

**ANNUAL REPORT
OF THE
ALTERNATE DISPUTE RESOLUTION SECTION
OF THE
STATE BAR OF MICHIGAN**

The 2002/2003 year was dynamic for the ADR Section and continued the foresight and forecasting previously initiated by past chairpersons. This year saw the implementation of the strategic plan that had been developed in the preceding year under the guidance and direction of Dale Iverson. As a result, various committees or task forces' were created that resulted in an ongoing program of development for the Section anticipating greater recognition of the Section in the enhancement of alternative dispute resolution as a primary method of litigation resolution within the State of Michigan.

The ADR Section played a prominent role in taking a position in opposition to possible amendments to the court rules that recommended a "good faith negotiating or participation clause" in mediations. Eventually that portion of the amendment was deleted by the Michigan Supreme Court. Members of the ADR Section were involved in developing the advanced training or continuing training format required under the SCAO requirements for the eight hours continued training for certified mediations. Recently, discussions were had with the Chief Justice of the Michigan Supreme Court regarding those proposed rules and it is anticipated that in the fall the Michigan Supreme Court will take action on the implementation of those new standards.

This year also saw the continuation of the successful Annual ADNR Institute in conjunction with the Institute of Continuing Legal Education. This year's program was very informative and apparently the subject matter and speakers were favored by many of the

participants. Plans are already under way for the development of the 3rd Annual ADNR Institute in 2003.

The format of the newsletter was revised extensively for easy reading and also for appearance. Articles continue to be submitted that will enhance the credibility of the newsletter with a discussion of salient topics in the dispute resolution field.

This year saw the submission of a survey to our 800 members resulting in a response of approximately 22%. Although at this writing, the survey results have not yet been compiled, they will be discussed at the Annual Meeting of the Section in September 2003. It is anticipated that the response will be extremely helpful to the Council in developing additional programs and articles for the Section.

The Executive Committee is currently being examined for a restructuring in which the Committee would be expanded to six or seven members. The additional two to three members will be selected by the Council with the only successive offices being the Chairperson and the Chair-Elect. All other positions would be open and secretary or treasurer would not automatically mean selection as Chair-Elect. The purpose for this restructuring is to provide fewer meetings of the Council in order to allow the task force chairpersons who are Council Members to pursue those tasks that are assigned to them for that given year. The Executive Committee will meet once a month and will inform the Council of any decisions that are made in the intervening period in which no Council meetings are held.

The Council recently adopted a policy guideline regarding the use of a list serve that will be implemented in the 2003/2004 year. The list serve is geared toward the development of communication contact that would be of substance and not the random chatter or communications that might be found if it were unrestricted. We want the list serve to be

informative, educational and thought provoking. Therefore, the belief of a restricted nature regarding information as well as access would be suitable to those ends.

The Council also has under consideration the adoption of a policy allowing partnering with third parties or organizations. Because of the anticipated request for involvement as a partner, the Executive Committee thought it necessary to adopt such standards.

The success of the Section noted in previous years was continued this year by an excellent council and will be continued next year under the extremely competent leadership of Deborah Berez. It is expected that programs will be initiated, expanded and refined to continue to enhance the role and significance of the ADR Section in dispute resolution.

Jon H. Kingsepp

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