



AMERICAN BAR ASSOCIATION

Section of
Dispute Resolution

JUST RESOLUTIONS E-NEWS

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January 2013

From the Chair



Dear Colleagues,

Several days have passed since the first of the year, but I would like to wish you all a Happy New Year. One of the significant Section events in 2013 will be our Fifteenth Annual Spring Conference in Chicago, Illinois on April 3-6,

Representation in Mediation Competition – Opportunities for Law Students and Practitioners

Law Students: Registration for the 2012-2013 Representation in Mediation Competition Closes Soon!

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

2013 at [The Fairmont Chicago, Millennium Park](#). The Fairmont is a few short steps away from area attractions, restaurants and shopping.

Take a glance at the [conference schedule](#), I am certain you will find programs that will broaden your knowledge, sharpen your skills, and enhance your approach. Senator George J. Mitchell and Judge Richard Posner will be the conference keynote speakers. With over 250 leading ADR practitioners presenting 90 concurrent programs the conference provides a great opportunity for both learning and networking. The conference begins with the Symposium on ADR in the Courts (on Wednesday, April 3rd) and ends with the Legal Educators Colloquium and the International Committee Workshop (on Saturday, April 6th). The Symposium on ADR in the Courts, Legal Educators Colloquium and International Committee Workshop may also be purchased as stand-alone events.

The Planning Committee has worked diligently to ensure that this year's conference is full of interesting and informative programs that will challenge and engage you. If you've never been to the Spring Conference, I urge you to take advantage of the First-Time Attendee special registration rate.

I look forward to seeing you in Chicago!

John R. Phillips

Section Chair

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 scheduled in late February or early March. The winners of the 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.

[Click here](#) to Register for a list of regional sites.



From the Co-Chair of the Young Lawyers Committee



It seems both timely and appropriate that the Young Lawyers Committee was invited to contribute to the first Just Resolutions e-newsletter for the New Year. As we spent time this past month reflecting on the past and looking forward to the future, we often focus on the younger generations to observe them enjoying the fruits of our successes while inspiring us with their questions, dreams and new ideas. As the past national liaison between the ABA Young Lawyers Division and this Section and the current co-chair of the Young Lawyers Committee, I have had the privilege to speak to numerous young attorneys – those in age as well as those new to our profession – and have spotted many “rising stars” and what I hope will be the new thought leaders for this Section.

There are approximately 2,100 Section members under the age of 36 years old (from the approximately 8,800 members, not including the approximately 9,050 law student members) and this Committee was formed to provide these members with resources, networking opportunities and a chance to write and speak at regional and national conferences. On behalf of my co-chair, Allyson Winter, and myself, I invite all Section members to join our Committee. In 2013, we hope to launch our own quarterly electronic newsletter and will be forming several sub-committees and appointing chairs to lead them. Here are a few of the planned subcommittees:

Member Pro Bono Activities -- Interview with Linda Mealey-Lohmann

By J.D. Hoyle, Section Law Clerk



Linda Mealey-Lohmann has been a full-time professional neutral since 2004 specializing in workplace and employment law disputes. She also serves as a contract mediator for the Equal Employment Opportunity Commission and the U.S. Postal Services REDRESS Transformative Mediation Program. Ms. Mealey-Lohmann received her undergraduate degree in East Asian Studies and Master's degree in Chinese Language and Literature from the University of Minnesota. Prior to law school she spent a year at Tunghai University in Taiwan becoming fluent in Mandarin Chinese. Ms. Mealey-Lohmann returned to the University of Minnesota for law school where she graduated with honors. She began her career as an employment and labor law litigator first at O'Melveny & Myers and then at Dorsey & Whitney. During her time as a litigator she saw first hand how time consuming, expensive, and destructive litigation can be and developed a passion for alternative dispute resolution.

