

The ADR Quarterly

Alternative Dispute Resolution Section of the State Bar of Michigan



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The Chair's Corner Before Shooting and Looting: A Call to "Arms"

by Toni Raheem

It was not just the recent events in Ferguson that led me to think about this call to arms. It has been many things. We in the ADR community have long focused on resolving conflict, be it in international affairs, litigation, school based issues or community disputes. But what are we doing to stop conflict *before* it divides?

A student in one of my recent training classes, in discussing youth in her community that resort to violence, mentioned that often times these young people may simply know no other way to resolve conflict than through violence. Law enforcement may similarly be limited in the skills they possess to "keep the peace," as reflected in the line from an old cop show to "Let's get them before they get us." The same may be true for many other facets of our society, from politicians to educators to business people and more. Too often they simply have limited knowledge of best practices for addressing conflict.

Can we in the ADR field help teach that conflict does not have to be hurtful, and how it can, in fact, be helpful? Of course we can.

The very skills that help us to resolve conflict once it devolves into controversy can be applied to *prevent* conflict from becoming destructive. We know that conflict itself is not only natural and inevitable, it can be positive when it helps people communicate and grow. But we also know that when conflict bubbles up into anger, distrust, disrespect and/or violence, it becomes counterproductive, often costly and sometimes fatal.

So what can we in the ADR field do? There may be many ways, but I suggest we start at the beginning--with the youth. This is not because youth are the primary cause of destructive conflict, but simply because

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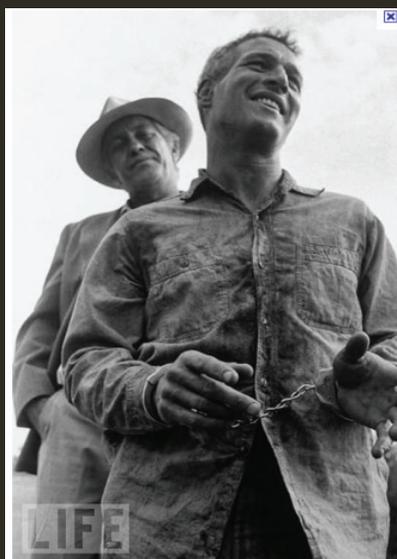
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they may require less “unlearning” of bad approaches to conflict resolution because of their youth. I call on each of us to look to the children in our communities and find opportunities to help them learn the basic ways to positively address conflict before it escalates into problems. Set up talks at schools, to neighborhood sports teams, to youth groups at religious institutions, at community centers or wherever makes sense. Help kids understand how to listen, how to communicate respectfully, how to reflect and how to brainstorm solutions. Role-play with them. Listen to their concerns and help them go into the world “armed” with skills to make every conflict an opportunity instead of a catastrophe.

If this approach to preventative conflict education does not suit you, pursue other options. Meet with your fellow ADR professionals and develop your own approaches. But do something. This is my call to you--your call to “arms.” This call goes out to arbitrators, mediators, community volunteers and ADR educators alike. Whether you work in an office, a school, the community or elsewhere, we are all affected by the larger society’s ability (or inability) to cope with conflict. I hope that in some small way we in the ADR community can contribute to building an environment where conflict is embraced because of its opportunities, rather than feared because of its dangers. Let us all aspire to shape a society where each person involved in conflict leaves it a little bit better. ❄️



“What we’ve got here is a failure to communicate!”

Strother Martin, “Cool Hand Luke”



iMediation - 16 Ways to Employ Your iPad in Mediation

*by Sheldon J. Stark
Mediator and Arbitrator*

iPads are ubiquitous. We see them on the airplane, at the beach, on the next table at lunch, in the coffee shop and on counsel table during motions and trials. We use them for entertainment, to communicate, to gather information, engage in research, follow the news, access email, maintain calendars, prepare

PowerPoint/Key Note Presentations, and more. Increasingly, we use them in our practices to complement our work horse computers, because they are easily transported. In mediation, I’ve seen multiple uses at the table for advocates *and* the mediator. What follows are suggestions for how you might put your own iPad or tablet computer to work.

