

Lee Hornberger

The Chair's Corner

by Lee Hornberger

Introduction

Poet Laureate of the United States Tracy K. Smith said, "There's too much in our 21st century lives that is telling us we're the most important thing, that our initial gut reaction is incredibly valuable and not vulnerable, and that our opinions as consumers are more important than just about anything else about us. A poem says 'No, no. You have feelings. You have fears. You have questions. Let's get back to the voice and the vocabulary of being human.'"¹

Alternative dispute resolution, like poetry, recognizes that individuals "have feelings...fears... [and] questions." ADR is an attempt in what some might say is an increasingly rude and arrogant environment to "get back to the voice and the vocabulary of being human."

It is in the spirit of getting back to the voice and the vocabulary of being human that the ADR Section proceeds with its work.

October 12 and 13, 2018 – Annual Meeting and ADR Conference in Traverse City

The ADR Section's 2018 Annual Meeting and ADR Conference, including 11 hours of advanced mediator training, will be Friday, October 12, and Saturday morning, October 13, 2018, at the Park Place Hotel in Traverse City. This will be an exciting learning and networking event with Michigan's premiere presenters. You can register for the Annual Meeting at <https://www.eiseverywhere.com/adr1018>.

The Park Place Hotel has reduced rates for our Section, based on availability, on reservations made by September 11, 2018. You can contact the Park Place Hotel at (231) 946-5000 and reference "State Bar of Michigan." Neither the hotel's website nor its toll-free number has access to this group information. You must call directly to reserve at a discount.

Did I Mention the Meeting is in Traverse City?

Traverse City is stunningly beautiful in October. There are art galleries, fall colors, farmers' markets, outdoor activities, restaurants, and wineries. Visitors to Traverse City are always delightfully overwhelmed by the sheer beauty of the city and the surrounding area. Traverse City is a city that both surprises and enthralls. Traverse City offers all that is best in Northern Michigan. There are beautiful peninsulas, countryside, golf courses, lakes, and trails for those who love the outdoors. We look forward to seeing you at our Annual Meeting and ADR Conference in Traverse City.

The Park Place Hotel is located in the heart of downtown Traverse City. It has gracious guestrooms and suites featuring a coffeemaker and mini-refrigerator. There is complimentary WiFi. There are also the Beacon Lounge, indoor pool, whirlpool, and fitness room. Plus, it is an easy walk to the beach and downtown shopping and dining, and there is complimentary parking in the hotel's private parking lot.

Here are some of the anticipated highlights of the Annual Meeting and ADR Conference:

Friday Morning, October 12, 2018 – Family Law ADR Session

The **Impact of the New Tax Code on Family Mediation** session will review the recently enacted Tax Cuts and Jobs Act and how the Act will impact family mediations. The presenter will be tax expert **Larry Williams** of L.E. Williams & Company, PC in Traverse City.

The **Limited Scope Court Rule and Family Mediation** session will provide important information on the expansion of limited scope representation based on recent amendments to the Michigan Court Rules and the Michigan Rules of Professional Conduct.

The presenters will be **Rebecca S. Tooman** of Innovative Law Services PLLC in Novi and **Lea Ann Sterling** of Sterling Law in Traverse City.

The **Mediating With and Without Unrepresented Parties: Pitfalls and Practicalities of the Process** session will provide strategies to help you work better when parties are unrepresented, including strategies to enhance party competence in decision-making, foster party confidence in the process, balance power without advocating for either party, allow parties to vent, address intersections with the legal system, and draft bullet proof mediated settlement agreements. The presenters will be **Linda Marsh Raetz** of Traverse City and **Lisa Taylor** of Taylor-Made Solutions PLLC in Bingham Farms.

Friday Afternoon, October 12, 2018

There will be exciting Friday afternoon, October 12, 2018, plenary sessions.

In **Michigan State of the Law in ADR**, I will provide my analysis and summary of the top case law developments in arbitration and mediation in Michigan in the past year, including *Rettig v Rettig*.

The State Court Administrative Office (SCAO) Office of Dispute Resolution will share the latest results of case resolution studies, task force meetings, and future plans for ADR in Michigan in **Where Do We Go From Here? The Future of ADR in Michigan**. The Director of the SCAO Office of Dispute Resolution in Lansing, **Douglas A. Van Epps**, will be the presenter.

In **How Did I End Up in the Discipline System When I'm Not Even Practicing Law?!**, the State Bar's ethics expert will share her knowledge and experience to help ADR professionals avoid trouble. The presenter will be **Alecia M. Ruswinckel** of the State Bar of Michigan in Lansing.

"Mom Loved You Best!" – The Keys to Mediating Probate Cases will illustrate that probate cases require extra special care, including how to address common obstacles such as favoritism, reaching consensus, hidden jealousies, multiple parties, and the challenge of domestic violence and abuse. The presenters will be **Douglas G. Chalgian** of Chalgian & Tripp Law Offices in Lansing; **Hon. John A. Hohman, Jr.** of Fink & Fink PLLC in Ann Arbor; **Hon. Patrick J. McGraw** of the Saginaw County Probate Court in Saginaw; and **Hon. Melanie D. Stanton** of the Grand Traverse County Probate Court in Traverse City.