Ms. Mealey-Lohmann began serving as a pro bono neutral in 1999 as an Administrative Hearing Officer and has regularly expanded her pro bono practice. Currently, she is a volunteer mediator for the Minnesota Department of Human Rights, Washington County Conciliation Court, Ramsey County Conciliation Court, Minneapolis Department of Civil Rights, the Dispute Resolution Center of St. Paul, and the Better Business Bureau. Ms. Mealey-Lohmann receives a wide variety of cases to mediate including employment and discrimination matters, debt

- Webpage: The committee chair will identify content and solicit Section members to author short articles addressing ADR topics relevant to attorneys new to the practice of law.
- E-Newsletter: The Committee chair will identify topics and solicit writers to author short articles covering topics both broadly and for specific practice areas pertinent to young lawyers.
- Social Events: This subcommittee will partner with the Law Student Committee to organize a CLE specifically for young lawyers during the Section's midyear, spring and annual meetings and host a "Dine Around -- a no-host dinner at a local restaurant to discuss ADR related topics and to meet new friends within the Section.

Additionally, the Young Lawyers Committee is excited to announce it will start producing short 5-10 minute "podcasts" of ADR related topics featuring both prominent and "rising star" members of our Section. Preliminary podcast topics include:

- "Negotiating Your First Salary
- Tips for Preparing for Your First Mediation from the Mediator's Point of View
- Tips for Using Online Mediation
- 10 Tips for Preparing For Your First Arbitration
- How to Find Clients and Market Your ADR Practice
- Negotiating Plea Agreements for District Attorneys and Public Defenders

These are just a few of the suggested topics – if you have a topic

collection, landlord-tenant, breach of contract, property disputes, home improvement disputes, and other commercial disputes that can take anywhere from twenty minutes to several days to resolve. On average, she spends two to three days a month serving as a pro bono neutral.

In 2005, Ms. Mealey-Lohmann joined the William Mitchell College of Law faculty as an adjunct professor teaching ADR courses. She has published numerous ADR articles in magazines and law journals and has recently co-authored *The Minnesota ADR Handbook: A Guide to Mediation, Arbitration, and Other Processes for Advocates and Neutrals*.

Ms. Mealey-Lohmann is very active in her local Chinese community and in promoting cultural exchange in the international community. She currently serves as the Vice President of the US-China Peoples Friendship Association Minnesota Chapter and as President of The Minnesota China Friendship Garden Society. Ms. Mealey-Lohmann actively promotes the US-China relationship by hosting cultural and business delegations in both Minnesota and in China. She has recently returned from her twentieth trip to China.

Ms. Mealey-Lohmann views herself as an "eclectic" mediator. She is trained in facilitative and transformative mediation and has recently adopted the understanding based approach into her mediation style. Ms. Mealey-Lohmann believes mediation should be customized to fit the needs of the parties regardless of the type of formal training the mediator has received.

Ms. Mealey-Lohmann recommends that lawyers with an interest

or would like to be featured on a podcast, please contact me directly. These podcasts will be featured on our Committee webpage and shared with the ABA Young Lawyers Division as well as a resource for all our members.

The Young Lawyers Committee also invite those planning to go to the ABA midyear conference in Dallas, TX in February to attend the “Careers in ADR” panel featuring myself, Gina Miller of JAMS and Nashville attorney Larry Bridgesmith. The program is open to all young lawyers and law students, even those not members of the ABA or our Section. It will be held at the **Dallas Hilton Anatole from 2 -3:30 pm on Friday, February 8, 2013.**

Finally, if you have not already registered for the Section’s [spring conference](#) held in Chicago on April 3-6, 2013, we encourage all young lawyers who are able to consider attending this conference. Our Section is offering 10 conference scholarships for those who are eligible, so please [click here](#) to see if you might qualify. In addition to the dozens of ADR-related programs, the Young Lawyers Committee, in partnership with the ABA Young Lawyers Division, will be hosting a networking event specifically for young lawyers and we will be organizing a “Dine Around” to provide our members to network with seasoned arbitrators and mediators while developing new friendships.

