



# ALTERNATIVE DISPUTE RESOLUTION NEWSLETTER

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**Edited By: Debra Berman & Travis Markley**

*Discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser -- in fees, expenses and waste of time. As a peacemaker the lawyer has a superior opportunity of being a good man. There will still be business enough. -- Abraham Lincoln, "Notes for a Law Lecture," 1850*

## **WHO WE ARE**

The Alternative Dispute Resolution (ADR) Society is a student organization dedicated to promoting student interest in ADR at the Washington College of Law. The society serves to help students gain an understanding of and promote the use of ADR as an effective alternative to litigation. The group provides students the opportunity to hear from prominent ADR experts in the field and to participate in local mediation trainings and competitions. The society also participates in events sponsored by ADR groups at other area law schools.

## **WORK ACCOMPLISHED BY THE SOCIETY**

In the first semester of its existence, the ADR Society accomplished a substantial amount. Beyond starting the group and establishing its leadership, the ADR Board has already begun working with Dean Niles, Dean Jaffe, and faculty to improve ADR course offerings at WCL. Further, the group has helped to gather and select faculty candidates for the planned expansion of the ADR program at WCL.

The group has also begun its work on expanding student understanding of ADR processes and their impact on the legal world. Several students completed a mediation training offered by American University's Mediations Services (AUMS) and are now certified to conduct mediations on campus. More broadly, the ADR Society co-hosted a program with the DC Chapter of the Association for Conflict Resolution (DC-ACR) with guest speaker Jeffrey Senger, Senior Counsel in the Office of Dispute Resolution at the US Department of Justice. Mr. Senger made a well-received presentation at WCL entitled "What Law Students (and Lawyers) Should Know About ADR" to over sixty professionals and law students.

## **BOARD MEMBERS**

- Debra Berman, Founder and President
- Rajiv Ahuja, Vice President
- Travis Markley, Secretary
- JR Biondi, Treasurer
- Ena Marwaha, 1L Student Representative
- Ana Gonzalez-Hart, 2L Student Representative
- Ben Wick, 3L Student Representative

## **UPCOMING EVENTS & ACTIVITIES**

- **January 2005:** Informational Meeting
- **February 2005:** 20 hour AU mediation training
- **March 15-16, 2005:** Volunteer Opportunity – Student Mediation Conference (see pg. 3!)
- **March 2005:** Joint event and reception with the International Law Society
- **April 2005:** DC-ACR event and reception
- **April 2005:** Meet new ADR faculty

## **TABLE OF CONTENTS**

WHO WE ARE.....	1
WORK ACCOMPLISHED BY THE SOCIETY.....	1
BOARD MEMBERS.....	1
UPCOMING EVENTS & ACTIVITIES.....	1
WHAT IS ADR?.....	2
CONFLICTS APPROPRIATE FOR ADR.....	2
BENEFITS OF ADR.....	2
COMPETITIONS.....	2
VOLUNTEER OPPORTUNITY.....	3
ONLINE RESOURCES.....	3
ADR @ WORK: Jeannette Twomey, J.D.....	3
<b>ARTICLES</b>	
<i>The Rise of "Appropriate" Dispute Resolution</i>	
by: Travis Markley.....	4
<i>ADR on the Rise: Legal Education Keeping Pace</i>	
by: Debra Berman.....	5
<i>Mediation or Litigation?</i>	
by: Carroll E. Dubuc, Esq.....	7
INTERESTED IN TAKING ADR COURSES?.....	8

## ***WHAT IS ADR?***

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There are many ways to resolve conflicts. The movement toward ADR, sometimes referred to simply as conflict resolution, grew out of the belief that there are better options than going to court for settling disputes. Today, the terms ADR and conflict resolution are used somewhat interchangeably and refer to a wide range of processes that encourage nonviolent dispute resolution outside of the traditional court system. The field of conflict resolution also includes efforts in schools and communities to reduce conflict and help young people develop communication and problem-solving skills. Common forms of dispute resolution include:

