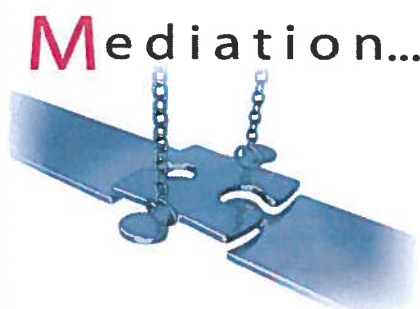


FDCC
ADR SECTION NEWSLETTER

April 30, 2014

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“You can’t always get what you want;
But, if you try sometimes,
You just might find,
You get what you need.”

Mick Jagger and Keith Richards

There is much going on in our section – and our section is made strong by the participation of all of you --- our members! We appear in so many facets of the Federation, and YOU can be as involved as you want to be. As you read through this ADR Section Newsletter, note the opportunities and examples of how you can help out as a speaker, a writer or a leader in the FDCC. Here is what we are doing and looking forward to --- with your help of course:

FDCC 2014 Annual Meeting: The Greenbrier, White Sulphur Springs, West Virginia



Join us, together with FDCC President/First Lady **Tim and Christie Pratt**, in the splendid antebellum jewel of the Western Shenandoah Mountains at **The Greenbrier** in White Sulphur Springs, West Virginia, July 27-August 2, 2014 for the Annual Meeting hosted by **Leslie and Tom Packer**. The Greenbrier truly reflects the elegance of a day gone by, became the retreat of presidents and senators long before Camp David was Camp David. Now, after an eight figure update, Greenbrier sparkles among the green forests of our Eastern mountains. Outdoor activities

including golf, tennis, swimming, river-running and hiking abound, while the cuisine and graceful ambiance are beyond compare!

Greenbrier's magnificence was underscored when, after the Second World War, the US Government built a virtual underground city there in a mountain bunker to which our country's government was to gather in event of a major attack along the east coast. Rivaling an Ian Fleming novel, this site now promises to be a wonderful professional and family experience for all. **Mike Scott** has shepherded a great program into place that will surely captivate. It is headlined by Robert Edsel, author of *The Monuments Men*, the book brought to life in the eponymous motion picture this past Winter starring George Clooney, Matt Damon and John Goodman. A true to history tale of Nazi plunder, American courage and Art in the midst of the biggest conflagration in history.



And as of today, the Greenbrier reservations board is open to schedule your room in what surely will be a grand meeting. Paula and I look forward to seeing you there!

Chris DePhillips of Gibbons, PC out of Newark, New Jersey is headlining our Section Program at the Greenbrier. He and his top notch panel will present “**Perspectives on an Effective Mediator**” and will analyze what it takes to be a good mediator from perspectives of a Judge/Mediator, In-house Counsel, Outside Counsel and client. As you plan for Greenbrier, be sure to include this program.

*Fellowship * Knowledge * Justice*

FDCC 2014 Litigation Management College & Graduate Program: Emory University

Speaking of jewels, often named the “Jewel of the FDCC”, the Litigation Management College and related Graduate Program, truly lives up to its name. June 8-12, 2014, set in the Emory Conference Center at Emory University East of Atlanta, Georgia, client representatives who assign and manage litigation come to learn from our FDCC mavens how to manage litigation.



The nuts and bolts of the entire process are dissected with the students and reassembled throughout the week from First Notice of Claim, through Trial and Appeal. The Graduate Program features a much more convoluted problem exemplar at every level. Our Section Vice Chair **Todd Roberts** is one of the Deans of the College this year.

ADR is front and center in the LMC programming. Mediation guru Marty Latz, Founder of the Latz Negotiation Institute out of Phoenix, Az., headlines most of the College's programs on the first full day. The Graduate Program features FDCC ADR Section Members **David Bell** (Phoenix, Az), **Mills Gallivan** (Greenville, SC), **Mike Kiernan** (Tampa, Fl), **Meryl Lieberman** (New York, NY), **Craig Marvinney** (Cleveland, Oh), **Phil Reeves** (Greenville, SC), **Tom Segalla** (Buffalo, NY) and **Greg Witke** (Des Moines, Ia) working with **Graduate School Dean Rich Traub** (Red Bank, NJ) in presenting on Mediation techniques and critiques of students' work in mediating an actual mediation of a mocked up complex litigation matter.

Check out the LMC and the Graduate Program on our FDCC Website at **thefederation.org**. So impressed you should be, that you'll surely invite client representatives to participate in what is arguably the single-most effective litigation claims management program in the United States.

The task of a writer consists of being able to make something out of an idea. -Thomas Mann

FDCC Quarterly ADR Section Article 2014:



Keep your eyes open for the upcoming issue of the Quarterly, the FDCC's scholarly law journal! Our ADR Section article for 2014 is being published in the next issue being released in May:

Mediation in the United States Circuit Courts of Appeals: A Survey
Craig A. Marvinney, Walter | Haverfield, Cleveland, Ohio, (2014)

Through research into the many United States Circuit Court of Appeals "conference" and mediation programs, their history and procedures, along with actual interviews with Circuit Conference Attorneys and in one case the Clerk of Courts for one of the circuits, the author brings together in one place a compendium of information any practitioner might need to begin preparing for a mediation in our federal appeals courts.

As noted later in this newsletter, you can author the featured ADR Article in an upcoming Quarterly, and add the kudos of getting published in our FDCC scholarly journal. All you need

to do is let me know what you'd like to write, and then research it and write it! Have you briefed a topic thoroughly in your work? Have you written on an ADR related topic you'd like to expand upon? Try your hand at publishing fame and "Just do it!"