We are always looking for members interested in becoming more active in our Section and in this Committee in particular – if you are interested in joining a subcommittee, writing an article for our e-newsletter, or have an idea or want to be featured in a podcast, we invite you to reach out to us. With the enthusiasm and energy only befitting of Young Lawyers, we hope you will join us in making 2013 a trailblazing one for the future leaders of this

in dispute resolution should get litigation experience to better appreciate the value of ADR services. She believes the best way to get involved is to find a local mediation organization that provides training to its volunteers. According to Ms. Mealey-Lohmann, the rewards of pro bono service are both professional and personal. Professionally, the mediator is able to develop their skills for their private practice. Personally, there is a great deal of satisfaction in helping people resolve problems and salvage strained relationships.

James B. Boskey Law Student Essay Contest

The James Boskey ADR Writing Competition is a project of the ADR in Law Schools Committee. The Boskey Writing Competition is Chaired by Professor Andrea Kupfer Schneider, Director, Dispute Resolution Program Marquette University Law School. In memory of James B. Boskey, the aim of the Boskey writing competition is to create greater interest in the field of dispute resolution among law students, particularly the Law Student Division of the American Bar Association. Submissions may address any aspect of dispute resolution practice, theory or research that the contestant chooses.

Essays are limited to 15-25 typewritten pages, including footnotes or endnotes. The text of the essay must be double-spaced, with twelve-point font and one-inch margins. First prize is \$1000 to the Competition winner and posting of the winning essay and runner-up online.

The 2013 entry deadline is June 14, 2013 Click [here](#) for the Competition Guidelines and Entry [Form](#).

Section.

Regards,

Serena K. Lee

Serena@Gleamlaw.com

The Length of Recovery: How Alternative Dispute Resolution Attempts to Speed the Recovery Process for Hurricane Katrina

By Allison Killebrew



Catastrophic disasters such as Hurricane Sandy and its devastating aftermath made headlines for weeks. What doesn't make national news is the fact that those states impacted by Hurricane Sandy and the nor'easter that followed will likely still be struggling with recovery a decade from now. Seven years after Hurricane Katrina made landfall on the Gulf Coast, impacted states are still years away from full recovery. [Read](#)

[more.](#)

Alternative Dispute Resolution Law Schools Host Mediation Week Events for Future Generation of Mediators

The Quick Primer on Arbitration for New Attorneys

By Serena K. Lee

New attorneys may find themselves before an arbitrator (or arbitrators) well before they ever find themselves before a jury or a judge, especially those who practice international law, labor or employment law, or smaller commercial disputes, where many business owners will opt to include an arbitration clause as part of their dispute resolution process. [Read more.](#)



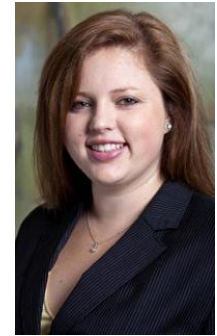
Attorney-Client Fatigue: The Cause? Litigation. The Cure?

By Cara Henley Johnson



This October ten law schools across the country hosted Mediation Week events. Three of these events were organized by law students, at Pace, the University of Houston, and Vanderbilt. All of the events were well attended by law students interested in mediation. A great example of these fantastic learning opportunities was the event hosted by the University of Maryland Francis King Carey School of Law. [Read more.](#)

By Pamela Netterville Grady



In law school, I vividly remember professors discussing the toils of litigation: expense, duration, and risk. Perhaps my idealism thwarted my receipt of the message. As a young solo practitioner, I now understand that message loud and clear. The fatigue of litigation affects attorneys and clients alike. [Read more.](#)

Ethics Corner

Congratulations to the 2012 Cyberweek Ethical Dilemma Contest Winner, Stephanie Kozikowski and International Category winner, Jung Eun Choi!

The Ethical Dilemma for Cyberweek 2012 concerned a partially online mediation described [here](#).

Winning Response by Stephanie Kozikowski

The first job of the mediator is to make sure that both sides understand the process. The mediator should begin by describing what mediation is and how this particular mediation will be conducted. This will promote Model Standards of Conduct for Mediators (MSC) I: Self-Determination, as the parties can better make “voluntary, uncoerced” decisions if they know what is supposed to happen. [Read the entire essay.](#)

Winning Response by Jung Eun Choi

Volunteer Practitioners

Want to help law students learn how to be representatives in mediation? Want to enhance your resume? Get free CLE credit? Want to be of service? We need you!

