternoon of Friday, May 10, following our first day's session. When you see Ms. Stanford, be sure to thank her for Martindale-Hubbell's generosity.

CHAPTER NEWS

HOUSTON CHAPTER

The Houston Chapter, in concert with South Texas College of Law, will hold a full-day seminar on mediation strategy on Friday Oct. 4, 2002. The seminar, which will be held in the facilities at South Texas, will focus on the practicing attorney who participates in mediations. CLE credit for at least 6.5 hours, with at least 1.0 hour in ethics will be sought. The planning committee of the Houston Chapter, along with Prof. Jean Powers of South Texas, is in the process of selecting the faculty. Please do not hesitate to contact Chapter President, Doug Sandage, at 713-626-8899 for more information, or with any suggestions.

ST. LOUIS CHAPTER

The Chapter will conduct its annual Advanced Mediation Training Program on Saturday, March 23, 2002. It is in the process of deciding what other projects to undertake for the year. The Chapter continues to hold monthly meetings to discuss current issues and specific problems and questions the members have encountered.

CENTRAL TEXAS CHAPTER

The Central Texas Chapter elected the following persons as 2002 officers: President, **Greg Bourgeois**, President-Elect, **Karl Bayer**; Secretary, **Amie Rodnick**; Treasurer, **Joe Hart**; Membership Chair, **Will Coates**; Special Projects, **Gayle Cipriano**; Directory and Website, **Erin Thrash**; and National Liaison, **Walter Wright**.

Through the good offices of **Gayle Cipriano**, the chapter continues to enjoy monthly breakfast meetings that qualify for CLE credit. So far this year, we have enjoyed presentations by **Greg Bourgeois** and **Karl Bayer**. The breakfast meetings are on the second Friday of each month at La Madeleine, 3418 N. Lamar in Austin. If you are in Austin on the second Friday of a month, have breakfast with us. It will be well worth your while.

Our website is at www.attorney-mediators-tx.org.

OKLAHOMA CHAPTER

New officers of the Oklahoma chapter are **David Kisner**, President, and **Peter Bradford**, Vice President.

The Oklahoma Bar Association's ADR Section will be led in 2002 by **Ray Tompkins**, Chairman, and **Joe Paulk**, Vice-Chairman.

Stephen Boaz, Immediate Past President of the Oklahoma chapter, was a speaker at the AAM Advanced Mediation Program held in Dallas in November 2001. Mr. Boaz was also a speaker at an *Advanced Mediation Seminar* sponsored by the Oklahoma Academy of Mediators and Arbitrators (OAMA). **Annita Bridges** also spoke at the OAMA seminar, which took place in Oklahoma City in November 2001. Boaz and Bridges both spoke on the subject of Styles of Mediation.

The Oklahoma chapter was instrumental in proposing the "Choice in Mediation Act," which will assure that government and other agencies will be able to choose a mediator from all those qualified to provide ADR services. The bill was approved by the Oklahoma Bar Association House of Delegates during its recent annual meeting. The bill will now move to the Oklahoma legislature.

NORTH TEXAS CHAPTER

New officers for the North Texas Chapter were elected at our October 18, 2001 meeting. They are **George S. McKearin**, President; **John L. Estes**, Vice President; **Jerry N. Jordan**, Treasurer; and **Priscilla Kim Park**, Secretary. We hold quarterly breakfast meetings, our most recent being January 24, 2002. **Karen Washington** spoke to us about the Uniform Mediation Act. **Frank Carroll** gave us a presentation on the current status of mediation in the federal courts, and **Jerry Jordan** talked with us about a fascinating opportunity to interact with a group of international jurists who will be in our country for some time in 2002. Our next meeting is tentatively set for the morning of April 18, 2002. Please join us if you can at S&S Restaurant.

Jack Raines, a former North Texas Chapter member, was recently appointed as United States Administrative Law Judge in Houston. Congratulations, Jack!

CONDOLENCES

AAM mourns the loss of long-time AAM member Riley Fell of Tulsa, Oklahoma who recently passed away.

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:

- a written statement to all parties explaining the member's role as a neutral intermediary and stating that the member may not act as an advocate for either party.
- in cases where the member assists in preparing a written settlement agreement in connection with the provision of dispute resolution services, a written statement advising each participant to have the settlement agreement independently reviewed by the participant's counsel before executing the agreement.

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 and 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.

(Liability Insurance continued from page 6)

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

ADVANCED CERTIFIED MEDIATORS

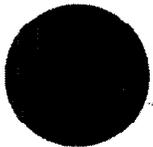
AAM congratulates the following members who have achieved or renewed their Advanced Certified Mediator status so far this year:

Michael Curry	Ronald Roberts
John Hughes	Dana Tait
Gary McGowan	Alvin Zimmerman
Alice O'Neill	

In order to retain Advanced Certified Mediator status, holders of the certification must submit renewal applications annually.

TO DO LIST:

- ✓ Register for the annual meeting and make hotel reservations early. Reservation deadline for hotel's reduced rate is April 12, 2002.
- ✓ Update the national office with any changes to your address, phone, fax, or email.
- ✓ Look at your website listing. If there is no photo and you would like one to be there, send one to the national office, either electronically or by mail.
- ✓ Check your records to be sure you have AAM's current mailing address: P.O. Box 741955, Dallas, Texas 75374-1955. Several renewal applications were sent to the old office address, and receipt of that information was delayed.



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