Welcome to the Mediation Committee’s Spring e-Newsletter!

The ABA Section of Dispute Resolution’s *Mediation Committee e-Newsletter* is excited to share their Spring e-Newsletter. The e-Newsletter consists of information on 2018 ABA Section Dispute Resolution Conference, Details of Mediation Committee Business Meeting, Online resources, Call for Volunteers for the representation in Mediation Competition, Recent Articles, Committee Member Profiles and Upcoming Events.

We are looking for contributors to assist in the quarterly production. So, do you have some ideas on how to connect? Want to know what’s going on with the Committee and its members? Looking to improve your practice? All of this and more is available by being involved with the ABA Section of Dispute Resolution. Step up and come aboard. Just write to us to let us know that you want to be involved! And don’t forget to check out our [webpage](#) for the latest in Committee news!

*Mediation Committee Co-Chairs*

*Mark LeHocky and Joe Esposito*

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**2018 ABA SECTION OF DISPUTE RESOLUTION CONFERENCE: Spring Programs Featuring Mediation Committee Chairs and Subcommittee Chairs**

**Rethinking Mediation Advocacy: Practical Strategies Based Upon the Behavioral Sciences**

Mark LeHocky

Thursday, April 5 from 10:00 am – 11:00 am

**Cutting Edge Research on Behavior in Groups: Implications for Negotiation and Mediation**

Ava Abramowitz and Neil Rackham

Thursday, April 5 from 11:30 am – 12:30 p.m.

**The In-House Counsel Perspective: What Corporate Counsel Really Think About Mediators, Mediation and Their Role in the Process**

Joe Esposito, Susan Dunnings, Lisa MacVittie, and Charles W. Durant
Thursday, April 5 from 11:30 am – 12:30 pm

*What Dispute Resolvers Need to Know About Mental Health Concerns*

Dan Berstein, MHS and Maria Volpe, PhD

Friday April 6 from 11:45 am – 12:45 pm

*So You Want to Be a Mediator: How to Start and Develop a Practice*

Jeffery Zaino, Gina Miller and Martin P. Welch.

Friday April 6 from 2:15 pm – 3:15 pm

**MEDIATION COMMITTEE BUSINESS MEETING AND DINNER**

The Mediation Committee Business Meeting will take place Thursday, April 5 from 2:00 pm – 3:00 pm, immediately following the lunch break. We plan to discuss ideas for increasing Committee membership generally and increasing diversity specifically, and invite additional suggested topics to discuss.

Committee Dinner:

A Committee dinner will take place Thursday evening. As that date approaches, we will ask for RSVPs in order to help the restaurant gauge attendance, and hope for a good turnout.

Additional Committee Activity:

Please let us know as well if you have time and an interest in another activity with this group. We are still kicking around ideas, and welcome those as well.

**ONLINE RESOURCES**

Dispute Resolution in Mental Health (DRMH) Initiative, a project of the CUNY Dispute Resolution Center at John Jay College and MH Mediate, is pleased to announce free online resources to help conflict resolvers welcome and empower people who have had mental health experiences.

Please click here [http://www.mhmediate.com/drmh](http://www.mhmediate.com/drmh) to access the "Welcoming Mental Health Peers to Conflict Resolution Communities" webinar and companion guide. The program introduces mental health peers and peer specialists, describes ways to be sensitive and empowering, shares lessons learned from our 5-Day Basic Mediation Skills Training, and describes a few ways we can welcome people with mental health experiences into our conflict resolution communities.
VOLUNTEERS NEEDED FOR THE REPRESENTATION IN MEDIATION COMPETITION

The 2018 Representation in Mediation Competition National Round is being held on April 4-5, in conjunction with the ABA Section of Dispute Resolution Spring Conference at the Washington Hilton in Washington, DC. The competition measures how well law students model appropriate preparation for and representation of a client in mediation. The ABA Section of Dispute Resolution seeks experienced mediators and lawyers to volunteer for these competitions. We need lawyers experienced with interest-based negotiation to judge the students in the competition. We also need mediators (lawyers and non-lawyers) to serve as mock mediators.