The ABA Section of Dispute Resolution seeks experienced mediators and lawyers to volunteer for the National Round of the 2013 Representation in Mediation Competition. We need lawyers experienced with interest-based negotiation to judge the students in the competition. Mediators (lawyers and non-lawyers) are needed to serve as mock mediators within the competition role-play.

In many states, volunteers for law student competitions may be eligible for CLE credit. Volunteers for the National Competition are also offered a registration **discount** for the Section of Dispute Resolution Spring Conference (National Competition Volunteers may register for the Spring Conference at the Faculty Registration Rate). National Competition Volunteers may serve

Carl's concern about favoritism and Nancy's concern for confidentiality apparently originate from a procedural circumstance where one party will be physically present with the mediator at her office during the mediation while the other party will be participating via Skype. The mediator, however, should be aware and keep in mind throughout the mediation that the root of the parties' concerns is their lost trust in each other. Without trust, an efficient mediation cannot be achieved. [Read the entire essay.](#)

as judges or mediators for the First Round, scheduled for 8:00 AM – 12:00 Noon Wednesday April 3rd and the Second Round, scheduled for 1:00 – 5:00 PM on the 3rd.

For more information and to apply to serve as a competition volunteer, click [here](#).

Spring Conference Corner

15th Annual Section of Dispute Resolution

SPRING CONFERENCE

**ALWAYS CUTTING EDGE ADR PROGRAMMING - AND THE BEST VALUE
AVAILABLE**

April 3-6, 2013

Fairmont Chicago Millennium Park Chicago, Illinois

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We are unable to accept credit card registrations by fax or mail

For more information visit our
[Spring Conference website.](#)

Calendar of Events

TELECONFERENCE

**FINRA's New Know Your Customer and Suitability Rules 2090 and 2111:
A View From All Sides – Regulators, Industry, and Litigants**

January 23, 2013

12:00 PM - 1:30 PM Eastern Time

This seminar will help practitioners of all experience levels, whether they practice on the defense side, the claimants' side, are regulators, or just want to learn more about the hottest topic in securities dispute resolution: the New Suitability Rules. This very experienced and engaging panel of practitioners, regulators, compliance professionals, and consultants will provide an overview of the rule changes and how they impact the practice of securities dispute resolution. *This program is sponsored by the Securities ADR Committee of the ABA Section of Dispute Resolution.*

Moderator:

Birgitta K. Siegel, Esq., Cornell Law School, Ithaca, NY

Speakers:

Beth A. Black, Esq. – Shareholder, Greenberg Traurig, Chicago, IL

Buddy Doyle – Oyster Consulting, LLC, Glen Allen, VA

Scott Ilgenfritz, Esq. – Shareholder, Johnson, Pope, Bokor, Ruppel & Burns, LLP, Tampa, FL

Ken Muraoka – Chief Compliance Officer, AIG Advisor Group, Atlanta, GA

James S. Wrona, Esq. – FINRA Vice President and Associate General Counsel, Washington, DC

[Register online](#) or fill out and return the [registration form](#).

2013 ABA Midyear Meeting

Dallas, Texas

February 6 – 12, 2013

Teleconference: Point Counterpoint on Mediation Representation

February 12, 2013

Teleconference: Negotiation Ethics Rules 4.1 and 3.3

March 12, 2013

2013 ABA Annual Meeting

August 8 – 13
San Francisco, CA

Other ADR Events

ATLAS

Covergence and Divergence in International Arbitration Practice

April 21-23, 2013

Four Seasons Hotel Atlanta

75 14th Street NE

Atlanta, Georgia

For more information about the Atlanta International Arbitration Society, please go the website: www.arbitrateatlanta.org.

AFCC 50th Anniversary Conference

Riding the Wave of the Future: Global Voices, Expanding Choices

May 29-June 1, 2013

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Los Angeles, California

4th ICC International Mediation Conference

Stay in control - Manage risks, time and costs of commercial disputes with smart ADR

ICC Headquarters, Paris | July 2, 2013

Visit the [conference website](#) for more information

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