June 14, 2012

The Honorable Eric H. Holder, Jr.
Attorney General
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Mr. Attorney General:

The American Bar Association (ABA) has recognized the third week in October as “ABA Mediation Week” to promote the greater use of mediation to resolve legal and other disputes. On behalf of the ABA, I request that the Department of Justice officially commemorate October 14-20, 2012 as “Mediation Week” to further highlight the value and importance of mediation and encourage its greater use throughout the country.

As you know, the Department of Justice has long supported the extensive use of mediation and other forms of alternative dispute resolution (ADR). Since the Presidential Memorandum of May 1, 1998 encouraging federal agencies to use alternate means of dispute resolution, the Justice Department and many other federal agencies have taken active steps to promote 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.

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. 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 with meaningful access to justice in a manner that is almost always less expensive and more timely than traditional court processes. This not only benefits the parties, it frees up the already overworked and underfinanced courts to address more complex issues.

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. The ABA is working with cooperating partners in state, local, and international bar groups, 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. This year, we have urged our cooperating partners to consider focusing their Mediation Week events on the
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The topic of “Mediation in the Mainstream: From the Courthouse to the Conference Room” and highlight the many faces of mediation to show how mediation is used in personal, commercial, government, and community disputes.

For all these reasons, we respectfully request that you commemorate October 14-20, 2012 as Mediation Week. I have enclosed a model on which the commemoration could be based. You should feel free to modify the suggested language as you deem appropriate.

Your support for this commemoration would lend enormous visibility and recognition to this important initiative, and we thank you for your consideration. ABA Section of Dispute Resolution Director David Moora, who can be reached at 202-662-1685 or david.moora@americanbar.org, is ready to help your staff if you have any questions or need any further information.

Sincerely,

[Signature]

Wm. T. (Bill) Robinson III

Enclosure
The Department of Justice commemorates October 14-20, 2012 as Mediation Week in recognition of the cost savings, increased workforce productivity, and more efficient delivery of services by federal agencies as a result of greater use of mediation and other forms of alternative dispute resolution including voluntary arbitration, early neutral evaluation, and agency ombuds.

During Mediation Week the Department of Justice encourages all citizens to model the use of collaborative practices in their interactions and to learn more about mainstream uses of alternative dispute resolution, and how it can be utilized to manage conflict effectively.

Mediation and other forms of alternative dispute resolution have 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 are conserving resources, preserving relationships, and enabling government agencies 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.

During the week of October 14-20, 2012, the Department of Justice calls upon government agencies, 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 encourages all citizens to use non-adversarial dispute resolution techniques to deal with the conflict.