

Building an ADR Practice and Navigating the ADR Rosters

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The background features several sets of concentric, curved lines in the top-left and bottom-right corners. These lines are rendered in a light gray color, with some being solid and others being dashed. The overall aesthetic is clean and modern.

Welcome!

- **Audience Poll**

BUILDING AN ADR PRACTICE

NAVIGATING THE ADR ROSTERS

1

Setting
Up Your
Practice

2

Developing
Your ADR
Skills

3

Building
Your
Reputation

4

Marketing
Yourself

5

ENE
Practice

6

Arbitration
Rosters

7

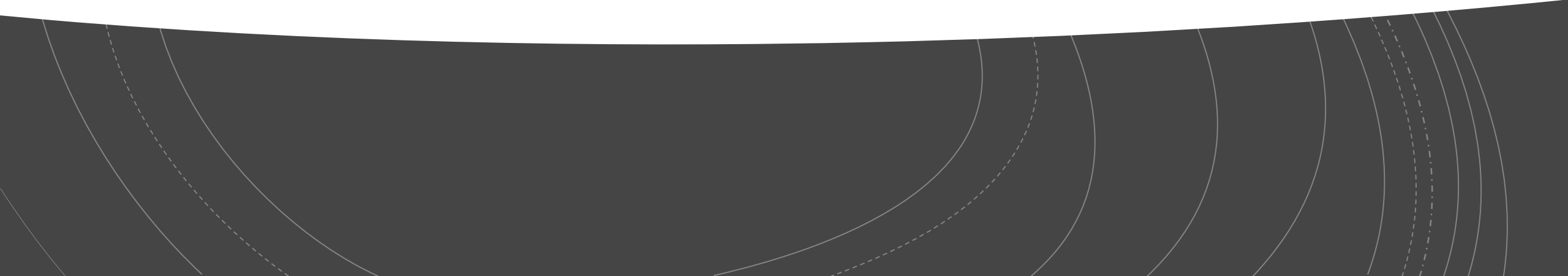
Mediation
Rosters

8

Other
Rosters

Topics

Building an ADR Practice



The background features a series of concentric circles in light gray, some solid and some dashed, creating a ripple effect. A prominent red callout box is centered, containing the text 'SETTING UP YOUR PRACTICE'.

**SETTING UP
YOUR PRACTICE**

Initial Preparation

- **Rule 114 Training**
- **Rule 114 Roster – Qualified Neutral**
 - **Civil Facilitative/Hybrid**
 - **Civil Adjudicative/Evaluative**
 - **Family Law Facilitative**
 - **Family Law Adjudicative**
 - **Family Law Evaluative**
- **Specific Requirements for Other Rosters**
- **Ethical Standards for each Roster**

Initial Preparation (cont)

- **Mediator Bio – Written Statement**
 - **Minn. Stat. 572.37**
 - **Educational background**
 - **Relevant training**
 - **Experience in the field**
 - ***Caution: Petty Misdemeanor if you don't!***
- **60 Second Elevator Speech**

Niche?

- **Determine which Area of Law:**
 - **Family**
 - **Civil**
 - **Commercial**
 - **Employment**
 - **Construction**
 - **Consumer**
 - **Elder**
 - **Etc.**
- ***Danger of being a “Generalist”***

Focus?

- **Determine which type of ADR Neutral**
 - **Mediator**
 - **Arbitrator**
 - **ENE**
 - **Other**
 - **All of above**

- **Determine which type of Mediator**
 - **Facilitative**
 - **Evaluative**
 - **Transformative**
 - **Eclectic**
 - **Other?**

Business Structure?

Full-time or Part-time?

Determine Business Form:

- **Combine with practice of law?**
- **Sole Proprietor?**
- **Corporation?**
- **Consortium?**

Location: Office v. “Home office”

Business Identity?

- **Name of Business**
- **Logo & Letterhead**
- **Obtain EIN**
- **Rate: Hourly? Flat Fee?**

Sliding Fee? Low Bono?

