

Annual Report of the ADR Section

2003 - 2004

The ADR field continues to experience explosive growth as understanding and use of mediation and arbitration builds. By September 2003, the ADR Section had one year of experience implementing its Strategic Plan. The ADR Section Council felt it was important to meet again with its strategic planning consultant to review progress, adjust the plan if needed, and set the agenda for the upcoming year. Over the course of a day, on October 9, 2003, we carefully analyzed where we needed to go as a Section and emerged with an ambitious plan for the year. Commitment to being governed by a strategic plan is particularly important when presented with numerous worthy opportunities and needs, as is the case in the ADR field. The Section has tied each of its endeavors to the Strategic Plan, maintaining focus and direction.

The Council was restructured, to allow for fewer full Council meetings, offering members more time and energy to work on targeted Section projects. Reflecting the new focus, projects were labeled "Action Teams" and each developed a business plan with targeted dates of completion for various strategic planning goals.

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

Website/Listserv Action Team. Chaired by Jim Vlasic, this team was charged with improving the ADR website and developing a Listserv for ADR Section members. Both goals have been accomplished. Members may now obtain *The ADR Newsletter*, By-laws, information about Section projects and links to helpful ADR resources from the website. In addition, the Listserv now affords the Council an efficient means to rapidly disseminate information and opportunities to Section members consistent with the Listserv policy.

Skills Action Team. Providing quality opportunities for members to learn new skills and remain on the cutting edge of ADR development continues to be a primary focus of the section. Partnership with ICLE to produce the annual Advanced Negotiation and Dispute Resolution Institute ("ANDRI") is an extremely time intensive endeavor and Dale Iverson and Alan Kanter, along with the rest of their team, have worked closely with ICLE on program format and speakers. Featuring both local and national experts, the 4th annual ANDRI for 2005 is now complete—ahead of schedule—and groundwork is being laid for the 2006 Institute.

In addition to ANDRI, Skills is working on a Targeted ADR Design workshop to be conducted spring 2005. More details will be announced as the workshop develops.

Finally, Skills members assisted in developing the Section's 2004 annual meeting and the Grand Valley State University's fall 2003 ADR conference, which the Section co-sponsored. The Section will continue to provide appropriate support to the seminars and conferences on ADR being developed across the State by various entities.

Section to Section Action Team and Annual Meeting 2004 Action Team. To further the goal of providing opportunities for practitioners and users of ADR to interface in a more relaxed, collegial way, Tony Braun has organized the Section's annual meeting which will be held at a resort over two half days, September 9 & 10. An open forum discussion facilitated by Harry Goodheart, President of the American College of Civil Mediators, will advance the Section's goal of more closely collaborating with other sections of the State Bar to effectively utilize ADR in various practice areas.

Additionally, under Jon Kingsepp's leadership, the Section-to-Section Action Team, in concert with the Access Action Team, is collaborating with the Senior Lawyers Section to develop a program whereby senior lawyers provide *pro bono* mediation services to indigent parties. Further, members of the Young Lawyers Section have been offered Section benefits at half the normal fees. Finally, the Section has proposed amending its by-laws to allow professionals from other disciplines to join the Section as affiliate members.

Newsletter Action Team. The Section's publication, *The ADR Newsletter*, has developed into a quality publication with a new, attractive look. Employing the services of a publisher, feature articles, "Ask the Mediator" column, notices of training opportunities and conferences, and a substantive Chair's Column have developed under Anne Bachle Fifer's team. The team has also assumed editing responsibilities for all Section publications, including Listserv announcements.

Access Action Team. This team was charged with developing mechanisms for bringing ADR to those who cannot afford traditional fees and disseminating information about ADR to the under-informed. Tony Braun has spearheaded the Access Action Team's partnership with the Dispute Resolution Association of Michigan (DRAM) to further this Section goal. The partnership is focused on development of a pilot program in Grand Rapids to conduct research on and develop a system for delivering ADR services to low income individuals. A grant from the State Bar Foundation is being sought to fund this effort.

The team is also working on a system to deliver mediation services to low income people by connecting legal aid providers and their clients with the Community Dispute Resolution Centers (CDRCs) located throughout the state.

Further, Access is collaborating with the Skills Action Team to develop the 2005 Targeted ADR Design workshop to educate business leaders and corporate counsel in developing ADR systems.

Finally, DRAM and the Access Action Team are working together in a joint effort to establish a program to promote the use of ADR and to assist CDRCs in providing mediation services to Michigan businesses. This program will be known as Michigan Business ADR (MBA) and mediators will be specially trained and certified for resolution of business disputes through the MSU College of Law in cooperation with Mary Bedikian. This effort is also coordinated with the MI Manufacturer's Association and various business organizations so that marketing and publicity is optimized. Consistent with its Strategic Plan, this program clearly demonstrates the benefits that can be achieved when the ADR Section coordinates available resources in the ADR field.

Legislative Action Team. Increasingly case law, statutes and administrative rules reference or relate to ADR. David Baumhart has spearheaded the effort, with assistance from Doug Van Epps with SCAO, and the other members of this team, to compile an exhaustive list of Michigan ADR statutes and court rules to be posted on our website. Mechanisms have been developed for alerting the council to proposed rules or statutes so the Section may provide input when appropriate. Finally, the groundwork is being laid which will allow the Section to suggest inclusion of ADR provisions in proposed legislation or rules which fail to address ADR options.

Effective Practices Action Team. Charged with developing a system to assess ADR usage and practices in other states, former Section chair, Mary Bedikian, assumed responsibility for this ambitious Section team. The goal is to identify effective practices from other states so they can be incorporated in the development of the field in Michigan. The studies have been conducted and reports and recommendations are currently being finalized and will be disseminated in the near future. The potential impact of this information is tremendous, as it will allow Michigan to thoughtfully develop ADR throughout the State with the benefit of others' experience while avoiding their mistakes.

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. Bob Tremp has initiated discussions with MSU College of Law to provide assistance to the law school's moot mediation team. In addition, opportunities are being provided for law school students to contribute articles to the ADR Newsletter as was done in the June 2004 issue.

On-going Efforts. The Section believes it could serve as a coordinator of information exchange among the various purveyors of mediation training and seminars throughout the State (SCAO, law schools, universities offering graduate degrees in ADR related fields, CDRC's, ICLE, court administrators, etc.) so that cooperation is encouraged and duplication of efforts is avoided. Opportunities in this regard are being developed. Further, the Section has determined that its by-

laws require a substantial overhaul and an action team is being formed to work on this project for presentation at the 2005 Annual Meeting. Finally, plans to build on the expansion of the Section's annual meetings are underway so opportunities for connecting with ADR providers and users are maximized.

Respectfully submitted,

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Deborah L. Berecz
Chair, ADR Section of the State Bar of Michigan