



# AAM-a-gram

## ASSOCIATION OF ATTORNEY-MEDIATORS

### President's Message

August 2021

*"...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."*

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, III



Allison Ellis, Executive Director

Greetings Fellow AAM Members:

I hope this newsletter finds you doing well. I feel incredibly privileged and humbled to be sending you this President's letter.

First, I want to take this opportunity to express gratitude, both personally and on behalf of our organization, to Jimmy Lawson for his steadfast leadership as President this past year. None of us could have predicted that his time in that role would face the challenges of a global pandemic. Nevertheless, despite the inability to travel and convene in-person with our colleagues, Jimmy's optimism and perseverance were instrumental in ensuring that the educational and collegial functions of AAM persisted, and our organization continued to thrive. Thanks Jimmy for your commitment and leadership!

It was amazing to see so many attendees at our virtual Annual Conference in April. We had 165 total registrants for the event, hailing from 23 states! As we are always looking to grow and extend the reach of our organization, it was notable to have 26 non-members registered. I want to thank our presenters for generously investing their time, sharing their insights, and delivering a terrific program. We are also grateful for the input we received from our attendees in the post-event evaluations, which will help guide our planning of future conferences. And I extend a special thanks to Allison Ellis for all her hard work behind the scenes to make the event an unqualified success!

I also wish to congratulate Danielle Hargrove on her selection as President-Elect. We are thankful for Danielle's many in-

**CHAPTER  
PRESIDENTS**

Bexar County/San  
Antonio Chapter  
Gary Javore

Central Texas  
Chapter  
David Moore

Houston Chapter  
Heather McFarlane

Illinois Chapter  
Bob Berliner

North Texas Chapter  
Sharon Corsentino

Oklahoma Chapter  
Jake Jones

St. Louis Chapter  
Frank Neuner



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***President's Message—Continued***

sights and contributions over the years, including as a Board member, a conference presenter, and valued colleague. Undoubtedly, AAM will benefit greatly from Danielle's leadership in this additional role.

We continue to navigate the uncertainties associated with COVID-19. Considering the survey responses we received from our members, we are planning the Fall Conference to be held remotely. While we certainly will miss seeing each other in person, we are nevertheless grateful that technology allows us to continue collaborating and socializing. At the same time, assuming it is safe and possible to do so, it is our sincere desire and intention to convene in person at the Annual Conference in 2022.

Regardless, I am committed to ensuring that AAM remains a trusted and valuable resource for our members, providing world-class continuing education, thought leadership, and professional development in the ADR field. We will continue to look for ways to provide opportunities for collegiality and idea-sharing, both formal and informal. I expect that we will have periodic webinars on various topics. One priority is addressing the critical need for increased diversity in our profession. We also have begun, and will continue, to schedule informal virtual happy hours, providing an opportunity to check in and chat with colleagues.

I would welcome, and indeed I would be grateful for, any feedback or input from you on how AAM can best serve you. Feel free to reach me at [frank@neunermediation.com](mailto:frank@neunermediation.com).

In the meantime, all the best!



Frank Neuner  
AAM National President  
[frank@neunermediation.com](mailto:frank@neunermediation.com)

# AAM BOARD OF DIRECTORS

## INTRODUCTIONS

We are excited to introduce the newly appointed Officers and the two new Board Members. The newly elected Board Members will serve a three year term.

The complete list of the 2021-2022 Board of Directors may be accessed on the website by [clicking here](#).

### **New Board Members:**

- ♦ **Lisbeth Bulmash** practices in Dallas, TX and has been an AAM member since 2013.
- ♦ **Ernest H. “Hank” Jones, III**, practices in Lexington, KY and has been an AAM member since 2016.

*For more information about Lisbeth or Hank, please see their bios [here](#).*

### **Newly Appointed Officers:**

- ♦ **Danielle L. Hargrove, President Elect**, practices in San Antonio, TX and has been an AAM member since 2003, returning in 2017 after a brief absence.
- ♦ **Jean M. Lawler, Secretary**, practices in El Segundo, CA and has been an AAM member since 2017.
- ♦ **Anne Shuttee, Treasurer**, practices in Dallas, TX and has been an AAM member since 2010.

