



Janet H Song <songjaneth@gmail.com>

The Mediation Society Newsletter

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TMS Newsletter Fall-Winter 2017

Dear Janet,

Remembering Our Roots as Mediators.

The beginning of my transition from successful

Hot Topic

[A letter from the president of the CDRC to the California Law Revision Commission responding to an invitation](#)

litigator to full-time mediator nearly ten years ago was fraught with fear and trepidation. Would I be as successful at mediating as I was at litigating? Could I make a halfway decent living at it? Should I give up litigating completely? If I did so, and my client base of business and corporate clients, individuals and insurers went elsewhere, would I ever be able to get them back if things didn't work out?

I know that these and similar questions keep many "new" mediators up at night, and not without good reason. This so-called profession of ours is hard to break into, needs ongoing education to become and remain competent and demands of us constant visibility to be competitive in the marketplace, which has become saturated with "burned out" litigators and non-lawyers vying to find a niche as mediators.

Unless affiliated with an "institutional provider" such as JAMS, ADR Services or Judicate West, with their somewhat collegiate infrastructures, being a "solo" can sometimes be a lonely existence.

Who does one turn to for guidance, to simply run ideas by or discuss technique? With whom can we brag about unexpected successes, or conduct "post mortems" about spectacular failures?

That's what I love about being a member of **The Mediation Society**. I'm among friends, not just one among competitors. Many are the times I've unabashedly telephoned one of you to pick your brains. Many are the times I've encouraged new members to pick mine, to use me as a resource, a referral or a confidant. That's what we at TMS do for each other. We share, we support, we encourage and we motivate, both privately and publicly through our Society Sessions, Roundtables, Dinners and Retreats.

In this year of my presidency, I urge all of us who are now experienced mediators to remember what it was like when we all started out on this journey, just like I did, with fear and trepidation, and to share our bounty of knowledge and experience with those who must inevitably take our places.

[for public comment on the proposed legislation affecting mediation confidentiality](#)

Members are invited to express their opinions about mediation confidentiality, and to post other opinion letters/submissions on the TMS website. However, views and opinions expressed are theirs alone and do not necessarily constitute those of TMS or its other members.

Other Events of interest

September 27th

9am to 1pm:

["Mediation Works! Making it a Win-Win Outcome"](#) presented by Malcolm Sher and Roger Allen at BASF

[PDF of more details](#)

October 19th

Noon to 1:30pm

"Who is Afraid of Real Mediation?" presented by Dana Curtis and Daniel Bowling at ACBA

November 17

[23rd annual Contra Costa Bar Association MCLE Spectacular](#)

Appellate Mediation:

The Third Appellate District is rumored to be gearing up to add to its panel of mediators. Those interested in serving on this panel may wish to complete their application before the panel actually opens. The information and the application may be found on the [Mediation Program page of 3rd DCA's website](#).

Blessed are the peacemakers.



Malcolm Sher
Mediation Society President
2017-18



TMS's Mediators Corner seeks thoughtful short pieces on topics of interest to the membership and other practicing mediators: Best practices, new trends or legal developments, recent war stories with pearls of wisdom embedded within.

Length is flexible, but mostly we look for pieces in the 600-1,200 word range. They run for a month on the home page, then remain available in the archives for some time.

*Contact Matt Geyer with questions or expressions of interest:
(mjg@GeyerLawandADR.com).*

Don't forget, TMS Members can now update their own areas of

[New in Resources](#) (our exclusive TMS Members only site for recommended readings and more): [The Judicial Council, speaking through its relevant committee, has just written in opposition to the CLRC's current Tentative Recommendation.](#)

[Job Opportunity: ADR Program Managing Attorney Superior Court of California, County of San Mateo](#)

Upcoming TMS Events

[Friday December 8:](#)
TMS Annual Mediation Year in Review with Jim Madison and Paul Dubow

[Friday January 12:](#)
Competence Issues MCLE* Roundtable with Cameron Stout
**1 MCLE credit including Prevention, detection and Treatment of Substance Abuse/Mental Illness that Impairs Professional Competence*

[View the full Calendar](#)

expertise. Please click here to login and edit your own information in our Members Only section.

(You should have received a password for the Members Only section of TMS' new website, but if you have not, please contact info@mediationsociety.org to receive your password.)

Did you know?

Recordings of past events, and presentation documents (when available) are posted on our website in our [Event Archives](#).

If you wanted to attend a Society Session or Roundtable but were unable to do so, you may be able to listen to a recording after the event. Just check the Archives!

Our **Members Only** [Resources & Reading](#) section also hosts useful information - check out what happened during our 2017 Annual TMS Board Retreat!

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