



# Associates in Dispute Resolution LLC

## Mediation Arbitration System Design

[www.adrmediate.com](http://www.adrmediate.com)

**OCTOBER 2010**

## Dispute Resolution Update

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- Dispute Resolution News & Initiatives
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### Mediation Quote

"Someone defined a novel as 'a lie in search of the truth.' Similarly, the stories people tell about their conflicts usually reveal the metaphoric truths they have hidden within their lies. Dangerous mediation consists not of confronting the lie, but instead, treating it as a metaphor and an excuse to ask deeply honest questions. We can, for example, treat someone's lie about a successful career as an honest statement of shame and fear of failure."

Kenneth Cloke,  
*Mediating Dangerously:  
The Frontiers of Conflict  
Resolution*  
(Jossey-Bass 2001)

Dear Friends and Colleagues:

This edition of Dispute Resolution Update continues our practice of featuring recent mediation cases and news and initiatives gathered from around the country and around the world. Of particular note are recent mediation decisions handed down by the U.S. Court of Appeals for the 9th and 11th Circuits. In *Fehr v. Kennedy*, the U.S. Court of Appeals for the 9th Circuit affirmed a confidentiality provisions shield alleged legal malpractice during mediation. To review the *Fehr* decision, [click here](#). In *Angiolillo v. Collier County*, the U.S. Court of Appeals for the 11th Circuit nearly construed mediation confidentiality by upholding an award of attorney's fees based, in part, on the fact that defendants did not offer to settle, despite plaintiff's objection that such information should not have been disclosed from the mediation process. To review the *Angiolillo* decision, [click here](#). This information has been summarized by Keith L. Seat, respected mediator and Editor of the International Academy of Mediators monthly Newsletter.

We are pleased to announce that ADR, LLC partners, Larry R. Rute and Patrick Nichols have once again been named to the 2010-2011 Super Lawyers List in Kansas and Missouri. We understand that no more than 5% of the lawyers in one state are named to the Super Lawyers List. This list is created using the selection process including a statewide survey of lawyers, independent evaluation of candidates by attorney-led private research staff, peer review of candidates by practice area, good standing and disciplinary review.

ADR, LLC, partner, Larry Rute has been asked to present at two upcoming Kansas Bar Association Continuing Legal Education events. Larry will discuss agricultural negotiation ethics at the Kansas Bar Association's Agricultural Law CLE on October 29, 2010, in Manhattan, Kansas. For additional information regarding this CLE, [click here](#). Larry will also join Juliann Story (Husch Blackwell) in discussing corporate dispute resolution design systems at the Kansas Bar Association's Alternative Dispute Resolution CLE on November 19, 2010, in Topeka, Kansas. For further information regarding this CLE, please [click here](#). Finally, we encourage readers to contribute articles or other dispute resolution-related information for future publication in dispute resolution update. In addition, if you know of someone who would like to receive the newsletter directly, simply notify us at [info@adrmediate.com](mailto:info@adrmediate.com).



Patrick Nichols

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## RECENT MEDIATION CASES & UPDATES

### California Commercial Liability Insurers Must Defend Mandatory Pre-Complaint Processes

A California appellate court concluded that a Commercial General Liability insurer must defend its insured against proceedings required by California's Calderon Act. Calderon proceedings require common interest development associations to engage in extensive dispute resolution efforts prior to filing a complaint for construction or design defects. The appellate court concluded that the Calderon Process is an integral part of construction defect litigation even though it cannot result in a judgment, so the insurer must provide a defense. The court noted that the standard insurance form definition of 'suit' was expanded to include alternative dispute resolution in 1988, but the insurer's definition of 'suit' at issue was limited to ADR proceedings to which it consented. Since the court found coverage was required by the more general definition of 'suit,' it did not reach whether the mandatory ADR requirements of the Calderon Act would satisfy the 'consent' term in the policy. [Clarendon America Ins. Co. v. StarNet Ins. Co.](#), No. G042353 (Cal. App. 4th Dist., July 27, 2010); [Morgan Lewis.com](#) (August 23, 2010)

