



ALABAMA CENTER FOR DISPUTE RESOLUTION

**News
for Alabama Neutrals**

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FROM THE DIRECTOR:

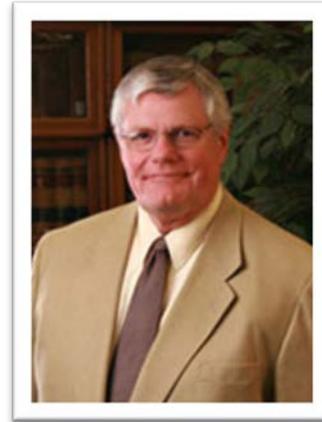
OK, 20 years, how great is that?

The Alabama Supreme Court Commission on Dispute Resolution and the Alabama Center for Dispute Resolution have been promoting, training and explaining ADR since 1994!

In this issue of the e-news, we are looking for mediators to be judges in the **ABA Representation in Mediation Competition** beginning February 28th, and announcing some negotiation training with impressive faculty that is as close as Atlanta. We are bringing you up to date on foreclosure mediation, a mediator ethics code change and an interesting Alabama case where parties are prohibited from seeking to compel mediator testimony. We are also saying good-bye to one of our own, attorney and mediator Bob Creveling.

Join us at the ASB Annual Meeting in July when the Dispute Resolution Section, the Center, and others will sponsor a two hour CLE entitled, ***The Amygdala Hijack – or, What Every Lawyer Needs to Know about Emotions & Negotiation***. Then stay for refreshments to celebrate 20 years.

Look for a special ADR issue of the ***Alabama Lawyer***, **November 2014**, and consider advertising your practice in the issue. We would love to have a comment from your judges about the value of mediation as they see it. It is one way you can volunteer to help us, and get your judges in print. If you publish, send us a link to feature your work at the website.



Finally, I would like to commend, all year long, my wonderful colleague, and fellow ADR advocate, **Professor Ken Dunham**. Ken, who developed the mediation program and the mediation clinic at Faulkner's Jones School of Law over the last 17 years, mediated hundreds of cases with his students at the Montgomery County District Court, and coached the national championship team in the ABA Mediation Advocacy competition in 2013, will retire in December of this year.

Ken and I spent many happy hours training volunteer mediators for Alabama district courts and sharing resources, ideas and conversation. We still have this year, and then I am going to visit him and Linda on St. Simon's Island where we will keep talking ADR over great seafood at fabulous and funky restaurants.

Judy

The Way We Were!



Alabama Supreme Court Commission on Dispute Resolution
and Center Director. Circa 1996.

Back row: Rich Hobson, Noah Funderburg, Judy Keegan, Steve Benefield,
Hon. Wayne Thorn, Keith Norman, Phillip Jauregui, Spud Seale, Anne Isbell.

Front Row: Marshall Timberlake, Hon. Sharon Yates, Bill Coleman,
Hon. John Alsbrooks, Justice Harold See.

**FAULKNER'S JONES SCHOOL OF LAW
WILL HOST ABA REPRESENTATION IN
MEDIATION COMPETITION: JUDGES
NEEDED**

Faulkner's Jones School of Law is hosting the 2014 Region VI American Bar Association's Representation in Mediation Regional Competition which will be held in Montgomery Friday, February 28, through Saturday, March 1, 2014. They are anticipating ten teams competing from five different schools, and really need extra help on Friday. Mediators are more than welcome to judge multiple rounds and are encouraged to invite their colleagues.



If you are available to judge, there are two ways for you to register. You can email the Board of Advocates at FaulknerBOA2014@Gmail.com, or you can follow the registration link on Faulkner Law's homepage. Once you register, we will send you follow-up information that goes over parking and an overview of how the competition will work. Here is the time frame for when mediators would need to arrive and when we should be finished:

Friday, February 28

Round I: 8:30 a.m. – 11:30 a.m.

Round II: 12:30 p.m. – 3:30 p.m.

Saturday, March 1

Final Round: 9:30 a.m. – 1:00 p.m.

