October 3, 2011

The President  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500  

Dear Mr. President:

On behalf of the American Bar Association (ABA), which has nearly 400,000 members, I write to request your assistance in promoting the greater use of mediation to resolve legal and other disputes by issuing a Presidential Proclamation designating October 16-22, 2011 as “Mediation Week.”

At its meeting in February 2011, the ABA Board of Governors officially recognized the third week in October as ABA Mediation Week. This recent action by the ABA, and our association’s longstanding support for mediation and other types of alternative dispute resolution (ADR), is consistent with the Federal Government’s well-established policy favoring the greater use of ADR. Since the Presidential Memorandum of May 1, 1998 encouraging Federal Agencies to use alternate means of dispute resolution, the Federal Government has taken active steps to promote greater use of mediation, voluntary arbitration, early neutral evaluation, agency ombuds, and other ADR techniques. These steps have resulted in significant cost savings, increased workforce productivity and more efficient delivery of services by Federal Agencies.

The purpose of Mediation Week is to promote mediation and related forms of collaborative non-adversarial problem solving and to educate parties, lawyers, and the general public about these processes. Mediation and other collaborative dispute resolution processes often provide an effective and workable vehicle for resolving legal, personal, business and other types of controversies without resorting to more traditional methods of dispute resolution, such as formal litigation culminating in court trials. The ABA is working with cooperating partners in state, local, and international bar groups and law schools and mediation organizations to conduct educational events in cities around the world to promote mediation as a model for peaceful resolution of disputes.

We have urged our cooperating partners to consider focusing their Mediation Week events this year on the topic of civility and civil public discourse. As you may be aware, the ABA House of Delegates recently adopted a resolution proposed by the ABA Section of Dispute Resolution advocating greater civility and more civil public discourse by and among not only lawyers but also our public officials. A copy of that resolution is enclosed.
Over the past few decades, mediation has been increasingly used as the principal model for the resolution of civil and family disputes—in the courts, by public agencies, among commercial disputants, and among private individuals. Mediation affords parties meaningful access to justice in a manner that is almost always less expensive and timelier than traditional court processes. This benefits the parties and it frees up the already overworked and under financed courts to address more complex issues.

The American Bar Association would very much appreciate it if you would agree to issue a proclamation recognizing October 16-22, 2011, as Mediation Week. Your support for this proclamation would lend enormous visibility and recognition to this important initiative. I have enclosed a model from which the proclamation could be based. You should feel free to modify the suggested language as you deem appropriate.

On behalf of the ABA, thank you very much for your consideration. If you have any questions or need more information, please ask your staff to contact ABA Section of Dispute Resolution Director David Moora, at 202-662-1685.

Most Respectfully,

Wm. T. (Bill) Robinson III

Enclosures
RESOLUTION

RESOLVED, That the American Bar Association affirms the principle of civility as a foundation for democracy and the rule of law and urges lawyers to set a high standard for civil discourse as an example for others in resolving differences constructively and without disparagement of others.

FURTHER RESOLVED, That the American Bar Association urges all lawyers, ABA member entities and other bar associations to take meaningful steps to enhance the constructive role of lawyers in promoting a more civil and deliberative public discourse.

FURTHER RESOLVED, That the American Bar Association urges all government officials and employees, political parties, the media, advocacy organizations, and candidates for political office and their supporters, to strive toward a more civil public discourse in the conduct of political activities and in the administration of the affairs of government.

FURTHER RESOLVED, That the American Bar Association supports governmental policies, practices, and procedures that promote civility and civil public discourse consistent with federal and state constitutional requirements.
MEDIATION WEEK

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

During Mediation Week, citizens are encouraged to model the use of civility, non-disparagement, dialogue, problem solving, and other collaborative practices in their interactions and to learn more about alternative dispute resolution, and how it can be utilized to manage effectively the inevitable conflict of everyday life.

Mediation and other voluntary forms of alternative dispute resolution has become a framework for management of conflict in both the public and private sectors. Statutes and directives require the availability of dispute resolution alternatives in the federal agencies and trial courts. Use of those alternatives has met with success and served as a catalyst for expansion.

Alternative dispute resolution is being used in the courtrooms, the boardrooms, the classrooms, our personal lives, and on the streets. Students from an early age use peer mediation to resolve their disputes. Mediation is being used for nursing homes and geriatric care issues. Police officers use mediation skills to resolve conflicts without force. Community leaders use conflict resolution techniques to deal with racial and ethnic tensions.

Mediation and other forms of alternative dispute resolution is conserving resources, preserving relationships, and enabling organizations to do more with less. Mediation affords parties with meaningful access to justice in a manner that is almost always less expensive and timelier than traditional court processes. This not only benefits the parties, it frees up the already overworked and underfinanced courts to address more complex issues.

NOW, THEREFORE, I, Barack Obama, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim October 16-22, 2011, as Mediation Week. I call upon government, industry, education, and community leaders to provide their constituencies with information about how mediation and other voluntary dispute resolution techniques can be used to defuse conflict in a constructive manner, and I encourage all citizens to take an active role in using non-adversarial dispute resolution techniques to deal with the conflicts in their lives.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, in the year of our Lord two thousand eleven, of the Independence of the United States of America the two hundred and thirty-sixth.