Status Report: Pennsylvania Legislature to Consider Adoption of RUAA

By Stephen Yusem, Vice-Chair, ADR Committee

The Pennsylvania General Assembly is considering the possibility of the commonwealth becoming the 14th state to adopt the Revised Uniform Arbitration Act (RUAA). The Uniform Arbitration Act (UAA), promulgated in 1955, did not address many issues that arise in modern arbitration, including how a party can initiate an arbitration proceeding, whether arbitration proceedings may be consolidated, the extent to which arbitrators are immune from civil actions, whether arbitrators have discretion to order discovery and issue protective orders, which sections of the UAA are not waivable, and many other issues that require guidance.

The Pennsylvania version of the UAA is divided into two subchapters. Subchapter A, 42 Pa.C.S. §§7302-7320, is referred to as statutory arbitration and generally follows the UAA, while Subchapter B, 42 Pa.C.S. §7341, known as common law arbitration, is unique to Pennsylvania. The primary difference between Subchapter A and Subchapter B is that the right of appeal from an arbitration award is broader under Subchapter A. Thus, Pennsylvania lawyers who seek an arbitration award that would be virtually final can select Subchapter B as a process, while lawyers who desire a broader right of appeal may select Subchapter A.

The bill currently before the Pennsylvania House of Representatives, HR 1625, retains common law arbitration; however, it inadvertently repeals 42 Pa.C.S. §7342(a), which provides the procedural structure for common law arbitration. That was a mistake, as any viable process requires a procedural context.

Accordingly, on Oct. 8, 2008, the ADR Committee adopted a resolution calling for retention of the procedural component of common law arbitration. On Nov. 6, 2008, the resolution was presented to the PBA Board of Governors and on Nov. 20, 2008, to the House of Delegates, both of which bodies voted without dissension to endorse our Committee’s resolution. Thus, if the Legislature enacts the RUAA, and accepts our PBA-endorsed resolution, Pennsylvania lawyers will have the option of choosing either the statutory or common law arbitration process.

Caitlin Welge Fund Update

By Tom Salzer

Slightly more than two years ago, Mark Welge, a kind and thoughtful friend of many of us, fought the impossible struggle against liver cancer and left behind his college-age daughter, Caitlin. I know from a few conversations with Mark that his only child meant the world to him.

We have helped with some of her college costs over these two years and Caitlin has made it through challenges so that she is set to graduate in May. This is one more and final time to contribute to the scholarship fund so Caitlin does not graduate with as heavy a student debt as she might have. You may send contributions to the bursar of the college Caitlin attends by making a check out to “ACR — Greater Delaware Valley,” place in the memo block “Caitlin Welge Fund.”

Please send the checks to ACR’s current treasurer: Andy Goode, c/o BBB, 1880 JFK Blvd., Ste. 1330, Philadelphia, PA 19103. Note that the ACR (Assn. for Conflict Resolution) — Greater Delaware Valley is a 501 (c)(3) nonprofit recognized by the IRS, and Mark was the second president of this ACR local chapter.

Contact Tom Salzer at tomsalzer@verizon.net with any questions about the fund.
Message from the Chair

By Sally Griffith Cimini

Awareness and use of ADR continues to grow in Pennsylvania, and the PBA ADR Committee members are continuing to take a dynamic role in that process. We hope that you will join us for these exciting upcoming events:

• On April 23, 2009, on PBA Section Day in Camp Hill, Professor Homer LaRue of the Howard University School of Law, will be our guest speaker. Professor LaRue is the chair-elect of the American Bar Association Section of Dispute Resolution. Please join us for the program and reception.
• On May 4, 2009, we will present our first simulcast training program through the Pennsylvania Bar Institute (PBI) on impasse breaking techniques, featuring renowned mediator John C. Bickerman.
• Later this year, we plan to offer another simulcast program with PBI on the latest developments in arbitration.

