

Theme Introduction

Alternative Dispute Resolution

By Charles B. Judson

> Attorneys are problem solvers. The traditional notion in our society used to be that attorneys solve problems through litigation. As members of the bar, we are proud of our heritage and acknowledge that the use of litigation has advanced society and validated the judicial system as one of the three branches of government.

Nonetheless, groundbreaking litigation has proven that our country's laws are not always static in time, and lawyers have learned that litigation is not always the most effective means by which a client's problems can be solved. The Alternative Dispute Resolution Section of the State Bar of Michigan was formed with the recognition that mediation and arbitration offered opportunities to resolve disputes, often more efficiently in the use of time and resources than traditional litigation. Over the years, the ADR Section has positioned itself as a resource to both the State Bar and the general public on the methods and techniques that can efficiently solve our clients' problems.

The ADR Section annually elects the council, which is composed of 21 attorneys who oversee and administer the regular activities of the section and interface with the SBM Board of Commissioners and Representative Assembly. Currently representing more than 700 State Bar members, the ADR Council focuses its activities on enhancing access to mediation and arbitration services, coordinating information to the state judiciary on good ADR practices, assisting the State Court Administrative Office in the review and revision of court rules related to ADR practices, coordinating effective practices and procedures related to ADR through publications and as a resource to the Michigan legislature, and coordinating various training and skills-related programs, both at our annual meeting (this year taking place October 22–23 in Auburn Hills) and in conjunction with the Institute of Continuing Legal Education through its regular Advanced Negotiation and Dispute Resolution Institute. There is plenty of room at our table, and I welcome any of you to learn more about our activities by visiting <http://www.michbar.org/adr/>.

This issue of the *Michigan Bar Journal* has been a labor of love for our section. The ADR Council is composed of active SBM members whose practices benefit from ADR principles, but whose primary skills and expertise relate to all fields of practice within the law, and this issue emphasizes the breadth of our membership.

Former ADR Council Chair Richard (Tony) Braun has authored "ADR in the ESD Green Enterprise Zone," which discusses the ways in which alternatives to solving problems can be put in place in the restructuring and redevelopment of the great state of Michigan. In "ADR: Architecture for Remodeling Families," former ADR Council Chair Deborah Bennet Berez identifies how mediation and the emerging practice of collaborative law enhance families experiencing the painful process of divorce. Grand Rapids attorney Robert E. Lee Wright offers excellent tips in his article "Mediator Listening Skills for all Attorneys" that can assist all attorneys in the elusive art of listening, which can lead to the productive delivery of legal services. In "Why Local Government Needs to Mediate," municipal attorney Richard J. Figura reminds us all that local governments can also be active in resolving problems through ADR. Dick helps us understand that transparency in government and open communication do not prevent effective mediation practices from being applied to solve problems in government. And finally, former ADR Chair Richard Hurford provides "The Business Case for SMART™ Dispute Resolution Processes," which confirms the financial value of early mediation in business disputes from the perspective of a former general counsel.

Alternatives for dispute resolution are effective tools for all attorneys, and we hope that you find some value in your practice from the contributions of our authors in these articles. In 2010 and beyond, attorneys will need more than basic litigation skills to meet our clients' needs. Welcome to the practice of ADR, and I invite you into active participation and membership in the ADR Section of the State Bar of Michigan. ■



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