



ASSOCIATION OF ATTORNEY-MEDIATORS

Newsletter

September 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:

These are exciting times to be an attorney-mediator and a member of the Association of Attorney-Mediators. Since its founding in 1990, by the late Steve Brutsché, AAM has been at the forefront of the mediation movement. Today, AAM has a presence in eleven states and continues to provide leadership in achieving the prompt, fair and cost-effective resolution of disputes through voluntary and court-annexed mediation. A member recently described AAM as a “self-selecting subset of the legal community especially devoted to honesty, decency, cooperation, resolution of conflict and other higher values.” AAM set the bar high initially, and thanks to all of you, AAM continues to maintain the highest standards among professional mediators.

In 1990, the Association of Attorney-Mediators was a household word with judges and other users of mediation services. Such is probably not the case today in your community and state. AAM is a prestigious organization of respected professionals, and it needs to raise its profile. You can help, and you will benefit directly from a strong AAM presence in your community and state. As Robert Strauss, former ambassador to Russia, and for several years leader of one of our country’s major political parties, said: “You can let the parade walk over you, or you can jump in front and pretend it’s your parade.”

You can lead the AAM parade in your community and state. Use the AAM logo and service mark to promote your mediation practice. Please refer to the article in this Newsletter entitled “USE OF AAM MARK AND LOGO.” The procedure is very simple. A license agreement is contained in this Newsletter. To protect the mark and logo, you will need to sign and return the license agreement, along with a sample of your proposed use, to AAM’s national office. If approved by AAM, Brenda Rachuig, our administrative assistant, will forward the mark and logo to you in a format of your choosing.

There are other ways you can help lead the AAM parade in your community and state. In this Newsletter, you will find contact information for all AAM officers, directors, chapter presidents and committee chairs. They want to hear from you. In a really good parade, everybody participates. Look over the committees: Continuing Education, Ethics, Leadership, Legislative, Long-Range Planning, Membership, Newsletter, Outreach/Scholarship/Diversity and Website. Find an area in which you are interested, contact the committee chair, and let him or her know how you want to contribute. For details as to the functions of the committees, contact our AAM national office.

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Letter from the President *continued from page 1*

This year the Legislative Committee, chaired by Dean Kilgore of Austin, Texas, is particularly active. The proposed Uniform Mediation Act will be before the 2003 Session of the Texas Legislature, and perhaps legislatures of other states. AAM is on record as strongly opposed to its adoption. AAM's position was clearly stated two years ago in a letter to the National Conference of Commissioners on Uniform State Laws (NCCUSL):

"We appreciate the need for uniformity in mediations throughout the U.S.A. However, the consensus of our members is that confidentiality is the hallmark of mediation. Confidentiality is a security blanket protecting mediation and provides broad protections for the communications of mediators and parties, both in and out of the mediations . . . We find the UMA's approach to confidentiality backwards . . . As experienced practitioners, we hear regularly that the parties would not participate without the ability to share their views in the sanctity of the mediation rooms . . . We urge that the cloak of confidentiality be more affirmatively addressed."

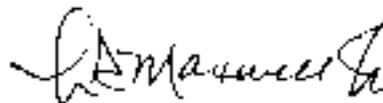
In Texas, AAM, the State Bar ADR Section, and *all* other mediation organizations are opposed to adoption of the UMA. As of this date, no organization has come forward in support of its adoption. Apparently, the NCCUSL has not gotten the word. At the recent annual meeting of NCCUSL, when the Commissioners were informed of the unanimous opposition of Texas mediators, one of the Commissioners stated: "It's a great act. The mediators are opposed to it, but they just don't understand it."

AAM has, again this year, retained George Scott Christian, a highly respected and experienced lobbyist to lead the mediators' parade in opposing adoption of the UMA in Texas. We thank all Texas AAM members who have contributed to the Texas Lobby Fund, and encourage all Texas members who have not done so to send your contributions to our national office. Fifteen years of successful experience under the current Texas ADR Act tells the whole story: "If it ain't broke, don't fix it."