- **Negotiation** is a discussion among two or more people with the goal of reaching an agreement.
- **Mediation** is a voluntary and confidential process in which a neutral third-party facilitator helps people discuss difficult issues and negotiate an agreement. Basic steps in the process include gathering information, framing the issues, developing options, negotiating, and formalizing agreements. Parties in mediation create their own solutions and the mediator does not have any decision-making power over the outcome.
- **Arbitration** is a process in which a third-party neutral, after reviewing evidence and listening to arguments from both sides, issues a decision to settle the case. Arbitration is often used in commercial and labor/management disputes.
- **Mediation-Arbitration** is a hybrid that combines both of the above processes. Prior to the session, the disputing parties agree to try mediation first, but give the neutral third party the authority to make a decision if mediation is not successful.
- **Early Neutral Evaluation** involves using a court-appointed attorney to review a case before it goes to trial. The attorney reviews the merits of the case and encourages the parties to attempt resolution. If there is no resolution, the attorney informs the disputants about how to proceed with litigation and gives an opinion on a likely trial outcome.
- **Peer Mediation** refers to a process in which young people act as mediators to help resolve disputes among their peers. The student mediators are trained by a teacher or other adult.

## ***CONFLICTS APPROPRIATE FOR ADR***

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ADR can be used to help resolve almost any type of dispute. Family mediators, for example, help people with divorce, custody issues, parent-child or sibling conflicts, elder care issues, family business concerns, adoption, premarital agreements, neighbor disputes, etc. Other types of conflicts that respond well to alternative dispute resolution include workplace disputes, labor/management issues, environmental and public policy issues, health care disputes, international conflicts, and many others.

## ***BENEFITS OF ADR***

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While ADR cannot guarantee specific results, there are trends that are characteristic of ADR. ADR processes generally produce or promote:

- **Economical Decisions**
- **Rapid Settlements**
- **Mutually Satisfactory Outcomes**
- **High Rate of Compliance**
- **Comprehensive and Customized Agreements**
- **Greater Degree of Control and Predictability of Outcome**
- **Preservation of an Ongoing Relationship or**
- **Termination of a Relationship in a More Amicable Way**
- **Workable and Implementable Decisions**
- **Agreements that are Better than Simple Compromises or Win/Lose Outcomes**
- **Decisions that Hold Up Over Time**

## ***COMPETITIONS***

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The Society hopes to enter teams into a variety of national/international competitions in the future, including the Law Student National Representation in Mediation Competition, the ABA Law Student Essay Contest on Dispute Resolution, and a wide variety of online competitions. If you would be interested in helping us build teams for any of the above competitions, please contact [adr@wcl.american.edu](mailto:adr@wcl.american.edu).

### ***VOLUNTEER OPPORTUNITY***

The 13th Annual Northern Virginia Regional Student Mediation Conference at George Mason University will be held on March 15th (for Elementary schools) and March 16th (for Middle Schools) from about 8:30 a.m. to 1:30 p.m. on each day. The Association for Conflict Resolution (ACR) is a co-sponsor of the conference.

Bryn Bernstein, Conference Coordinator, is seeking volunteer facilitators for either one of these dates or both dates.

Your role as a facilitator would be to lead a mediation workshop with high school students as co-facilitators for about 15-20 students from approximately three different schools. There will be a facilitator training on Friday, February 11th to thoroughly explain your role as a facilitator and provide you with workshop manuals and conference t-shirts. Attached to this e-mail is the brochure that was sent out to the schools (including the workshop descriptions) as well as the brochure insert, which contains the facilitator registration form for the conference. If interested, please email [adr@wcl.american.edu](mailto:adr@wcl.american.edu).

### ***ONLINE RESOURCES***

- The ABA Section of Dispute Resolution  
<http://www.abanet.org/dispute>
- Association for Conflict Resolution  
<http://www.acresolution.org>
- American Arbitration Association  
<http://www.adr.org>
- Center for Analysis of ADR  
<http://www.caads.org>
- CPR Institute for Dispute Resolution  
<http://www.cpradr.org>
- The Conflict Resolution Information Source  
<http://www.crinfo.org>
- Northern Virginia Mediation Service  
<http://www.gmu.edu/departments/nvms>
- U.S. Dept. of Justice Office of Dispute Resolution  
<http://www.usdoj.gov/odr>