### Ninth Circuit Affirms that Confidentiality Provisions Shield Alleged Legal Malpractice During Mediation

The U.S. Court of Appeals for the Ninth Circuit affirmed the Oregon district court's grant of summary judgment to a lawyer against claims by his clients that he had committed malpractice by advising them against settling a case in mediation that they subsequently lost in court, because the evidence against the lawyer was inadmissible due to Oregon's mediation confidentiality statute. The appel-

late court concluded that there is no confidentiality exception for clients to challenge their attorney, and without the confidential mediation communications there was no evidence of legal malpractice.

[Fehr v. Kennedy](#), No. 09-35768 (9th Cir., July 16, 2010)

### Eleventh Circuit Construes Mediation Confidentiality Narrowly

The U.S. Court of Appeals for the Eleventh Circuit upheld an award of attorneys' fees based in part on the fact that defendants did not offer to settle, despite plaintiff's objection that such information should not have been disclosed from the mediation between the parties. However, the Circuit Court held that the applicable mediation confidentiality rules (M.D. Fla. L. R. 9.07(b)) only prevent statements made by a mediation participant from being used against the interest of that participant. In this case, the court did not rely on any statement of plaintiff during the mediation.

[Angiolillo v. Collier County](#), No. 10-10895 (11th Cir., August 25, 2010)

### Federal Court Awards Costs for Failure of Corporate and Insurance Reps to Attend Mediation

A federal trial court in South Carolina sanctioned defendants for not having a corporate representative present at mediation, as required by local rule, and for having an insurance representative only participate by telephone without permission of the court. The court awarded full travel expenses, attorneys' fees and mediation fees, as well as \$2,000 of the \$7,500 asserted as lost income by plaintiff for attending the unsuccessful mediation.

[Barnthouse v. Wild Dunes Resort, LLC](#), No. 2:08-CV-2546 (D.S.C., August 5, 2010) (Subscription Required)

### Course of Multi-District Litigation Modified for Ongoing Mediation

While the pretrial stage of the Multi-District Litigation (MDL) over whether AstraZeneca's antipsychotic drug Seroquel causes diabetes has been completed, the MDL Panel vacated orders to send thousands of cases back to their originating courts after the mediator appointed by the court raised concerns that ending the MDL process would disrupt ongoing settlement discussions. AstraZeneca announced on August 9 that it had settled with 17,500 claimants for a 'modest' \$198 million or only a little over \$11,000 per plaintiff, which won't affect its 2010 profit forecast. It previously settled with others, but has about 6,000 suits still pending out of the 26,000 initially filed. Counsel for most of the 6,000 remaining plaintiffs stated that his clients won't settle for so little.

[ABC News.go.com](#) (August 9, 2010); [Business Week.com](#) (September 1, 2010)

### Federal and State Judges Collaborate to Reach Settlements in Multi-District Vitamin Dispute

A Georgia state judge with many dozens of cases involving Total Body Formula liquid supplements worked with the Alabama federal judge responsible for the corresponding federal Multi-District Litigation to streamline the litigation process and move towards settlement. The two judges held a mediation conference in which 222 cases settled, and appointed a special master to assess individual claims and assign a monetary value. Not all of the cases settled; the state judge is now scheduling trials for about 40 remaining cases.

[Law.com](#) (August 25, 2010)

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## RECENT MEDIATION CASES & UPDATES (cont.)

### Mass Litigation Judges in Massey Pollution Case Dual Track Litigation and Mediation

A five-judge panel handling the long-delayed mass litigation against Massey Energy Co. for pumping coal slurry underground which allegedly poisoned drinking wells has set a trial date of August 1, 2011 and warned attorneys to clear their schedules for two months. While litigation moves forward, two of the judges will hold a mediation day on November 15 to try to reach settlements, requiring every plaintiff to be present and every attorney to appear with the authority necessary to settle. The judge chairing the panel has committed to moving at full speed on both tracks, pursuing both mediation and litigation.

