

Message from the Chair

It is my privilege to serve as the Chair of the NYSBA Dispute Resolution (DR) Section this year, especially in this time of change and growth. This is also a year of celebration since the Section celebrates its 10th anniversary this year. Look for our new logo on the website and other places.



A few years ago the American Bar Association did a survey to determine what areas of law would grow in the future. Alternative dispute resolution was identified as one of the fastest growing areas. The growth is coming after a time of examination and evolution. This issue contains articles highlighting these observations and changes.

The Global Pound Conference series, held worldwide, concluded in 2017, but the information gathered from the events is still bearing fruit. Herbert Smith Freehills, the International Mediation Institute and PriceWaterhouse issued a Report this summer focused on major trends and regional differences. This issue contains highlights of that report focused on the user who is looking for efficiency when selecting a dispute resolution process and wants advocates to work more collaboratively with adversaries.

Another outgrowth of the Global Pound Conference was the interest in and use of mixed modes to manage dispute resolution. This issue has several articles on

arb-med and innovative processes that move the discussion of these tools forward.

In June, UNCITRAL's Working Group II completed its work with the adoption of a Convention and Model Law to enforce mediation settlements in cross-border cases. Many expect that this work will become known as the full employment act for mediators, but more seriously, it recognizes the growth of international commerce and the need for a better way to resolve cross-border disputes. The Convention will be known as the Singapore Convention, recognizing the stature of Singapore as a center for dispute resolution in Asia.

In June, we also celebrated the 60th anniversary of the New York Convention. This popular Convention has bolstered international arbitration, making the process a favored dispute management process.

What can we expect from the Dispute Resolution Section this coming year? The Executive Committee is energized and we have many projects and programs on tap. The focus of the year will be on young lawyers/ law students, broadening opportunities, and innovations. Some important and exciting programming highlights are:

- The ADR in the Courts Committee is collecting feedback and will be our conduit to the Court Advisory Committee established by Judge Marks. The state Courts are primed to integrate ADR into the court system to address backlogs and improve efficiency of the courts. More will come as the year progresses.
- In October the Dispute Resolution, Commercial and Federal Litigation, and Corporate Counsel Sections with New York Law School, will be co-sponsoring a mediation advocacy training. This is an effort to educate new and experienced inside and outside counsel on the most effective advocacy choices available to get the most out of mediation. Attendees will walk away with hands-on tools that they will integrate into their practices.



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- The Mediation Committee is offering law schools a Mediation Moot in March 2019. This effort is the styled after the Arbitration Moot and builds on its success. The Moot will be open to New York State law schools
- The Arbitration Committee will participate in a new Rand Study on the corporate use of ADR.
- The Ethics Committee will develop and issue a report on "Is there an Ethical Imperative to Consider ADR?"
- The Membership Committee is launching a new member survey so we can meet the needs of our current and future members
- The Legislation Committee will be visiting with New York State legislators to solidify the Section as a resource for information and advice about ADR. This is particularly important because there is a sense that the next legislative session might be more actively looking at ADR legislation
- The Section is establishing a Task Force to identify recommendations to increase opportunities for

women and minorities as advocates and neutrals in ADR proceedings. The goal is to highlight many steps already taken by the Section but also to establish us as proactive resources for those who are underrepresented.

- Our new Public Relations Committee will continue to push using social media to promote everything we are doing but will also be an education arm. In October, it will pilot a program on optimizing LinkedIn.

This is just the tip of the iceberg. There is more to tell you about but I will save it for the next issue where I hope to tell you about our successes and results.

Please join me in making all of these initiatives happen.

Deborah Masucci

NEW YORK STATE BAR ASSOCIATION

REQUEST FOR ARTICLES

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Articles should be submitted in electronic document format (pdfs are NOT acceptable), along with biographical information.