### ***ADR @ WORK: Jeannette Twomey, J.D.***



Jeannette Purrington Twomey, J.D., is a WCL alum and a principal of the firm, Mediation Works. She is a mediator certified by the Judicial Council of Virginia and a member of the Virginia State Bar. She is a trainer for the mediation certification program in Virginia, teaching basic mediation

skills, divorce property settlement, mentoring, and mediator ethics. Ms. Twomey, who has been in private practice since 1993 with MediationWorks, Inc., of Vienna, Virginia, is Past-President of the Board of Directors of Northern Virginia Mediation Services, a non-profit community mediation center. She has a background in law, government, and community affairs. Ms. Twomey has extensive mediation experience and advanced training in workplace, family, and business cases. She is a frequent presenter before local and statewide groups on the topics of mediation and conflict resolution. In 2003, Ms. Twomey initiated a statewide professional mediator development project sponsored by the Virginia Mediation Network and the Virginia Association for Community Conflict Resolution. She also designed and served as co-director of the General District Court Mediation Program in Arlington, Virginia in 1992 to 1994. She is active in the Virginia Mediation Network and serves on the Board of the DC Chapter of the Association for Conflict Resolution. She has served as an aide to a U.S. Senator and an Assistant Secretary of USDA. Her undergraduate degree is from Hollins University and her law degree, from the American University's Washington College of Law.

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**ARTICLES**

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*Below are three short articles submitted by two students on the Society Board and a practitioner in the ADR field.*

**The Rise of “Appropriate” Dispute Resolution**

By: Travis Markley

Mediation, arbitration, and other forms of alternative dispute resolution are gaining prominence in our modern legal system, continuing and accelerating a trend that was begun in the early 1980s.<sup>1</sup> All federal jurisdictions in the United States now have some type of ADR program, although the form of those programs varies widely. Some of these programs are mandatory in nature, requiring disputants in specific types of cases (e.g. divorce) to take classes together or to meet with a mediator in an attempt to resolve pressing issues (e.g. custody). In order to support the rise of the ADR movement and the public awareness that accompanies it, the number of private mediators has grown to match the rising demand. While there is no comprehensive tabulation of the number of ADR practitioners, the number is informally estimated to be upwards of 20,000 in the United States alone.<sup>2</sup>

Modern practice of ADR was given a strong boost by several acts of Congress in 1996 affecting the administrative agencies of the government. These were later followed up by several Presidential Memoranda and further Congressional acts expanding the scope of mandatory ADR programs to include the court system as well as fully implementing the original Congressional acts. The culminating act, the Alternative Dispute Resolution (ADR) Act of 1998, formally required federal district courts to adopt an official ADR program.

Prior to the extension of ADR programs to the federal court system, the Administrative Dispute Resolution Act of 1996 first detailed Congressional findings that administrative procedures were not meeting their goals.<sup>3</sup> The Act noted that such procedures were themselves intended to offer prompt and inexpensive means of resolving disputes as an alternative to litigation in federal courts – but that they had instead become increasingly formal, costly, and lengthy yet less likely to achieve consensual resolution of disputes.<sup>4</sup> Turning to the private sector for a

solution, Congress found that under appropriate circumstances, alternative means of dispute resolutions would likely yield decisions that were faster, less expensive, and less contentious.<sup>5</sup>

Congress thus recognized that alternative means of dispute resolution could lead to more creative, efficient, and sensible outcomes than were otherwise available through traditional administrative proceedings and litigation. Through this Administrative Dispute Resolution Act, Congress envisioned that the success of the private sector could be harnessed in applying ADR to the agencies for the benefit of the public and the government itself.<sup>6</sup> A fundamental result of this policy was that each agency was required to adopt a policy that addressed the use of ADR within its structure.<sup>7</sup>