[Businessweek.com](#) (August 20, 2010)

### Colorado Court Approves Mediated Settlement of Trust Dispute over Objection of Beneficiary

At the conclusion of a mediation among family members which resolved a dispute over a trust, each party signed a settlement stipulation, with the siblings' attorney signing for a sibling who participated only by telephone. The absent sibling later stated that he did not agree to the settlement, and his attorney scratched out his name. The trial court concluded that the signature of the absent sibling's attorney was consistent with and indicative of the sibling's agreement, and his attorney would not have signed the stipulation without authority. On appeal, the Colorado appellate court affirmed the lower court, concluding that the litigation was a derivative action on behalf of the trust, so there did not need to be unanimity among the settling beneficiaries as long

as the settlement was just and reasonable.

[Saunders v. Muratori](#), No. 09CA1645 (Colo. App., August 19, 2010)

### Court-Ordered Mediation Precludes Oral Settlement Agreement

A Missouri court of appeals reversed the trial court's enforcement of an agreement not signed by the plaintiff, noting that, while oral settlement agreements are enforceable under Missouri common law, the rules for court-ordered mediations require settlement agreements to be written and signed to be enforceable, and that mediation confidentiality rules also would prevent enforcement of an oral agreement. The appellate court further stated that voluntary mediation proceedings not covered by court rules might permit oral settlement agreements.

[Williams v. Kansas City Title Loan Co.](#), Nos. WD 70941, WD 70969 (Mo. App., July 13, 2010)

### Mediator's Declaration About Length of Settlement Agreement Inadmissible

A California appellate court concluded that a mediator's declaration about the number of pages in a settlement agreement and recounting his actions to copy and distribute the final agreement should not have been allowed at trial under California's mediation confidentiality statute. However, admitting the mediator's declaration was harmless error because other evidence provided a sufficient basis for the court's conclusion.

[Radford v. Shehorn](#), No. B216323 (Cal. App. 2d Dist., August 19, 2010)

### Tulsa Mayor and City Counsel Jockey over Mediation of Disputes Between Them

The mayor of Tulsa, Oklahoma and the City Council are embroiled in numerous disputes between them and are discussing mediation as a possible avenue for resolution. The current list of nine potential agenda items for mediation includes a criminal probe, actual and threatened litigation and an ethics complaint. A former Oklahoma Supreme Court justice and another retired judge are being considered to act as co-mediators. The City Council is taking a formal vote on whether to mediate the disputes. How the Oklahoma Open Meeting Act would impact the mediation is also being analyzed. The former justice emphasized the importance of mediation confidentiality, but stated that confidentiality is consistent with the Open Meeting Act as long as the mediation only discusses proposals, with the Council publicly voting on whether to mediate and on the issues to be mediated, and then publicly explaining, justifying and voting on any resolution at the end of the process.

[Tulsa World.com](#) (July 31, 2010); [Tulsa World.com](#) (August 18, 2010); [Tulsa World.com](#) (August 24, 2010)

### Other Notable Cases & Proceedings

- Skilled Healthcare and plaintiffs reached a settlement in mediation, following a \$671 million jury verdict for improperly staffing 22 nursing homes. The \$671 million verdict is the largest jury award in the U.S. this year and exceeded the policy limits of the company's insurance. Skilled Healthcare agreed not to file for bankruptcy during the mediation period. The settlement must be approved by the court. [Business week.com](#) (July 15, 2010)

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## RECENT MEDIATION CASES & UPDATES (cont.)