We encourage all PBA ADR Committee members to take an active role in helping shape the future of ADR in Pennsylvania. We need your input! We currently have 12 vibrant subcommittees that are actively working on a diverse body of projects addressing various aspects of ADR. Please contact the chairperson listed to learn more:

Legislative – Herb Nurick, Chair (hnurick@state.pa.us)
• Joint State Government Committee Advisory Committee under SR 160 – continue to interface with Advisory Committee regarding formulation of legislation related to best practices in ADR

Diversity – Ross Schmucki, Chair (rschmucki@verizon.net)
• Investigate, pursue, and keep Committee apprised of developments concerning opportunities to create and expand diversity in mediation providers and users

Sir Francis Bacon ADR Award –
John Salla, Chair (jsalla@efm.net)
• Identify, select, and keep Committee apprised of appropriate candidates for annual award

Credentialed – Lou Coffey, Chair (LCoffey@wolfblock.com)
• Monitor and keep Committee apprised of credentialing issues in the mediation community (including, but not limited to, SR 160 and certification issues)

Newsletter – Tom Salzer, Editor-in-Chief; Susan Candiello, Assistant Editor (tomsalzer@verizon.net)
• Write, edit and produce newsletter on semi-annual basis

Ethics – Jim Rosenstein, Chair; Mike McDowell, Vice Chair (jrosenstein@earthlink.net)
• Monitor and keep Committee apprised of ethical requirements and developments for mediators
• Work with Legislative Subcommittee to pursue amendment of Rules of Professional Conduct to require attorneys to provide information on ADR as an option when counseling clients

Pro Bono – Laura Candris, Chair (lac@muslaw.com)
• Investigate, pursue and keep Committee apprised of pro bono program opportunities throughout the commonwealth

Collaborative Law – Linda Pellish and Debra Cantor, co-chairs (lpellish@pellishlaw.com; dcantor@mwn.com)
• Investigate, pursue and keep Committee apprised of collaborative law developments

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On-going Mediation Projects in Healthcare

Below, Jane Ruddell, president of Health Care Resolutions (HCR) in Conshohocken, reports on her firm’s work in promoting improved communication and ADR to resolve medical care complaints. Two programs, in particular, demonstrate how the adaptability of ADR approaches invites innovation and can serve as a catalyst for reconciliation, human healing and behavioral change, rather than a source of conflict, animosity and single-minded focus on financial payment.

Abington, Medical Society and Bar Association Pilot Mediation Program. HCR served as consultant, advisor and trainer for a two-year project engaging doctors and lawyers, together, with Abington Memorial Hospital to develop a two-step program for unhappy patients. The Montgomery Bar Association, Montgomery County Medical Society and Abington forged an unprecedented alliance to develop the program, which is being sponsored by the Pennsylvania Medical Society as a pilot program. Step I involves an early intervention process internal to Abington; Abington doctors, nurses and administrative volunteers trained in listening, transparent disclosure and cooperative resolution techniques, approach patients right away. If the problem is not resolved there, Step II offers a unique, co-mediation process using bar association and medical society members trained by Hon. Abraham Gafni, ADR professor at Villanova Law School and HCR. This program is truly in its beginning stages so there is not a wealth of data that can be gleaned from these efforts that would be statistically meaningful.

The project has attracted media attention. Stacy Burling, Philadelphia Inquirer reporter, attended the all-day training program for doctors and lawyers and covered it in a feature article on the front page of the March 4, 2008, Inquirer Business Section.

Medicare Beneficiary Complaint Mediation Program: HCR continues to provide the mediation services for Medicare’s innovative mediation program in Pennsylvania, Delaware and West Virginia. The program offers beneficiaries and their providers an opportunity to sit down and talk about qualifying patient care complaints, rather than follow the traditional medical record review and administrative decision process. In its seventh year, the program has proven to be an effective way not only to resolve patients’ specific complaints but also to improve care — which is the primary concern of most beneficiaries.

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Providers have found, sometimes to their surprise, that they not only liked, but learned from, the process. The program does not address serious deviations from standards of care or any financial matters. Rather, its focus is on restoring human communication and improving quality — such as changing procedures, sensitizing staff and using beneficiary stories as teaching tools. The program has very quietly helped to heal emotional wounds (both patient’s and provider’s), promote understanding and change provider behavior in countless cases across the state and nationwide.