Walter Wright, a current director and immediate past president, deserves our special thanks for his dedication and conscientious work on behalf of AAM over the years. Walter keeps on working for AAM, serving this year as Board liaison to the Newsletter Committee. Many thanks to Newsletter Committee Chair, John Feather, Director Allen Butler and the staff of his law firm, Hunton & Williams, in Dallas and Richmond, Virginia, for their diligent work in producing this Newsletter. Walter, John and Allen, we appreciate you.

This Fall, for the first time, our semi-annual AAM gathering will be "out of Texas." We look forward to seeing you in Oklahoma City on Friday, October 25, 2002. Continuing Education Committee Chair Trey Bergman and President-elect Jeff Abrams have planned an interesting program, with outstanding speakers and useful topics. A special thanks to Director Ray Tompkins, Oklahoma Chapter President David Kisner, and our Oklahoma Chapter for organizing our meeting. Come the day before, if you can. Our Oklahoma colleagues are hosting a reception at the Renaissance Hotel for members arriving on Thursday evening. It is always so rewarding to gather with AAM members, and share our knowledge, experience and enthusiasm for mediation. See you in Oklahoma City in October.

Sincerely,



Lawrence R. Maxwell, Jr.

President

AAM Supports Upcoming ABA Meeting

AAM's board of directors has decided to lend our organization's institutional support to the annual meeting of the Dispute Resolution Section of the American Bar Association, which will be held in San Antonio, Texas on March 20-22, 2003. The board encourages all AAM members to attend the meeting and to act as judges of the mediation advocacy competition. If you are interested in being a judge, please call Walter Wright at (512) 245-2138 or send him an e-mail message at ww05@swt.edu. For information on enrolling in the meeting, call Jannice Hodge-Bannerman, Meetings Manager for the ABA, at (202) 662-1687 or send her an e-mail message at HodgeJ@staff.abanet.org.

Thompson & Knight Receives President's Award

For several years, Thompson & Knight has provided outstanding service to AAM. Regina (Gina) Giovannini served on the board of directors for five years and was AAM's president for the 2000-2001 term. During Gina's tenure as president and director, Thompson & Knight often allowed AAM's directors to use its offices and telephone lines to conduct extensive telephone conferences, thereby saving AAM hundreds of dollars in long-distance and travel costs. Gina's administrative assistant, Susan Ballard, devoted countless hours to AAM activities. Ken Hansen, a talented computer wizard, assisted Gina and Susan in formatting, compiling, and mailing AAM's newsletters for two years. The work donated on the newsletters alone, saved AAM thousands of dollars. At the 2002 annual meeting in San Antonio, outgoing president Walter Wright recognized Thompson & Knight's service to AAM by awarding the law firm a President's Award for Excellence in Service. We deeply appreciate Thompson & Knight's contributions to AAM's success.

Calendar of Events

Here are some important dates to enter into your calendar:

October 25, 2002	AAM's Fall CLE Program in Oklahoma City
December 2002	Renew AAM Memberships (National and Chapter)
December 12, 2002	President's Teleconference with Chapter Presidents and Committee Chairs
February 14, 2003	Submission Deadline for Spring Newsletter
March 20, 2003	President's Teleconference with Chapter Presidents and Committee Chairs
March 20-22, 2003	ABA Dispute Resolution Section Meeting in San Antonio
April 11-12, 2003	AAM's Annual Meeting in Houston

Annual Meeting Highlights

AAM's annual meeting in San Antonio on May 10-11, 2002, was a big success. Those who attended enjoyed such speakers as Mitchel Winick, Dicky Grigg, Linda Golden, Suzanne Duvall, Larry Maxwell, and Walter Wright. The interactive sessions, with Louis Selig, Trey Bergman, Courtenay Bass, and Mike Amis facilitating, were as popular as ever. We were especially honored to have the Honorable Charlie A. Gonzalez, United States Congressman for the 20th Congressional District of Texas, as our keynote speaker on May 11. Many thanks to the San Antonio Chapter for hosting a great meeting.

