The Mediation Committee is proud to present this month's issue of Just Resolutions E-NEWS Newsletter. October is the time when people all over the world celebrate the field of dispute resolution. During the week of October 14 - 20, 2012, the Mediation Committee and the Section of Dispute Resolution are pleased to commemorate the third year of ABA Mediation Week with exciting programs by state and local bar associations, law schools and graduate programs all over the country and world designed to promote the use of mediation and to educate lawyers and the public about mediation.

The Mediation Committee is currently working on a mediator evaluation program that will allow independent mediators to improve their skills through the receipt of confidential candid feedback from those who use their services. The Mediation Committee sponsored the first annual Mediation Research Symposium during the 2012 Spring Annual Conference. The Mediation Research Project serves as a curated repository for mediation research and promotes empirical research about mediation. One of the Mediation Committee’s latest projects is to compile, create and distribute effective material explaining the mediation process to Spanish speaking parties so that they can make an informed choice about whether to use mediation.

The Mediation Committee meets bi-monthly. During each meeting, in addition to business meeting, during the first half of the meeting, experts in the field and featured Committee members present on topics of interest to help improve and expand member’s practices. The Mediation Committee is presently presenting a series of speakers for its members on emerging areas of practice, including substantive areas as well as cutting edge methodologies. Upcoming meetings during this bar year will be held on the third Wednesday of November, 2012 and January, March, May and July of 2013. The next presentation will be on E-Discovery Mediation. The Mediation Committee invites all members to network, exchange information and engage in interesting discussions about relevant topics through its own Linked In Discussion Group. If you are not yet a member, please join us for an opportunity to contribute to our field by working on one of the exciting projects and to benefit from the networking and educational opportunities offered by the Committee.

We hope that you enjoy this month's interesting issue of Just Resolutions E-Newsletter and welcome your participation in the Mediation Committee.

Inga Watkins and Peter V. Arcese are the co-chairs of the Section of Dispute Resolution Mediation Committee. They can be reached at Watkins@lawanddisputeresolution.com and peter@pvacounsel.com.

The True Start of Mediation: Best Preparation Practices

By Larry Schooler

Parties, attorneys, and mediators prepare for mediation in a myriad of ways—sometimes thoroughly, sometimes not at all. This article describes a recent survey of attorneys and mediators on the most common and effective ways to prepare for mediation. Read the full article.
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<th>Title</th>
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<th>Read the full article</th>
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<td>Three Mediation-Derived Approaches to Estates &amp; Trusts Disputes</td>
<td>By Peter V. Arcese</td>
<td>This article discusses how attorneys and mediators can use several proactive approaches to help families deal with estate and trust disputes. Read the full article.</td>
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<td>Can Confidentiality Be Maintained in the Cloud?</td>
<td>By Daniel Yamshon</td>
<td>With video and Internet conferencing, Internet telephony, e-mail and other electronic communications racing around the globe at the speed of light, it is only natural that electronic media would have its impact on ADR. While nothing beats a live process with everyone present, geographical, health and economic factors may determine that an “electronic mediation” is the only practical method to convene disputants. But should mediators and disputants rely upon the “cloud” for important documents related to the mediation? Read the full article.</td>
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<td>Pet Custody: The Mediator’s Role</td>
<td>By Barbara J. Gislason</td>
<td>It is no secret for anyone who conducts a national case law search on the subject of pet custody, that there are no specific laws, and few cases. The closest thing we have to pet custody laws are that almost half the states will consider pets and companion animals in protective orders. This article discusses a pet custody legal framework and how dispute resolution processes can be used in these disputes that often lack a solid legal framework. Read the full article.</td>
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<td>Recognizing the Internal Dynamic of a Mediation: Transactional Analysis as a Guide to Mediators</td>
<td>By Arthur R. Silen</td>
<td>Transactional Analysis is a useful method of predicting the outcome of situations where parties in conflict are looking to achieve not only the material gains that the ongoing transaction might bring, but also psychic gains that are frequently the principal motivators for specific types of behavior. Initially created as a methodology for improving, streamlining, and democratizing individual and group therapy by psychiatrists, psychotherapists, social workers, and other trained mental health professionals, Transactional Analysis techniques are well adapted to use by professional mediators and other ADR professionals. Read the full article.</td>
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<td>Resolving Your Business Disputes through Mediation</td>
<td>By Deborah Buyer</td>
<td>In developing or growing a mediation practice, mediators are often confronted with the challenge of explaining the mediation process and its benefits to potential clients who have never participated in mediation. Parties to a business dispute are often unaware of mediation as an alternative to resolving conflicts without costly litigation or protracted negotiations. And many are wary of a process that can seem mysterious and complex if they have never participated in mediation before. Please click on this link for a power point presentation that outlines — in lay person terms — how business mediation works and its potential benefits.</td>
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**Section Task Forces, Boards and Standing Committees**

**Welcome Standing Committee, Board and Taskforce Chairs**

Please join us in welcoming the new and returning standing committee and board chairs for the 2012-2013 Bar year. The standing committees and boards are what make the section function so smoothly, and the committee chairs keep them on task. Although membership to the standing committees and boards is by appointment you can still contribute. Please contact the chairs with any suggestions or ideas you may have.