CONTACT: Audrey Liston, Student Coordinator, (703) 864-8756, FaulknerBOA2014@Gmail.com or Brian Bird, Student Coordinator, (334) 312-6150, FaulknerBOA2014@Gmail.com

Foreclosure Mediation Training

Foreclosure mediation training is scheduled for Wednesday and Thursday, April 9 and 10, at the Alabama State Bar in the Board Room beginning with sign-in at 9 a.m. We have room for about 60 registrants, and will develop an overflow list for cancelations.

The registration form is available at the website www.alabamamediators.org/web/CLE, but you may call 334-269-0409 and request a copy by e-mail, or e-mail patsy.shropshire@alabar.org and Patsy will forward a copy. If you called and asked to be added to the early registration list (there are 30 of you), you are our first registrants already, and your forms will be mailed to you.



This course will carry up to 12 hours of CLE, and you must take it to be paid by the Center for mortgage modification mediations you conduct. We will be using "foreclosure mortgage modification" or something similar as a subject at the website and we will put up a separate roster for the program so that HUD counselors and consumers don't have to search.

The National Consumer Law Center will be providing trainers for the first day. Training topics will include:

- Identifying the players and transactions in today's mortgage market
- The role of mortgage servicers
- Types of loans
- Net Present Value tests
- The HAMP program
- HAMP-related programs (PRA, 2d liens, HAFA, UP)
- Federally guaranteed loans (FHA, RHS, VA)
- Loss mitigation protocols
 - New CFPB rules
 - National AG Settlement
 - Fannie Mae and Freddie Mac guidelines
- Loss mitigation and bankruptcy
- Tax issues related to settlements
- Role of mediators

To Date: We have had one foreclosure mediation at the appellate level which settled.



GOVERNOR BENTLEY SIGNS THE 2013 MEDIATION WEEK PROCLAMATION

Left to right: Scott Hoyem, AOC; Ken Dunham, Faulkner's Jones School of Law; Rich Hobson, AOC; Michelle Ohme, Appellate Mediation Office; Sandy Speakman, Veteran's Affairs; Bill Coleman, Capell Howard; Lynn DeVaughn, Alabama Court of Civil Appeals; Cooper Shattuck, University of Alabama; Hon. Bill Gordon, Chair, Supreme Court Commission on Dispute Resolution; Rebecca Oates, Clerk, Alabama Court of Civil Appeals

Change To Standard 10, Mediator Code Of Ethics

Standard 10 is rewritten in order to cover solicitation. Read the Alabama Supreme Court Order [Read the Alabama Supreme Court Order on our Website](#)

New Case

The Alabama Court of Civil Appeals directed the trial court to grant mediator's motion to quash subpoenas, thereby prohibiting parties from compelling mediator's testimony: [Ex parte Sheila Stone Schoen](#) Order of Sept 5, 2013. We mailed a copy with your renewal. It is also on our website with [other select cases](#).

**We Remember The Very Special
Robert W. Creveling, Esq. (Bob)
Attorney and Mediator
1936-2014**



**Bob with Bar President, Tom Methvin,
when he received the pro bono
mediator of the year award in 2009.**

Bob Creveling, graduated from University of the South, Sewanee, and began law school at Duke. He left to serve in the Army Intelligence Corps and later received his JD from Emory Law School. He started his legal career as a trust officer of the First National Bank of Birmingham, and subsequently spent a long career in the insurance industry before joining the American Cancer Society (ACS) as a Planned Giving Officer. Bob later became Director of Probate and Trust Management for the ACS National Office in Atlanta, Georgia. He moved to Oklahoma City, and spent some of the best years of his life working as the Associate Chief Counsel for ACS.

After retiring, he returned to his home in Birmingham where he practiced as a mediator, was secretary for the Birmingham Bar's ADR Section and Treasurer of the Alabama State Bar's DR Section. He was mediation coordinator for the Honorable John Amari. Bob celebrated 50 years as a member of the Alabama State Bar. He served his church, St. Luke's Episcopal, well, and was a lay minister. His wife of 52 years, Sarah Creveling, and sons Robert and Clay, along with his grandchildren will miss him greatly.