At the annual meeting, Larry Maxwell assumed AAM's presidency. We are looking forward to great things from you, Larry!

Houston AAM Member is Co-Editor of New Environmental ADR Book

ENVIRONMENTAL DISPUTE RESOLUTION: AN ANTHOLOGY OF PRACTICAL SOLUTIONS brings together 17 distinguished authors to provide a comprehensive overview of how to manage tensions between economic development and environmental protection objectives, with a toolkit of diagnostics, systems, strategies, and methodologies proven effective in diverse substantive contexts. Increasing global attention is being directed now to the use of mediators to assist the development of sustainable solutions, a prerequisite to the achievement of sustainable development objectives. As pressure mounts for both robust economic growth and also more stringent environmental regulation on a global level, mediators who can successfully assist stakeholders to craft sustainable solutions will be in increasing demand. This new book can be obtained through the American Bar Association: Phone: 800-285-2221, Fax: 312-988-5568, Web Site: www.ababooks.org, E-mail: orders@abanet.org (Product Code: 5350090).

Ann L. MacNaughton is vice president and general counsel of Sustainable Resolutions Inc., a Council Member of the State Bar of Texas ADR Section, an AAM member, and ABA representative to the World Summit on Sustainable Development (August 24 – September 4, Johannesburg South Africa). Her co-editor Jay G. Martin is a shareholder at Winstead Sechrest & Minick P.C. and a past Section budget officer and Council member.

Advanced Certified Mediators

AAM congratulates the following members who have achieved or renewed their Advanced Certified Mediator status for the 2002 year (since the last newsletter printing):

William Bonham	Nancy Huston
Bryan Coleman	Susan Wright
Lawrence Evans	

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

AAM Welcomes New and Returning Members

William Cavalier, Dallas, Texas
 Richard Fogel, Dallas, Texas
 Richard Grainger, Tyler, Texas
 Randy Grasso, Dallas, Texas
 Molly Mitchell, Austin, Texas
 Yasodhara (Mitty) Mohanty, Muskogee, Oklahoma
 John Neuhoff, Dallas, Texas
 Kim Rensing, Webster Groves, Missouri
 Hugh Rineer, Tulsa, Oklahoma
 John Rothman, Oklahoma City, Oklahoma
 William Trail, Waco, Texas
 Travis Vanderpool, Dallas, Texas

We are pleased to welcome Jed Maebius who is renewing membership after a period of absence.

Use of AAM Mark and Logo

A number of members have inquired about use of the Association's service mark and logo by individual members in their practices. This can be done, but in order to protect the Association against possible assertions that the mark and logo have been abandoned, the Association must have a written license agreement in the form approved by the board of directors with each member who uses the mark. The license generally provides a non-exclusive, non-transferable license to utilize the service mark and logo of the Association only in connection with mediation services performed consistently with the standards of the Association. The required form of license, approved by the board, is included with this Newsletter. Members desiring to use the mark and logo should sign the form and return it to P.O. Box 741955, Dallas, Texas 75374-1955, along with a sample of the member's proposed use. If approved by the Association, an executed copy of the license will be returned to the member. Please understand that the enclosed form is not a proposal, but is a must for the Association's protection.

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ASSOCIATION OF ATTORNEY-MEDIATORS

presents its

Advanced Attorney-Mediator Training

Friday, October 25, 2002

8:00 a.m. to 5:00 p.m.