Message from the Chair (Continued from Page 2)

ADR Institute – Sally Cimini, Steve Yusem, Ann Begler, Herb Nurick (scimini@bccz.com)

• Work with PBI on redesign of ADR Institute to increase attendance by advocates and potential users of ADR

Communications – Cheryl Cutrona, Chair (CCmeD8r@aol.com)

• Explore possibility of creating a new and updated PBA brochure related to ADR
• Assist Tom Salzer with issuance, collection and analysis of data from ADR survey being sent to all PBA members
• Pursue integration of ADR with other Sections and Committees

We deeply appreciate the enormous amount of time and work contributed by the many dedicated members of the ADR Committee, and look forward to working together on more exciting developments in 2009!
Collaborative Practice in the World of Civil Law

By Constance P. Brunt

Collaborative Practice (also known as Collaborative Law) had its genesis in family law in 1990, when Minnesota attorney Stuart G. Webb postulated that there had to be a better, less destructive way to help families restructure through divorce than in the traditional legal process. He was demoralized by participation in the long-term damage to families that often results from family law litigation and sought to offer an alternative to placing the responsibility for decision-making about the future structure of a family in the hands of the courts. Instead, Webb developed a client-centered process in which the participants decide what is best for their family, committing to open and honest disclosure of information and principled good-faith negotiation based on the interests and needs of the parties rather than on adversarial posturing and positional bargaining.

One of the primary goals of the process is to preserve long-term relationships, so necessary in families with children requiring ongoing co-parenting. The clients are assisted by attorneys who are completely committed to helping them reach a settlement. The attorneys are retained for that limited purpose only and cannot participate in any litigation between those parties if they are unable to reach an amicable resolution. That “collaborative commitment” by attorneys is a critical piece of what makes Collaborative Practice work, fostering trust and openness in the process.

Webb’s brilliant idea was hatched almost 20 years ago, and Collaborative Practice in family law has exploded throughout the U.S. and around the world. The International Academy of Collaborative Professionals (IACP) estimates that more than 20,000 professionals have received training in this model of dispute resolution. That organization has gone from a group of five when it began with informal meetings in 1997 to over 3,000 currently. It started as the American Institute of Collaborative Professionals but quickly outgrew that name and became the International Academy of Collaborative Professionals in 2001. There are now hundreds of practice groups in almost every state in the U.S. and in 11 other countries. Collaborative Practice continues to evolve and is gaining momentum in its expansion into other areas of the law.

Civil practitioners around the country have recognized the value of Collaborative Practice as an alternative to the expensive and time-consuming litigation of disputes in many areas of the law, including employment, medical error, construction disputes, probate and estate contests, and business disputes. In those cases too, the model offers an opportunity to resolve disputes respectfully and amicably, preserving important family, business, doctor-patient and employer-employee relationships.

As with the development of this practice in family law, the spread of Civil Collaborative Practice is being driven by those committed practitioners. New practice groups devoted solely to Civil Collaborative Practice have sprung up, and sub-groups of existing practice groups have formed to focus on the unique features and challenges of translating this practice to these new areas of the law. Various bar associations around the country have created Collaborative Law or Collaborative Practice sections, some of which are focused on the expansion of the practice into numerous areas of the law. There is a listserv facilitated by Yahoo.com that is devoted to the expansion of the use of Collaborative Practice into civil and business disputes. That listserv, which can be accessed at http://groups.yahoo.com/group/civilcollaborative had 161 members as of Jan. 14, 2009. Articles addressing various aspects of the application of Collaborative Practice in non-family law cases have been appearing with greater frequency.


... corporations interested in controlling litigation costs and in preserving valuable business relationships are exploring the use of Collaborative Practice in resolving disputes with customers and business contractors.