*For more information about the newly appointed Officers, please see their bios [here](#).*

A very special thank you to **Charlie Ochoa** and **John Trimble** for serving on the Board! Their terms have expired as of the Annual Meeting 2021. We appreciate their service and commitment to making AAM an outstanding organization.

## AAM Welcomes New Members

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

Afreen Ahmed, Houston, TX

Dominique Bartholet, Houston, TX

Jack Bellinger, Houston, TX

Matthew Biscan, Denver, CO

Richard Blaiklock, Indianapolis, IN

Maricela Cavazos, San Antonio, TX

Priscilla Chan, Mercer Island, WA

Sarah Doke, Winnsboro, TX

Todd Fine, Austin, TX

Roberto Garcia, McAllen, TX

Erica Gittings, Middleton, WI

Jessica Guobadia, The Woodlands,  
TX

Robert Hargett, Austin, TX

Gil Jones, Marble Falls, TX

J.K. Leonard, San Antonio, TX

Michael Lohr, Evanston, IL

Mitch Miers, Colleyville, TX

Patricia Oviatt, San Antonio, TX

Nick Reed, Austin, TX

Jeff Rose, Austin, TX

David Russell, Amarillo, TX

Lorna Steuer, Chicago, IL

Kevin Walker, Arlington, TX

Brittany Weil, San Antonio, TX

A. Martin Wickliff, Jr., Houston, TX

Michael Zuckerman, Chicago, IL

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.

*Welcome!*

## ***AAM Annual Meeting and Spring CLE Seminar***

It was great to see so many of you in attendance (virtually, that is) on April 23, 2021 at our Annual Meeting and Spring CLE Seminar.

We had a tremendous turnout for this event – with 165 registrants, including 26 non-members! The level of engagement throughout the presentations – with questions and input throughout – was terrific.

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



We want to give special thanks to our fabulous presenters who together helped make the seminar a success -- **Natalie Armstrong-Motin, Courtenay Bass, Trey Bergman, Misti Hill Carter, John DeGroot, Danielle L. Hargrove, Brian Hewitt, Michael Leech, Aaron Michelsohn, Cecilia Morgan, Steve Nelson, Frank Neuner, Christopher Sharp, John Shipp and Ross W. Stoddard, III.** We greatly appreciate each of you taking valuable time to share your insights with our group.



## **2021 President's Award**

The 2021 President's Award was presented to **Paul Clote (Houston, TX)** during the Annual Meeting. Paul epitomizes excellence in service for his continued care and passion for AAM. Paul continues to be a valuable resource and trusted advisor for the Board of Directors and Executive Director. **Thank you, Paul!**



Thank  
you

A special thank you to Member **Chris Nolland** (Dallas, TX) for speaking at our webinar on 1/15/2021. In case you missed it, “A Conversation with Chris Nolland” is available for on-demand viewing via the [AAM website](#). Chris is a phenomenal presenter and shared insights and tips on mediating in today’s world.

Many of you joined us for our December 2020 and July 2021 Virtual Happy Hours. We plan to continue hosting these casual gatherings more frequently to allow opportunities to virtually connect with colleagues until we can safely be together in person again.



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Thank you, **Natalie Armstrong-Motin**, for sharing your marketing insights with our group at the Spring 2021 Annual Meeting and CLE Seminar! Enjoyed the marketing session and interested in learning more? Please contact Natalie to schedule a consultation. Be sure to let her know you attended her presentation during AAM's seminar as she is offering special consultations for AAM seminar attendees. Natalie’s website is [www.HowToMarketMyMediationPractice.com](http://www.HowToMarketMyMediationPractice.com) and she can be reached via email at [natalie@howtomarketmymediationpractice.com](mailto:natalie@howtomarketmymediationpractice.com)

## PLEASE SAVE THE DATE!

We hope that you will join us for our upcoming events:

### September 10, 2021: Virtual Happy Hour

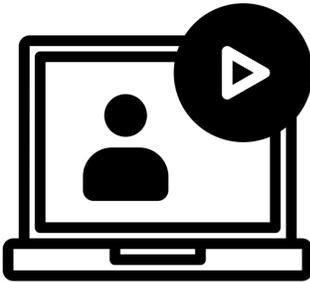
⇒ No registration required. Information will be sent via email from the AAM Office in early September.