1. Document Exchange: My first experience with an iPad in mediation came in a case presenting a claim for long term disability benefits. LTD cases are document heavy. Finding the right document at the right time for the right purpose can be challenging. One attorney arrived with every document saved on his computer. The other wheeled in four bankers’ boxes on two luggage carts. Finding specific documents was quick and easy for the first, time consuming and laborious for the second. Eventually, the issue was narrowed to whether any treating physicians had determined plaintiff to be totally and permanently disabled within a specific 4-week period. With a few key strokes, plaintiff’s counsel - with a sigh of relief - quickly found the document he was looking for. He dropped the image onto his iPad so I could show opposing counsel. Using the Bates stamp, defense counsel dug through her boxes for a hard copy - and accepted plaintiff’s last offer. I bought an iPad immediately.

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2. Sharing Email: My very first mediation after purchasing an iPad involved claims of employment discrimination and sexual harassment. The parties agreed to mediation before the start of discovery and knew very little about each other's claims and defenses. As the mediation unfolded, defense counsel questioned whether plaintiff had documentation to support one of her complaints. Plaintiff's counsel had a number of damaging emails from a top corporate manager saved on his laptop. The emails were forwarded to my iPad for display in the defendant's caucus. Defendant's corporate representative had never seen them. After making calls and learning "the rest of the story," he settled the case. Counsel could have shared hard copies. Using the iPad was convenient and simple. Looking at email on a computer screen added a touch of realism.

3. Drafting a Letter of Apology: In a commercial dispute, the corporate representatives suing for fraud and misrepresentation were righteously indignant. The owner/president of the defendant business was somber, remorseful and prepared to apologize *in writing*. He recognized that his chief subordinates - whose employment had been terminated - had let him down, having engaged in conduct neither condoned nor approved. After agreement on dollars, the parties reached an impasse over precise wording in the apology letter. Part of the problem was *seeing* the letter on an iPhone screen. With my iPad, I was able to integrate alternative drafts until the parties reached agreement on a final version. The iPad was valuable for composing the letter, seeing *how* it looked and reading what it said.

4. Sharing Snip-Its of Deposition Testimony: Many disputes commonly reach mediation after the exchange of thousands of documents and the taking of multiple depositions resulting in hundreds of pages of transcript. In such disputes, counsel rarely brings their entire file. Hence, if a party changes or enhances their story at the mediation table, the other side starts looking for impeachment material. Too often, however, the key transcript - containing contradictory testimony - is back at the office. When the advocates remember the disputed testimony differently, the discussion is unproductive. An iPad can be a potent antidote. In a probate dispute, for example, the claimant denied being involved in an ugly incident with another family member. His behavior in the incident explained why he had been written out of the estate plan. If he wasn't part of the incident, as claimed, perhaps there was something to the allegation of undue influence. Numerous depositions and thousands of documents had been exchanged but not one of the attorneys brought along the entire file in hard copy. Not surprising. There were multiple red ropes filling file cabinets in all their offices. An important risk issue for all parties was which version of the incident would most likely be believed by a jury. One attorney called her office and e-copies of deposition transcript were emailed. The relevant Q and A was quickly found and the claimant reminded of his previous testimony. The case did not settle immediately, but those few lines of testimony had an impact on the claimant's flexibility. The case settled shortly after.

5. Understanding Spreadsheets: In a commercial dispute between two competing business entities, the parties argued as much over damage calculations and theories of loss as they did over liability. One attorney repeatedly complained he could not understand how plaintiff's claim for damages was calculated. I understood the numbers (to a degree) but not sufficiently well to explain them in the other conference room. At that point, the parties were uninterested in a joint session to discuss numbers. One of the advocates was proficient with spreadsheets. While I was caucusing with the other party, he sat down and developed *three* alternative spreadsheets projecting lost profit and damages with much the same result in each. After forwarding the spreadsheets to my iPad, he walked me through the calculations step-by-step until even I could explain them. The projections were then emailed to the other side and I went in to answer questions. The calculations became the basis for the final settlement numbers.

