

AAM-A-GRAM

Association of Attorney-Mediators Newsletter



“...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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Thank you for your continued membership and support of AAM in 2021! We are grateful for you and wish you the best as we close out 2021 and welcome a new year!

PRESIDENT'S LETTER

A note from AAM President, Frank Neuner...



Dear Fellow AAM Members:

As we turn the page on 2021 and embark on a New Year, I find myself filled with a sense of gratitude. To be sure, our world is filled with uncertainty, strife and injustice. Yet, at the same time, there is so much good if we choose to look for it.

For myself, I need look no further than to our profession as mediators. As attorneys, we know how difficult and destructive the court system can be for litigants. As mediators, we have the opportunity to be peacemakers and dealmakers. What a privilege!

I am also grateful for my valued colleagues at AAM. Through our affiliation, we are fortunate to share best practices, engage in thought leadership, and learn from our collective experiences. For that, I am truly thankful.

So remember that what you do **MATTERS**. Know that you are doing good, and you are doing it well!

I extend warm wishes to each of you, and to your families, during this holiday season.

Best,
Frank Neuner

AAM National President
frank@neunermediation.com

On December 1, 2021, the Association of Attorney-Mediators website was refreshed to a more modern, device responsive, and user-friendly site. We hope you enjoy this brand new look! To log-in to your profile, look for the "Member Login" button in the top righthand corner of the homepage or click on "Member Information". Stay tuned for additional website updates in 2022.



AAM Welcomes New Members

AAM has enjoyed adding to its roster the following new members since the printing of the last newsletter:

Michael Bishop, Indianapolis, IN

David DeGroot, McAllen, TX

Michael Golden, Santa Fe, NM

Timothy McInturf, Houston, TX

We welcome you to this organization and hope you will contact a Board Member, your chapter president, or the AAM National Office if you need anything or want to become involved.

A Message from the Executive Director

Dear Members: When I look back on the last year, I am proud of how well we have continued to work together during the continued pandemic. Together, we became more comfortable with virtual CLE offerings, and we found ways to stay connected when we still could not be together in person because of new variants and other concerns. I am grateful to AAM's Board of Directors and the incredible leadership they have provided during this time. I am proud of the refreshed website we launched this year, and I hope to bring more updates to the organization in 2022. I look forward to a new year together, and hope we get to see each other in person soon. Please email or call if you need anything. Allison Ellis, Executive Director, aam@attorney-mediators.org

AAM FALL CLE SEMINAR - NOVEMBER 12, 2021

Mediators On the Front Lines: Tools to Disrupt Disruption

It was great to "see" so many AAM Members at the November CLE Seminar held virtually by Zoom. Thank you for your attendance, participation and feedback!

We had a wonderful turnout for this event – with 128 registrants, including 18 Non-Members! The level of engagement throughout the day through polling, meeting chat, and live Q&A was terrific. We are proud to offer virtual programming, and appreciate your patience and support as we continue to evolve and improve.

We hope that you found the sessions to be thought-provoking, inspiring, and useful in your mediation practices.

We want to give special thanks to our tremendous presenters who together helped make the program a success -- **Bud Silverberg, Damali Peterman, Heshu Abrams, Robert Badgley, Aric Garza, Lee Jay Berman, Danielle L. Hargrove, Laura Kass-Moreno, and A. Martin Wickliff, Jr.** We greatly appreciate each of you taking valuable time to share your insights with our event attendees!

Special kudos to Danielle L. Hargrove, AAM President-Elect, for her efforts in planning and executing a tremendous fall conference!





NEWS FROM THE ILLINOIS CHAPTER

Chapter President, Robert W. Berliner, Jr.

Founder and Leader of Will County Small Claims/Eviction Mediation Program

The end of the state-imposed moratorium on residential evictions has led to an explosion of those cases in the Illinois courts. That explosion has offered the Illinois Chapter of AAM more opportunities to be of service to the courts and allowed us to contribute to the development of a program to stem the expected resulting increase in homelessness.

By way of background, members of the Chapter have, since 2010, provided pro bono mediation services to the small claims and eviction docket of the Illinois circuit court that serves Will County, a largely suburban county southwest of Chicago, and, according to the County's website, one of the fastest growing counties in the country. Until the shutdown of in-person court appearances because of the COVID pandemic, a Chapter member was in the courtroom virtually every day the court was in session, mediating cases referred by the judge presiding over the daily call. Many of these cases, quite probably the majority, were residential evictions, and others ran the gamut of small claims: construction contracts and alleged failures of performance, loan defaults, disputes between neighbors, property damage and subrogation claims arising from automobile accidents, etc. The in-person program was quite successful: Chapter members mediated an average of about 275 cases per year, of which approximately 85% resulted in settlement. The residential eviction moratorium, coupled with the shift from in-person to Zoom court calls, reduced the volume of cases substantially, although members of the Chapter continued to be available to mediate cases upon referral from the presiding judge.