"JOANNES EST NOMEN EJUS"

--Motto of Puerto Rico--

FDCC 2015 Winter Meeting: Waldorf Astoria El Conquistador, in Fajardo, Puerto Rico

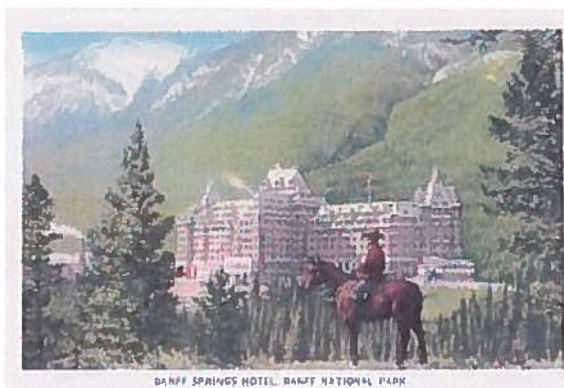


"Conquistador, Your Stallion's Stance..." So went the song, and this February 28-March 7, 2015, meeting promises to conquer all! Cascading down the Eastern Escarpment of Puerto Rico, this may be one of the FDCC's most exotic venues yet. And ADR is a major player in the program still being assembled by Buffalo's **Mike Glascott**. A featured Plenary program will be a panel being assembled by Indianapolis' **John Trimble** will build upon the mediation prowess of perhaps THE top mediator in the United States today, Keynote Speaker Ken Feinberg.



Our ADR Section is also co-sponsoring a Blockbuster Sectional presentation in a panel being put together by our ADR Section with the Toxic Tort and Drug, Device & BioTech Sections on Trends the Personal Injury Bar sees in the next 5-10 years. While this program and panel is still in the works, if you are interested in speaking or otherwise helping with the panel, please let me know at cmarvinney@walterhav.com.

FDCC 2015 Annual Meeting: Fairmont Banff Springs Hotel, Banff, Alberta



**“The true North strong and free! God keep our land, glorious and free.
O Canada, we stand on guard for thee!”** --Canadian National Anthem (excerpt)

How does one even capture a hint of the grandeur we’ll breathe again as the FDCC heads North to Canada’s Rockies, returning to the beauty of the Fairmont Banff Springs Hotel July 25-August 1, 2015? In a setting teeming with Elk, Moose and Deer and perhaps even a glimpse of a bear, one cannot find a more spectacular outdoor setting than this gem set in the Bow River Valley, West of Calgary. And we plan on the ADR Section taking its place in this setting.

If you have an idea on a program/panel for Banff, let me know! We are scheduling this in process now. One thing about FDCC Programming, it is worked up early on before our main meetings, sometimes as you can see, even more than a year in advance. That way nothing becomes too much of a burden on any member, but at the same time, the excellent quality of our programming percolates to the top.

Opportunities to take part--- Your Name In Lights!

We are looking for your help in any of the following aspects of our ADR Section. These are tremendous opportunities for you, your firm, and your associates to shine before a prime audience of skilled attorneys nationwide including referral sources and clients. If you have interest in any of these, please let me know at cmarvinney@walterhav.com:

Speaking:

- Winter 2015 Meeting: Speaking/participating in the Sectional Blockbuster program panel discussed above for Puerto Rico.
- Summer 2015 Meeting: Need ideas/concepts/speakers for a sectional meeting presentation for the Banff meeting.
- Litigation Management College and Graduate Program: Slots for interested speakers for the Mediation programming open up here and there. Usually, we ask one to have done a major meeting sectional presentation first.
- Watch your FDCC emails for other opportunities.

HOT CASES:

--- The FDCC has perhaps the most “hit” websites of any legal organization website in the United States. Why? Most assuredly “Hot Cases” plays a part. Every four months or so, our Section takes on one week’s survey of major US federal or state court cases of interest, and summarizes and posts them with your name to our website for all to see. We need Hot Case Editors from our section and you could be it!

Quarterly:

--- As noted above, the premier law review style journal of the FDCC, the Quarterly accepts scholarly articles for four publications a year. Our ADR Section needs you write an article for the 2015 publication year. You can convert a paper you did for a program or it can be new and altogether unique. Ah, to be published! And it places you in contention for the annual FDCC Andrew C. Hecker Award for the most outstanding Quarterly Article of the year.

The article you write may also then be ‘re-purposed’ for FDCC Tweets, and for the FDCC Blog, and FaceBook page.

Papers for Meetings/programming:

--- A great way to ‘step up’ is to take on responsibility to write a paper associated with a sectional program or more particularly, a program where you are presenter or a panel member. These present opportunities for ‘double dipping’ by breaking your paper up into a series of Blogs for the FDCC Blog, FDCC Twitter feeds or a posting or two on the FDCC FaceBook page.

Leadership:

--- Being a Vice Chair is a great way to be involved and grow into FDCC Leadership. This opens doors to programming/speaking/writing opportunities faster and more frequently across the board. We can always use more than one Vice Chair!

Northern Exposure:

--- Who are you? Put your and your firm’s profile up on the FDCC Website Home Page. Go to our site, download the Profile Publication Protocol, complete it and send it to dfuqua@fc-lawyers.com. Then you’ll have something to show to your clients and partners....!

--- If you have something of note that has happened to you this year – family, professionally --- be it a major case win, a publication, appointment or anything newsworthy, let me know and we’ll put you in a new part of our Fall ADR Section Newsletter as well.

WRAP UP

Thanks to all of you who have helped in one way or another. See you at The Greenbrier!