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Welcome to the Early Dispute Resolution Committee of the American Bar Association Dispute Resolution Section. Apologies for the long introductory communication, but there's a lot to share.

ABA Connect rules

1. The new format for communicating is ABA Connect. This is just being rolled out, and there will be tweaks over time. But we have our own page: <https://connect.americanbar.org/disputeresolutionconnect/communities/community-home?CommunityKey=62434001-a305-45e4-a386-0e19671a274d>

2. The default setting is that you'll receive an e-mail every time someone posts on the site. You can change that in your settings to a daily digest or no e-mails. (With no e-mails, you'll have to visit the site to keep up.)

3. All our e-mail boxes plague us. Think carefully before posting a reply to all or new discussion as it is sent to every member's e-mail. Individual responses can be done by direct e-mail.

Mission

4. The committee's working mission (which we'll need to nail down precisely) is to promote early dispute resolution in non-binding and binding processes. Litigation and standard arbitration cost too much and take too long, and mediation has too often become just another step in the long slog of litigation and arbitration. Our committee promote methods to resolve disputes speedily, economically, and fairly.

Let a thousand flowers bloom

5. We have members who are involved in various processes of early dispute resolution. Our predecessor task force began with promoting *Planned Early Dispute Resolution*, with the acronym *PEDR*, and published a brochure on the process. This was basically a version of planned early negotiation, championed by John Lande.

I'd like to see the committee evolve to support all EDR processes and serve as a forum for disseminating information on all methods. (Ultimately, the market will decide which to use.) For example, EDR methods include:

- Some of us on the Committee have been trying to develop a defined process that is similar to collaborative law but without the 4-way agreement, and more tailored to business disputes. We haven't used a branded name and simply call it *Early Dispute Resolution*.

- *Guided Choice* promotes early retention of neutrals who flexibly apply all resolution tools, and it has achieved wide recognition. (Its originator, Paul Lurie, is a member of this committee.)
- Structured Negotiation applies a specially-tailored cooperative approach to ADA disputes, and has been used successfully in disputes with dozens of major corporations. (Its originator, Lainey Feingold, is on our committee.)
- The Global Collaborative Law Council aims to apply collaborative law (with the 4-way contract) to non-family law disputes. (Its President-elect, John Sarratt, is on our committee.)
- A number of states have early dispute resolution committees.
- The International Franchise Association has an early dispute resolution task force.
- Almost all arbitration providers (including civil law organizations) have or are implementing expedited rules. (AAA and JAMS have representatives on our committee.)
- Delaware has its Rapid Arbitration Act.
- There's an active fast/trial and arbitration movement in a few states.

We should be a resource for all these and like groups, promote collaboration among us, and publicize successes.

6. Earlier this month, I spoke in Italy on early dispute resolution, and had great discussions on how an EDR non-binding process might differ as applied to civil law disputes with no discovery and the written presentation of evidence and statements. A number of civil lawyers are very interested in this effort and in joining in our discussions.

Committee needs and participation

7. Co-chair. I'd like to have a co-chair. There are numerous opportunities and I need someone willing to put in the hard work to keep projects moving. Please let me know if you're interested.

8. Web page. A big job will be working on our web page, which will be housed at ABA Connect. We need some basic committee information on the site, but ultimately we'd like it to be a clearinghouse for information on EDR in all its different forms. If you're interested, let me know.

9. Produce *Just Resolutions* issue. The Section would like us to produce one issue of its newsletter, *Just Resolutions*. This involves soliciting articles (a few members have already offered to write). There are openings in October and November, or we could wait until May, but the Section would like us to take one of the earlier months. If you're interested in running this, let me know.

10. Education. As an ABA committee, we can present programs. We could do a program surveying the general field of early dispute resolution and different programs, or we could do something on a specific program. We can co-sponsor with other committees or sections. I personally am not a fan of teleseminars, but that seems to be the preferred method for offering a program to the broad membership in a cost-effective way. If you have an idea for a program for the committee to sponsor, let me know.

11. Research. There is ample room for research into EDR including, to name just a few:

- opinions of counsel and clients on early resolution, especially impediments to using EDR;
- psychological biases and heuristics implicated in EDR;
- ethical questions related to voluntary information sharing;
- economic questions from EDR, including potential client savings, how it will affect the litigation bar;
- developing an objective framework for early, informed case valuation;
- skill in early informed forecasting of likely resolution of disputes; and
- Procedures for EDR transition to arbitration (like med-arb).

Ideally, the committee would work with law schools and other research institutes to promote research into EDR areas. If you'd like to lead up promoting the research agenda and reaching out to law schools and research centers, please let me know

12. Other sections. EDR probably would differ by industry. Construction, IP, health law, and contract disputes each present different challenges in resolving disputes early. (For one example, I'm chairing a task force on EDR for the International Franchise Association, which calls for an approach tailored to franchisor/franchisee disputes that arise in the course of a long-term relationship that may continue.) If you're interested in reaching out to the other sections to work collaboratively on EDR by industry, let me know. Many sections have an ADR committee.

13. Other committees. Our mission overlaps with other committees in the Dispute Resolution Section. There should be many opportunities to cooperate on projects.

14. International. There is a good deal of focus on early dispute resolution internationally, especially in arbitration. In my workshop in Italy, four arbitration providers discussed their expedited rules (ICC, SCAI, DIS, IDI). If you'd like to serve as a liaison to international lawyers and ADR providers to gather and share information, let me know.