

Association of Attorney Mediators
AAM

By: John W. Hughes

To learn about what AAM says about itself, go to www.attorney-mediators.org.

It defines itself as:

“What is AAM?”

AAM is a nonprofit trade association of qualified independent attorney-mediators. Members must meet qualifications and ethical standards, which meet or exceed state or federal requirements for mediators. AAM's 400 plus members have collectively mediated in excess of 300,000 cases.”

I want to tell you some things about AAM that one should know in the hope that it will bring to you the respect for the organization and its members that it has brought to me. I have been a member for years and a past-president of AAM.

In part, AAM desires to protect “mediation”. The process as we know it in civil litigation became prominent with the enactment of our Alternative Dispute Resolution Statue, Tex. Civ. Prac. and Rem. Code Sec. 154, in the late 1980’s. AAM long-time member, Justice Frank G. Evans, is the principal drafter.

AAM sponsors two seminars each year: One at its National Conference in the spring and the other in the fall. These conferences are superior sources of continuing education in the art of mediation. The presenters are mediators of extensive experience and are excellent speakers. The National Conferences have been in various cities, from San Diego to Chicago, to Nashville, New Orleans, St. Louis, Texas’ larger cities, and

Little Rock. Mediators attend them from many different states. The camaraderie and cross-pollination of ideas and procedures are enriching.

The objective is to maintain the highest ethical and skilled levels of the participants for the sake of providing the public with the most competent mediators.

Not only that, AAM provides for self-discipline of its members and malpractice insurance coverage. The insurance premium is included in the annual dues.

Some have said that the people are in no greater danger than when the legislature is in session. Since Texas is a leader in mediation across the country and has a statute that provides the most protection of confidentiality for mediation (an essential element of effective mediation), AAM has retained a lobbyist to watch for legislation that might adversely affect the process of mediation. It is not that a legislature wishes to harm the process, but out of ignorance may include provisions in a particular statute that has that effect. When such an event occurs, selected members from AAM meet with the relevant legislatures, committees, and advisors to inform them of the effect of their proposed legislation. Such service to the community has thus far protected a most successful and beneficial process from such legislative activity. AAM members in other states are taking up this same process. This year, however, with approval of the AAM Board, many AAM members have formed a separate entity to carry on this process. AAM is supportive and its members participate. The new organization is TAMC headed by Mike Amis, a mediator in Dallas, Texas.

Mediators generally deal with lawyers and not other mediators. Therefore, in our practice we have little or no contact with other mediators. Because mediation is more of an art than a technical process, a mediator may become less effective due to not having his peers honing his/her skills and reminding him/her of ethical dangers. For example: Confidentiality is essential. If a mediator breaches this duty by informing one side of something the other side considers confidential, harm may occur because of the mediator's failure. It destroys the mediation, harms someone, and ruins the mediator's reputation. There are pitfalls, land mines, and other such events that can cause a mediator to make this mistake. The AAM seminars remind and instruct its participants regarding these areas, dangers, and mistakes. Great length is taken to remind us not to fall into one of these traps. Lawyers will ask questions of a mediator to test if he/she is protecting confidentiality before sharing confidential information that can help the process. A mediator not subjecting him or herself to this type of training may be less likely to be on guard against breach of confidentiality traps.

I hope that this short article will encourage mediators to take a look and participate in AAM.