



## Year in Review 2006-2007

In this bar year Section activities have furthered our mission of providing members and the public with creative leadership in the dispute resolution field. Our committees and task forces are at the forefront of efforts to address emerging issues in the field and develop policy to support quality dispute resolution practice. Our CLE programs offer members quality educational opportunities. Our meetings and events provide a forum for members to meet and work with colleagues and other experts in the field.

### MEMBERSHIP

This year, for the first time ever, our membership exceeded 17,000! We welcome our new members; each Section member enriches our dispute resolution community.

### COMMITTEE ACTIVITIES

Thanks to the enthusiasm and commitment of our members, our committees have embarked on many innovative and exciting projects in the past year. The *Arbitration Committee's Disclosure Subcommittee* investigated and drafted practical guidelines for meeting arbitrator disclosure requirements in light of conflicting requirements. The *Ethics Committee* formed a subcommittee to develop a comprehensive database of mediation ethics complaints and advisory opinions. The *Tax Committee* is working on promoting ADR at the Compliance (examination) and Appeals (administrative review) functions of the Internal Revenue Service. The *Diversity Committee* has established specific long and short term goals to improve diversity within the Section. The *Negotiation Committee* began offering regional CLE courses based on the Section publication, *The Negotiator's Fieldbook*. The *Government Committee*, in collaboration with the ABA Section of Administrative Law and the Federal Interagency ADR Working Group, initiated a project focusing on public involvement in government policy making. The *Lawyer as Problem Solver Committee* facilitated a Legal Educators' Colloquium program on exercises and role-plays to promote the concept of the lawyer as a problem solver. The *Lawyer as Problem Solver Committee* also solicited and reviewed nominations for the Lawyer as Problem Solver Awards. Finally, to meet the needs of collaborative law practitioners, the Section created a new *Collaborative Law Committee*. More information about these and other committee activities is available on the committee web pages at [www.abanet.org/dispute](http://www.abanet.org/dispute).

### DISPUTE RESOLUTION POLICY DEVELOPMENTS

The Section council, as well as our committees and task forces, have addressed various important policy developments in the field. The Section's *Committee on Mediator Ethical Guidance* has been established to respond to questions about the *Model Standards of Conduct for Mediators*. Established as our Section's "next step" following the approval of the *Revised Model Standards of Conduct*, the Committee constitutes the first ABA body of its kind committed solely to providing ethical guidance in the mediation arena. The *Task Force on Improving the Quality of Mediation* has been collecting feedback from relatively sophisticated users of civil mediation (including commercial, tort, employment, construction and other kinds of civil cases) through the use of ten "focus groups" in nine different North American cities. The Task Force plans to issue a report and practice guides during the 2007-2008 bar year. The Section also embarked on a new project, thanks to a grant from the ABA Enterprise Fund. The *Mediation in Criminal Matters* project is a joint effort between the Criminal Justice Section, the Section of Dispute Resolution, and five other ABA groups. The project will create a pathway for greater utilization of mediation within the criminal justice arena.

### PUBLICATIONS

The four *Dispute Resolution Magazine* issues this year focused on ADR responses to deal with the aftermath of Hurricane Katrina, the use of ADR in sports, conflict in the media, ADR in film, and summer reading suggestions for practice and pleasure. The *Just Resolutions E-Newsletter*, produced ten times this year, provided our members with current updates on Section activities and developments in the ADR field. New features included practice development insights and recommendations and profiles of experienced practitioners as well as regular updates on mediation case law, arbitration case law and ADR legislation.

In April, the Section published *Making Money Talk: How to Mediate Insured Claims and Other Monetary Disputes* by J. Anderson Little. This book will help mediators better understand the dynamics of traditional bargaining as it pertains to monetary disputes and is particularly useful for those mediating commercial cases. *The Negotiator's Fieldbook* continues to be a top seller for the Section and is in high demand by law schools and other academic institutions.

### **MEETINGS AND PROGRAMS**

Section meetings and programs continue to offer excellent training opportunities for our members. The Annual Spring Conference in Washington D.C. – *ADR in Bloom* – presented over 130 cutting edge conference and pre-conference CLE sessions on topics covering 20 subject areas. This year's conference also offered a full-day institute on mass and class action dispute resolution.

The *Advanced Mediation and Advocacy Skills Training Institute*, bringing together the unique perspectives of both mediators and advocates, was a hit in Toronto. New York City was the site of the much anticipated *Arbitration Training Institute*. This training was held in conjunction with the Construction Committee's full day program – *Goliath vs. Goliath: Organizing the Construction Case for Mediation* – one of the few CLE programs offered specifically for construction mediators. The *Government Committee* presented a half-day workshop on achieving better solutions in negotiation and mediation. In addition, we piloted our first teleconference CLE in July with the program, *Statecraft: a Guide to High-Stakes Negotiations*, with Ambassador Dennis Ross and Section Chair John Bickerman. The *National Conference on Court ADR*, the *Forum for Expanding Opportunities for Women and Minorities in ADR* and the *Legal Educators' Colloquium* rounded out our Section-sponsored CLE agenda for the year. We also co-sponsored numerous other educational programs on a wide range of topics from international ADR to ethics for the benefit of our members.

### **LAW SCHOOL PROJECTS**

The Section is fortunate to have very active law student and law professor members. This year 96 teams from 50 law schools participated in the Representation in Mediation Competition regional competitions across the country. Many Section members had the opportunity to volunteer as judges and mediators for the Competition. The Boskey Essay Competition received 32 submissions from more than 17 law schools. The Legal Educators' Colloquium attracted more than 150 dispute resolution professors, adjuncts, researchers, and trainers.

### **PUBLIC SERVICE PROJECTS**

Through its public service projects the Section seeks to expand the use, availability and understanding of dispute resolution skills, approaches, processes and systems. In this year the Section has worked on four grant-funded public service projects. First, we completed the work on projects to enhance the delivery of court related ADR services and programs (funded by the William and Flora Hewlett Foundation). With the assistance of this grant, the *Court Committee* oversaw the Court ADR Project Advisors, developed a database of state and federal court ADR programs, and created a web-based mediation education tool, to name only a few examples. Second, we provided mini-grants to pro bono and legal services dispute resolution programs (funded by the JAMS Foundation). Third, the *Pro Bono Committee* developed a guide to address the barriers to using dispute resolution in legal services and pro bono cases (also funded by the JAMS Foundation). Fourth, we developed a curriculum for the Words Work project, a project that teaches youth communication and problem solving skills that will develop the leaders and productive citizens of the future. (Words Work is also supported by the JAMS Foundation). The Section also held its second Annual Giving Campaign to provide members with the opportunity to directly support the Section's Public Service projects. These projects are not supported by member dues money but by contributions from foundations, members and the ABA's Fund for Justice and Education.

**STATE OF THE SECTION:** Our membership continues to grow and diversify and our fiscal support is stable. Collaborations between advocates and neutrals, arbitrators and mediators, attorneys and associates result in dynamic synergies that have catalyzed into new projects and endeavors for the Section. We are pleased with the successes of this year and look forward to the challenges of the next.

*For additional information on all Section and projects or planned events, please visit [www.abanet.org/dispute](http://www.abanet.org/dispute) or contact our offices in Washington D.C. at (202) 662-1680.*