Committee Newsletter | Winter 2016

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CHAIRMAN’S REPORT

The Mid-Year Conference is in full swing. Unfortunately, like many young attorneys, my schedule changed at the last minute, preventing me from attending. It is important to plan to attend to fully realize the value of your ABA membership and the collaborative value of networking with fellow attorneys.

In this issue we list some upcoming events and encourage your presence and participation. The Annual Meeting for 2016 will be held in San Francisco, California. August 4th-9th may seem like a long time distant, but the earlier you plan, the more likely your bosses—and we all have multiple—will ensure you are free to attend.

To meet our goals, we need more writing contributions from you and your fellow committee members. Please consider submitting something for publication.

Dietrich M. von Biedenfeld
Chair, YLD Dispute Resolution Committee

ARTICLE >>

Communication’s Understated Value
By Dietrich M. von Biedenfeld

Communication is the key to any positive, productive relationship. ADR champions the practices of mediation and arbitration, recognizing that the participants in litigation can often waste their own and the state’s resources when reasonable people become stubborn and deaf to the actual claims or expectations of their opposites. Rather than reaching a mutually beneficial settlement, participants in disputes often fail, in Tanya Tucker’s words, to be strong enough to bend.

As we counsel clients on their rights, possible recourse, and available courses of action, the overall interests of these clients are best served by exploring the other side’s understanding. Just as you would anticipate objections and place yourself in your opposing counsel’s shoes to best prepare your trial strategy, being aware of what the parties in a dispute actually want is essential to a successful outcome. Even in an adversarial system, the satisfaction of some of both parties’ expectations will best deliver beneficial outcomes for your client.

Crucial Conversations provides a proposal that applies to our work.¹ The “CRIB to get to Mutual Purpose” advises that the best compromise derives from four steps:

1. **Commit to seek mutual purpose** - Verbally agree to arrive at a solution that is mutually acceptable.

2. Recognize the purpose behind the strategy - We confuse what we’re asking for (strategy) with what we want (purpose). Focus on real purposes.

3. Invent a mutual purpose - If you can’t agree on a mutual purpose, invent one that has a higher, more encompassing long-term goal. Transcend short-term compromise.


This committee partners with other ABA groups serving distinct areas of legal practice to ensure that the spectrum of your skill set is capable of exceeding your clients’ expectations. Applying the carpentry adage to communication, the formula of “listen twice, speak once” may serve us all.

Dietrich M. von Biedenfeld is Manager of Contract Administration for the Houston Community College System and alderman for West Columbia, Texas. He holds a Juris Doctor from University of Mississippi School of Law and a Master’s of Diplomacy from Norwich University.

COMMITTEE NEWS AND ANNOUNCEMENTS

Call for Leadership Volunteers

Please consider volunteering to participate in the leadership of this committee as a committee Vice Chair. Responsibilities of Vice Chairs include

- Assisting the Chair with completing reports and communicating with committee members,
- Soliciting articles and other information for the quarterly committee newsletter,
- Planning educational opportunities for committee members,
- Assisting the Chair with other committee operations, and
- Participating in monthly telephone conferences with the Chair and other Vice Chairs.

In addition to Vice Chairs, we are in need of a person or two to serve as Content Editor(s) for the Committee. The Content Editor is responsible for obtaining content for the quarterly committee newsletter and drafting committee newsletters on a quarterly basis. Other Vice Chairs and the Chair will assist the Content Editor in these responsibilities.

If you have any ideas on content or programming you would like to learn about, please let us know. We are seeking short articles under 600 words related to trending dispute resolution topics for publication by the committee. If you have a submission you would like us to review, please visit our committee website.
Events

March 4th: The Section of Litigation is presenting a CLE on trying construction cases. This event will take place in New York City and may offer valuable insights to ADR practitioners.

March 16th: The ABA will present “Effective Mediation Advocacy” in Washington, DC.

ABA YLD ANNOUNCEMENTS

Social Media Team Update

The Social Media Team is pleased to announce the new Social Media Policy! The purpose of this policy is to provide direction on appropriate and effective ways to utilize social media on behalf of the ABA YLD when delivering content, facilitating engagement, and communicating with both members and non-members. The policy includes such information as sample posts, proper use of our social media channels, and of course directions for using the online spreadsheet we set up to capture posts from across the division. The new policy can be found at http://www.americanbar.org/content/dam/aba/administrative/young_lawyers/leadership_portal/social_media_policy.authcheckdam.pdf

Disaster Legal Services Team Update

The DLS team is currently implementing DLS in Mississippi, Texas, South Carolina, and California. Earlier this year, we implemented DLS in Texas, Wyoming, Saipan, and Kentucky. We expect this to be a busy year on the DLS front, as NASA predicts that this year's El Nino is going to be the worst ever.

The DLS team encourages all young lawyers to be prepared in the event of an emergency or disaster, and to coordinate with your local or state bar association to help disaster survivors.

More information about the DLS program can be found on our website.

National Conferences Team Update

Here is information about upcoming conferences:

YLD Spring Conference
May 5 – 7, 2016
St. Louis, MO
Member Services Project Update

The Member Services Project is proud to launch the Young Lawyer Toolkit at the ABA Midyear Meeting. The Toolkit is a curated collection of ebooks, tutorials, and online resources, intended to be a one-stop-shop for lawyers in their first years of practice. The Toolkit contains resources covering trial practice, the business of law, going solo/opening a firm, financial wellness, diversity and inclusion, and first-year lawyers. At launch, the Toolkit will include materials for lawyers with one to three years of experience, with materials for more experienced lawyers to come.

To access the Toolkit, please visit http://www.ambar.org/younglawyertoolkit. The Young Lawyer Toolkit is free for ABA Members.