Renaissance Hotel/Myriad Convention Center

10 North Broadway

Oklahoma City, Oklahoma 73102

- 8:00- 8:45 A.M. **Registration and Continental Breakfast**
- 8:45- 9:00 A.M. **Opening Remarks**
David Kisner, Attorney-Mediator, Oklahoma City
Trey Bergman, Attorney-Mediator, Houston
- 9:00- 9:45 A.M. **Full Settlement Authority: What Does That Mean?**
John D. Rothman, Attorney/Mediator/Arbitrator, Tulsa, has conducted over 3,000 mediation and arbitration proceedings over the last 15 years. John, the Legal Director of Oklahoma Mediation/Arbitration Service and author of [A Lawyer's Practical Guide to Mediation](#), will give his perspective on creative and practical ways of dealing with this ever-present problem.
- 9:45- 10:00 A.M. **Credentialing of Mediators in Texas. It's Here.**
Suzanne Mann Duvall, Attorney-Mediator, Dallas. Chair, Texas Mediator Credentialing Association
Suzanne will discuss the details of mediator credentialing in Texas, which has now been approved.
- 10:00-10:15 A.M. **The New Oklahoma Choice in Mediation Act**
Ray Tompkins, Attorney-Mediator, Oklahoma City
- 10:15- 10:30 A.M. **Break**
- 10:30- 12:00 P.M. **Advanced Mediator Small Group Interactive Sessions**
Ross Stoddard, Attorney-Mediator, Dallas
Steve Boaz, Attorney-Mediator, Oklahoma City
Trey Bergman, Attorney-Mediator, Houston
Courtenay Bass, Attorney-Mediator, Dallas
- These lively, informative and well-facilitated sessions provide a rare opportunity for the members of AAM to discuss the pressing issues faced in their daily mediation practices, with some of the most experienced mediators in the world: each other.

12:00- 1:30 P.M.

Luncheon: Guest Speaker, William R. “Bill” Burkett: First Aid for the Legal Profession

Bill Burkett, an entertaining speaker, is currently Municipal Counselor (City Attorney) for Oklahoma City. He has had a long, distinguished career previously holding numerous positions, including U.S. Attorney for the Western District of Oklahoma, Judge of the 7th Judicial District Court of Oklahoma, Member, Oklahoma House of Representatives, Chairman, Oklahoma Indigent Defense System, among others, as well as spending many years in private practice.

1:30- 3:00 P.M.

Workshop, Part I: Effective Communication for Mediators

Richard H. Lucas, Ph.D. is a practicing clinical psychologist, a member of The American Society of Trial Consultants and author of [The Winning Edge: Effective Communication and Persuasion Techniques for Lawyers](#). Dr. Lucas has been a speaker and consultant at numerous national, state and local bar association-sponsored training seminars and institutes.

Communication is the heart of what mediators do. Effective communication is what successful mediators do.

During this workshop, you will see, discuss and practice the most effective communication principles, methods and techniques available. Dr. Lucas has geared these specifically for experienced mediators. This is a WORKshop. As we practice the techniques you find that you will be able to incorporate them into your mediations the very next day. This workshop is eye opening, practical and fun.

3:00- 3:15 P.M.

Break

3:15- 4:45 P.M.

Workshop, Part II: Effective Communication for Mediators

Richard H. Lucas, Ph.D.

4:45- 5:00 P.M.

Closing Remarks**(6.25 Hours of CLE)**

Reception to be Hosted by Oklahoma Chapter of AAM

Please Join Us! A cocktail reception will be given on the evening **prior** to the CLE Seminar in the Renaissance Hotel lobby “Library” for attendees of the seminar and their guests. This reception is being hosted by the Oklahoma Chapter of the Association of Attorney-Mediators. If your travel plans include being in Oklahoma City the night before the seminar, please join us from 5:30 pm to 7:30 pm in the hotel lobby, Thursday evening, October 24, 2002.

Optional Dinner in Bricktown

There will be an optional dinner at Mickey Mantle’s Steak House in Bricktown, after the AAM reception. Mickey Mantle’s is one of the best restaurants in the Bricktown area, Oklahoma City’s new hot spot. For reservations, call Ray Tompkins at (405) 272-5713. Seating is limited.

CHAPTER NEWS

HOUSTON CHAPTER

Things are hot in Houston because the Houston, Texas Chapter of the Association of Attorney-Mediators is involved in an exciting and fast-paced calendar.

