

ANNUAL REPORT OF THE ADR SECTION  
of the  
STATE BAR OF MICHIGAN  
2007-2008

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Our theme this year has been to expand the reach of ADR. Our goal is for more end-users to see and understand the benefits of ADR in helping to resolve a wide spectrum of conflicts and disputes. The idea is to allow more people to avail themselves of the opportunity to utilize various forms of alternative dispute resolution earlier in the dispute cycle in an effort to achieve efficient, cost effective, and mutually beneficial results.

This effort to expand the reach of ADR has been carried out largely by the Section's extremely active Action Teams: (1) Access: outreach to users and providers; (2) Annual Meeting: logistics and planning; (3) Effective Practices and Policies; (4) Higher Education: collaboration with law schools and graduate programs; (5) Judicial Access Team: collaboration with the judiciary and local bar associations; (6) Section to Section outreach to and collaboration with local bar associations and state bar sections; (7) Skills and Programs: annual ANDRI in collaboration with ICLE and annual meeting; (8) Publications: newsletter, webpage and listserve; (9) Membership; and (10) Nominating.

Each Action Team has prepared an Action Plan for 2008 which details the membership, mission, and action steps. These Action Plans have been posted on the ADR Section State Bar webpage under "Council Information". We have communicated with the ADR Section membership in the Quarterly Newsletter and email bursts encouraging their participation on these Action Teams. A number of Section members who are not on the Council have joined in and have made significant contributions. Perusal of the webpage will also display the ADR Section Mission, 2007-2008 Officers and Council Members as well as the ADR Section by-laws.

The ADR Section is committed to expanding the reach of ADR through proactive efforts in collaboration, outreach, partnership, and inclusivity. These principals guide virtually all of the activities undertaken by the Action Teams. We are fortunate as a Section to have the opportunity to work actively with so many other State Bar sections and local bar associations because efficient resolution of disputes is so important to the clients in virtually all areas of practice. Our challenge has been to channel our energies most effectively in the work of our Action Teams among all of the wonderful opportunities and great ideas. In December the Council sponsored a full day of short term planning facilitated by former Council members Dale Iverson and Anne Bachle Fifer in an effort to sharpen our focus and prioritize specific actions to be accomplished this year through

the Action Teams, as follows:

1) Access: Outreach to Users and Providers

The focus of the Access Action Team has been to promote access to mediation for users and providers. Specific action has centered around identifying and collaborating with people and/or entities who can benefit from early mediation. Access has also worked on assuring that more low income users have access at little or no cost to mediation through a pilot program connecting the Wayne County Mediation Center with the Detroit Bar Legal Aid Clinic. In addition Access has endeavored to promote diversity among ADR providers in programs and activities designed to identify and reduce barriers which may exist for minority providers.

(2) Annual meeting: Logistics and Planning

This Action Team has engaged in handling all logistical details for the ADR Section's 2008 Annual Meeting which will be held on September 5 and 6, 2008 at the Sheraton Riverside Hotel, formerly known as the Ponchatrain in downtown Detroit. This annual meeting will include substantive presentations, the annual awards dinner, a business meeting with election of officers and social events including a cruise on the Detroit river.

(3) Effective Practices and Policies

EPP endeavors to monitor developments in the law for the ADR field for consideration and deliberation by the Council. This year there has been a great deal of activity centering around confidentiality in mediation, Uniform Arbitration Act, Uniform Mediation Act, etc. The idea is to make certain that the ADR Section is current on all developments in the field so that we may continue to serve as an important resource for effective practices and policies in ADR. EPP does so by reviewing and analyzing proposed legislation, court rules, professional rules of conduct and other local/national proposed standards. EPP also provides responses to requests from the Michigan Court of Appeals and Supreme Court for recommendations to improve efficiency and administration.

(4) Higher Education: Collaboration with Law Schools and Graduate Programs

The Higher Education Action Team was formed to work with Michigan law schools and graduate programs to advance the cause of ADR. It is widely recognized within these institutions that demand is continuing to rise for ADR among their students and in the marketplace they will serve. The ADR Section wishes to collaborate with institutions of higher learning to help meet this demand by identifying adjunct professors and mentors, attending awareness seminars and conversations within the schools, collaborating on presentations and symposiums in ADR, etc. On June 9, 2008 the Higher Education Action Team met with administrators from most of Michigan's law schools for a spirited session on how the ADR Section can most effectively assist the law schools in continuing to grow, enhance, and enrich their curriculums and activities in ADR. Follow-

up action items are in the works. It is anticipated that future meetings will include interactions with professors and students for their input and their participation.