Volunteers for the national competition are offered a registration discount for the Section of Dispute Resolution Spring Conference. Please fill out this quick form<https://urldefense.proofpoint.com/v2/url?u=https-3A__americanbar.qualtrics.com_SE_-3FSID-3DSV-5FeLQGzxNI40L2BPT&d=DwMCaQ&c=jxhwBfk-KSV6Ffol0PGng&r=RGXa9CwchPlecIXC_F8llwX6_JjYkJR6XbaK_nYVzwxw&m=rUveko9XbvNXJjm0kRSU2wKqNXSjpy_gPKPsvywMrOg&s=QonQfTJgBxiWUZYmBoGvPmo7A-X2UkIItaA48F1zhA&c=> to indicate your interest in serving as a competition volunteer. For more information, please contact Linda Warren Seely at Linda.Seely@americanbar.org

RECENT ARTICLES

Creating Opportunities | “Diverse Neutrals” and ABA 113’s Impact on Young Lawyers and Law Students, By Andrea R. Johnson

The vast majority of civil disputes settle out of court, which creates space for more young lawyers and law students to pursue careers in alternative dispute resolution (ADR). On January 29th, in support of the work around ABA Resolution 113, the ABA Section of Dispute Resolution sponsored a discussion on why it is important to select more “diverse” dispute neutrals. Race, ethnicity, sexual orientation, gender identity, cultural experience, disadvantaged upbringing, and living with a disability undoubtedly add tremendous value to the perspective a mediator or arbitrator will have when addressing complex disputes. The dire need to increase opportunities for diverse dispute neutral diverse attorneys overall; and, young lawyers and law students who wish to be involved with the ABA will continue during the Dispute Resolution Spring Conference April 4-7 in Washington, DC.


In this article, recently republished by the International Academy of Mediators, the author posits that civility is more critical to mediation that to any other form of dispute resolution (trial,
arbitration, etc.), and that the most effective mediation advocates model the most professional behaviors precisely in order to overcome ingrained biases as well as a natural tendency to discount adverse positions and adverse parties. Based on his work teaching mediation advocacy at the University of California, Davis’ School of Law and a dozen years managing hundreds of cases through mediation in his general counsel roles, the article challenges advocates and mediators to embrace civility as a strategic tool as well as an aspirational goal.

MEET OUR COMMITTEE MEMBERS

Rabia Reed

- Where are you located and what do you do?
  I am currently working as a labor and employment defense attorney at Seyfarth Shaw LLP in Sacramento, California.
- How did you become involved with mediation?
  I first became interested in mediation during my mediation class at the UC Davis school of law. It seems like such a wonderful opportunity to explore alternative remedies to litigation and pursue “think outside of the box” solutions that can benefit both parties.
- How are you currently involved with ABA's Mediation Committee?
  I am currently on the board of the ABA Mediation Committee’s Young Lawyer’s Division (YLD).
- Care to share any memorable mediation story where things went really well (or went in the other direction) and why?
  There was one mediation I participated in where the opposing party came in with the attitude “I want it all, and nothing less.” The opposing party wouldn’t consider alternative solutions, did not come up with counter-offers, and basically just spent the whole time making negative comments about my client. Ultimately, it was a wonderful lesson that you cannot push a cart sideways. It is impossible to adjust another person’s attitude and perspective if they are unwilling to listen or
participate in a conversation. Sometimes the timing, or attitudes of parties, can make resolution in mediation impossible. We did however, gain valuable insight about the attorney and client relationship, and the expectations the attorney had for his case. Mediation is never a waste of time, but resolution may not be possible in every scenario.

- Favorite activities when you are not working?
I love reading books, running, baking, knitting, and playing with my tiny 16 year old Chihuahua, Mishy.

- Favorite movie, music or play?
My all-time favorite movie is Disney’s Mulan.

- What do you hope to get out of participating in the Committee (besides recommendations for movies, music and plays)?
I hope to spend time with a diverse set of individuals from all backgrounds linked by their passion for mediation.