6. Drafting a Joint Press Release: Sometimes we mediate cases that are in the news, the dispute caught up in the frenzy of media coverage. In one such case I mediated, the parties reached agreement on all terms, including agreement to issue a joint press release. As the devil is in the details, resolution started to unravel due to alternative visions of what that press release should say. Again, iPad technology came to the rescue. We'd settled so many other issues that evening, we decided to mediate the press release, as well. The parties exchanged language by emailing draft proposals to me. My job was to explain or "translate" their concerns. Once each side saw the exact words and understood the underlying interests of the other, they reached agreement on a final version.

7. What Do the Court Rules Provide: In a garden variety employment dispute, the parties found a way to disagree about a court rule. No problem. My iPad was connected to a wireless network and we were able to look up the rule and move past the dispute.

8. The Corporate Website: In a commercial dispute over ownership of rights to an invention, one of the parties accused the other of improperly taking credit for an aspect of the product on its website after the developer moved on to another company. After a few choruses of "we took it down," and "no, you did not take it down," I used my iPad to take a look for myself with the parties watching. The reference had in fact been removed from the page where it had been posted originally, but a version *remained* posted on a different page of the website, a page containing positive press coverage of corporate activity. No one had bothered to review a page filled with "old news." The failure to remove the credit had been inadvertent. The news clipping was taken down and an irritant which made settlement more difficult was removed.

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9. Memorandum of Understanding/Term Sheet Drafting: When the parties reach a settlement, best practice dictates that nobody leave the mediation table until all sign a binding and enforceable document memorializing their agreements. Otherwise, a party may go home, talk to a trusted advisor, spouse or friend and experience a change of heart. Moreover, issues sometimes surface in agreement drafting not previously considered. Away from the mediation table and days later, drafting disputes can prove difficult, taking weeks if not months to resolve. I encourage defense counsel to provide boilerplate Final Settlement and Release of All Claims language to opposing counsel long before the mediation starts in order to fill in the blanks when resolution is achieved at the table. Sometimes it doesn't go as planned. When the parties do not exchange final agreement language in advance, a Memorandum of Understanding or Term Sheet is needed. When someone at the table has an iPad or computer, drafting becomes substantially easier. Everyone can easily see the language, changes can be readily made without crossing out mistakes and modifications, no one's handwriting is tested for readability, and the final document can be readily emailed to parties participating by phone or sent to a printer wirelessly.

10. Keeping Track of Agreements: Some cases are more complicated than others. Sometimes parties reach agreement on various questions along the way to a final resolution. What's the best method for keeping track? In an employment case, for example, the parties may agree to mutual non-disparagement *in the event of resolution*, removal of a bad evaluation from the personnel file, a change in title, adjournment of an event in a related proceeding, reimbursement of an expense payment, etc. With an iPad, it is easy to account for and later retrieve such "mini-agreements" in one place. In the bad old BI days (Before iPad), everyone searched through multiple pages of notes on yellow legal pads hoping to "catch" them all. Not anymore.

11. Notes to Self: Sometimes an idea occurs to me as I'm mediating, but the time isn't ripe for exploring it. In the past, I made notes in the margin of my legal pad. As the process progressed, these notes were sometimes forgotten. Using the iPad Notes App allows me to retain and keep track of such ideas quickly and easily.

12. Calculating Numbers: Many times, a case presents simple numbers - numbers that no one has thought to add together in advance: lost wages to date, total court costs, expense reimbursements, number of complaints per year, etc. When it becomes necessary to add up numbers at the table, the iPad calculator App does the trick quite well. In the past, I used an iPhone. A larger screen and bigger numbers make this task - you'll pardon the expression - geometrically easier. And, if you want others to see how the totals come out, the larger screen can be readily seen by everyone else at the table. I have not yet invested in an LCD projector, but I just might do so soon.

13. Emailing Photos: Many cases present issues where a photograph can be a significant piece of evidence. Photos printed on a copy machine are generally of poor quality. Electronic versions of photos displayed on an iPad are very effective. In a recent mediation, the parties argued about the text of certain hand lettered signs in the work place. Defendant took pictures with his iPhone to settle the argument. The text was too small to make out but when transferred to an iPad, they were readable and unmistakable. In a discrimination case, a photo of the staff directory in a building was used to argue that women were not accorded the same respect as men. In a fire loss case, pictures of the destruction from multiple angles were persuasive in understanding damages. In an Americans with Disabilities Act case, a video was brought to mediation to demonstrate that a reasonable accommodation was possible.