In order to enact the Congressional goals enumerated in the Administrative Dispute Resolution Act, the President sent a memorandum to all federal agencies on May 1, 1998 supporting and encouraging the consensual resolution of disputes and issues in controversy involving the United States government.<sup>8</sup> This Presidential Memorandum detailed steps that each agency was required to take, including the promotion of greater use of mediation, arbitration, early neutral evaluation, agency ombudsmen, negotiated rulemaking, and other ADR techniques. The memorandum also established a Working Group in charge of facilitating, encouraging, and coordinating the efforts of the agencies. The efforts of this Working Group are focused on several areas such as the development of agency programs that employ ADR, the training of agency personnel to recognize when and how to use ADR, the improvement of agency access to neutral parties for ADR purposes, and long-term recordkeeping to ascertain all of the benefits that ADR provides.<sup>9</sup>

Since the formation of the Working Group, the leaders of its various sections have stressed the value of using ADR in appropriate cases to efficiently settle disputes to agencies throughout the federal government.<sup>10</sup> In the administrative setting, they have agreed that it is vital to recognize that ADR can free resources for a wide variety of matters. While there

are always some issues that cannot or should not be settled, the leaders of the Working Group continue to stress that ADR is a tool that is very valuable to use in selected cases. In a May 2000 Report to the President, the Attorney General detailed progress on federal ADR programs and the improvements it had shown over traditional processes (88 percent participant satisfaction versus 44 percent), calling it “Appropriate” Dispute Resolution, more than just an alternative.<sup>11</sup>

After Congress passed the acts to increase the use of ADR by federal agencies in 1996, it then passed the ADR Act of 1998, requiring federal district courts to authorize the use of ADR in all civil actions and to encourage litigants to use the ADR process.<sup>12</sup> Beyond this federal requirement, according to the National Center for State Courts, 16 states currently require some form of mandatory mediation, while another 16 have voluntary or discretionary use of mediation in cases involving divorce, child custody, small claims, landlord/tenant disputes, etc.<sup>13</sup>

The government has recognized that ADR is not a silver bullet that is perfect for every case, but rather is a very effective tool when applied correctly in appropriate situations in the court systems and its own administrative processes.<sup>14</sup> By extending this process even beyond the mandatory procedures already in place around the country, it is foreseeable that ADR will have a broad beneficial impact on the legal system as a whole. To that end, education of the next generation of lawyers on the benefits and ramifications of ADR becomes essential.

1. Association for Conflict Resolution, Frequently Asked Questions about Conflict Resolution, 2003 at <http://www.acrnet.org/about/CR-FAQ.htm>.

2. Id.

3. Administrative Dispute Resolution Act of 1996, Pub. L. No. 104-320, § 2, 1996

4. Id.

5. Id.

6. Id.

7. Id.

8. Memorandum from Clinton to Heads of Executive Departments and Agencies of 5/1/98, at 1

9. Id.

10. Peter Steenland, 11/4/98 Meeting Minutes of Claims Against the Government Section, Conference Room B, United States Department of Justice, 1998 at <http://adrr.com/adrr1/results.htm>.

11. Janet Reno, The Report of the Interagency Alternative Dispute Resolution (ADR) Working Group, United States Department of Justice, 2000, at <http://www.usdoj.gov/adrr/presi-report.htm>.

12. Robert Moberly, *ADR in the Law School Curriculum: Opportunities and Challenges*, Remarks from the annual meeting of the Association of American Law Schools Section on ADR (January 7, 1998). See also Standards for Approval of Law School Standard 302(a)(4) & Interpretation 302-1 (1998).

13. Association for Conflict Resolution FAQ.

14. Steenland.

## ***ADR on the Rise: Legal Education Keeping Pace***

By: Debra Berman

*“In one sense, we are trying to change the way law students...view the world and the lawyer’s role in it. We want, in other words, to affect the “lawyers’ standard philosophical map....” The map is based on the assumptions that (1) disputants always are adversaries—what one wins, the other must lose; and (2) cases are to be decided by reference to a rule of law applied by a third party. Such a philosophical map makes it difficult not only to recognize the value of some dispute resolution methods but also to perceive that nonmaterial interests, such as yearnings for equality, recognition, or security are vitally important. The map shows only well-known, well-traveled thoroughfares. ...[W]e have sketched in some back roads.” - Leonard Riskin and James Westbrook.<sup>1</sup>*