As this movement grows, corporations interested in controlling litigation costs and in preserving valuable business relationships are exploring the use of Collaborative Practice in resolving disputes with customers and business contractors. In 2006, the litigators at Electronic Data Systems Corporation recognized the value of Collaborative Practice as one of the company’s efforts to find non-adversarial resolutions to business disputes. The company has been exploring ways to incorporate Collaborative Practice into its contracts along with the use of mediation, arbitration and other informal dispute resolution methods.

In response to the growing interest in the use of Collaborative Practice to resolve non-family law civil disputes, IACP created a Civil Collaborative Committee. That committee is engaged in developing materials and resources appropriate to a variety of types of civil matters, for use by IACP members. A Civil Collaborative brochure has been produced that discusses the use of Collaborative Practice in probate, employment, medical

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malpractice and general civil matters, and sample documents and protocols have been developed and posted to the Members section of the IACP Web site at www.collaborativepractice.com. A message board on the IACP Web site is devoted to discussions among members about the application of Collaborative Practice to the resolution of civil disputes. At the annual IACP International Forum in New Orleans in October 2008, there was a five-hour pre-Forum Institute titled “Deeper Resolution: The Synergy of Civil Collaborative Practice and Mediation” and a three-hour “Civil Roundtable.” A mere couple of years ago, all of the workshops at the Forums focused on the use of Collaborative Practice in family law cases only. Trainings for civil practitioners are popping up around the country and may be located on the Training and Events Calendar accessible to all interested professionals on the IACP Web site.

The expansion of Civil Collaborative Practice is also one of the main goals of the Collaborative Law Committee of the American Bar Association Dispute Resolution Section, which was formally created as a committee of that Section in early 2007. The Committee now has a roster of 77 members across the country, with liaisons to the Business Law, Family Law, General Practice, Health Law, International Law, Labor and Employment, and Probate Sections of the ABA and to various other organizations. One of the major projects of that Committee has been the preparation of a summary of the ethics rules governing Collaborative Practice, which contains a review of the relevant ethics opinions from various states. That summary may be viewed at the Committee’s Web site at www.abanet.org/dch/committee.cfm?com=DR035000. The Committee was gratified by the issuance of an ethics opinion in August 2007 (#04-447) by the ABA Standing Committee on Ethics and Professional Responsibility approving the use of collaborative law agreements by lawyers.

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Perhaps one of the most significant developments in the expansion of Collaborative Practice into other areas of the law has been the work being done on a Uniform Collaborative Law Act by the Collaborative Law Drafting Committee of the Uniform Law Commission (formerly known as The National Conference of Commissioners on Uniform State Laws or NCCUSL). The first draft of that proposed Act was prepared by Andrew Schepard, professor of law and director of the Center for Children, Families, and the Law at Hofstra Law School, who serves as the Drafting Committee’s reporter. There are four ABA advisors to the Drafting Committee. The initial draft was submitted for consideration by the Drafting Committee in August 2007. That first draft was narrowly drawn, defining “disputes” subject to its provision as those involving one or more of the following:

(A) Custody, parenting time, visitation and decision-making for children;
(B) Dissolution of marriage, including divorce, annulment, and property distribution;
(C) Alimony, spousal support, and child support including health care expenses;
(D) Establishment and termination of the parent-child relationship, including paternity, adoption, emancipation and guardianship of minors.5

The Drafting Committee, with the support and urging of the ABA advisors, quickly decided to draft the proposed Act more broadly to include any area of practice in recognition of the evolving nature of Collaborative Practice. Thus, in the Interim Draft, December 2007, “dispute” was defined as “...a dispute between the parties as described in a collaborative law participation agreement.”6 That broad and inclusive approach has persisted throughout the most recent draft dated January 2009. While the definition of “dispute” has been deleted from the Definitions Section, a collaborative law process has been defined to mean that “...parties represented by collaborative lawyers voluntarily enter into a collaborative law participation agreement to attempt to resolve a matter without the intervention of a tribunal.”7 “Matter” is now defined to mean “...a dispute, transaction, claim, problem or issue for resolution as described in a collaborative law participation agreement,” including “...a claim, issue, and dispute in a proceeding.”8 There is no language limiting the type of case in which such a process may be used. A prior draft was given its first reading before all of the ULC Commissioners at the July 2008 Annual Meeting. Following additional revisions to incorporate input received from the commissioners, another draft will be submitted for a second reading in the summer of 2009. Following final approval from the ULC, the Uniform Act will be presented to the House of Delegates of the ABA. Once approved by that body, the Uniform Act will be available for enactment by the states.9