Michael Lang

- Where you located are and what do you do?
I live in Sarasota, FL.
I am a nearly retired mediator after 40 years of practice, occasionally mediating a family or workplace conflict. My primary professional focus is completing a book manuscript, tentatively titled, Practitioners’ Guide to Reflective Practice, with 2018 publication date. I lead the RPG for
the Mediation Committee and facilitate two other case consultation groups. I also edit articles for an Irish journal on conflict resolution (Journal on Mediation and Applied Conflict Analysis).

- How did you become involved with mediation?
I was a small-town lawyer in Maine. A couple asked me to “represent the marriage.” I pointed out the ethical proscription, and one party said, “Would it be possible to work together and reach an agreement, while you represent my wife? I’ll sign a statement confirming you are not representing my interests.” We met, we worked together, they resolved their differences, and I realized how powerful this process could be. It was 3 years later when I attended my first mediation conference (AFCC) and realized how much I still needed to learn.

- How are you currently involved with ABA's Mediation Committee?
Since November, 2016, I have been the facilitator/manager of the monthly Case Consultation/Reflective Practice Group (RPG).

- Any memorable mediation story where things went really well (or in the other direction) and why?
Six adult siblings wanted to make decisions about a plot of land they inherited from their father, who left no clear guidance or instructions about the disposition of this valuable piece of real estate. Their mother, though alive, did not participate in the mediation. Almost from the beginning of the three meetings, a primary concern was their mother’s happiness with them and their ability to reach an agreement - even though she had no direct interest in this asset. It was evident that the mother, though not participating, was a profound and persistent influence. I pulled an empty chair into the meeting room to acknowledge her constant presence. Then, when they reached an accord, they all wanted to tell their mother. In caravan, we traveled the 2 miles to the mother’s home, and as their spokesperson, I described the agreement.

- Favorite activities when you are not working?
Living in Florida, I have the chance to swim almost every day. In addition, I cycle (I’m over 70, so the pace is very slow), read mystery novels, and am my wife’s live-in handyman.

- Favorite movie, music or play (no opera please)?
Fellini’s “8-1/2” which I have seen nearly that many times. From the first time I saw the film, I was entranced by its symbolism, metaphor, and music.

- What do you hope to get out of participating in the Committee (besides recommendations for movies, music and plays)?

With the RPG, I can help members who are eager to learn from and through their practice experiences. In this way, I contribute both to their success, and to improving the quality of
UPCOMING EVENTS

The Role of Mediation in Law Enforcement

On March 2, 2018, the Section of Dispute Resolution's Mid-Atlantic Chapter will sponsor a brown bag panel discussion at the downtown offices of the ABA at 1050 Connecticut Ave., N.W. on the 5th floor in the John Marshall Conference Rooms. The panel, moderated by Geoff Drucker, is called "The Role of Mediation in Law Enforcement" and will feature:

1. Rochelle Howard, Deputy Director of the D.C. Office of Police Complaints;
2. Megan Johnston, Executive Director of the Northern Virginia Mediation Service;
4. Lieutenant Brian Rucker, School Liaison Commander and Fairfax County Police Department lead with the Fairfax County Alternative Accountability Planning Program.

The program will explain how mediation is being used as an alternative or supplement to the criminal justice system, and as a means of promoting constructive dialogue and improved understanding between law enforcement officers and citizens. There is no charge to attend this program but we will provide drinks and cookies so we ask you to register your intent to attend. To register go to: https://shop.americanbar.org/ebus/ABAEventsCalendar/EventDetails.aspx?productId=304496234

Stay tuned for the Fall e-Newsletter.

Looking forward to meeting everyone in the 2018 ABA Dispute Resolution Section Conference.

Mansi Karol

Fellow, Kukin Program of Conflict Resolution, Benjamin N. Cardozo School of Law (Summer 2017)
LL.M. Benjamin N. Cardozo School of Law, 2017
LL.M. Queen Mary University of London 2011
LL.B. Bangalore University, India 2010