

ANNUAL REPORT OF THE ALTERNATIVE DISPUTE RESOLUTION SECTION

of the

MICHIGAN STATE BAR

2008-2009

In 2008-2009 the Alternative Dispute Resolution Section continued providing leadership in the dispute resolution field through the work of its Council and Action Teams. The ADR Section's Mission, as well as its current Action Teams Plans, may be found on its webpage on the State Bar website, <http://www.michbar.org>.

ADR Section Council

The business of the Council during past year has included the following:

The Council determined not to engage in full blown strategic planning in 2008 – 2009, but rather to revisit all action teams strategic plans to assure that their focus was on producing near term results that advanced strategic initiatives. The action team plans were approved for implementation as such. Council financially supported the collective wisdom symposium presented by ACR-Southeast Michigan, and became a marketing partner of American Arbitration Association. Council, through Donna Craig, developed a procedure and forms for considering funding requests from other organizations. Five members of Council participated in the Engineering Society of Detroit Institutes Green Enterprise Zone form in March of 2009, contributing a position paper authored by Tony Braun and Toni Raheem.

The business of the Action Teams during the past year has included the following:

Access Team.

The Access Team worked throughout the year to increase access of attorneys, courts and the public to ADR generally, and specifically to increase diversity within the ADR profession, and to increase access to ADR by low income disputants. The Team has recently spent considerable time informing itself of various States' legislative mandates to use mediation as a means of resolving mortgage foreclosures by restructuring loans. It has counseled with various consumer groups and has cooperated with the EPP Team to lobby for inclusion of mediation protocol in an amended foreclosure statute, under consideration by the legislature. The Team has also arranged meetings with the Oakland and Wayne County Bar Associations for educational purposes and to collaborate in promotion of ADR

Effective Policies and Practices Team.

The EPP Team prepared a class to educate legislators on various aspects of ADR. It evaluated and proposed that MCR 3.216 collaborative law provisions, the team has drafted a modified version of the revised Uniform Arbitration Act eliminating the punitive damages provision for consideration by the Representative Assembly. The Team has studied the Uniform

Mediation Act and consulted with practitioners in other states preliminary to submitting a recommendation concerning adoption of the Act. The Team has worked with a lobbyist to promote inclusion of a mediation protocol in pending residential mortgage foreclosure legislation.

#### Higher Education Team.

The Higher Education Team focused on reaching students to make them aware of the importance of ADR through contacting ADR instructors at the various higher education institutions seeking opportunities for collaboration. The team sought out opportunities to meet with students and to present in law school courses concerning ADR. The ADR Section continues to offer a scholarship to the section annual meeting for one student from each law school located in the state for the purpose of introducing a new lawyer to the ADR section and providing a free ADR educational opportunity.

#### Judicial Access Team.

JAT continued presentation of its "Roadshow" interactive PowerPoint presentation promoting ADR to groups such as Oakland County Inns of Court, Detroit Metropolitan Bar Association, Berrien County Bar Association, Muskegon Judicial Conference and Young Lawyers Section. JAT created and produced an ADR Section banner to be displayed at various Bar meetings. It is working to finalize a benchbook for use by judges in discussing ADR with litigants and their counsel.

#### Membership Team.

The Membership Team increased its outreach to program attendees and other potential new Section members. The Team reached agreement with the State Bar concerning procedures for admitting new members to the section at any time during the fiscal year, cautioning them that there is no process for prorating dues so that full dues must be paid for partial year, whenever admission is sought. The Team recommended that the Section amend its Bylaws to waive dues for members joining mid-year, until new statements are sent out for the next full year.

#### Nominating Team.

The Nominating Team generated recommendations to Council as to the recipients of the Distinguished Service Award and the Nancy S. Klein Award. The Team also recommended candidates for election to the council in the upcoming year.

#### Publication Team.

The Publications Team assembled, edited and published the Section's quarterly newsletter. It also managed the Section's "announcement-only" listserv, publishing items of interest, Section members, as well as monitored and managed the Section's "interactive" listserv of members and affiliates. The Team has commenced accumulating a library of ADR articles written by Section members that are available for publication in other section and bar association publications.

Section-to-Section Team.

The Section-to-Section Team sent e-mails to local bar associations and letters to State Bar Section chairs soliciting collaborative opportunities for educational programs and social gatherings, and followed up through liasons to design and present joint programming.

Skills Team.

The Skills Team selected the national speakers for each of the 2009 and 2010 Advanced Negotiation and Dispute Resolution Institutes jointly presented by the Section and ICLE in March of each year in Plymouth. The Team also selected Andy Little to speak at the 2009 Annual Meeting in Grand Rapids. The Team developed a matrix of criteria for consideration in selecting future speakers.

Annual Meeting Team.

The Annual Meeting Team planned the Section annual meeting to be held in September 2009 in Grand Rapids, including hotel arrangements, social events, and the eight hour training that is regularly offered in conjunction with the annual meeting.

Respectfully submitted,



James J. Vlasic, Chair  
Alternative Dispute Resolution Section