14. Mediator Standards: Michigan has adopted new standards of conduct governing mediator responsibilities. They're clear and detailed. From time to time, I've felt the need to review those standards during mediation to refresh my memory and avoid getting into trouble. I could easily make a copy and carry them in my briefcase. It is easier to bring them up on my iPad and review them electronically.

15. Picture it Settled: A friend introduced me to a free software program which allows the user to plug in various offers and counter-offers made during the course of a negotiation to anticipate where the process might conclude. The program, Picture it Settled, is simple, easy to use and takes into account both the dollars and the percentage change each move represents. The graph created can help bolster parties who grow frustrated with the slow pace of offers and counter-offers that are sometimes required by the bargaining styles of certain litigators.

16. "What We've Got Here Is a Failure to Communicate:" Have you noticed how often disputes are the result of a breakdown in communication between parties? In a business break up, a partner didn't explain his decision to deviate from a board decision. In a termination case, a subordinate handled one crisis rather than another but didn't inform the boss. In a business dispute, the customer didn't pay an invoice and provided no explanation. In a bank case, the borrower failed to give notice a payment would be delayed. The list goes on; we've all seen it. Absent good communication, even parties in long standing relationships can grow suspicious and begin to draw negative inferences. Where money is at stake, suspicion, distrust and a lack of information in combination can lead to litigation. As mediator, I often find myself asking the disputants and their counsel whether they remember the movie "Cool Hand Luke" with Paul Newman. In the film, Newman's character is a smart aleck sentenced to hard labor on a Southern chain gang. Strother Martin plays a sadistic overseer. In one famous scene, Martin looks down at Newman writhing in the dirt after a beating and says, only a hint of sarcasm in his voice, "what we have here is a failure to communicate." I prepared a PowerPoint slide depicting the two actors along

with the quote for a CLE presentation. In a recent case I was struck by the extent to which a failure to communicate was at the center of the dispute. Believing a picture is worth a thousand words, I pulled out my iPad, found the slide and showed it to the parties and their lawyers. Everyone laughed. Everyone got the point. We were able to move forward. That slide is now part of my mediator's tool kit, available to show in *every* case where it might be appropriate.

There you have it: 16 different ways to make use of an iPad at mediation. Most work equally well for advocates *and* mediators. We are limited only by our imagination.

Sheldon J. Stark is a member of PREMi, Professional Resolution Experts of Michigan and the National Academy of Distinguished Neutrals. He is an employment panelist for AAA and one of three trainers in ICLE's award-winning, 40-hour, hands-on mediation training. In 2009 he received the Distinguished Service Award from the Labor and Employment Law Section of the State Bar and in 2010 the Michael Franck Award from the Representative Assembly.



Overcoming Reluctance to Engage in Mediation *

by Laura A. Athens

Many attorneys know and appreciate the benefits of mediation. Those who are familiar with the benefits of mediation readily propose and eagerly participate in it. However, if you encounter resistance, how do you address it?

You do what any good mediator does: start asking probing questions to determine the underlying reason for the reluctance. This article reviews some common sources of resistance to mediation and ways to overcome it.

Lack of Understanding of Mediation and Its Benefits

Sometimes education of the hesitant party is necessary. You may need to explain what mediation is and what it is not. As prevalent as mediation is, some still do not fully understand the process. Reviewing some basic cannons may be helpful. Mediation is voluntary. The parties must choose to participate and may discontinue at any time. Engaging in mediation does not preclude pursuit of traditional litigation or other forms of alternative dispute resolution (ADR). The mediator has no authority to impose a decision or force any particular outcome. The mediator is a neutral, impartial professional who helps the parties communicate concerns, identify issues, explore options and reach solutions.

Confusion may arise concerning the different forms of mediation. The **facilitative** approach focuses on helping parties to discuss their interests, generate potential options and reach their own mutually satisfying agreement. In **evaluative** mediation, the mediator often shares opinions, evaluates legal positions and predicts likely outcomes to guide the parties in reaching a resolution. **Transformative** mediators empower the parties by fostering their recognition of each others' perspectives, building understanding and transforming the quality of their interactions.