Business Tools?

- **Separate Bank Account**
- **Business Name Cards (?)**
- **Business Credit Card**
- **Templates: A2M, S/A, A2A, Invoice**
- **Supplies: Computer, internet, scanner/copier, phone, calculator, notepads, etc.**

Business Records?

- **List for Conflicts Checks**
- **Accounting Records**
- **Invoicing process**
- **Taxes, W9s, 1099s**

Website?

Website = Electronic Resume

- **Domain Registration**
 - **Web Host**
 - **Webmaster**
- **Ensure it works on mobile devices**

Website?


- **Research other ADR Providers' websites!**
- **Determine Content**
 - **Images**
 - **Text**
 - **Resources**
 - **Search Terms/Meta Tags-
SEO Optimization**

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**DEVELOPING
YOUR ADR SKILLS**

Develop Skills

- **Advanced Training from CDRPs**
- **Attend Advanced ADR CLEs**
- **Shadow / Observe**
- **Co-Mediate**
- **Volunteer**
- **Be Adjunct Professor**
- **Read, Read, Read**
- **Mediate, Mediate, Mediate....**

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**BUILDING
YOUR REPUTATION**



REPUTATION IS EVERYTHING!

- **Be ethical!**
- **Be on time!**
- **Follow through!**

BUILD CREDIBILITY



- **Write articles/monthly newsletter**
 - **Constant Contact / MailChimp**
 - **Blog**
- **Develop Social Media Presence**
 - **Facebook? Twitter?**
- **Mailings with a “Call to Action”**
- **Write a book**
- **Present ADR topics at CLEs**
- **and more....**

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**MARKETING
YOURSELF**

**Get
Connected**

- **Join MSBA ADR Section (NOT just for lawyers!)**
- **Join ABA Section of Dispute Resolution**
- **Join CRM - Conflict Resolution Minnesota**
- **Mediate.com**
- **and more**

“Recency” Principle = “Be Seen”

- **Network at CLEs & Follow-up emails**
- **Announcements**
 - **Email**
 - **Paper**
 - **Social Media**
- **Ads in Bench & Bar / County Bar Association publications (?)**
- **Word of Mouth**
- **and more.....**



Finding Clients?

Find – Convert – Retain Clients

- **Create Realistic Marketing Plan**
- **Think about your ideal client**
 - **What characteristics?**
 - **Where to find them?**
 - **What media do they follow?**
 - **What associations do they belong to?**
 - **Where located?**
 - **What contacts do you already have?**
- **Make a list of 20 ideal clients**
- **Post-Mediation: Send Thank Yous**
- **Ask for business!**

A red speech bubble with a white outline and a downward-pointing tail. The text 'REALITY CHECK' is centered inside in white, bold, uppercase letters. The background features faint, concentric circles and dashed lines in light gray.

**REALITY
CHECK**



- **10 Year Rule**
- **90/10/1 Rule***
- **50-100-250 Rule***
 - **50 Lawyers → 1-2 cases per year**
 - **100 Lawyers → 1 case per year**
 - **250 Lawyers → 1 case every 2 years**