"Extreme Honesty": A Demonstration of The University of Michigan Health Care System Resolution Model in Action will demonstrate the approach taken by The University of Michigan concerning the "disclosure conversation" with the patient and how the process moves to resolution. The presenter will be **Richard C. Boothman** of The University of Michigan Health System Office of Clinical Affairs in Ann Arbor.

Friday Evening, October 12, 2018

After the Friday afternoon plenary sessions, there will be the traditional **ADR Section Cocktail Reception** with fun for all, followed by the presentation of the Section's major awards at the **ADR Section Annual Awards Banquet**.

The Distinguished Service Award will be presented in recognition of significant contributions to the field of dispute resolution.

The Nanci S. Klein Award will be presented in recognition of exemplary programs, initiatives, and leaders in the field of community dispute resolution.

The George N. Bashara, Jr. Award will be presented in recognition of exemplary service to the ADR Section.

The Hero of ADR Award will be presented for supporting the ADR Section's mission or the field of conflict resolution generally by providing exemplary assistance.

Saturday Morning, October 13, 2018 – Two Presentation Tracks

Track 1

New Developments in the Science of Settlement and Negotiation will provide a collection of new scientific research to help us better understand what makes the parties and advocates tick in the mediation process. The presenters will be **Barry Goldman** of Bloomfield Hills and **Betty R. Widgeon** of Widgeon Dispute Resolution & Consultation Services PLC in Ann Arbor.

Trauma-Informed Mediation – How to Recognize the Signs of Early Trauma and Manage the Process will discuss how

individuals in mediation may have experienced severe trauma long before their dispute began and how to handle this complicated situation. The presenters will be **Laura Barnett**, LMSW, MAT, of Bloomfield Hills; **M. Marie Walker**, Marie Walker, PLLC, Traverse City; and **Zena D. Zumeta** of the Mediation Training & Consultation Institute in Ann Arbor.

CALM YOURSELF: You Can't Be a Peacemaker When You're Not at Peace Yourself - Mindfulness for Mediators will show that when emotions escalate and the process starts to spin out of control, mediators who practice mindfulness remain calm and bring peace back to the table. The presenters will be **Robert E. Lee Wright** of The Peace Talks PLC in Grand Rapids, **Hon. William J. Caprathe** of Bay City, and **Brenda Irish Heintzelman** of Traverse City.

Track 2

Dealing with Discovery under the Michigan Uniform Arbitration Act, the Federal Arbitration Act, and the American Arbitration Association Rules will help us understand the rules dealing with discovery in the arbitration process concerning depositions, subpoenas, resolving discovery disputes, and electronic discovery. The presenters will be **Janice Holdinski** of the American Arbitration Association in Southfield; **Samuel E. McCargo** of Lewis & Munday PC in Detroit; and **Martin C. Weisman** of Weisman Young & Ruemenapp PC in Bingham Farms.

Exquisite Moments: First Meetings with the Parties – a Demonstration will demonstrate how the first meeting at the mediation session can become the basis for building trust, gaining party confidence, and establishing a productive relationship. The presenters will be **Sheldon J. Stark**, Mediator and Arbitrator, of Ann Arbor, **Earlene R. Baggett-Hayes** of The Law & Mediation Center PLLC in Pontiac, and **Caroline N. Gersch Leff** of Pezzetti Vermetten & Popovits PC in Traverse City.

In Why Should I Believe You: At Last, An Honest Dialogue Between Mediators and Advocates, experienced mediators and advocates will discuss how taking account of the different perspectives experienced participants bring to the table can enhance the results in mediation. The presenters will be **Steven L. Barney** of True North ADR LLC in Petoskey, **Norman D. Tucker** of Sommers Schwartz PC in Southfield, **Richard C. Boothman** of The University of Michigan Office of Clinical Affairs in Ann Arbor, and **William W. Jack, Jr.** of Smith Haughey Rice & Roegge in Grand Rapids.

Sponsorship Opportunities

You are invited to support the work of the ADR Section by becoming a Sponsor of the Annual Meeting and ADR Conference.

The Sponsorship levels are:

Platinum	—	\$1,000 and up
Gold	—	\$500
Silver	—	\$250
Bronze	—	\$100

- Contributors between \$100 and \$249.99 will receive recognition in printed program materials distributed to all attendees and listing on signage displayed at the ADR Conference.
- Contributors of \$250 will receive one complimentary admission to the educational program, recognition in printed program materials, listing on signage displayed at the ADR Conference, and acknowledgement from the podium during the Awards Banquet. Standard registration for the Section's program only is \$150. For \$100 more, you can be a full financial supporter of our work.
- Contributors of \$500 will receive one complimentary admission, two complimentary Banquet tickets, recognition in printed program materials, listing on signage displayed at the ADR Conference, and acknowledgement from the podium during the Banquet.
- Contributors of \$1,000 or more will receive three complimentary admissions, two complimentary Banquet tickets, recognition in printed program materials, listing on signage displayed at the ADR Conference, and acknowledgement from the podium during the Banquet.

