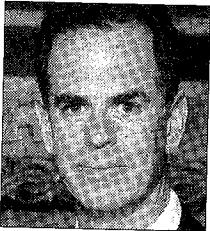


A New Section for Dispute Resolution



Simeon H. Baum
Chair
Dispute Resolution Section

OVER THE LAST half a year, since its June 1, 2008 commencement, the Dispute Resolution Section has been a fulcrum of tremendous creative activity. From the fortunate vantage point of this Section's first chair, I would like to share reflections on the significance of this development, a brief report on the last half year's activities, and some observations and visions on the promise of the Section and of the dispute resolution field.

On Dispute Resolution.

A host of reasons drew us to law school. Of course, we all want to make a good and honorable living. But at core, a healthy number of us hoped to help others through the practice of law and perhaps gain wisdom in the bargain.

We *juris* doctors, like our medical counterparts, aim to relieve suffering, but through work on our social "mechanism." We repair breaches of faith, correct breaches of contract, and shift property or money to compensate wrongs and help those who have suffered from acts or omissions of others.

Labor in law, however, reveals life to be messy and multi-varie-

gated. We find odd variations in the ladder of statute and stare decisis, and also observe that the wants and circumstances of parties do not necessarily fit into neat classifications of right and wrong, tort or breach.

Live parties in dispute call into question the uniform objective "mechanism." We also see the human, subjective realm all too often overlooked. Not hornbook black and white, or case law grey: Human life is in living color. And the most significant enterprise might be not developing the objective legal structure (which, of course, remains critical), but helping the people involved.

How we practice law also matters. For years, we have called for civility in legal practice. NYSBA's 108th president, Vince Buzard, made it one of his watchwords, and the State Bar has hosted programs on it and, as a whole, has adopted Guidelines on Civility in Litigation.

Beyond the tone of siblings at the bar, there is also the question of consequence from litigation of disputes. We benefit mightily from the adversarial system. But do our goals always entail fighting oppression? Does pursuit of justice necessitate corpses on the floor?

Sometimes, the preferred goal involves transforming conflict into harmony. This approach preserves all parties but alters the quality of their interaction, reorients them, and opens possibilities of resolution that offer optimal solutions and adjusted ongoing behavior. It promotes values of caring for all people, empowering all, fostering creativity, and promoting both compassion and justice.

Our subject is not just the legal system, but the nature of actual life and the human heart. As desired consequence, at times, rather than a final judgment, we see a living resolution emerge like a butterfly from the chrysalis of conflict's entanglement.

Growth and Activity

These reflections mirror some of the thought and sentiment that led to the Dispute Resolution Section's creation as a forum, resource, voice and network for all lawyers interested in the varied field of dispute resolution.

In half a year, membership has risen from the 93 individuals who belonged to the NYSBA ADR Committee (which has now merged into the Dispute Resolution Section) to over 700 Section members, and the count is rising. The Section's ambitious membership goal of 2,009 in 2009 reflects our sense that thousands of lawyers in New York find themselves regularly engaged in dispute resolution, through negotiation, mediation, arbitration and the host of related processes.

Since last June, the Section's 11 standing committees (see nysba.

org/drs for chairs, members and details) have been brimming with activity. Our Arbitration Committee has been considering best practices for arbitrators for handling discovery in commercial arbitration. The Mediation Committee has been exploring creation of a mediation panel for mortgage foreclosures, as well as best practices for mediation.

The Legislative Committee has been promoting enactment of the State Bar-endorsed Uniform Mediation Act and Revised Uniform Arbitration Act. Publications' amazing 70-page first issue of "Dispute Resolution Lawyer" is available in print and online.

Our Ethics and Collaborative Law Committees have held stimulating programs. And our Executive Committee's monthly meetings, hosted at Paul, Hastings, Janofsky & Walker, have been non-stop discussions and reports, with 40 people regularly in attendance.

Our inaugural fall meeting, last Nov. 13, featuring John D. Feerick as keynote luncheon speaker, three substantive programs and evening cocktails, was a tremendous success.

The Jan. 29 Winter Program features four cutting-edge substantive programs; Chief Administrative Judge Anne Pfau as luncheon Keynote speaker; meetings of individual committees and the Executive Committee in the afternoon; and an evening cocktail "meet and greet," open to members and guests from any section of the State Bar.

We would love to see you there.

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Much to Watch in Labor, Employment



Alan M. Koral
Chair

of existing laws that labor and employment lawyers must know

to counsel for all parties, as the practice of representation