

SOUTH TEXAS
COLLEGE
OF LAW

FRANK EVANS CENTER WELCOMES NEW STAFF

Debra Berman is the new Program Manager at the Frank Evans Center for Conflict Resolution at South Texas College of Law. As Program Manager, Berman is responsible for the implementation and coordination of various programs, projects, and extracurricular educational opportunities at the Frank Evans Center. She also organizes and provides oversight for national and international dispute resolution student competitions as well as serving as a coach. Berman



recently coached the team that placed first at the International Law School Mediation Tournament in London this March. She will also be teaching Alternative Dispute Resolution classes at the law school.

Berman received her undergraduate degree from Georgetown University and her J.D. from the American University Washington College of Law. As a student at the Washington College of Law, she

established a successful student ADR program. Following graduation, Berman practiced law at a large law firm in Washington D.C. In her spare time, she taught ADR as an adjunct professor of law and coached student ADR competitions at her law school. She is a certified mediator and has had hundreds of hours of dispute resolution training, including basic mediation, transformative mediation, family mediation, negotiation, and collaborative law. Berman is thrilled to join the Frank Evans Center and share her passion for the ADR field with the future generation of attorneys. ♦

SOUTH TEXAS HOSTS ABA REGIONAL REPRESENTATION IN MEDIATION COMPETITION AND PLACES THIRD IN REGION

South Texas College of Law had the honor of hosting the ABA Regional Representation in Mediation Competition on February 19-20, 2011. Each year, the ABA Section of Dispute Resolution sponsors the Law Student Representation in Mediation Competition which focuses on the ability of lawyers to effectively represent clients in mediation. In this competition, law students played attorneys and clients to model effective representation of a client in mediation. The interaction of lawyer and client along with interest-based problem solving is the foundation of the competition.



South Texas teams (from left): Anthony Vessel, Kaytlyn Knowles, Thomas Tsang, and Lucy Regalado

Twelve teams participated in the competition pitting South Texas against the University of Oklahoma and the University of South Dakota. (ABA continued next page)



SOUTH TEXAS IS ONE OF ONLY SEVERAL LAW SCHOOLS IN NATION TO OFFER A STAND ALONE COLLABORATIVE LAW COURSE

South Texas College of Law is only one of several law schools in the nation to offer a stand alone course on collaborative law. Other schools that offer stand alone collaborative law courses include Pace Law School, Santa Clara University School of Law, the University of Nevada Las Vegas, and the University of Richmond Law School. The South Texas course, which is 16 hours and offered once a year during the winter intersession, is open to local attorneys and all South Texas College of Law students for class credit. The course is taught by **Norma Trusch '77**, one of the founders of the collaborative law movement in Texas. Since the first training of collaborative lawyers in Texas in 2000, Trusch has devoted much of her energy and time to expanding the use of collaborative law and

other non-adversarial processes to settle family law disputes. As president of the International Academy of Collaborative Professionals, she led the group's expansion from the United States and Canada into Europe and Australia. As director of training for the Collaborative Law Institute of Texas, she has contributed to the leadership of Texas into innovative new models of collaborative practice. While Trusch maintains her family mediation practice, she also serves as a collaborative family lawyer and trains other lawyers in mediation and collaborative divorce. One of the things she enjoys most about her career, however, is educating law students about the burgeoning field of collaborative law as an adjunct professor at South Texas College of Law, where she teaches Collaborative

Law and Texas Marital Property Law.

Xochytl Greer, a second-year law student at South Texas, commented on her experience in the course:

"The course provided me with a fantastic overview of collaborative law and how it is used in the family law context. It addressed the importance of counseling clients on different alternatives to litigation. If done correctly, the collaborative process helps to create an environment where the outcome is tailored to fit the needs of all interested parties more effectively than an adversarial process. The collaborative law course provides invaluable training for new attorneys seeking to practice family law." ♦

FRANK EVANS CENTER TO PLAY ROLE IN LEGAL EDUCATION IN THE REPUBLIC OF GEORGIA

South Texas College of Law has received a grant from the East West Management Institute to provide assistance to the Republic of Georgia in the legal education component of the Judicial Independence and Legal Empowerment Project (JILEP). The JILEP program is made possible by the generous support of the American people through the U.S. Agency for International Development. The overall goal of JILEP is to strengthen the Georgian judiciary and to improve legal education in Georgia. South Texas

College of Law and Washburn University School of Law were selected to assist in implementing the legal education component of the program.

The primary goal is the establishment of two centers of learning at Georgian law schools. One Legal Center of Learning will be dedicated to teaching dispute resolution, including the use of trial advocacy skills and ADR methods such as mediation and arbitration. This Legal Center of Learning will also include an ADR clinic, which will assist in providing ADR support to small

and medium businesses at a reasonable cost. South Texas College of Law will act as mentor in the creation of the Center, provide professors, and host visiting faculty from Georgia. The second center, which Washburn will establish, will focus on commercial law issues. South Texas College of Law is honored to have been chosen for this project and is looking forward to beginning work on the Legal Center of Learning in Georgia. Please be on the lookout in the next newsletter for more information on the Evans Center's progress in Georgia. ♦



Judges, mediators, and teams gather in the Treece Courtroom for orientation.