Additional information, including Sponsorship information and registration for the 2018 Annual Meeting and ADR Conference, is located toward the back of this Journal.

Other ADR Section Activities

As indicated below, the ADR Section has many other events scheduled during the rest of 2018.

July 2018 Webinar on ADR Contracts

This joint webinar program with the Business Law Section and ICLE concerning ADR contract language will be recorded on July 18, 2018, and will be made available for later viewing by ADR Section members. The speakers are **Daniel N. Sharkey** of Brooks Wilkins Sharkey & Turco PLLC in Birmingham and **Michael Hindelang** of Honigman Miller Schwartz and Cohn LLP in Detroit. **Mike Leib** of the ADR Section is the moderator.

August 2018 Lunch on Diversity and Inclusion in ADR and the Legal Profession

The Section is sponsoring the Diversity and Inclusion in ADR and the Legal Profession Lunch, at the Ann Arbor City Club, 1830 Washtenaw Avenue, Ann Arbor, Michigan, on August 7, 2018, from 11:45 a.m. to 1:30 p.m. The contact person is Joe Basta at jcbasta@yahoo.com.

September 2018 Mediator Lunch in Marquette

The Marquette County Bar Association and the ADR Section are co-sponsoring a mediator lunch from 11:30 a.m. to 1:30 p.m., Friday, September 21, 2018, in the Sample Room of The Vierling Restaurant, 119 South Front Street, Marquette, MI 49855. Attendees can purchase lunch from the menu at their own expense. This event is being organized and moderated by Thomas L. Solka (Ret. Circuit Court). For additional information and registration, please contact **Thomas L. Solka** (Ret. Circuit Court) at tsolka67@gmail.com.

October 2018 Teleseminar on Mediator Ethics

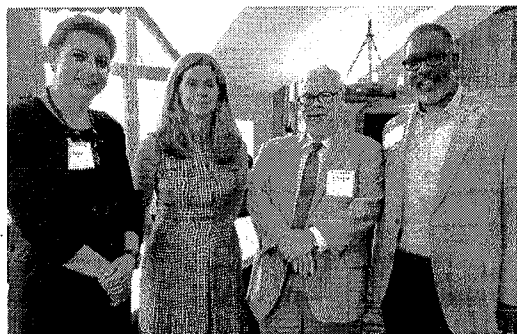
The Section is sponsoring a teleseminar on mediator ethics from noon to 1:30 p.m. on October 3, 2018. As mediators, we are faced with complicated and delicate issues during the entire mediation process from disclosure obligations before mediation retention to our post mediation activity. Our panel of experienced professionals will share their viewpoints and experiences, including obligations under the SCAO Mediator Standards of Conduct. The presenters are **Donald D. Campbell**, Collins Einhorn Farrell PC, Southfield; **Hon. John A. Hohman, Jr.**, former State Court Administrator, retired Probate Court Judge, Ann Arbor; and **Alecia M. Ruswinckel**, Professional Standards Counsel, State Bar of Michigan, Lansing. The Technical Advisor is **Robert E. Lee Wright**, The Peace Talks, Grand Rapids. Additional information and registration are at:

https://higherlogicdownload.s3.amazonaws.com/MICHBAR/2b10c098-e406-4777-a199-33b9d3e7c568/UploadedImages/pdfs/ADR_OctReg.pdf

November 2018 Mediator Diversity Lunch in West Michigan

The Section is sponsoring the West Michigan mediator diversity lunch on November 8, 2018. Additional information and the exact location will be available in the next issue of the Journal.

ADR Section Gold Sponsor of YLS Summit



The ADR Section was honored to have been a Gold Sponsor of the Young Lawyers Section's 11th Annual Young Lawyers Summit at Boyne Highlands Resort in Harbor Springs on June 15-16, 2018. I represented the ADR Section at the YLS Summit. This was a wonderful opportunity to explain ADR and share ideas with YLS' members. The future of the Bar is in good hands.

Pictured from Left to Right: Grand Traverse-Leelanau-Antrim Bar Association President Agnes Jury, Justice Bridget McCormack, Lee Hornberger, and Justice Kurtis Wilder.

Articles for Upcoming Issues of The Michigan Dispute Resolution Journal

The *Michigan Dispute Resolution Journal* is available at: <http://connect.michbar.org/adr/journal>. Editor **Erin Archerd** is looking for articles for future issues. Proposed articles for the Journal can be emailed to Erin at archerer@udmercy.edu.

ADR Section Mission

The mission of the ADR Section is to encourage conflict resolution by:

1. Providing training and education for ADR professionals;
2. Giving professionals the tools to empower people in conflict to create optimal resolutions; and
3. Advancing the use of alternative dispute resolution processes in our courts, government, businesses, and communities. **

(Endnotes)

¹ Begley, 9 *Questions with Poet Laureate Tracy K. Smith*, Time <<http://time.com/5220084/tracy-k-smith/>> (posted April 9, 2018) (accessed May 4, 2018).