NEWS FROM THE ILLINOIS CHAPTER, CONTINUED

Then, in October 2021 the small claims and eviction court calls returned to in-person appearances. At the same time, the eviction remedy became available to landlords due unpaid rent and to condominium and homeowners' associations due unpaid assessments. The Chapter worked with County officials and the court to develop and coordinate a response to the expected flood of eviction cases. The County has received a grant of federal CARES Act funds in order to combat homelessness resulting from the COVID pandemic, and, with the court and the Chapter, has developed a structure to facilitate the distribution of those funds to parties to pending eviction cases and, under an agreement with the Chapter, to provide a modest compensation to mediators who mediate those cases. The County now has a representative in a conference room outside the courtroom during every morning court call. That representative is available to consult with defaulting tenants/homeowners and landlords/associations regarding the availability of CARES funds, and, where the representative believes an individual tenant or homeowner is likely to qualify, assists such individual in completing the application and accepts the application on behalf of the County. The judge hearing the eviction cases encourages parties to consult with that representative and submit applications where appropriate. After submitting an application for assistance, those parties are then referred to the mediator who assists the parties in coming to an agreement regarding what happens if the application is approved and the funds paid to the landlord/association and what happens if the application is not approved, typically resulting in a court order entered by agreement of the parties.

The County and the Chapter worked together on certain features of the program that seem to contribute significantly to its success. At the suggestion of the Chapter, the County now advances one month's rental to a landlord who participates in this process in order to induce that landlord to forbear from proceeding with the eviction during the 2-4 weeks that the application is in process. This feature appears to have been a real factor in persuading landlords to work with their defaulting tenants. Similarly, the County has agreed that condominium and homeowners' associations who have filed eviction proceedings against residents for failure to pay assessments will receive,

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NEWS FROM THE ILLINOIS CHAPTER, CONTINUED

if the residents qualify for assistance, in addition to the assessment arrearages, reimbursement of their attorneys' fees and court costs, which, in those cases, in contrast to landlord/tenant cases, often comprise a substantial percentage of the amounts to which they are entitled and are typically collectable.

Our Chapter members are gratified to have this opportunity to contribute to reducing the adverse consequences of the COVID pandemic and to assist our state courts in dealing with this crisis. Early results indicate that the program has been quite successful in preventing evictions that otherwise would occur, and we look forward to the opportunity to continue to contribute to that success. We also remain available to mediate cases other than evictions when referred to us by the presiding judge.



Robert W. Berliner, Jr.

Founder and Leader of Will County Small
Claims/Eviction Mediation Program

AAM Illinois Chapter President
AAM National Board of Directors

rberliner@berlingroup.com

2022 Annual Membership Renewal



All memberships renew on January 1, 2022. Renewal invoices were sent in early December. New and returning members dues will be \$275 annually.

Step One:

Submit your response to the AAM Membership Qualifications 2022 by completing the online form at www.attorney-mediators.org/qualify-2022. This form **MUST** be submitted for your 2022 renewal to be complete. After completing this form you will receive an email from the AAM Office confirming your Membership Renewal for 2021.

Step Two:

Pay your annual dues via the invoice in your Member Profile.

We also encourage you to take this opportunity to update your profile information to ensure it is current. It's important for us to have this updated information as we develop various member benefits and programming. Specifically, there are 3 areas that you should review and update:

- 1.number of mediations;
- 2.demographic information; and
- 3.contact information (address/phone number)

2021-2022 Board of Directors

Jimmy Lawson, Immediate Past-President
Frank Neuner, President
Danielle L. Hargrove, President-Elect
Jean M. Lawler, Secretary
Anne Shuttee, Treasurer

Bob Berliner
Lisbeth Bulmash
Misti Hill Carter
Ernest H. "Hank" Jones, II



Save The Date! Annual Meeting and Spring CLE Seminar April 22, 2022

We are looking for creative, imaginative, energetic speakers who will actively engage with the participating attendees. If you would like to be considered to be part of the faculty for the Spring 2022 program, we would love to see your proposal. Please visit the website for the Speakers Proposal Form and submit your proposal to the AAM Office via email (aam@attorney-mediators.org) no later than January, 21, 2022.

In Case You Missed It... CLE Seminar Recordings Available On-Demand!

Watch the video recordings on-demand by registering on the AAM website under the "Events and Trainings" tab on the homepage toolbar. The November 12, 2021 sessions have been added to the list, and are available for viewing.

If you are seeking CLE/CME credit for the viewing of the videos, please contact the AAM Office *before* registering to confirm the event has been approved for credit in your state.