You may wish to share the many benefits of mediation. Mediation promotes communication, collaboration and joint problem solving. It is efficient and cost effective. Confidentiality and privacy are protected. Mediation provides the parties with an unparalleled opportunity to craft a unique agreement that -- with the help of the mediator and legal counsel -- addresses their particular concerns. Together, the participants are able to reach innovative, mutually satisfying and enduring solutions that neither party, nor a judge or jury, would have contemplated.

Mediation is particularly advantageous to parties who have a continuing relationship. The mediation process builds trust and rapport, preserves the relationship, and teaches fundamental negotiation skills that can be utilized if and when future disputes arise. Parties actively engaged in the negotiation process tend to be more invested in the result and less likely to pursue future litigation.

Concerns about the Mediator

At times, opposition can stem from the mediator proposed by a party. Opposing counsel or their clients may not be comfortable with the style or reputation of a proposed mediator. They may have had a negative prior experience with the mediator or the entity with which the mediator is associated. Some may prefer a mediator with subject matter expertise; others may prefer a mediator who uses a particular approach.

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Some may wish to pursue private mediation; others may wish to utilize an alternative dispute resolution center. In some cases, mediation is available through a judge or magistrate who is not presiding over the case. If there is a concern that the other party will reject a particular mediator based on a perception of bias, Professional Resolution Experts of Michigan (PREMi) offers a diverse panel of seventeen neutral ADR providers with a wide-range of subject matter and process expertise to assist legal counsel and their clients to resolve disputes.

Concerns about the Mediation Process

Mediation is not an all or nothing proposition. One of the hallmarks of mediation is that the process is flexible and user friendly. If you sense that an attorney is interested in mediation, but seems concerned about it being premature, you may want to point out that mediation serves many purposes and is valuable at any stage of litigation. Engaging in mediation early can clarify the issues in dispute, promote informal and expeditious discovery, result in full or partial resolution and make the entire litigation process less adversarial.

Selection of a mutually convenient time and place for the mediation is crucial. Careful and deliberative planning of the time, place and duration of the mediation, consideration of the needs of all participants is essential. Pre-planning allows the parties to focus on negotiation, rather than being distracted by other concerns. If work or other obligations preclude pursuit of mediation during normal business hours, many mediators offer flexible evening or weekend options. A good mediator will work to accommodate the schedules of the participants and ensure that all participants are comfortable with the time and location of the mediation session. If necessary, rely on the mediator to help you plan the mediation process and identify the key participants to foster collaboration and promote an optimal outcome.

Cost Concerns

A disparity in the economic resources of the parties often exists. An even split of the mediation costs is not always an equitable arrangement. Each party's ability to contribute to the costs should be assessed. To reach a fair cost sharing arrangement, you may wish to suggest proportionate payment of the mediation costs based on the respective resources of the parties. Mediation costs should not serve as an obstacle when utilization of it often results in substantial cost savings as well as greater satisfaction with the outcome.

Unfounded Fears

Those who have limited or no mediation experience, may feel like a "fish out of water." The philosophy underlying mediation may be counterintuitive and foreign to them. Mediation requires a paradigm shift from positional bargaining to joint problem solving. Attorneys are accustomed to zealously advocating and defending the client's position, not focusing on the interests of both parties.

Some attorneys may fear that if their clients can reach agreements with the help of a mediator, then legal representation may be viewed as superfluous. Because the mediator's role is to facilitate the parties in reaching a mutually agreeable resolution and not to provide legal advice or usurp the role of the attorney, the parties often want and need legal representation during mediation. While the lawyers' roles shift from zealous advocates to trusted legal advisors in mediation, their counsel is equally valuable. Clients will continue to rely on their attorneys to advise them of their legal options, assist them in evaluating potential solutions, drafting settlement terms and protecting them from exploitation.