I could say so much more. Anyone who knew Bob, just knew he was special. I loved his smile and his great kindness, his intelligence and his commitment to peacemaking. I am only one of his many mediator colleagues who will miss him too, and a lot.

NEGOTIATION NEXUS ATLANTA



The Agency for Dispute Resolution is extending an invitation to our roster members to attend their negotiation training seminar developed and taught by core faculty of the #1 ranked Straus Institute, taking place on April 23 & 24, in Atlanta.

According to the Agency, in addition to earning up to 16 CLE credits, you'll have an opportunity to network with leading in-house counsel and other top litigators and neutrals. The best part is a special one-to-one promotional savings, where your annual 2014 roster dues (to our Center) will save you **\$150 off of their discounted introductory rate.**

To find out more, and see if this interests you, please visit www.SettlementSkills.com. Enter promo code of Center5 (through March 7th) to take advantage of this special offer.

Henry C. Strickland, New Dean Of Cumberland School Of Law

Professor Corky Strickland, now Dean Strickland, joined the Cumberland faculty in 1988. He has regularly taught the law school's ADR courses, and arbitration law is one of his primary research interests.

Cumberland School of Law implemented a new Negotiation Workshop during its January 2014 mini-term. Twenty members of the Birmingham Bar Association Dispute Resolution Section served as adjunct instructors. The adjunct instructors included Cassandra Adams, Emily Bonds, Steven Brickman, Dean John Carroll, Steve Casey, Martha Cook, Charles Denaburg, Alex Goldsmith, Greg Hawley, John Hall, Debra Leo, Oscar Price, Virginia Miller, William Ratliff, Allison Skinner, Tom Thagard, Brian Turner, Scott Vowell, and Tom Woodall, among others.



During the intensive week-long course, the students negotiated a particular fact pattern each day while local attorneys observed and offered feedback to improve the students' negotiation skills. Each negotiation exercise was followed by a lecture offering instruction on particular negotiation styles and skills. This course is part of the school's new legal skills initiative. The program was designed by Professor Henry C. Strickland, the incoming dean of the school. Next January, the school intends to require the Negotiation Workshop for all its students. As the program grows, Cumberland will need additional adjunct instructors. Please stay tune in the fall for opportunities to volunteer as an adjunct instructor. The Center is pleased to see the BBA DR Section support this program.

Dean Strickland's and my paths have crossed many times over the past twenty years, so I am particularly pleased with his selection to head the law school. Hopefully, the Center and the law school will collaborate on future dispute resolution projects.

2013 Abraham Lincoln Pillar of Excellence Award for Innovative State Programs



VA Secretary Eric Shinseki (right) presents the Abraham Lincoln Pillars of Excellence Award to Alabama Department of Veterans Affairs General Counsel, Sandy Speakman, and Alabama VA Commissioner W. Clyde Marsh. Sandy Speakman is Vice Chair of the Alabama Supreme Court Commission on Dispute Resolution.

The Alabama Department of Veterans Affairs has been honored nationally for its leadership and innovation in the state's Veterans Treatment Court (VTC) program for veterans involved in the justice system. Department of Veterans Affairs Secretary Erik Shinseki presented the Abraham Lincoln Pillars of Excellence Award for Innovative State Programs to Alabama VA officials during a ceremony held at the White House in Washington, D.C. on February 11.

The Abraham Lincoln Pillars of Excellence Award is a new recognition program developed by the U.S. Department of Veterans Affairs' Office of Intergovernmental Affairs together with the National Association of State Directors of Veterans Affairs. Inspired by the words of Abraham Lincoln's second inaugural address, "to care for him who shall have borne the battle, and for his widow, and his orphan," the award is founded in the VA's goals to create programs that effectively deliver seamless continuum of care and services for veterans at the state and federal level.