### November 12, 2021: Fall CLE Seminar

⇒ Once available, more details will be shared via email and on the AAM website.

## IN CASE YOU MISSED IT...

### CLE Seminar Recordings Now Available On-Demand



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If you were unable to attend the recent AAM CLE Seminars, the sessions were recorded and are offered for on-demand viewing online. See details below regarding how to register to watch the on-demand videos, or contact the AAM Office with any questions.

- ◆ Fall CLE Seminar Originally Held on 9/11/2020: [Online Viewing: Advanced Attorney-Mediator Training and CLE Seminar: Fall 2020, Remote but Together](#)
- ◆ Webinar Originally Held on 1/15/2021: [Online Viewing: A Conversation with Chris Nolland, 1/15/2021 Webinar](#)
- ◆ Spring CLE Seminar and Annual Meeting Originally Held on 4/23/2021: [Online Viewing: Spring 2021 Advanced Attorney-Mediator Training and CLE Seminar](#)

If you are seeking CLE/CME credit for the viewing of the on-demand videos, please email [aam@attorney-mediators.org](mailto:aam@attorney-mediators.org) *BEFORE* registering to confirm the event has been approved for CLE credit in your state. Watching the recording may not result in CLE credit due to various states' guidelines, so please ensure your state is listed below or you discuss with the AAM Office prior to registering.



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#### **We're looking for content from our Members!**

Submit articles and photos to the AAM National Office to be included in our upcoming social media posts and newsletters.

## Zoom Mediations Are Effective and Here to Stay

By Patrick Keel



Patrick Keel, a former state district judge, has been a full-time mediator and arbitrator for over 16 years, helping resolve thousands of disputes involving all areas of civil litigation. He is also an adjunct professor and frequent guest lecturer at the UT School of Law.

After months of mediating cases by Zoom, how do lawyers feel about the video format compared to traditional, in-person mediation? I was genuinely curious, so I asked all lawyers in my contacts list. Over 300 shared their opinions by replying to an on-line survey.

The responses confirmed my suspicion: Lawyers believe that mediating by video conference has worked well. In fact, a huge majority of lawyers (75%) report that their effectiveness as advocates for their clients has been unchanged or even *improved* while using the video format (See Chart 1).

Likewise, 70% of lawyers rate the effectiveness of mediators as unchanged or even *better* by video (See Chart 2).

Moreover, the above responses reflect the opinions of experienced lawyers, not just young attorneys who might be expected to more easily adapt to mediating

by video. Over 76% of the survey's respondents have practiced law for more than 15 years; only about 2% have been practicing for fewer than five years (See Chart 3).

Many of the responding lawyers' comments strike familiar themes: Mediating by video is different but manageable, eliminates the stress of travel and other logistical challenges, and minimizes "downtime" during mediation sessions.

What about the opportunity to reach a settlement by video compared to mediating in person? As with their views about mediators' and their own effectiveness, the responding lawyers reported either no change or an improvement—59% said no change and 13% said that the video format actually improved the chances of striking a deal (See Chart 4).

As one lawyer commented: *If a case is not going to settle live, it won't settle by Zoom. If it likely would settle live, it'll likely settle by Zoom.*

Finally, the above enthusiasm for mediating by video is also reflected in lawyers' predictions about the future. When asked whether they are likely to consider using video for mediations after the pandemic is over, a whopping 69% said yes. Only 12% said no, with the remaining 19% saying maybe (See Chart 5).

Among those who said they would consider mediating by video in the future, 44% said they would prefer to attend more than half of their mediations by video. See Chart 6).