It is clear that alternative dispute resolution (“ADR”) is and will continue to be on the rise in law schools across this country. The growing acceptance of the use of ADR techniques by the courts, government agencies, and corporations has compelled ADR’s recognition as an important area of training for lawyers.<sup>2</sup> Law school accreditation standards recommend that ADR methods be included in the curriculum.<sup>3</sup> It is now widely accepted that a basic knowledge of ADR techniques is fundamental for all lawyers and that training in ADR skills is a “valuable, and perhaps essential facet of legal education.”<sup>4</sup>

The tremendous growth of ADR in law schools is evidenced by a 1992 survey which indicated that 162 of 168 schools offered at least one course in the area, and many had begun to offer comprehensive programs dealing with a wide range of dispute resolution topics.<sup>5</sup> A more recent survey in 1997 identified 714 ADR courses in 177 law schools.<sup>6</sup> This survey noted that “the expansion of ADR courses and clinical programs is dramatic, matching, if not surpassing, the growth of ADR generally.”<sup>7</sup>

The manner in which ADR has been incorporated into the law school curriculum has varied dramatically. At one end of the spectrum, the University of Missouri/Columbia Law School integrates various ADR topics into each of the first year required courses. At the other end, many schools have merely added courses to their regular offerings, ranging from introductory courses in the ADR field through specific courses in mediation, arbitration, and negotiation.<sup>8</sup> The most exciting expansion, however, has been the creation of clinical programs at twenty-one law schools focusing on the use of dispute resolution instead of

litigation to resolve client problems.<sup>9</sup> These clinics, primarily concentrating on the use of mediation, train students to serve as neutrals in a wide range of disputes and provide them with the opportunity to serve as mediators in supervised situations.<sup>10</sup> At Cardozo Law School's Kukin Program of Conflict Resolution, one of the first programs in the country to train students to serve as mediators, students settle disputes between neighbors, landlords and tenants, employers and employees, and family members. Cardozo students are approved mediators servicing cases referred to the Brooklyn and Manhattan Mediation Centers by the Criminal Court Dispute Referral Center, as well as cases in the New York City Small Claims and Civil Pro Se Court, and those referred from the Equal Employment Opportunity Commission. Cardozo students participate in hundreds of cases each year, either as an apprentice mediator (observing or co-mediating) or as a mediator.

Many law schools provide numerous other ADR opportunities for their students. A number of schools, including Pepperdine, Hamline, and Cardozo, offer a Certificate Program in Dispute Resolution. Certificate programs include comprehensive courses of instruction in conflict theory and dispute resolution processes, and enable students to further develop their problem solving and ADR skills. Cardozo students who graduate with an ADR certificate are New York state-certified mediators. In addition to providing certificate programs and mediation clinics, many law schools participate in ADR Moot Court Competitions, including the ABA Mediation Representation Competition, the Client Counseling Competition, the Negotiation Competition, and the International Online Mediation Competition. Further, law students nationwide have had the opportunity each year to participate at the International Arbitration Moot Court Competition held in Vienna, Austria. Several law schools involve themselves with research and publications in the ADR field. Three law Dispute Resolution Journals presently being published are: the *Journal of Dispute Resolution* from Missouri/Columbia, the *Ohio State Journal of Dispute Resolution*, and the *Journal of Negotiation* from the Harvard Program on Negotiation. Other law schools focus on intra-school journals, including Pepperdine's Straus Institute for Dispute Resolution's *Resolutions Newsletter* and the University of Idaho's *Martin Journal of Conflict Resolution*.

Several law schools, including Stanford, Harvard, and Wisconsin, have established centers for dispute resolution which encourage research, writing, and advanced training in the field.<sup>11</sup> Finally, a number of schools, specifically Pepperdine and George Mason, provide training in dispute resolution skills to attorneys already in the practice, and offer advanced L.L.M. degrees and joint J.D./M.A. degrees.

