

ADR Section Meeting Minutes January 11, 2011

In Attendance: Deborah A. Coleman (Chair), Christopher Fisher, Michael Diamant, Jack Rekstis, Lisbeth Bulmash, Diane Schwartz, Leslie Nye O'Donnell, Dan Zeiser, Mark Wachter, Nancy Gervinski, Ryan O'Connor, Peter Krembs, John Meredith, Samantha Pringle (CMBA Staff)

I. Schedule and Agenda for Remaining Section Meetings

- Meetings are scheduled for February 8, March 8, April 12, May 10 and June 14 at noon at the CMBA Offices.
- Suggested topics/speakers include:
 - Probate and Domestic Relations Court representatives to discuss ADR initiatives in those courts.
 - Representative from Ohio Supreme Court ADR Commission
 - Problem solving roundtable
 - Ethical issues in ADR
 - Preparing litigators for mediation

II. CLE Programs

- Approximately 20 participants attended the November "Back to Basics" CLE – thanks to our speakers and Section members for their support
- Discussion regarding possible Spring training for mediators
 - Not moving forward at this time –
 - Suggestion made to reach out to law firms with a presentation on benefits of involving a 3rd-party neutral in litigation
 - Suggestion made to reach out to NEO-ACCA/John Moran for a presentation on ADR to in-house/general counsel

III. ADR Directory Project

- Jack Rekstis and Mark Wachter have volunteered to spearhead this effort
- Directory will encompass a comprehensive listing of practitioners, drawing on Section members and other resources including court programs, MANO, CMBA, OMA, online resources, etc...
- Goal to complete by summer and publicize during October Mediation Week

IV. Court Annexed Mediation Updates

- Federal Court – rule changes in front of judges
- Common Pleas – no update
- Foreclosure Mediation – Jack Rekstis
 - Cuyahoga County has full-time program; Geauga, Lake, Ashtabula and Lorain are all part-time

- Jack has observed mediations in two counties. Pre-mediation sessions help assure that borrowers come prepared with necessary information. Agreements are reached where lenders motivated not to acquire additional real estate.
- Need statistics on borrower follow through—if borrowers don't follow through, mediation simply postpones foreclosure.
- Definite difference in conference structure between two counties
- Mr. Rekstis is in process of attending mediations in all counties, with a target completion of February 2011
- Local mediation program directors will be invited to a roundtable in late-March/early-April; currently, there is no communication among the 88 counties in regards to foreclosure mediation best practices
- If anyone has feedback on the program, please contact Jack Rekstis at (216) 479-8600.

V. Law Student Involvement

- Tom Mlakar at Cleveland Legal Aid Society asked help of the Section in approaching CWRU and Cleveland-Marshall Law Schools to explore their interest in developing a mediation clinic in conjunction with their courses.

Cleveland-Marshall is interested; have not connected with right person at CWRU yet.

- Students could work with homeowners to develop the materials needed to participate in the foreclosure mediations, and help assure homeowner understanding of and follow through on commitments made in mediation.
- Section members feel program could be valuable introduction to client work in mediation setting for law students, as well as providing assistance to the community.

VI. Other

- a. CMBA Family Law Section Lunch and Learn, Thursday Feb. 17, 2011 : Dr. Emily Weglian, Cuyahoga Community College, "Understanding the Potential Effects of Cultural Differences in Conflict Resolution." 1.0 hr. CLE credit; register by 2/16 to guarantee lunch.
<http://www.clemetrobar.org/PV/Core/Events/eventdetails.aspx?iKey=FLS021711>
- b. MANO Annual Conference and Training Event, March 11, 2011, featuring Zena Zumeta, "To C or Not to C: An Interactive Workshop on Caucus Versus Joint Session Mediation." Corporate College East.
<http://www.manomediate.org/annualmeeting.htm>.

Next meeting: February 8, 2011 at noon. John Homelek will discuss new mediation program in Probate Court.