You may be concerned that proposing mediation may be perceived as a weakness. However, proposing mediation demonstrates to your clients that you understand the importance of seeking more expeditious and economical ways to resolve disputes. Fewer clients are willing to tolerate the extraordinary costs, considerable time commitment and excessive delays associated with traditional litigation. Mediation allows parties to be masters of their own destiny. By promoting mediation as an option, attorneys enable their clients to take a more active role in the dispute resolution process and have more control over the ultimate outcome. Successful, expeditious resolutions will lead to more satisfaction, increased perceived value and generate more business. Your clients will thank you for suggesting mediation and will be more likely to refer their colleagues and associates to you.

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Laura A. Athens is an attorney, mediator and arbitrator in Farmington Hills, Michigan. Her practice focuses primarily on education law and disability rights. She previously served as a Hearing Officer in special education and vocational rehabilitation matters. She mediates educational, special education, vocational rehabilitation and guardianship disputes. Ms. Athens has published numerous articles on education law and alternative dispute resolution, frequently lectures on school-related topics and is a member of the Professional Resolution Experts of Michigan, LLC (PREMi).

SBM Pro Bono Initiative Extends Pro Bono Status to Volunteer Attorney Mediators

During one of the ADR policy council meetings during the winter, there was a discussion regarding the costs to ADR practitioners and the lack of pro bono hours for all of the mediations that were being conducted at the Community Dispute Resolution Centers (CDRP) and other volunteered time.

Marc M. Stanley, Dispute Resolution Director, Southeastern Dispute Resolution Services, discussed the Community Dispute Resolution Centers' volunteer hour tracking process for our in-kind match, which each Center conducts for funding and audit purposes. Each CDRP office maintains a very strict internal volunteer tracking process to show not only the number of cases mediated, but the total time volunteered for those mediations and other events the Centers put on. The CDRP has a market rate set for a variety of volunteer time, including time used exclusively for mediation and mediation education. At the end of any mediation session, event or presentation, any volunteer, including attorney/mediators are required to fill out and sign a time status sheet for that specific event, case or day. These sheets are maintained by the Center and added to a case management database. The data collected will be used for funder reports and yearly time audits.

Marc shared these processes with Robert Mathis of the Pro Bono Institute and questioned why attorney/mediators had not received pro bono status for their volunteered hours. Mr. Mathis kept Marc apprised of the study and the white paper that was being developed by the PBI and the Institute's vote as to the status of pro bono time being granted to all mediators who volunteer services. The Institute's position changed and it has now agreed that any attorney mediator who volunteers mediation services at no cost or significantly reduced cost can qualify for pro bono status.

You can follow the link below and read the PBI's position paper on the change to the pro bono status.

<http://www.michbar.org/programs/ATJ/pdfs/ADRpolicy.pdf>

Effective Practices and Procedures Action Team Notice

If anyone knows of any proposed Court Rule amendment, proposed legislation, or any administrative regulation or any other policy that might have alternative dispute resolution implications, please forward that information to the Chairperson of the ADR Section's Effective Practices and Procedures Action Team (EPP), Martin C. Weisman, at mweisman@wyrpc.com so the EPP Team can review the information and make recommendations to the ADR Section's Council on any action that should be taken on behalf of the ADR Section.

Martin C. Weisman, 248-258-2700, mweisman@wyrpc.com. **

How to Find Mediation Trainings Offered in Michigan

Mediation trainings are regularly offered by various organizations around Michigan. Mediators who wish to apply for court mediator rosters must complete a 40-hour training approved by the State Court Administrative Office. Courts maintain separate rosters for general civil and domestic relations mediators, and there are separate 40-hour trainings for each. In addition, domestic relations mediators must complete an 8-hour course on domestic violence screening. Mediators listed on court rosters must complete eight hours of advanced mediation training every two years. MCR 2.411(F)(4)/3.216 (G)(3).

Most mediation trainings offered in Michigan are listed on the SCAO Office of Dispute Resolution web-site:

<http://courts.mi.gov/Administration/SCAO/OfficesPrograms/ODR/Pages/Mediation-Training-Dates.aspx> **

Upcoming Mediation Trainings

General Civil Mediation Training

The following 40-hour mediation trainings have been approved by SCAO to fulfill the requirements of MCR 2.411(F)(2)(a). For more information, visit the SCAO Office of Dispute Resolution website, and select "Mediation Training" then "Upcoming Trainings":

<http://courts.mi.gov/Administration/SCAO/OfficesPrograms/ODR/Pages/Mediation-Training-Dates.aspx>.