### Other Notable Cases & Proceedings (continued)

- Hemispherx Biopharma announced that it had reached agreements through mediation to settle all securities class action cases against it, which had been consolidated in federal court in the Eastern District of Pennsylvania. [Reuters.com](#) (August 24, 2010)
- Mediation resulted in an offer of \$2.8 million for a brain damaged motorcyclist who was hit by a tractor-trailer with faulty brakes, but was refused, as were offers during trial of \$3.5 and then \$4.5 million. The case finally settled during the second week of trial for \$6.5 million, five years after the accident. [Reuters.com](#) (August 23, 2010)
- Successful mediation resolved litigation against the oversight board of the disbanded Metro Gang Strike Force brought by those claiming that the anti-gang unit had illegally seized their property or violated their rights. The settlement of \$3 million will be administered by a special master who will evaluate individual claims, with any leftover funds going to train law enforcement officers in community policing and racial and ethnic sensitivity. [Star Tribune.com](#) (August 25, 2010)
- A Michigan county is seeking mediation as mandated by their design/build contract for a \$7.8 million sewage treatment plant that partially collapsed and handles only half the expected volume. The engineering firm is seeking a negotiated solution without the costs of mediation and legal fees, but says a cash settlement is premature. [Record-Eagle](#) (August 29, 2010)
- Mediation between hip-hop star Kanye West and rap mogul Suge Knight, in which a judge permitted West to participate by telephone because of a business commitment outside the continental U.S., was not successful in resolving million dollar claims against West for not having better security at a party he hosted at which Knight was shot and robbed. [Google.com](#) (August 18, 2010); [Ace Showbiz.com](#) (August 27, 2010)
- In a legal malpractice case, plaintiffs argued that their lawyer did not make them aware of the difference between mediation and arbitration, and that the lawyer negligently advised them to sign an arbitration agreement without making them aware it was binding. The Supreme Court of Vermont upheld the lower court's summary judgment for defendant, finding that plaintiffs did not meet their burden of proof because their claim was not supported by expert testimony or even their own sworn statement. [Clayton v. Unsworth](#), No. 2009-334 (Vt., August 26, 2010)
- Federal judges have dismissed three lawsuits against car dealerships because the contracts contained mediation and arbitration clauses covering so-called yo-yo sales in which financing fell through and consumers were required to return cars. [Hampton Roads.com](#) (August 27, 2010)
- Archbishop Dolan, head of the Roman Catholic Church in New York, said he would be pleased to mediate between proponents and opponents of the proposed Islamic center and mosque planned near Ground Zero. [New York Times.com](#) (August 18, 2010)
- The Cuban government agreed to release 52 political prisoners through the mediation efforts of the Church, negotiations by the Spanish Foreign Minister and a hunger strike that began in February. Half of the promised number have been released thus far. [France 24.com](#) (August 8, 2010); [Zenit.org](#) (August 23, 2010)
- Officials in Saudi Arabia are seeking to persuade a man paralyzed in a fight to drop his demand that his attacker have his spinal cord severed. The provincial governor ordered mediation between the two men and sent envoys to assist. [Reuters.com](#) (August 23, 2010)



## DISPUTE RESOLUTION NEWS & INITIATIVES

### Ontario Chief Justice Calls for Greatly Expanding Judicial Mediation

Ontario Chief Justice Warren Winkler proposed in a lecture which will be published this fall that the increasing cultural shift towards mediation requires that the court system adapt by providing judicial mediation in civil cases as a routine matter. The Chief Justice is concerned that without much more mediation by judges the court system will lose relevance. In addition, he believes that courts need to provide direct mediation services so that the benefits of mediation are not limited to those who can afford private mediators. The Chief Justice notes that judges are often in the best position to mediate cases because parties take judges' views seriously. On the other hand, he notes that there are many hurdles to be surmounted, such as courthouses not designed for handling mediations in large numbers, mediations often continuing beyond court hours, and sitting judges who may have neither the aptitude nor desire to be mediators. [Lawyers Weekly](#) (September 3, 2010)

### Five NYC Hospitals Participating in Federally-Funded Mediation Program

Five New York City hospitals have agreed to participate in a three-year mediation pilot program, which is receiving \$3 million in federal funding. Under the program, hospitals will admit medical mistakes early, offer settlements more quickly and use special 'health courts' in which judges will be available to mediate disputes. The goal is to cut medical-malpractice costs and reduce the \$1.4 billion spent on med-mal premiums in New York state each year. [The Wall Street Journal](#) (July 23, 2010)

