

REPORTS OF SPECIAL COMMITTEES

VBA-VSB JOINT COMMITTEE ON ALTERNATIVE DISPUTE RESOLUTION

Barbara Hulburt, Chair

During the past year, the Joint Committee has continued its work in trying to advance the cause of mediation and other forms of alternative dispute resolution (ADR) within the bar. This has included participation in a number of CLE programs, detailed below, and the continuing work of our Joint Committee, subcommittees, and members to strengthen outreach to the bar and to members of the broader community regarding the use of ADR.

1. **CLE Programs:** The Joint Committee participated in CLE programs dealing with new ethical requirements in several locations around the state. As the Rules of Professional Conduct take effect on January 1, lawyers will need to understand the ramifications of the new rule when they discuss ADR with their clients in appropriate cases. This was a focus of CLE presentations. In addition, the committee sponsored a program on mediation in the context of family cases.
2. **Liaisons to Substantive Section:** In an effort to address a stated desire by a number of sections to have a more active presence in the ADR work being done around the state, the committee has named individuals to serve as liaisons to the substantive VBA sections of which they are members. It is the hope of the committee that these liaisons will be able to bridge a perceived gap between the bar's work in substantive law areas and its work in the more process-oriented world of ADR.
3. **Middle School Mediation Pilot Project:** It is clear to many that the hope for the future lies in our children. With an eye toward encouraging the development of ADR programs in schools and educating the next generation about alternative mechanisms for the resolution of conflict, pilot programs have been developed in two jurisdictions in the state to familiarize 8th grade middle-school students with mediation. The programs, timed to coincide with Law Day 2000, are designed to provide an opportunity for school students to be exposed to mediation concepts and to practice its techniques.
4. **Law School ADR Subcommittee:** Law school is another important place for the familiarization with ADR to begin, as students begin to understand the "real world" that faces lawyers in negotiating for their clients and in representing them in non-traditional processes. The Law School ADR Subcommittee is gathering data about what ADR programs are available throughout the state in our law schools, and in what ways ADR is being incorporated into the law schools' "mainstream" curricula. The committee's hope is that there can be an expansion of course offerings and a greater emphasis on ADR in traditional litigation, business, and family law courses, to name a few.
5. **Community Mediation Subcommittee:** This subcommittee, working with Community Mediation Centers around the state, is lending its support to these not-for-profit providers of mediation services. In keeping with the VBA's strong commitment to these centers over the years, the subcommittee is encouraging the centers to look for ways to continue their work by looking for creative funding mechanisms to support them. The committee feels strongly that community needs are well-served through the vehicle of these non-profit entities.

As I complete my term as chair of the Joint Committee, I am pleased to be able to say that the members of the committee have been dedicated to the work, and willing to put in the time to get it done. I commend the committee to my successor, incoming Chair Mark Rubin. ❀