Lansing: **October 2, 8, 9, 29-30**

Training sponsored by Resolution Services Center
Contact Peg MacDougall, 517-485-2274

Plymouth: **October 9-11, 31-November 1
February 12-14, March 6-7, 2015**

Trainings sponsored by Institute for Continuing Legal Education
Register online at www.icle.org, or call 1-877-229-4350.

Ann Arbor: **October 17-19, 24-26**

Training sponsored by The Dispute Resolution Center
Register: <http://www.thedisputeresolutioncenter.org>

Bloomfield Hills: **November 7, 14, 21, December 5, 12**

Training sponsored by Oakland Mediation Center
Register online at www.mediation-omc.org or call 248-348-4280

Grand Rapids: **January 26, 28, 30, February 2, 4, 6, 2015**

Training sponsored by Dispute Resolution Center of West Michigan
Register online at www.drcwm.org or call 616-774-0121

Domestic Relations Mediation Training

The following 40-hour mediation trainings have been approved by SCAO to fulfill the requirements of MCR 3.216(G)(1)(b):

Bloomfield Hills: **October 2**

Training sponsored by Oakland Mediation Center
Register online at www.mediation-omc.org or call 248-348-4280 ext. 21

Domestic Violence Screening Training

Ann Arbor: **October 3**

"Boot Camp for Domestic Mediators: Family Law from A to Z"
Training sponsored by The Dispute Resolution Center
Register: <https://co.clickandpledge.com/advanced/default.aspx?wid=37683>



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<http://www.michbar.org/adr/newsletter.cfm>



ALTERNATIVE DISPUTE RESOLUTION SECTION

2014 Annual Meeting and Conference

Friday – Saturday, October 17-18, 2014

Kensington Court (formerly Crowne Plaza)

610 Hilton Blvd, Ann Arbor, MI 48108

Advanced Mediation Training: Once again the ADR Section of the State Bar of Michigan and the Family Mediation Council Michigan (FMC) are collaborating to offer outstanding, SCAO-approved programs designed to improve your knowledge base and enhance your skills as a mediator. Join your colleagues at a program of intensive, interactive professional development and casual networking.

Cheryl Cutrona - ADR-Section-Sponsored featured National Trainer: Cheryl has been the Executive Director of Good Shepherd Mediation of Philadelphia, PA since 1991. She is a mediator, facilitator, conflict coach, trainer, arbitrator, editor, attorney, and adjunct faculty at Temple University Beasley School of Law. She serves in leadership positions in local and state-wide dispute resolution organizations and has received several state-wide awards for her contributions to the field. She received her undergraduate and Masters degrees from two of Michigan's finest before heading to Pennsylvania for law school.

Friday, October 17, 2014

FMC-Michigan Conference (separate registration fee)

- 8:30 – 9:00 a.m. Breakfast Buffet and Welcome
- 9:00 – 11:45 a.m. Advanced Mediation Training on Financial Issues in Family Mediations
- Financing a Home After the Divorce – Steven Nardin
 - The Affordable Care Act and Family Mediation – Rebecca Tooman
 - Social Security Information for the Family Mediator – Ann Arbor SSA District Office Representative

ADR Section Meeting and Conference

- Noon – 12:30 p.m. Registration
- 12:30 – 5:15 p.m. Advanced Mediation Training – Skill-building for Experienced Mediators
- Why Mediation Works
 - Reframing
 - Turning Complaints into Requests
 - Opening Lines of Communication
 - Maximizing the Use of the Caucus
- 5:15 – 6:00 p.m. Hotel Check-in
- 6:00 – 7:00 PM Networking and Cocktail Hour
- 7:00 – 8:45 PM Dinner and Awards & Recognition

Saturday, October 18, 2014 (ADR Section Meeting Continued)