### Medical Liability Cases Often Settle Through Direct Negotiations

An American Medical Association survey of 5,800 physicians indicates that about one-fourth of all medical liability litigation filed against doctors is settled, with 4.5% using alternative dispute resolution. Only 5% of lawsuits against physicians make it to trial, where doctors win 90% of the time. A full two-thirds of all cases against doctors are dismissed or withdrawn. However, the cost of defending even cases dismissed or withdrawn was over \$20,000, while the cost of trials averaged over \$100,000. [Amednews.com](#) (August 16, 2010)

### MSHA Returning to Mediation in Effort to Streamline Citation Process

The Mine Safety and Health Administration is beginning a 90-day test period in which it is returning to greater use of mediation to resolve factual disputes relating to citations, rather than requiring a formal appeal to be filed. Reinstating the 'safety and health conferences,' which were eliminated in 2007 partly due to criticism that they were too friendly to industry, should help stem the backlog of 89,000 cases pending before the Federal Mine Safety and Health Review Commission, which has attracted Congressional scrutiny. The pilot program would allow both mine operators and miner representatives to participate in the conferences, and may make the agency's enforcement more efficient. [Platts.com](#) (August 24, 2010)

### California County Mediation Services Consolidated After Funding Cuts

Marin County, California lost its independent Mediation Services program in July due to budget cutbacks. However, its caseload of landlord-tenant, neighborhood and community disputes is being consolidated in the District Attor-

ney's office, which has mediated various disputes for 25 years. Mediation proponents doubt there is any way the DA can add 600 or more additional mediations each year, but the DA says that the transition will be as seamless as possible. [Marinij.com](#) (August 5, 2010)

### Pending Mediations Triple at Minnesota Farmer-Lender Mediation Program

A University of Minnesota study shows increased use of debt mediation among Minnesota farmers. As of the end of July, 488 farmer-lender mediations were pending in Minnesota, up from 133 a year earlier. Experts expect troubled farm loans to increase due to low livestock prices and the ongoing weakness of the economy. Creditors with secured debts over \$5,000 against agricultural property in Minnesota are required to offer mediation prior to judgment collection, repossession or foreclosure. Farmers choosing mediation have 90 days to work with lenders to renegotiate their debts. [Atlanta.Bizjournals.com](#) (August 21, 2010)

### Florida Supreme Court Invites Comments on Proposed Amendments to Mediation Rules

The Florida Supreme Court's Committee on Alternative Dispute Resolution Rules and Policy is seeking comments on proposed amendments to Florida's mediation rules relating to Sanctions for Failure to Appear. The amendments are intended to ensure that final decision-makers on all issues in the case appear in person at the mediation and have legal capacity to enter a binding settlement agreement. The rule continues to require insurance representatives to appear in person with full authority to settle the case for plaintiff's last demand (or policy limits, if lower) 'without further consultation.' The identities of those who will

## DISPUTE RESOLUTION NEWS & INITIATIVES (cont.)

be attending a mediation and confirmation of their authority must be submitted to the court and opposing counsel ten days before the mediation session, unless the parties stipulate otherwise. Failure to comply with the rules can result in imposition of sanctions, including mediation fees, attorneys' fees and costs. [Florida Bar.org](http://FloridaBar.org) (August 15, 2010)

### Mediation Expanding in China with New National Mediation Statute

China's highest legislative body, the National People's Congress, enacted the People's Mediation Law in late August, which will take effect on January 1, 2011. China has an extremely long tradition of mediating disputes and currently has nearly five million mediators working in over 800,000 mediation committees. Last year the mediation groups handled over 7.6 million disputes and resolved 97 percent of them. Even so, the legislation is seen as a milestone and is being reported as China's first national mediation law. The legislation is intended to clarify the rights of mediators and parties so that mediation may be used in increasingly complex and difficult disputes. The statute also makes clear that mediation agreements are legally binding and enforceable by a single party, and mandates that courts and police inform those in conflict about the potential for resolution through mediation. [CRIEnglish.com](http://CRIEnglish.com) (August 29, 2010); [English.Xinhuanet.com](http://English.Xinhuanet.com) (August 30, 2010)