**Standing Committee on Teleconferences**

Co-Chair: Joan Stearns Johnsen, Michael J. Timpane

The Mission of the Standing Committee on Teleconferences is to take a leadership role in creating the vision and long range plan for Section Teleconferences and to ensure that teleconference offerings maintain the highest quality possible in terms of presenters and materials.
The WIDR Committee serves as a leading resource for business and professional development of women Dispute Resolution professionals to ensure them the full scope of opportunities in dispute resolution, assess status of women in DR profession and academia, and identify whether there are barriers that prevent women from full participation in Dispute Resolution profession. To further develop and enhance the Section’s book program, the committee works toward creating a steady stream of books on an annual basis; to increase revenues for the Section’s book program; and to solidify the Section’s reputation as a preeminent publisher in this subject area.

Dispute Resolution Magazine Editorial Board
Chair: Joseph B. Stulp, Nancy A. Welsh
Co-Chairs: Frank Sander
Members: James Cohen, Michael Lewis, Bennett Picker, Donna Stienstra, and Zena Zuneta

The Dispute Resolution Magazine Editorial Board meets on a regular basis to discuss the latest news and trends in the dispute resolution field. They are tasked with maintaining the high level of quality and the integrity of the Section’s magazine. Dispute Resolution Magazine is published quarterly and provides timely, insightful and resourceful information regarding the latest developments, news and trends in the growing field of dispute resolution throughout the world and features internationally-known scholars and practitioners as authors.

Standing Committee on Membership
Co-Chairs: Margaret “Marne” Huff, Serena Lee
Members: Bill Caprathe; Phil Cotton; Phil Cutler; Cara Johnson; Priscilla Lloyd; Rick Miles; Gail Nugent; Dimitra Triantafyllou; Hazel Willacy; Giulio Zanolla.

The mission of the Standing Committee on Membership is to grow the Section membership and ensure that Section activities and events are responsive to the needs of Section members. The Standing Committee designs member recruitment campaigns and advises the Section Council regarding policy changes that ensure the value Section membership.

Long Range Planning Committee
Co-Chairs: Bruce E. Meyerson, Lawrence R. Mills

The Long Range Planning Committee ensures the Section is on track to accomplish its mission to provide members and the public with creative leadership in the dispute resolution field by fostering diversity, developing and offering educational programs, technical assistance, and publications that promote problem-solving and encourage excellence in the provision of dispute resolution services.

Task Force on Civility and Civil Discourse
Chair: Bruce E. Meyerson

The mission of the Civility Task Force is to promote civility within the practice of law and in public discourse. To this end they drafted ABA House of Delegates Resolution 108, urging lawyers to set a high standard for civil discourse and are working with state and local bar associations to adopt similar resolutions. The task force is also developing a curriculum for a law school course on managing group processes as well as many other projects related to deliberative democracy and civil dialogue.

Advisory Committee
Chair: Geetha Ravindra

The Advisory Committee is made up of representatives of ABA Sections, Divisions and Forum Committees that have Dispute Resolution Committees. The Committee meetings function as an opportunity to share information and develop collaborative activities between the Dispute Resolution Section and other entities with dispute resolution committees.

Standing Committee on Mediator Ethical Guidance
Co-Chairs: Roger Wolf, Kim Taylor
Members: James Alfini; Maureen Laflin; Susan Exon; Susan Yates; Robert “Bobby” Glenn.

The Committee on Mediator Ethical Guidance accepts inquiries and provides advisory responses to requests regarding ethical issues pertaining to mediation. The Committee includes ADR practitioners, academics and leading ADR ethical experts from the public and private sectors.

Standing Committee on Diversity
Chair: Deborah Mauracci

The Diversity Committee is made up of Alternative Dispute Resolution neutrals from around the world, which includes persons of color, women, gay, lesbian, bisexual and transgender persons, and persons with impairments or disabilities. Our goal is to strive for diversity within the dispute resolution profession and to have it mirror the diversity of our society. The ability of our profession to facilitate justice and mediate effectively calls for diversity within our profession that fairly represents the population that we serve. We have a long way to go before we can achieve our objective of a diverse profession. However, diversity will never be achieved if we do not lead the way.

Ombuds Task Force
Co-Chairs: Bennett Feigenbaum, Peter Scarpato

The Dispute Resolution Section Executive Committee has appointed Bennett Feigenbaum and Peter Scarpato to Co-Chair a Task Force to reinvigorate the ABA’s Ombuds Committee, and for the Committee to explore the feasibility of offering ombuds services as an ABA Member Benefit, with all considerations, pro and con, including qualification, competitive and marketplace factors.

Women in Dispute Resolution Task Force
Chair: Ruth V. Glick

The WIDR Committee serves as a leading resource for business and professional development of women Dispute Resolution professionals to ensure them the full scope of opportunities in dispute resolution, assess status of women in DR profession and academia, and identify whether there are barriers that prevent women from full participation in Dispute Resolution profession. To further develop and enhance the Section’s book program, the committee works toward creating a steady stream of books on an annual basis; to increase revenues for the Section’s book program; and to solidify the Section’s reputation as a preeminent publisher in this subject area.

Standing Committee on Publications (Publications Board)
Chair: Daniel Bowling
Members: Amy J. Glass; Dwight Golan; Charles Howard; Carol Izumi; J. Anderson Little; Michael Moffitt; Scott Peppet; Eunice I. Salton

This standing committee upholds the Section’s excellent reputation for producing high-quality books for its membership and practitioners in the subject area of dispute resolution. To further develop and enhance the Section’s book program, the committee works toward creating a steady stream of books on an annual basis; to increase revenues for the Section’s book program; and to solidify the Section’s reputation as a preeminent publisher in this subject area.

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The American Bar Association Section of Dispute Resolution has awarded the 2012 Chair’s Award for Civility in the Law to Colorado Court of Appeals Judge Russell E. Carparelli. Lawyers are leaders throughout our society, and as such have a unique capacity to influence the character of public discourse through our own actions and the advice we give our clients and others who seek it. The Award recognizes lawyers who have taken meaningful steps to promote a more civil public discourse and who epitomize the highest professional standards of civility. Deborah Masucci, 2011-2012 Chair of the Section of Dispute Resolution, said the “ABA House of Delegates has called upon all lawyers to take ‘meaningful steps’ to promote civility in public discourse and the practice of law. The Section’s award is intended to recognize lawyers who have taken meaningful steps to promote a more civil public discourse and who epitomize the highest professional standards of civility.”

Judge Carparelli was sworn in as a Judge of the Colorado Court of Appeals in February 2003. He has more than 30 years experience as a litigator, trial attorney, trial judge, appellate judge and mediator. He served as a Judge Advocate in the United States Air Force and retired in 1990 in the grade of Lieutenant Colonel. After retiring from the Air Force and before his appointment to the Court of Appeals, he was in private practice for twelve years as a litigator representing individuals and small and large businesses. Michael L. Bender, Chief Justice of the Supreme Court of Colorado, stated that “Judge Carparelli is without question one of the Colorado Legal Community’s greatest champions of professionalism and civility.”

Building on the principles that define professionals and the conduct that distinguishes civil from uncivil conduct, Judge Carparelli developed a program titled “Civility: It’s a Skills Thing,” that demonstrates to lawyers, judges, and others involved in the legal process how to apply the principles derived from mediation and negotiation theory to promote civility in the courtroom, business transactions, litigation, and involvement in public organizations and governance. Judge Carparelli chairs one of the working groups for the Colorado Chief Justice’s Commission on the Profession. In this role, Judge Carparelli is responsible for devising and promoting programs that enhance and improve communication and professionalism between and among judges and attorneys throughout the state.

Judge Carparelli has worked to develop roundtables of stakeholders in the legal process, including leaders of many American Inns of Court in Colorado. He is responsible for devising and promoting programs that enhance and improve communication and professionalism between and among judges and attorneys throughout the state.
has developed programs and innovative approaches to promote and inculcate professionalism and civility among Inn members. To supplement these outreach activities, Judge Carparelli has begun drafting a professionalism resource guide that draws upon his “Civility: It’s a Skills Thing” presentation, as well as resources from a wide variety of popular and academic publications that provide guidance and training in professionalism, conflict resolution, and negotiation strategies and techniques. Judge Carparelli is also an active member of the CBA/DBA Professionalism Coordinating Council, a statewide group dedicated to improving professionalism.

Deborah Masucci will present the award to Judge Carparelli at the Colorado Bar Assembly of Lawyers on October 29, 2012 in Denver, Colorado.

Registration now open for the 2013 Representation in Mediation Competition

The Section’s Representation in Mediation Competition provides law students the opportunity to role-play as advocates and clients in a mediation setting. The competition encourages students to model appropriate preparation for, and representation of, a client in mediation. Each team consists of two students. In each round of the competition one student plays the role of an attorney and the other plays the role of the client. The ten regional competitions are invited to compete at the National Finals in April 2013 in conjunction with the Section’s Spring Conference. Regional competition sites are filled on a first-come, first-served basis, after which teams are assigned to other regions based on availability. Priority for regional assignments is determined by the date the school’s registration form is received. Registration closes on January 25, 2013.

To Register go to http://www.abanet.org/dispute/mediationcomp.html

Section of Dispute Resolution Member Database

Section of Dispute Resolution members have an online directory of all fellow members. As a Section member you can locate other members of the Section using search criteria such as names, city, law firm, committee or other identifying terms. You can use the directory to locate colleagues and identify neutrals and attorneys in particular practice areas. Maximize your ability to be found in the directory by updating your ABA member profile on myABA to include your educational and professional information as well as a biography.

ABA Legal Tech Center

Have you visited the ABA’s Legal Technology Resource Center recently? The Technology Resource Center has great tips on apps for your Android, cloud computing, software choices, and more.

Publication of the Month

Psychology for Lawyers

Lawyers who can harness the insights of psychology will be more effective interviewers and counselors, engage in more successful negotiations, conduct more efficient and useful discovery, more effectively persuade judges and others through their written words, better identify and avoid ethical problems.

$144.95 - Section Members, ABA Members
$174.95 - Regular

Section Calendar of Events

Teleconference: A New Loophole to Escape Arbitration: An Alternative to Class Action
October 24, 2012
12:00pm – 1:15pm

Presentation of the ABA Section of Dispute Resolution Chair’s Award for Civility in the Law
Colorado Assembly of Lawyers
October 29, 2012
Denver, Colorado

Teleconference: Negotiating and Communicating Across Cultures – Practical Skills for Maximizing Results and Creating Durable Agreements
November 13, 2012

Teleconference: Fallout from Concepcion
December 11, 2012

2013 ABA Midyear Meeting
Dallas, Texas
February 6 – 12, 2013
Section meeting dates TBD

Teleconference: Point Counterpoint on Mediation Representation
February 12, 2013

Teleconference: Negotiation Ethics Rules 4.1 and 3.3
March 12, 2013

2013 Dispute Resolution Section Spring Conference
April 3-6, 2013
Chicago, IL

Other ADR Events
The Institute for Transnational Arbitration (ITA) will be holding its Second Annual Winter Forum at the Biltmore Hotel in Miami, Florida on January 24-25, 2013.

The first half of the Winter Forum will showcase two works-in-progress selected pursuant to a Call-for-Papers, encompassing presentations by authors, commentary by internationally recognized academics and practitioners, and interactive discussion among all participants. For more information see http://www.itaonline.org/ita/

**LERA 65th Annual Meeting June 6-9, 2013 in St. Louis, Mo**

Labor and Employment Relations Association

LERA 65th Annual Meeting
June 6-9, 2013, St. Louis, MO, Crowne Plaza Hotel

**ADR Job Postings/ABA Jobs Board**

The AAA is looking for a Senior Vice President of Mediation.org. See more information on the ABA Jobs Board.

Are you a job seeker or an employer looking to hire? The ABA jobs board has something for everyone.

**Job Seekers**

- Search and apply for more than 400 high-quality legal jobs nationwide
- Upload your resume for review by hundreds of potential employers
- Receive email alerts when new jobs are posted that meet your search criteria

Find a job and submit your resume today!

**Employers**

- Find highly qualified legal candidates through the largest voluntary professional association in the world
- Access thousands of resumes for qualified legal professionals through the ABA’s resume database
- Receive email alerts when resumes matching the criteria for your ideal candidate are uploaded

Create an account and post a job today!

**Membership**

Are You Taking Advantage of Your ABA Membership?

Did you know that as an ABA Member you have access to the entire ABA Membership Directory? Whether you are seeking a mentor in your field of practice, geographic area, or looking to locate other ABA members in your city, your membership gives you the ability to search the ABA Membership Directory. You can search by name, geographic area, or ABA committee. Click Here to access the ABA Membership Directory. You must log on to the ABA web site in order to access the directory!

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