Under the guidance of Immediate Past-President, Doug Sandage, a seminar entitled "Mediator for Litigators" is being cosponsored on October 4, 2002 in Houston by AAM and South Texas College of Law. Unlike other typical mediation seminars, this one is comprised of high profile Houston lawyers and judges who will instruct other lawyers on how to present cases at mediation in practice-specific areas. Topics include: Mediation of a Commercial Case, Mediation of an Employment Dispute, Mediation of a Medical Malpractice Case, Use of Mediators in Summary Jury Trials, Mediation of Grievances and Fee Disputes, Mediation of a Mass Tort Case, Mediation of Premises Liability, and Mediation of an Automobile Accident Case. There will also be three break-out sessions to choose from with topics on Bankruptcy, Family Law, and Appellate mediations. During lunch, a judicial panel consisting of AAM members, Nancy Atlas, John Coselli and Martha Hill Jamison will speak on Ethical Issues Involved in Mediation.

The planning committee of Trey Bergman, Elaine Block, Allan Davis and Doug Sandage has approval pending for seven hours of CLE credit, including 1.25 hours of ethics for only \$199.00. This seminar is already receiving a lot of attention from the Houston legal and mediation community and promises to be a big success. The Houston Chapter of AAM and South Texas College of Law hope this seminar will become an annual event. Not only is this seminar a good venue for the users of mediation services to exchange their ideas about mediation, it is also a target-rich environment for mediators to meet potential and existing clients.

Through a joint effort between Henry Blum, as Chairman of The Houston Bar Association-ADR Section, and Trey Bergman as president of the AAM Houston Chapter, both organizations have undertaken a collaborative CLE effort. Starting on September 10, from 7:30 to 8:30 a.m. and continuing at the same time on the second Tuesday of each month, a combined breakfast meeting with speakers and CLE credit will take place at the Wortham Tower, 2727 Allen Parkway, Meeting Room 2, First floor. The September 10th meeting, entitled "New Health Care Statute and Mediation Requirements" will be presented by two lawyers specializing in health care law, Mary Bearden and Amy Reddell.

This monthly joint session will allow both groups to meet and exchange ideas and share in the comradery of the mediation community on a monthly basis, while at the same time, receiving CLE credit. A monthly mediator breakfast, CLE credit, and comradery are a hard combination to beat.

CENTRAL TEXAS CHAPTER

The Central Texas Chapter is planning a fall reception for the local judiciary. Also, the Chapter President, Greg Bourgeois, and the President Elect, Karl Bayer, have initiated a self-study to outline long-term goals and projects for the Central Texas Chapter. The study may also include a survey of the legal community to determine market trends and needs.

SAN ANTONIO CHAPTER

The Dispute Resolution Section of the American Bar Association (ABA) will have its next annual meeting in San Antonio, Texas on March 20-22, 2003. AAM's board of directors has decided to lend AAM's institutional support to the meeting and provide judges for the mediation advocacy competition. We encourage everyone to come to San Antonio and participate in this noteworthy event.

NORTH TEXAS CHAPTER

This past year has been an active one for the North Texas Chapter of the Association of Attorney-Mediators. George S. McKearin has served a President, Priscilla Kim Park as Secretary, Jerry Jordan as Treasurer and John Estes as Vice President. They were all sworn in at the October 18 meeting and began their year in steering the chapter.

The January 24 meeting at the S&S Tea Room was well attended and those in attendance heard informative talks by Karen Washington about the Uniform Mediation Act and Frank Carroll about ADR Programs in the Northern District of Texas. Members in attendance also enjoyed an hour of CLE.

On April 18, at the S&S Tea Room, LaCrisia Gilbert, the Dallas County ADR Coordinator, the Honorable Bob Jenvein, Dallas County Court at Law No.3, the Honorable Catharina Haynes, Judge of the 191st Judicial District Court, the Honorable Jay Patterson, Judge of the 101st Judicial District Court, and the Honorable Craig Fowler, Judge of the 255th Family District Court, spoke about "Texas Mediator Credentialing and Ethical Obligations of Mediators in Court Reported Mediation". Again, members in attendance enjoyed an hour of CLE.