*ADR is on the rise, but where do law schools go from here?*

While it is clear that ADR is on the rise at most, if not all, of the nation's law schools, how can schools expand their programs to meet the needs of their students? According to the "Problem Solving and the Law School Curriculum Statement and Recommendations for Further Integrations," prepared by the CPR Institute for Dispute Resolution's Advisory Council on Problem Solving and Legal Education, a major challenge for law schools is to develop curriculum and scholarship that support the teaching of the lawyer's multifaceted problem solving role.<sup>12</sup> Most law schools do not teach the full range of skills that students need for their role as the country's future problem solvers. Schools must focus on developing richer problem solving curriculum (negotiation, mediation, arbitration, client counseling, etc.) and if possible, integrate these skills into the required core curriculum. Schools can also build on the strengths of their already existing course offerings.

All law schools offer some form of ADR classes, however, these courses often do not meet student demand and do not include significant skills training. Every law student should have the opportunity to take a course where the lawyer's core roles of problem solver, negotiator, and counselor are examined and developed.<sup>13</sup> Law schools, especially those in metropolitan areas, should utilize retiring senior attorneys and judges who are knowledgeable in these core skills and can bring their experience into the classroom setting. Further, multiple ADR classes should be offered throughout the year in order to give students the opportunity to participate in these essential skill building classes. In addition to basic ADR classes, schools should also offer mediation and/or negotiation workshops so that students can not only learn about the theory behind these processes, but actually put their ADR skills to work

within the classroom and the community. A number of law schools, including the Georgetown University Law Center, offer mediation workshops where students observe mediations at various government agencies and participate in mock negotiations and mediations in the classroom.

Law schools can also reach beyond their borders and create collaborative interdisciplinary links with graduate schools and programs at their own university or at those nearby. These links would enhance cross-teaching and research opportunities. For example, George Mason University's Law School might encourage their students, through an academic consortium, to take courses at George Mason's Institute for Conflict Analysis and Resolution (one of the nation's top dispute resolution graduate programs). Similarly, American University's Washington College of Law can encourage their students to take courses at American University's graduate program in International Peace and Conflict Resolution.

The challenge to develop a significant ADR curriculum is substantial. Institutional change is not easy and requires funding. Schools must encourage donors and law school alumni to support ADR initiatives. Overall, however, law schools must first come to the realization that ADR is essential in today's legal field, and consequently, there is no choice but to increase ADR course offerings and programs. A strong commitment from deans, faculty, and students is crucial. In order to remain competitive, law schools must prepare their students to participate and excel in this evolving and important area of the law.

1. Leonard Riskin and James Westbrook, *Dispute Resolution and Lawyers*, (Westgroup 1989).

2. James Boskey. *Alternative Dispute Resolution in the Law Schools*, 55 *The Fourth R*, The Newsletter of the National Association for Mediation in Education (now the Conflict Resolution Education Network of the National Institute for Dispute Resolution), 1995.

3. Robert Moberly. *ADR in the Law School Curriculum: Opportunities and Challenges*, Remarks from the annual meeting of the Association of American Law Schools Section on ADR (January 7, 1998). See also Standards for Approval of Law School Standard 302(a)(4) & Interpretation 302-1 (1998).

4. Boskey.

5. *Id.*

6. Moberly 2.

7. *Id.*

8. Boskey

9. *Id.*

10. *Id.*

11. *Id.*

12. *Problem Solving and the Law School Curriculum Statement and Recommendations for Further Integration*. CPR Institute for Dispute Resolution, p. 3.

13. *Id.* At 7.

## ***Mediation or Litigation?***

By: Carroll E. Dubuc, Esq.

*(Excerpted with permission from Dubuc, "Avoiding Negative Impacts: Protecting the Company Through Mediation," For The Defense, Jul. 2002, p. 27-28)*

Many commercial agreements contain clauses that require the parties to arbitrate and not litigate. Yet, an examination of the arbitration process reveals that it includes many aspects of litigation. Arbitration is a quasi-judicial process that sometimes permits significant discovery, and has rulings on jurisdiction and evidence. The process is controlled by the arbitrators and not the parties, with a non-flexible structured result in an arbitration award. Indeed, if the arbitration process is court-annexed, there has already been the opportunity for adverse publicity and potential damage to corporate reputation equity.