It is clear that the benefits of Collaborative Practice as one of the tools

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of non-adversarial dispute resolution transcend divorce and other family law matters. Just as its use in family law cases spread systematically across the country and the world, application of this approach in other civil disputes is expanding. As many in the collaborative world say, the tipping point is coming. Pennsylvania came somewhat late to the party in offering this option to family law clients. How exciting it would be to see our bar take a leading role in bringing that tipping point for Collaborative Practice in all areas of the law closer.

1 See, e.g., Web sites for the Texas Collaborative Law Council at www.collaborativelaw.us, the Massachusetts Collaborative Law Council at www.massclc.org, the Collaborative Law Society of D.C., Maryland and Virginia at www.co-divorce.com, the Collaborative Dispute Resolution Professionals (Maryland) at www.collablawmaryland.org, the Maryland Collaborative Practice Council at www.marylandcollaborativepractice.com, King County (Wash.) Collaborative Law at www.kingcounty-collab.org, and The Collaborative Council of the Redwood Empire at www.collaborativecouncil.org.

2 For example, the Collaborative Law Section of the Dallas (Texas) Bar Association includes in its goals identified on its Web site at www.dallasbar.org/members/Sections-Information.asp?ID=32 “…the promotion of the use of the collaborative process for resolving disputes in various areas of law.”


4 Debra Branom, then manager of U.S. and Latin America Business Support for EDS, wrote about the company’s efforts in “Business Relationships: Exploring Collaborative Law,” published in Martindale-Hubbell’s Counsel to Counsel, September, 2006. This article may be accessed at www.collaborativelaw.us/articles/EDS_Article.pdf.

5 October 2007 Draft of Collaborative Law Act, Section 2 (c) (1). See www.law.upenn.edu/bll/archive/ulc/oct2007draft.htm#Toc176230886.


Constance P. Brunt is a family law practitioner in Harrisburg. She is a founding member and former chair of the Independent Collaborative Attorneys of Central Pennsylvania, a member and past co-chair of the Collaborative Law Subcommittee of the ADR Committee of the Pennsylvania Bar Association, and a member of the Collaborative Law Committee of the Dispute Resolution Section of the ABA. She limits her practice to assisting clients in seeking non-adversarial resolutions in family law matters through Collaborative Law, mediation and other non-litigated settlements. More information about her practice can be found at www.CPBruntLaw.com.
Whim or Insight or Fantasy?

By Tom Salzer

There is no way it may be definitively concluded that a court’s decision will reflect the personal views of a litigator even if the litigator is on the winning side. However, with this disclaimer, I’ll take a few paragraphs to do just the opposite. In a decision, Ahmad Baravati v. Josephthal, Lyon & Ross, 28 F.3d 704 (1994), the court was faced with an appeal alleging an arbitration panel did not manifestly follow the law when the panel found for a broker where the broker’s employer essentially defamed the broker in retaliation for the broker blowing the whistle on the employer’s poor business practices.

[It] is also interesting in a purely collateral and speculative vein because the attorney for the plaintiff broker was Barack Obama.

The court’s decision upholding the arbitration panel is notably for its cogent summary of some legal mileposts concerning arbitration and is also interesting in a purely collateral and speculative vein because the attorney for the plaintiff broker was Barack Obama. This court decision first notes that “Wilko v. Swan, 346 US 427 (1953) where the Supreme Court was first criticized for its mistrust of arbitration and then overruled. Created ex nihilo to be a non-statutory ground for setting aside arbitral awards, the Wilko formula reflects precisely that mistrust of arbitration for which the Court in its two Shearson/American opinions criticized Wilko. We can understand neither the need for the formula nor the role that it may play in judicial review of arbitration (we expect none — that is just words).” 28 F.3d at 705