### Other International Mediation Developments

- **Columbia** announced a mediation to be held in public between the government and Ingrid Betancourt, who seeks \$6.5 million for six years in FARC captivity before being rescued by Columbia's armed forces. [Columbia Reports.com](http://ColumbiaReports.com) (July 12, 2010)
- **Argentina** ordered government mediation to end a week-long blockade by the truckers union which had gridlocked five steel plants and was beginning to impact Argentina's automobile industry. [Reuters.com](http://Reuters.com) (August 24, 2010)
- Use of mediation is increasing in Belfast, **Northern Ireland** to address anti-social behavior, with reliance on two restorative justice groups. [Human-Law.co.uk](http://Human-Law.co.uk) (August 3, 2010)
- The Supreme Court of **India** has referred a border dispute between the states of Assam and Nagaland to mediation, naming two mediators and specifying three mediation sessions. The case has been pending for 22 years; the mediators are to report back to the court in December. [Hindustan Times](http://HindustanTimes.com) (August 21, 2010)
- Following the success of the first three mediation centers established by the Delhi Dispute Resolution Society, the group plans an ongoing mediation awareness campaign; 16 additional mediation centers are planned for the nine districts of Delhi, **India**. [The Hindu.com](http://TheHindu.com) (July 12, 2010)
- A judge in **Indonesia** sent to mediation a lawsuit filed by citizens representing labor unions against President Yudhoyono and other government officials for failing to implement the 2004 National Social Security Law. [The Jakarta Globe](http://TheJakartaGlobe.com) (August 2, 2010)
- The Federal Court of **Australia** announced its procedures for identifying, selecting and appointing media-

tors to assist with native title land claims. [PSNews.com.au](http://PSNews.com.au) (August 16, 2010)

- The Chief Justice of the Supreme Court of the **Philippines** stated during oral arguments that a special committee was being formed to try mediation to resolve complex land disputes between farmers and the company of the President's family. [Business World Online](http://BusinessWorldOnline.com) (August 24, 2010)
- The **Philippine** government saved over 2.3 billion pesos (over \$50 million) through use of village dispute mediator councils which successfully resolved about 80% of 300,000 disputes before them. [All Voices.com](http://AllVoices.com) (July 8, 2010)

A **Hong Kong** court considered the relevant circumstances and imposed higher costs on a party for unreasonably refusing to mediate in Golden Eagle International (Group), Ltd. v. GR Investment Holdings, Ltd., as required by Practice Direction 31. [International Law Office.com](http://InternationalLawOffice.com) (August 10, 2010)