As one lawyer said: *Even after COVID, Zoom will have become the venue of choice for those who want to reduce travel time and expenses.* Another predicted: *There still will be occasions when in-person interaction between the mediator and one or more parties will prove beneficial. In most instances, that will not be a factor.*

Here is a prediction of my own: Although many practices developed during the pandemic will carry over to our “return to normal,” there are plenty of things we used to do in person that we will still prefer to do in person. Thus, I anticipate that some of my post-pandemic mediations will still be conducted by Zoom; but most, I expect,

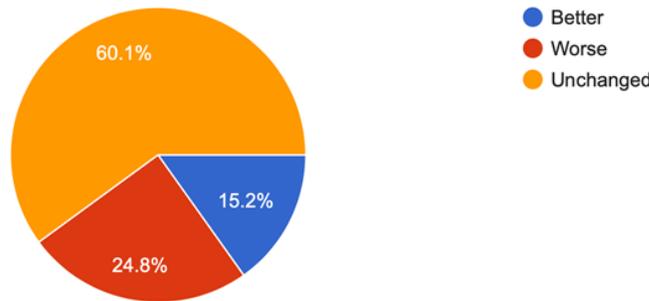
will return to the traditional, in-person format.

Why? Right or wrong, I believe the view is cemented among both lawyers and mediators that personal interaction is a big part of mediation’s usefulness in settling disputes. Although platforms like Zoom have rescued us from sitting idle during Covid-19 and perhaps will cause some mediation participants to question expenses like travel, the majority of mediations will still be done in person, the “old-fashioned” way.

Time will tell. Here’s to being flexible enough to adapt to whatever the future holds.

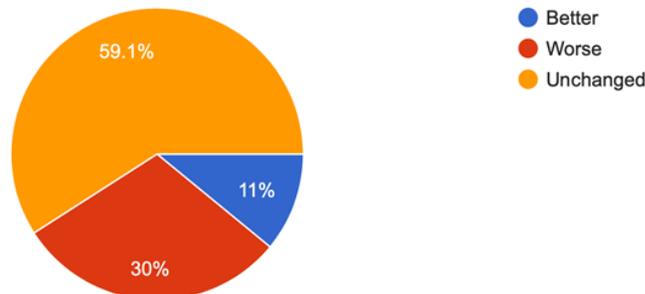
**Chart 1**

Compared to the traditional, in-person format, mediating by video has made my ability to advocate for my clients:  
343 responses



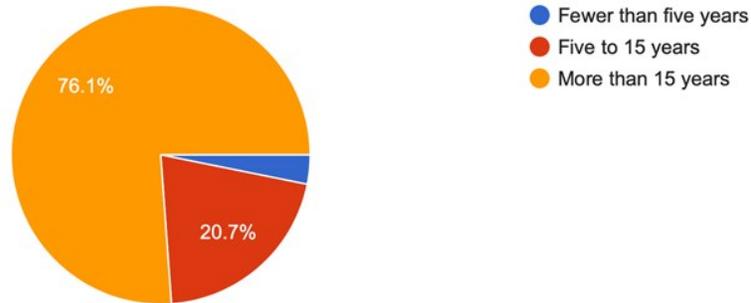
**Chart 2**

Compared to the traditional, in-person format, mediating by video has made mediators' effectiveness:  
347 responses



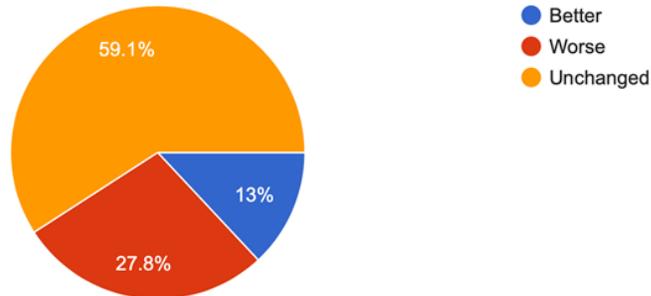
### Chart 3

I have been licensed to practice law for:  
348 responses



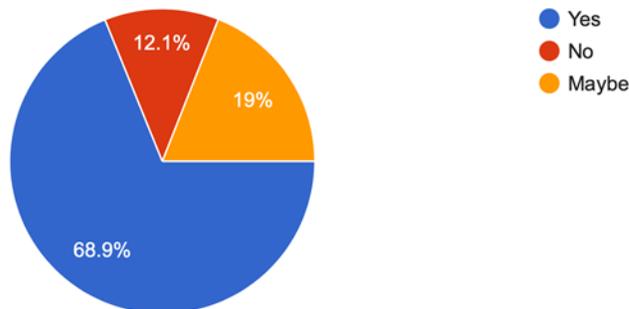
### Chart 4

Compared to the traditional, in-person format, mediating by video has made the opportunity to reach a settlement:  
345 responses