The Baravati decision also notes that “Mastrobuono v. Shearson Lehman Hutton Inc., 20 F.3d 713 (7th Cir. 1994) holds that if the body of law that the parties agreed would govern their disputes forbids arbitral awards of punitive damages in that class of case, a federal court cannot confirm award.” 28 F.3d at 706 “Mastrobuono put us in conflict with four other circuits, which hold that such a choice of law designation does not override the power of arbitrators to award punitive damages, provided the rules that the parties have agreed are to govern the arbitration agreement authorizes the arbitrator, implicitly or explicitly, to award such damages. Bonar v. Dean Witter Reynolds, Inc., 835 F.2d 1378, 1387 (11th Cir. 1988).” 28 F.3d at 709 “The difference between Mastrobuono and the contrary decisions is simply a difference over the proper interpretation of the choice of law clause read in light of the parties’ agreement to have their disputes arbitrated under rules that allow for the award of punitive damages. The other circuits believe that these provisions are best reconciled by confining the choice of law provision to substantive matters, allowing the arbitrators free rein in procedural and remedial matters.” 28 F.3d at 709 “It is commonplace to leave the arbitrators pretty much at large in the formulation of remedies, just as in the formulation of the principles of contract interpretation. United Steelworkers v. Enterprise Wheel & Car. Corp., 363 US 593, 597 (1960).” 28 F.3d at 710

Lastly, the court notes in Baravati that “State common law hostile to arbitration is preempted by federal common law friendly to it.” 28 F.3d at 711.

So, Baravati contains some pithy axioms of jurisprudence concerning arbitration and may wishfully give some slight insight in how the new President views ADR.
Alternative Dispute Resolution Committee Meeting Report:
PBA Committee/Section Day, Oct. 29, 2008, Radisson Penn Harris, Camp Hill

PBA Staff Member Reporting:
Louann Bell

Major Points Discussed:
Subcommittees - Chairs submitted reports that are attached to the agenda for the ADR members review and information.

Pro Bono - Volunteers are needed to work with Laura Candris on this subcommittee. Laura reported that she had spoken with Bob Johnston and Judge Kistler concerning the limited representation projects presented to the Board of Governors, and that she had reviewed Judge Kistler’s report, which concerned two areas of need. The first concerned limited representation of parties in family court custody disputes, similar to the program in Allegheny County, and the second concerned mediation of landlord/tenant disputes. Judge Kistler advised that his committee contemplated evaluative mediation of those disputes. Laura suggested that the latter project is more suitable for the ADR Committee. As envisioned by Judge Kistler’s report, this project would entail our subcommittee, perhaps in conjunction with a subcommittee of the Real Property, Probate and Trust Law Section, developing the model, the forms, and possibly training materials and presenting the package to sponsoring organizations in each county. Laura has materials that were developed for the landlord tenant dispute mediation program in Philadelphia, and will follow up with David Ross and others about that program.

Collaborative Law – Debra Cantor reported that the subcommittee has made six presentations so far to county bar associations and there are currently four more pending. She proposed that a follow-up letter be sent to the county bars that have not yet responded. She will prepare the letter and send it to Louann Bell for distribution.

Newsletter – Susan Candiello reported that the Fall 2008 issue of the newsletter was just recently sent out via e-mail. Members are encouraged to submit articles to Tom Salzer or Susan for inclusion in the next newsletter.

Survey – Chair Sally Cimini thanked Tom Salzer, Mike Wolf and Bruce Pinto for all the work they did in getting the survey out to the membership. A total of 700 responses were received. Mike Wolf and Bruce Pinto have reported that there are a sufficient number of responses to make the results of the survey statistically reliable. There was some discussion as to just how reliable the results could be. It was decided that the chair and vice chair will meet with Tom, Mike and Bruce regarding the survey and will bring a report back to the committee at its next meeting. The next question to be answered is what is to be done with the data. This will all be talked about during the January meeting.

2009 Budget Request – Sally reported that the 2009 budget request was submitted. The Finance Committee will vote on the final approved budget at their November meeting.