## DISPUTE RESOLUTION NEWS & INITIATIVES (cont.)

### Update on Home Foreclosure Mediation

- **Nevada** has reported on the first year of its Foreclosure Mediation Program, with state officials asserting that the program is working. The report indicates that 43% of homeowners who completed the mediation process stayed in their homes under agreements with their lenders. However, critics are concerned that many of the resolutions are temporary, 90-day agreements that merely delay foreclosure. In the first year, there were 90,000 notices of default in Nevada, with about 11,700 borrowers requesting mediation, and 3,860 completed mediations. [RGI.com](#) (July 29, 2010)
- **Florida's** Residential Mortgage Foreclosure Mediation Program is finally under way, with each judicial district independently selecting program managers to operate the mediation program in compliance with rules set by the Florida Supreme Court. The Eighth Judicial Circuit selected the American Arbitration Association, while the Ninth Circuit selected the Orange County Bar Association. Mediators must be Florida Supreme Court-certified and specifically trained in residential mortgage foreclosure matters, so foreclosure training courses are being conducted to create a pool of qualified mediators. [Circuit8.org](#) (July 26, 2010); [Sun Sentinel](#) (August 18, 2010) (Subscription Required)
- **Maryland's** foreclosure mediation law took effect on June 30, leading lenders to shift a significant number of foreclosure filings prior to that date. Lenders must now pay a \$300 fee with each foreclosure request, which goes into a state fund for mediation and related programs. Lenders must also provide information to homeowners about their new options under the law, including mediation. If homeowners wish to mediate, they must respond within 15 days and pay \$50. Thus far only a handful of homeowners has requested mediation, but that number is expected to increase. Mediations will be conducted by Maryland's Office of Administrative Hearings, which has hired and is training six additional administrative law judges. [Herald-Mail.com](#) (August 7, 2010)
- Advocates in **Utah** are seeking legislation that would require mandatory mediation between homeowners and lenders to try to negotiate loan modifications. A petition is calling for a law similar to Nevada or Florida. Utah is one of the ten states with the highest foreclosure rates in the country. [Fox 13 Now.com](#) (July 12, 2010)
- A \$600 million settlement reached through a long mediation resolves several class action lawsuits against Countrywide Financial Corp. The settlement is the largest to date in the **United States** of shareholder litigation relating to the mortgage meltdown. An additional \$24 million will be paid by KPMG, Countrywide's outside accounting firm during the height of the boom. Countrywide remains the target of other litigation and investigations, including a civil case by the Securities and Exchange Commission, a criminal investigation by the Justice Department, and other actions by attorneys general for California and other states. [Sun Sentinel](#) (August 2, 2010); [Sun Sentinel](#) (August 18, 2010) (Subscription Required); [Orlando Business Journal](#) (July 9, 2010)

### ABA Ethics Committee Analyzes Mediators' Duty of Care in Drafting Agreements

**The American Bar Association's Standing Committee on Mediator Ethical Guidance issued an opinion on the level of care mediators must take when unrepresented parties request them to draft settlement agreements. While the specific context of the opinion is divorce mediation, much of the analysis would be similar in other contexts, since the Committee construed the general Model Standards of Conduct for Mediators rather than the Model Standards of Practice for Family and Divorce Mediation. Among other things, the opinion discusses the mediator acting as scrivener, moving beyond that role by suggesting provisions, providing legal information or offering actual legal advice.**



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# Agricultural Law Update



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Friday, October 29, 2010

Kansas Farm Bureau Offices  
2627 KFB Plaza Manhattan, Kan.

The KBA has applied for 6.0 hours of continuing legal education (CLE) credit for this seminar, including 1.0 hour professional responsibility credit.

OCTOBER 29, 2010

## KBA CLE Agricultural Law Update

includes the following presenters:

Shawna M. Bligh, Fonna F. Bohn, Dan C. Peare, David M. Rapp, Jesse J. Richardson, Jr., Larry R. Rute, Wesley F (Wes) Smith, and Chris A. Wendlebo.

Held at the Kansas Farm Bureau Offices in Manhattan, Kansas. Use the following links for additional information:

[Complete Brochure](#)

[Online Registration Information](#)

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## Mediating with Intelligence: Making Wise Decisions as a Mediator



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November 19, 2010

Ramada Inn  
420 SE 6th St.  
Topeka, Kan.

The KBA has applied for 6.0 hours of continuing legal education (CLE) credit, including 1.0 hours professional responsibility credit for this seminar.  
The OJA has approved this seminar for 6.0 hours of mediation (CME) credit.

NOVEMBER 19, 2010

## KBA CLE—Mediating with Intelligence: Making Wise Decisions as a Mediator,

includes the following presenters:

Randy J. Hershey, Laura Janusik Ph.D., CLP, Gary Kretchmer, Katie McClafin, David S. Rubenstein, Sara Rust-Martin, Larry R. Rute, Julianne P. Story and Art Thompson.

Held at the Ramada Inn, Topeka, Kansas. Use the following links for additional information:

[Complete Brochure](#)

[Online Registration Information](#)