**Experience Magazine, "Hey, I'll Just Be a Mediator When I Retire! Not so Fast...", January/February 2018*

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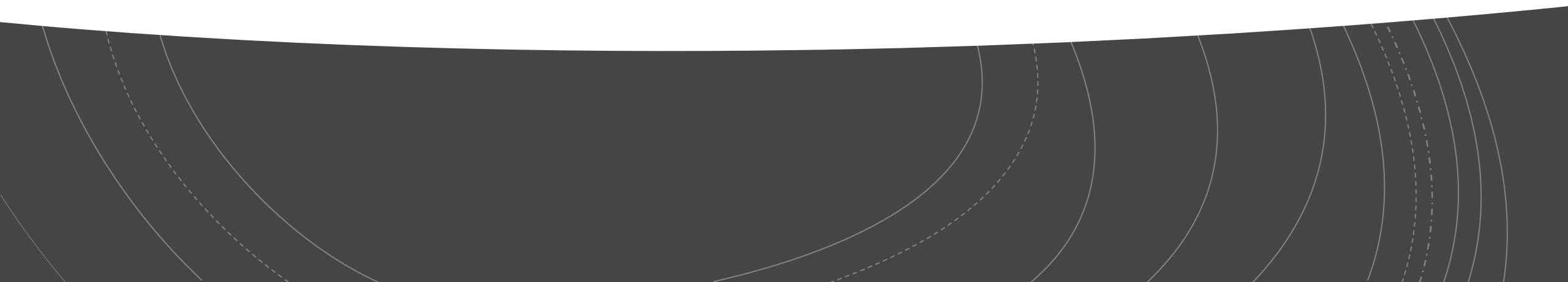
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Early Neutral Evaluation SENE & FENE

Family Law-
Related ENE
SENE | FENE

Thomas Tuft

- **Family Law Early Neutral Evaluator**
- **Email: tom@tuftlaw.com**
- **Phone: (651) 771-0050**
- **Website: www.tuftlaw.com**

- MN Judicial Branch ENE webpage:
<http://www.mncourts.gov/Help-Topics/ENE-ECM.aspx>





ARBITRATION

AAA Arbitration

Paul Jacobsen

- **Attorney | Mediator | Arbitrator**
- **Email: paul@jacobsenlaw.com**
- **Phone: (218) 829-1726**
- **Website: www.jacobsenlaw.com**



AAA Arbitration [AAA Mediation]

American Arbitration Association

- **Practice Areas/Rosters:**

- **Commercial**
- **Construction**
- **Employment**
- **International**
- **Labor**
- **Consumer**

- **Arbitrators: 15+ years legal or business experience**
- **Mediators: 10+ years business or industry experience**
- **Lengthy Application Process**
- **Annual Panel Fees: \$300 Arbitrator; \$195 Mediator**
- **Website: www.ADR.org**



MEDIATION

MN Department
of Education
Special Ed
Mediation

MADGE THORSEN



- **Mediator | Arbitrator | Facilitator**
- **Email: mthorsen1@msn.com**
- **Phone: 612-247-5122**
- **Special Ed Mediation services at no cost to the district or parent**
- **<https://education.mn.gov/MDE/dse/sped/conf/med/>**

Farmer-Lender Mediation

Mary Nell Preisler



- **Program Director, Farmer Lender Mediation Program, University of Minnesota Extension Service**
- **Email: preis002@umn.edu**
- **Phone: 218-935-5785**

- **Mandatory Farmer-Lender Mediation: Helps farmers in debt have the opportunity to renegotiate, restructure, or resolve farm debt**
- **<https://www.extension.umn.edu/agriculture/farmer-lender-mediation/>**

Community
Dispute Resolution
Programs
(CDRPs)

Dave Bartholomay



- **Volunteer CDRP Mediator Panel**
- **Program Coordinator, Office for Collaboration and Dispute Resolution / Bureau of Mediation Services, State of MN**
- **Email: dave.bartholomay@state.mn.us**
- **Phone: 651-539-1402**

SEE CDRP HANDOUT

Volunteer:
Community
Dispute Resolution
Programs

- CMRS - Community Mediation & Restorative Services, New Hope
- CRC - Conflict Resolution Center, Minneapolis
- DRC - Dispute Resolution Center, St. Paul
- MCS - Mediation and Conflict Solutions, Rochester
- MSAC - Mediation Services for Anoka County, Coon Rapids

- <https://communitymediationmn.org/>



MN DEPARTMENT OF HUMAN RIGHTS (MDHR)

Volunteer Mediator

- **Volunteer mediator Program**
- **Need for mediators in central and northwestern Minnesota**
- **To apply, contact: Peg Exley, Mediation Program**
 - 651-539-1096; peg.exley@state.mn.us
 - <https://mn.gov/mdhr/intake/resources/atty-mediation.jsp>