ADR Institute – Sally advised members that due to decreasing numbers over the past couple of years, it was decided to hold the Institute every other year. The next Institute is scheduled for the fall of 2010. Webinars planned for 2009 will focus on arbitration and mediation. The Webinars can be 90-minute or two-hour segments and will be simulcast from live sites or members can participate from their computers in their offices. There will be more information on this in January.

Sir Francis Bacon Award – John Salla advised that the 2009 Nomination Form for the Sir Francis Bacon Award was ready for distribution. He asked members to consider potential nominees. Re-nominations are encouraged. The deadline for nominations [has been extended until Jan. 30, 2009.] The nomination form will be e-mailed to the ADR Committee members as well as announced in upcoming issues of the PBA E-News and Bar News. The Award will be presented during the PBA Annual Meeting awards luncheon on June 2 in Pittsburgh.

April 23 Meeting – The members were advised that the Diversity Subcommittee has made arrangements for Homer LaRue to make a presentation during the April 23 meeting. Members were encouraged to e-mail Ross Schmucki or Cassandra Georges with any questions they would like addressed during the presentation.

RUAA Presentation – A discussion ensued as to the Revised Uniform Arbitration Act. PBA Legislative Manager Nevin Mindlin was encouraging the committee to approve a resolution and move it to the PBA Board of Governors in time for their November 6 meeting. It was determined that the main issue to be resolved is what to do about common law arbitration and should the perception of common law and statutory arbitration be reversed. Mike McDowell moved the following:

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Alternative Dispute Resolution Committee Meeting Report:
PBA Committee/Section Day, Oct. 29, 2008, Radisson Penn Harris, Camp Hill
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That the provisions of Title 42 Section 7342 of the Common Law Arbitration Statute be amended to incorporate corresponding procedural matters from the RUAA. The motion was seconded and approved unanimously.

Action Items:
Pro Bono – Recruit subcommittee members. Laura Candris will talk to Joe McDermott and David Ross for more information on the landlord/tenant program.

Collaborative Law – Prepare a follow-up letter for distribution to the county bar associations who have not responded to previous mailing regarding collaborative law programs.

Recommendations & Resolutions to the Board of Governors & House of Delegates: RUAA Resolution

New Business/Future Projects: None

Tabled Discussions: None

Next Meeting Date: Jan. 28, 2009 – conference call by site (Pittsburgh, Philadelphia & Harrisburg)

Staff Follow-up Requested:
Collaborative Law – Send follow-up letter when ready to the county bar associations who have not yet responded.
Sir Francis Bacon Award – Distribute the nomination form via e-mail to the ADR members and have put on the next E-News and Bar News.
RUAA Resolution – Send the resolution to interested committees and sections for their comments and to the PBA Governance Department to be added to the Board agenda for their Nov. 6 meeting.
Set up sites for the Jan. 28 meeting.

To subscribe, login on the PBA Web site with your PBA member username and password, select the “Committees/Sections” tab, then the “Committees” tab, then the “Alternative Dispute Resolution Committee” tab, then the “Listserv Sign-Up” tab. The subscription form can also be accessed directly at www.pabar.org/public/listservform.asp.

Once subscribed to the listserv, you will get the following confirmation message:

“File sent due to actions of administrator traci.raho@pabar.org.”

To send a message to members of the listserv, address your e-mail to adr@list.pabar.org.

To reply only to the sender, hit “Reply,” and type your personal reply to the sender. This response will only go to the sender, not to the entire listserv membership. You can manually add other recipients outside of the sender or the membership.

To reply to the entire listserv membership, hit “Reply to All,” and type your response. This response will go to the sender and to the entire listserv membership.

To unsubscribe, send a message to listserv@list.pabar.org with “unsubscribe adr” in the body.

To change your e-mail address, you must unsubscribe the old e-mail address using the old e-mail address and subscribe the new e-mail address using your new e-mail address. Sending an e-mail to the list will not change your e-mail address on the listserv.

For customer service, contact Traci Raho, PBA internet coordinator, (800) 932-0311, ext. 2255.