One of the common definitions of ADR is "the use of conciliation, mediation, arbitration and other nonadjudicative or quasi-adjudicative mechanisms to resolve cases." Hensler, "A Glass Half Full, A Glass Half Empty: The Use of Alternate Dispute Resolution in Mass Personal Injury Litigation," 73 *Tex.L.Rev.* 1587, 1588 (1995). At a roundtable discussion involving senior vice presidents and general counsel of several large American corporations, and reported in *Corporate Legal Times* (May 1994), it was noted that:

Arbitration is rights determination. Rights determination is what the American court system does very well, but it is very costly, sometimes unaffordable.... Mediation is problem solving. It isn't rights determination.... Law School did not teach us how to negotiate, how to listen, how to get people to talk about the real problem and how to get it solved.... The United States has the world's finest judicial system in terms of protecting the rights of citizens. And, it has the world's most inefficient dispute resolution system. There is no legal system worldwide as inefficient as that in the United States.

That roundtable discussion also noted that there is a substantial need to educate the legal profession and legally based organizations in alternative dispute resolution procedures, which lead to more rapid, less expensive solutions to their legal problems. This may be particularly true when the dispute arises out of high profile problems, disasters, accidents, and accidents,

the sort that generate immediate adverse media stories. Parties often make initial adversarial statements that present a hard drive position; the protracted litigation that follows is often an effort to prove these earlier statements, all generating adverse public/customer reaction. The roundtable participants noted that acceptance of mediation will probably require a significant cultural change in the approach to claims and disputes. Early resolution of disputes before litigation should be the objective. Instead of initially focusing only on the discovery process in preparation for trial, there should be a parallel focus on the possibilities for solving the problem by mediation. In that connection, the developing use of settlement (resolution) counsel trained as mediators appears to be increasing the cost effectiveness of the mediation process. Since law schools are now offering mediation courses, perhaps a different kind of lawyer is being developed, a lawyer who may be interested in mediated solutions.

The roundtable participants also suggested that parties to a dispute should exchange key information early and voluntarily; this would help to resolve the dispute, rather than aiming it only toward a trial. In a dispute involving complex technical and personal injury damages issues, it is reasonable to believe that knowledgeable parties and their lawyers could understand and agree on reasonable compromises better than a lay jury that has no knowledge or experience in the subjects. The roundtable participants also addressed that concept, stating:

So we still need a system to resolve disputes when the parties cannot agree upon a solution. Submitting a very complex case to a judge or a jury not versed in the particular expertise of the issues is a terrible way of getting a result.... People start off with a problem assuming they will take it to trial. They don't start off looking for ways to solve it in a practical manner that everybody can live with.... The value of ADR is when you want to have a continuing relationship with the other party, notwithstanding the dispute. [We've] never seen adversarial litigation that allows a friendly relationship to continue.

### ***INTERESTED IN TAKING ADR COURSES?***

One of the goals of the ADR Society is to increase the number of ADR classes available at WCL. If WCL does not offer a class you would like to take, you are allowed to take classes at other area law schools and receive credit for them at WCL.

#### George Washington University

Course	Credits
Environmental Negotiations	2
International Arbitration	2
International Negotiations	2
Consumer Mediation Clinic	2-3
Mediation	2
Alternative Dispute Resolution	2-3
Negotiations	2-3
Mediation and Alternative Dispute Resolution	3
Negotiation and Conflict Management Systems Design	3
International Dispute Resolution	3

#### Georgetown University:

Course	Credits
Alternative Dispute Resolution Seminar	3/2
Alternative Dispute Resolution: Theory- Practice- and Policy	3
International Negotiations Seminar	2
Labor Arbitration Seminar	3
Mediation Seminar	3
Multi-Party Dispute Resolution Seminar: Consensus Building and other Negotiation Processes	3
Negotiation and Mediation in Public Interest Settings	3
Negotiations and Mediation Seminar	3
Negotiations Seminar	3
Dispute Resolution in Federal Systems of Government	3
Dispute Resolution Under International Trade and Investment Agreements	2
International Commercial Arbitration	2
International Negotiations Seminar	2
Investor-State Dispute Settlement	2

The editors would like to thank the ADR Society Board and Dean Niles for their assistance in the work for this inaugural Newsletter and Bob Wiley for help on the logo.