Volunteer Mediator

MINNEAPOLIS DEPARTMENT OF CIVIL RIGHTS (MDCR)

- **Volunteer mediator Program**
- **Seeking experienced mediators with understanding of discrimination laws; prefer attorneys, but not required**
- **To apply, contact Allison McGuire**
 - 612-673-3511; Allison.mcguire@minneapolismn.gov
 - <http://www.ci.minneapolis.mn.us/civilrights/complaint/WC-MSP-190845>

CRM
Mentorship

Conflict Resolution Minnesota Mentorship Program

- **Become a Mentor or Mentee**
- <http://www.conflictresolutionmn.org/>

Other ADR Rosters

BBB

EEOC

**USPS
REDRESS**

FINRA

FEMA

FMCS

Other ADR Rosters



Linda Mealey-Lohmann

- **Mediator | Arbitrator | Adjunct Professor**
- **Email: Linda@MLMediation.net**
- **Phone: 612-791-2218**
- **Website: www.MLMediation.net**

Better Business Bureau

- **BBB Volunteer Mediation Program**
 - Seeking Mediators in MN
- **BBB AutoLine Lemon Law Arbitrations**
 - Fall 2018 Arbitrator Training
 - Recruiting in Florida, South Carolina, Louisiana, California, Texas, Georgia, Tennessee, Massachusetts and Wisconsin
- **No Panel Fees**
- **To apply, contact Maureen Slater, *Community Mediation Center Manager***
- Better Business Bureau of Minnesota and North Dakota, 220 S. River Ridge Circle, Burnsville, MN
- 651-695-2427
- To apply, contact: maureen.slater@thefirstbbb.org

Equal
Employment
Opportunity
Commission

EEOC Early Mediation Program

- Uses Contract Mediators
- Not currently accepting applications
- FY 2017*:
 - conducted 9,476 mediations
 - 76% resolution rate

Website: <https://www.eeoc.gov/eeoc/mediation/>

*https://www.eeoc.gov/eeoc/mediation/mediation_stats.cfm

US Postal
Service
REDRESS

USPS REDRESS MEDIATION PROGRAM

- Uses Contract Mediators for EEO workplace disputes (1,000 Mediators)
- Uses Transformative Mediation Approach
- Not currently accepting applications
- <https://about.usps.com/what-we-are-doing/redress/mediators.htm>

FINRA- Financial
Industry
Regulatory
Authority

2018 FINRA Arbitrator Recruitment Initiative

- **Actively seeking diverse mediators and arbitrators in Minneapolis!**
- 2018: New arbitration case filings = 809; 14.5 months turnaround
- 2018: mediation cases in agreement = 78; 76% settlement rate; 136 days turnaround
- Request Mediator Application through website form
- Discontinued annual mediator fee in 2018
- <https://www.finra.org/arbitration-and-mediation/become-a-mediator>
- <https://www.finra.org/arbitration-and-mediation/become-finra-arbitrator>

FEMA-Federal
Emergency
Management
Agency

FEMA ADR Cadre – Mediators for Workplace issues

- Hires external mediators for various programs
- Contact: Cynthia Mazur, Alternative Dispute Resolution Director for FEMA in Washington, D.C., and Chair of the Workplace Section of the Federal Interagency ADR Working Group.
- Email: cindy.mazur@dhs.gov

FMCS - Federal Mediation and Conciliation Service

FMCS Mediation & Arbitration

- Provides free mediation to federal agencies governed by Labor-Management Relations Act for collective bargaining disputes between employers and unions
- Provides arbitration for labor relations issues
- Extensive application process:
 - Electronic application
 - 5 letter of reference
 - 5 recent arbitration awards
- Annual arbitrator panel fee
- <https://www.fmcs.gov/>
- <https://www.fmcs.gov/services/arbitration/>
- Lakisha Stuart: lstuart@fmcs.gov

Questions???