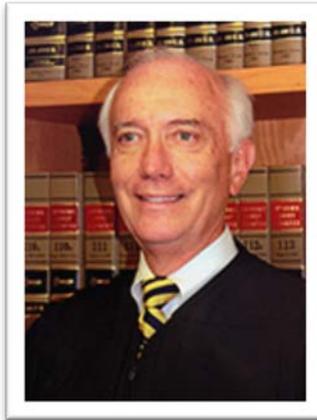
Alabama formed the Alabama VTC Task Force in 2011, which has helped in the development of 22 VTCs in the State. Alabama VA Commissioner Marsh chairs the Alabama State Veterans Treatment Court Task Force, and Mrs. Speakman is the Task Force Facilitator

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Judge Hub Harrington Retires

He will mediate, arbitrate and serve as a private judge.

I met Hub Harrington almost 20 years ago, when he was not yet a judge, and was taking mediation training. We have kept the friendship over the years.



His program of having mediators available in family court in Shelby County to help parties get agreement on the last few issues, inspired other judges to ask how it was done.

This is my personal congratulations on his 12 year tenure on the bench, and wish for his continued success in the ADR field.

IN STATE MEDIATION TRAINING

Divorce/Family, 40 hours CLE - Center approved - Troy Smith and Sally Bowers, Trainers
Mobile, March 7-11
Huntsville, June 6-10
Montgomery, August 22-26

General Civil, 20 hours CLE - Center approved - Troy Smith, Trainer
Birmingham, May 15-17,
September 4-6, Dec. 4-6
Montgomery, June 16-18
Huntsville, Nov. 13-15
Mobile Dec. 11-13

Understanding Domestic Violence
Birmingham, May 19-20

www.mediationmedia.com for additional information and registration

**8th Annual
Arbitration Training Institute
Coming This June**



This two-day comprehensive training in commercial arbitration will be presented by a panel of nationally recognized arbitrators and arbitration advocates. Let the panel of experts walk you through the arbitration process from start to finish. Connect with nationally recognized arbitration experts, develop new business contacts, and enhance your credibility as a thought leader in the industry.

[More information.](#)

WHEN: June 6-7, 2014

WHERE: The Fairmont Washington D.C

[REGISTER NOW](#)

**WEBINAR
Arbitration Ethics
March 11, 2014
12:00 PM - 1:30 PM Eastern Time**

Join a leading expert in commercial law, arbitration and mediation for an interactive and lively discussion on ethics in arbitration.

Topics include: confidentiality in arbitration; party-appointed arbitrations; the arbitrator's role regarding settlement; the arbitrator's use of associates; and disclosures by arbitrators, parties and their counsel.

Speaker:

Eugene I. Farber, Farber, Pappalardo & Carbonari, White Plains, NY

Price:

\$75 – ABA Section of Dispute Resolution members

\$130 – ABA members

\$150 – General/Non-members

\$50 – DR Section members in Public Interest or Government Service

\$99 – Non-members in Public Interest or Government Service

Registration:** [Register online](#) or fill out and return the [registration form](#).

**Please note: In order to protect your credit card information, the ABA Section of Dispute Resolution will no longer accept credit card payments via fax, email or mail. You are encouraged to use the online registration system for credit card payments. We will continue to accept checks, money orders and purchase orders (from government agencies).

Registration Deadline – March 10, 2014

CLE Information: The ABA will seek 1.50 hours of CLE ethics credit in 60-minute-hour states and 1.80 hours of CLE ethics credit in 50-minute-hour states in states accrediting ABA live webinars and teleconferences.* Credit hours granted are subject to each state's approval and credit rounding rules. NY-licensed attorneys: This non-transitional CLE program has been approved for experienced NY-licensed attorneys in accordance with the requirements of the New York State CLE Board for 1.5 for 90-minute program New York CLE credits.

*The ABA does not seek direct accreditation of live webinars and teleconferences in FL, ID, KS, ME, NE, NH, NJ, OH, PA, RI, and WY. Some states allow attorneys to earn credit through reciprocity or self-submission. View accreditation information for your state at www.americanbar.org/mcle.

A limited number of scholarships are available for the program. Please inquire at 202-662-1680.

[Alabama Center for Dispute Resolution](#)

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Voice: 334.269.0409 - [Contact Information](#)

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