- 8:00 – 8:30 a.m. Continental Breakfast
- 8:30 – 9:00 a.m. Annual Meeting
- Annual Reports
 - Election of Officers and Council Members
- 9:00 – 12:30 p.m. Advanced Mediation Training
- Dealing with Difficult Personalities in Mediation
 - What Presses YOUR Buttons?
 - Maintaining Neutrality
 - Understanding Other's Difficult Behavior
 - Defensive v. Cooperative Communication
 - The Ethics Game: What Would You Do?
 - Test your knowledge of the Michigan Mediator Standards of Conduct
- 12:30 p.m. Lunch (on your own)

Registration Fees: (Must be submitted by Oct. 9, 2014)

- Both Conferences: \$175
- FMC Conference Fee: \$40 for members; \$50 non-member
- ADR Conference Fee: \$150 regular; (law/graduate students \$75, sitting Judges no-charge)
- Friday Award Ceremony & Dinner: \$45 /ea (not included in Conference Fee)

Hotel Registration:

Reduced rates based on availability only until **October 3**. Contact Kensington Court directly and reference "Alternative Dispute Resolution Section" at 800.344.7829 or 734.761.7800.



ALTERNATIVE DISPUTE RESOLUTION SECTION

REGISTRATION

2014 Annual Meeting & Conference

October 17-18, 2014

Kensington Court

610 Hilton Blvd, Ann Arbor, MI 48108

Register online at <http://e.michbar.org>

REGISTRATION DEADLINE: Thursday, Oct. 9, 2014

Cost

Attending BOTH Conferences

ADR Conference & FMC Conference..... \$175 x ___ = ___

ADR Section Conference ONLY

ADR Section Conference ONLY..... \$150 x ___ = ___

* Law/Graduate Students (ADR Conference ONLY) \$75 x ___ = ___

*Sitting Judges (ADR Conference ONLY)..... FREE

ADR conference registration fee for sitting judges is waived. You MUST register by mail or fax and MUST pay for your dinner if you are attending Friday night's award ceremony.

*** Law/graduate students and judges must register by mail or fax ONLY.**

Family Mediation Council (FMC) Conference ONLY

Family Mediation Council Conference ONLY \$50 x ___ = ___

FMC Member (FMC Conference ONLY) \$40 x ___ = ___

Friday Evening

Awards ceremony, includes dinner \$45 x ___ = ___

Chicken Piccata.....# _____

Blackened Tuna Steak.....# _____

Prime Rib.....# _____

Vegetarian Moroccan Stew.....# _____

Please advise of food sensitivities/allergies: _____

Grand total = \$ _____

Questions

For additional information regarding the conferences contact Joe Basta at jcbasta@yahoo.com or (313) 378-8625.

Register One of Three Ways

Online: visit <http://e.michbar.org> to register online

Mail your check, or debit/credit card information, and completed registration form to:

State Bar of Michigan
Attn: Seminar Registration
306 Townsend Street, Lansing, MI 48933

Fax (ONLY if paying by debit/credit card) the completed form and credit card information to: Attn: Seminar Registration at (517) 372-5921

P #: _____ (if applicable)

Name: _____

Dinner Guest Name: _____

Your Firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: (_____) _____

E-mail Address: _____

Enclosed is check # _____ for \$ _____

Please make check payable to: STATE BAR OF MICHIGAN

Please bill my: Visa MasterCard for \$ _____

Debit/Credit Card #: _____

Expiration Date: _____

Please print name as it appears on debit/credit card:

Authorized Signature: _____

Hotel Information

HOTEL RESERVATIONS CANNOT BE MADE WITH THIS FORM.

Reduced rates based on availability and only until **October 3, 2014**. Contact Kensington Court directly and reference "Alternative Dispute Resolution Section" at 800.344.7829 or 734.761.7800.

Cancellation Policy: Registration and Payment must be received at the SBM on or before 3PM on Friday, October 3, 2014. Refunds will be provided only for Cancellations received in writing at the SBM by 3PM on **Thursday, October 9, 2014**. That notice can be made by e-mail (tbellinger@mail.michbar.org), fax (517-372- 5921 ATTN: Tina Bellinger), or by U.S. mail (306 Townsend St., Lansing, MI 48933 ATTN: Tina Bellinger.)