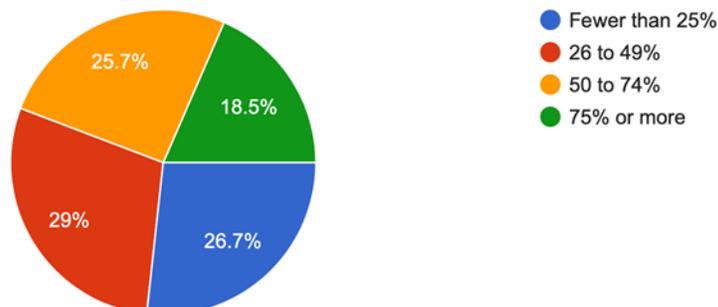
### Chart 5

After the pandemic is over, are you still likely to consider using video for mediations?  
347 responses



### Chart 6

After the pandemic is over, what percentage of mediations would you PREFER to attend by video instead of in person?  
303 responses

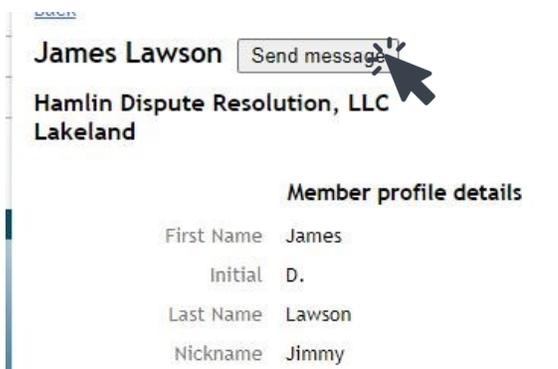


## REMINDER: MEMBER PROFILE PRIVACY SETTINGS

Members set their own privacy settings within their member profile of the AAM website. Each member is able to select what information and data on their searchable profile is public. **Please look over your selected privacy settings and update based on your preferences.**

If you want a way for AAM website visitors to contact you without publicly publishing your email addresses on the website, you can update your member profile to have a **Send message** button instead of your contact details. This member contact form will help prevent you from being targeted by spammers. You can be contacted while still maintaining privacy. Members can choose to enable or disable the contact form for their own account by clicking on the **Privacy** link their member profile. (See next page for how-to instructions)

**Example “send message” contact form:**



Member profile details	
First Name	James
Initial	D.
Last Name	Lawson
Nickname	Jimmy



## PHISHING ATTACKS

Phishing attacks are emails pretending to be from legitimate people or companies that aim to obtain and misuse your personal information. **Make sure you know the basics: check if you recognize the sender's address, and don't click any links or give any information unless you're sure it's legitimate.** If you have a question about the legitimacy of any email supposedly from AAM or an AAM Officer, please email [aam@attorney-mediators.org](mailto:aam@attorney-mediators.org)

# MEMBER PROFILE PRIVACY SETTINGS

## INSTRUCTIONS FOR UPDATING YOUR PROFILE PRIVACY

**To change your privacy settings, please follow these steps:**

1. Log into your account at [www.attorney-mediators.org](http://www.attorney-mediators.org)
2. Go to your member profile by clicking on your name
3. Click the Privacy link
4. Click the Edit profile button to enter edit mode
5. You may now choose whether to enable the member contact form and/or disable your email address being visible to the public
6. Once you are finished making changes to your settings, click the Save button.

### My profile

[Profile](#) **[Privacy](#)** [Email subscriptions](#)

Show profile to others

#### Details to show

(in member directories, forum and blog posts)

	 Anybody	 Members	 No access
 Photo album	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
 Send message form	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
 Membership level	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>