(5) Judicial Access Team: Collaboration with the Judiciary and Local Bar Associations

The Judicial Access Team's goal is to work closely with both the judiciary and local bar associations to enhance and promote the use of high quality ADR throughout Michigan. The idea is to support existing programs and to promote the development of new programs serving the courts in ADR. Toward this end the JAT "traveling roadshow" provides an educational powerpoint presentation and role play demonstration explaining mediation, its benefits and appropriate uses. JAT has been busy in seeking out opportunities for the delivery of this program to various state bar sections, local bar associations, and Inns of Court. JAT has offered to assist in developing local teams of individuals who can use this educational tool to broaden understanding about mediation among practitioners and the judiciary.

JAT is also working on a bench book for courts to utilize in implementing ADR. JAT is also focused upon a presentation to the judiciary at the Michigan Judicial Conference.

(6) Section to Section Outreach to Other Bar Associations and State Bar Sections

Section to Section is endeavoring to capitalize on the unique opportunity we have to collaborate with other State Bar Sections and local bar associations in expanding the reach of ADR. Several joint programs are now in the planning stages with Family Law, Labor and Employment, Litigation and Negligence Sections. In addition, Section to Section is communicating with various local bar associations to collaborate on highlighting the benefits of early mediation and bringing this opportunity to their constituent practitioners for the benefit of their clients.

The State Bar ADR Section has also co-sponsored a number of presentations and events in collaboration with the newly formed Detroit Bar Association and the well established Oakland Bar Association. ADR Sections, including an extremely exciting presentation with the Detroit Engineering Society centered around provision of real time mediation services in construction disputes. Future collaboration with the Detroit Regional Chamber of Commerce and a business mediation symposium to be jointly sponsored with Detroit/Oakland Bar Associations and law schools are currently in the planning stages.

Most recently the ADR Sections of the Detroit Bar, Oakland County Bar, and State Bar jointly hosted a social gathering which turned out to be nicely timed to celebrate awards presented to Detroit and Oakland County ADR Sections as "Sections of the Year" in their respective bar associations.

(7) Skills and Programs: Annual ANDRI in Collaboration with ICLE and Annual Meeting

The Skills Action Team continued its collaboration with ICLE to present the Advance Negotiation and Dispute Resolution Institute (ANDRI) with substantive presentations, updates, and skills based programs for advocates and providers in ADR as well as the judiciary. Skills also pours in the time and energy to ensure quality programming at the ADR Section's Annual Meeting to allow Section members and affiliates access to the most up to date thinking in conflict/dispute resolution theory and practice. The Skills Action Team has lined up two substantive programs for this year's annual meeting: (a) brain theory: how brain science informs us on how and why mediation/conflict resolution works and (b) dealing with highly positional parties in mediation.

#### (8) Publications: Newsletter, Webpage and Listserve

The Publications Action Team has expanded the ways and means of communicating with Section members. First, this Section publishes a Quarterly Newsletter with a variety of articles and announcements. The Quarterly Newsletter is broadcasted electronically and by mail to all Section members. In addition, the Publications Action Team has created two new ways of communicating with our Section members electronically: (a) periodic email bursts to all Section members on items of interest and upcoming events/training/presentations of interest to the entire cross section of membership and (b) interactive chat room on a variety of ADR topics for Section members to opt in.

#### (9) Membership

The Membership Action Team is charged with identifying potential new members in order to communicate with them about the benefits of section membership. The ADR Section welcomes lawyers and affiliate members who are not attorneys, recognizing the enormous contribution brought to the table in dispute resolution by people who are well trained in ADR practice, whether or not they are attorneys. The Membership Action Team put on a full court press at the most recent ANDRI and is presently identifying a diverse group of ADR practitioners for direct contact to invite them to join us. The ADR Section is one of the very few state bar sections which has demonstrated steady growth on a year to year basis. Current membership stands at approximately 750.

#### (10) Nominating

The Nominating Action Team brings to the Council nominations for service on the Council based upon a host of identified factors in an effort to ensure diversity in race, geography, gender, and practice area. This helps assure broader representation and leadership succession within the Council. The Nominating Action Team also brings to the council nominations for Section awards presented each year at the annual meeting for service to the ADR Section and community.

The ADR Section members and affiliates are well served by the generous and committed members of the ADR Section Council. Work by the Action Teams is on-

going and vibrant. We invite other interested Section members to join us. You will not find a more inclusive, collaborative, and committed group!

Respectfully submitted,

**Richard L. (Tony) Braun**

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