

Annual Report of the ADR Section 2004 - 2005

Comment: 18.04 DRAFT

As the ADR field continues to experience explosive growth the ADR Section of the Michigan State Bar has postured itself to be a leading voice in Michigan. The Section has enjoyed a reputation for support of ADR and ADR initiatives and is seen as a voice of counsel and expertise by SCAO, the Courts and practitioners throughout the State.

By September 2004, the ADR Section had two years of experience implementing its Strategic Plan. The ADR Section Council felt it was important to meet again with its Strategic Planning consultant, Marti Jenkins, to review its progress on the Section's Strategic Plan that was adopted in 2003. During a one day planning session that has held in October 2004, the Council met to adjust the plan and set the agenda for the upcoming year. Commitment to being governed by a Strategic Plan is particularly important when presented with numerous worthy opportunities and needs in the ADR field yet only limited resources available. The Section has tied each of its endeavors to the Strategic Plan, maintaining focus and direction.

The Council's activities were restructured to allow for fewer full Council meetings, more meetings of the Executive Committee, and emphasis on the work of Action Teams. These Action Teams reflect the Section's new focus to accomplish various objectives during the course of the year that are consistent with and governed by the Section's Strategic Plan.

The following summarizes some of the activities of each Action Team.

Website/Listserv Action Team.

Chaired by Jim Vlastic, the Section was able to disband this Action Team as it had accomplished all of its objectives with the issuance of List Serv and Web Site Policies. This team improved the ADR website and developed a Listserv for ADR Section members. Members may now obtain *The ADR Newsletter*, By-laws, information about Section projects and links to helpful ADR resources from the website. The Listserv now affords the Council an efficient means to rapidly disseminate information and opportunities to section members in accordance with the guidelines set forth in a written Listserv policy that has also been implemented. We thank Jim Vlastic for his continued efforts as the Web Site and List Serv administrator.

Skills Action Team.

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Providing quality opportunities for members to learn new skills and remain on the cutting edge of ADR developments, the Skills Action Team has been most effective in achieving its objectives. Partnering with ICLE to produce the annual Advanced Negotiation and Dispute Resolution Institute ("ANDRI") is an extremely time intensive endeavor and Dale Iverson and Barbara Johannessen have worked closely and tirelessly with ICLE on program format and speakers. Featuring both local and national experts, the 5th annual ANDRI for 2006 is now complete and a huge success. Attendance reached an all time high and received very positive reviews and accolades from all those who attended. The Skills Action Team has continued to work with ICLE and is planning the 5th ANDRI. Local and national speakers have been identified and retained and the expectations for another successful event are extremely high.

In addition to ANDRI, Skills has worked very hard to develop program content for the Section's Second Annual Meeting. The First Annual Meeting, held in September 2004, was viewed very favorably by all who attended. As a result, the decision was made to make the Section's Annual Meeting a yearly event with two day programming and a business meeting at a suitable location. This year the Annual Meeting will be held on September 8 and 9 in Mt. Pleasant at the Soaring Eagle Convention Center. Bob Creo, a nationally known expert in the field of ADR, will be the featured speaker during two days of programming. Also, the Section will bestow awards on Lynwood Beekman, Nanci Klein, and Susan Hartman.

Finally, in addition to partnering with ICLE, Skills members continued to provide appropriate support to the seminars and conferences on ADR being developed across the State by various entities.

Newsletter Action Team.

Under the leadership of Ben Kerner, the Section's publication, *The ADR Newsletter*, has continued its tradition of providing a quality publication with interesting and thought provoking articles. Employing the services of a publisher, feature articles, "Ask the Mediator" column, notices of training opportunities and conferences, and a substantive Chair's Column, the Section's publication enjoys an excellent reputation. This Action Team also has the responsibility to review all postings to the Sections web site and review all list serv announcements to insure compliance with the Section's policies.

Access Action Team.

Under the leadership of Tony Braun and Jonathan Moody, this team is charged with developing mechanisms for bringing ADR to those who cannot afford traditional fees and disseminating information about ADR to the under-informed. Access has partnered with the Dispute Resolution Association of Michigan (DRAM) in developing a pilot program entitled "Michigan Business ADR" (MBA). The contours of the program, tentatively slated for launch by the end of this year, is offering business to

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business mediation through the Community Dispute Resolution Centers. The goals of this unique program are the following:

1. Enhance familiarity and awareness of mediation in the resolution of disputes;
2. Create an environment where business to business disputes might be resolved prior to litigation and thereby preserve important business relationships at a significant cost savings;
3. Create and attract a group of highly qualified mediators in business to business disputes; and,
4. Provide a needed income stream to the Community Dispute Resolution Centers.

Under the leadership of Dave Gruber and Tony Braun, who are coordinating closely with the Michigan Manufacturer's Association and various business organizations on a marketing and publicity plan, the potential for a successful program is really quite exciting. This initiative has also led to very close coordination with Mary Bedikian at the MSU School of Law to develop programs and training to meet the needs of the business community. In sum, this program underscores the import benefits that can be achieved when the Council coordinates the available resources in the ADR field.

Effective Practices Action Team.

Under the stewardship of Susan Hartman, this Action Team identified and successfully tackled a very ambitious agenda. In addition to the preparation of a compilation of all statutes, court rules, and regulations dealing with ADR (for posting on the Section's web site), this Action Team, at the request of Chief Judge Whitbeck, formulated a recommendation to assist the Court of Appeals in the administration of its domestic relations docket.

In addition, the Team has consistently and systematically reviewed all pending legislation and regulations in the State of Michigan to determine their potential impact upon the field of ADR.

Another project the Action Team has focused upon will be presented at the Section's Annual Meeting: a review of the ADR practices in a number of states that are worthy of potential emulation in Michigan. This multi state study will hopefully be a vehicle to identify and implement potential best practices in Michigan.

Section to Higher Education Action Team.

Charged with developing relationships with universities and law schools to assist in developing ADR awareness and education, this Section effort is a long term project. Currently, the Section is discussing providing assistance and cooperation with MSU, the University of Michigan, University of Detroit/Mercy, and Wayne State University Schools of Law.

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Other Activities of Note:

The Section developed and implemented an affiliate process and application that will extend Section Membership to ADR professionals who are not members of the State Bar.

The Section undertook a comprehensive review of its Bylaws and have proposed a number of amendments for consideration at the upcoming Annual Meeting. It is believed the revised Bylaws more accurately reflect the practices and procedures of the Section.

The Nominating Committee spent significant time and energies to identify committed professionals to serve on the Section's Council. This year the Section will nominate four new Council members, all of whom are leaders in ADR, at its Annual Meeting in September. It is believed that the addition of these new individuals to assist the Council in its work will serve the Section well in the years to come.

Respectfully Submitted,
Richard L. Hurford, Chair 2004-2005