On May 23, 2002, Jerry Jordan, George S. McKearin and Robert Prather had the honor of speaking to several attorneys and jurists from the Near East. Jerry Jordan organized the day and the presentation was billed as "The Independent Judiciary and the Rule of Law: An International Visitor Regional Project from North Africa and Near East". The event took place at the offices of Baker-Botts and was additionally attended by Nancy Thomas, our Dallas Bar President; Cris Gilbert, the ADR Coordinator, and Judges Mark Wittington, 5th Circuit Court of Civil Appeals, Catharina Haynes, 191st Judicial District Court, Craig Fowler, 255th Family District Court, and Bob Jenevein, Dallas County Court at Law No.3. Additionally, Herb Cook talked about Dispute Mediation Service.

The last event, so far, was a July 24, 2002, gathering at Popolos Café in Dallas. Members from AAM, TAM and the Dallas Bar ADR Section attended and enjoyed an evening of food, libations and good conversation.

The chapter is planning one final meeting on November 8, 2002, at the Radisson Hotel in Richardson. Mike Amis and Ross Stoddard will present a two hour program for AAM members and the Collin County Bar Association, ADR Section. Officers for 2003 will be elected.

Brush Up On Your Latin

Remember all those Latin phrases you learned in law school, or perhaps college or high school, and haven't used in years. You won't find these phrases in Black's Law Dictionary, but you will find them interesting. AAM will reimburse the registration fee for the Oklahoma City meeting, for the member who translates the most phrases correctly. Try your hand at these:

1. *Vini Vidi Collocutus Sum*
2. *Conloqui Ergo Sum*
3. *Credo Nos In Fluctu Eodem Esse*
4. *Tuos Ibue Meis dicere*
5. *Si Hoc Legere Potes et Liberaliter Educatus et Nimis Propinquus Ades*

E-mail your translations to AAM: aam@airmail.net. Entries must be received by AAM no later than Friday, October 18, 2002. In the event that more than one member correctly translates all of the phrases, reimbursement of the registration fees will be prorated among the winning members. The correct translations will be announced in Oklahoma City. Good Luck!

Thanks to Hunton & Williams

AAM's newsletter is now being compiled and mailed by the law firm of Hunton & Williams. Many thanks to the firm and to AAM director Allen Butler, who is supervising all the firm's good work.

Reminder About Sustaining Member Category

Last year, the board of directors considered the situations of members who, because of family commitments, career opportunities, or other circumstances, cannot satisfy the membership-renewal requirement that they conduct five mediations per year. After discussion, the directors voted unanimously to create a "sustaining member" category of membership. Sustaining membership is open to AAM members who cannot satisfy the five-mediation renewal requirement. Sustaining members must satisfy all other requisites for continuing membership, including payment of dues. If you are unable to conduct five mediations per year, please consider becoming a sustaining member.

To Do List:

- Register for the Fall CLE Seminar and make hotel reservations early. Reservation deadline for the hotel's reduced rate is September 24, 2002. Let's make our first "out of Texas" event a success!
- Update the national office with any changes to your address, phone, fax, or email.
- Review your website listing to check your information - send updates to national office.
- Be sure your accounting office has AAM's correct mailing address: P. O. Box 741955, Dallas, Texas 75474-1955. Several renewal checks are still going to the old address.
- TELL ONE COLLEAGUE OR FRIEND ABOUT AAM.** Brochures are available for your circulation, upon request to the national office.

ASSOCIATION OF ATTORNEY-MEDIATORS



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Executed on the dates set out below:

**Association of
Attorney Mediators**

BY:

Printed Name:

Title:
Address:
Date:

Licensee

BY:

Printed Name:

Title:
Address:
Date: