From The Chair

Howard Herman

The Spring Conference is always this Section’s signature event, and this year’s conference in New York was especially successful, with more than 700 attendees, inspirational keynote speakers, and more than 100 programs.

The gathering began with a pre-conference program devoted to discussing developments and challenges in court-administered dispute resolution initiatives. The general conference got underway on Thursday with an electrifying and stimulating presentation by Johnston Barkat, Assistant Secretary General of the United Nations Ombudsman and Mediation Services. Barkat’s presentation went to the heart of our work, calling on us to broaden our concept of the role of the neutral. On Friday morning, Professor Francesca Gino of Harvard Business School helped us better understand how brilliant people make irrational decisions and how we might help ourselves and those we serve make better, more intentional decisions, free from the many cognitive biases to which we so often fall prey.

In addition to these outstanding plenary addresses, the conference featured a full day of programming, a sequence of programs on arbitration practice, a rich array of presentations ranging from the philosophical meaning of autonomy in dispute resolution practice to the nitty-gritty of crafting a great resume and sharing ideas about how to expand a practice, and a final a day focused on legal educators. At this gathering, the Section truly serves its function as the “big tent” dispute resolution organization encompassing virtually every aspect of our field.

But the Section is more than just a place that welcomes a broad array of views and practices. According to our long-range plan, the Section’s mission is to be a “…global leader in dispute resolution. We advance and promote fair, prompt, and cost-effective dispute resolution. We convene, facilitate, and support innovative research, education, debate, and collaboration on dispute resolution policy and practices.”

In this magazine’s Winter 2016 issue, I focused my column on the Section’s role in providing ongoing policy leadership in the field of dispute resolution. In this column, my focus is on that part of our mission devoted to fair, prompt, and cost-effective dispute resolution — in essence, access to justice, which is the theme of this issue of Dispute Resolution Magazine. Our calling is not just to resolve disputes but to do so in a manner that ensures fair process — whether that process is through the courts or outside them.

We also need to pay attention to the “prompt” and the “cost-effective” portions of our mission, as these elements are a big part of what ensures that our dispute resolution offerings are available and approachable to regular people with routine disputes. In this Spring 2016 issue, two articles focus on efforts to assist pro se litigants struggling to address the challenges of negotiating the federal court system. Other articles examine creative dispute resolution options in family law, special education, and Title IX investigations in higher education as well as the approach to consumer problems in the European Union and the United Kingdom, which provides a constructive comparison with the many difficulties presented by the dispute system approaches to consumer disputes employed in the United States.

On this last topic, I note a project the Section is developing in conjunction with the ABA’s Commission on the Future of Legal Services and the state courts of New York to create a pilot project using online dispute resolution for consumer debt cases. Our Section’s Technology Committee is playing a leading role in this forward-thinking effort to consider what it means to provide fair, prompt, and cost-effective dispute resolution to the actual consumers of our processes. Such projects start to address the challenge of designing new ways to ensure that our ultimate customers, real people with real problems, can either negotiate their cases efficiently and effectively or have them adjudicated in a fair, appropriate, and cost-effective manner.

Spring is often a time of transition, and this season brings two important ones. During their three-year term as authors of the “On Professional Practice” column in this magazine, Paul M. Lurie and Sharon Press have guided us through many thorny issues thoughtfully and compellingly, often challenging us to think more deeply and critically about our profession. In the Fall 2016 issue of this magazine, we will launch a new professional practice feature that will continue the tradition that Paul and Sharon have started, raising difficult issues, asking probing questions, and providing trenchant analysis.

I also acknowledge and thank David Moora, who has been Director of the Section since 2010 and left in February to take a position with the ADR Office of the Environmental Protection Agency’s Office of General Counsel. David began at the Section as a legal intern in 2005 and served as a staff attorney before being promoted to Director. In guiding the Section through some lean budgetary times and challenging cutbacks within the ABA, David provided a calm and steady presence. We will miss his leadership, but we are pleased to hear that he plans to remain an active member of the Section.

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