(ABA continued form page 1)

The South Texas teams consisted of Kaytlyn Knowles, Anthony Vessel, Lucy Regalado, and Thomas Tsang. Anthony Vessel and Kaytlyn Knowles placed third in the region. The University of Oklahoma won the regional competition and will be representing the region at the National Finals which is in conjunction with the American Bar Association Section of Dispute Resolution Annual Meeting in Denver in April. The Frank Evans Center thanks the forty local Houston area attorneys and mediators that volunteered to make this competition a success. ♦

CENTER SPONSORS ANNUAL FAMILY LAW MEDIATION TRAINING

During the week of January 4, 2011, the Frank Evans Center for Conflict Resolution at South Texas College of Law held a family mediation training, which complied with both the requirements of § 154.052(b) and the

Family Mediation Training Standards adopted by the Texas Mediation Trainer's Roundtable. The course, which was taught by **Hon. Bruce Wettman**, was also in compliance with the Model Standards of Practice for Family and

Divorce Mediation. The training was a thirty (30) hour skills focused program, designed from an interdisciplinary perspective. The Family Law Mediation training is offered every January. ♦



SAVE THE DATE!

40 HOUR BASIC MEDIATION TRAINING

August 8-13, 2011

Sponsored by the Evans Center for Conflict Resolution at South Texas College of Law

The 40 hour mediation training will be held Monday, August 8 through Friday, August 13, 2011, from 8:30 a.m. to 5:30 p.m. at South Texas College of Law. The course will be taught by Director of the Frank Evans Center, Kimberlee Kovach. Kovach has trained thousands of mediators worldwide. The training is conducted in a very interactive, experiential manner to optimize learning experiences. This intensive training complies with both the Texas statutory requirement for mediation training, (§ 154.052 Tex. Civ. Prac. & Rem. Code) as well as the Texas Mediation Trainers Roundtable Standards for Mediation Training.

REGISTRATION INFORMATION WILL BE COMING SOON.

If you have questions, please contact Rita Cannon, coordinator, Frank Evans Center, (713) 646-2998 or email rcannon@stcl.edu.

CENTER CELEBRATES!

On October 19, the Center hosted a reception celebrating Annual Conflict Resolution Day and a milestone in Texas mediation history. Thirty years ago, the first 40 hour training was conducted in Houston at South Texas College of Law. Conflict Resolution Day, which this year was Thursday October 21, 2010, is designed to promote knowledge and understanding of more collaborative methods of dispute resolution on an international basis.

The concept of a Conflict Resolution Day, which falls on the third Thursday of October each year, was designed in 2005 by the Association for Conflict Resolution (ACR). Goals of having such simultaneous international celebrations include the promotion of dispute resolution processes, encouraging the

use of these processes in a variety of settings and contexts, and acknowledging the many valuable contributions of collaborative conflict resolvers.

For more information about Conflict Resolution Day generally, see <http://www.acrnet.org/crday/> ♦

ANTICIPATING THE FUTURE OF ONLINE DISPUTE RESOLUTION (ODR): KOVACH PARTICIPATES IN COLLOQUIUM ON ODR

Little doubt remains that the next innovation in the field of dispute resolution is that of ODR. In fact, it has long begun. Numerous articles and books have now been written about ODR. Even more significant is the increase in the use of online processes. Now, the global business and consumer world is beginning to embrace the option of ODR as a primary means of dispute settlement. The United Nations Commission on International Trade Law (UNCITRAL) has established an ODR

working group to examine this issue.

In early November, **Center Director Kovach** traveled to Vancouver and participated in a colloquium on the topic of the creation of a global ADR system. The colloquium participants discussed numerous issues similar to those which will be addressed by the UNCITRAL Working Group. The Center will continue to monitor and be involved in such developments. ♦

SOUTH TEXAS INCREASES PRESENCE IN NATIONAL AND INTERNATIONAL ADR COMPETITIONS

The Frank Evans Center manages and administers a wide array of regional, national and international law student competitions with the concentration and focus on representing clients in a variety of dispute resolution methods. Under the supervision and coaching of faculty from the Center, this year students from South Texas College of Law have competed in eight competitions, both at home and abroad. All second and third year law students will have the chance to compete for a spot in these competitions at the Intramural ADR Tournament being held in late August. South Texas College of Law currently participates in the following competitions:

- **ABA Client Counseling Competition:** The Law Student Division of the American Bar Association (ABA) sponsors this competition involving a law office consultation with a potential client. The law students, acting as attorneys, are presented with a client matter and conduct an interview. After gathering information, they provide counsel including an explanation of how they would proceed further in the hypothetical case. This competition is hosted regionally in February each year. **Tyler Berger, Dania Nassar, and David Wu** represented South Texas College of Law at the 2011 regional competition in Boston, Massachusetts. They were coached by **Rochelle Cabe '08**.



Client counseling team (from left): David Wu, Tyler Berger, and Dania Nassar

- **ABA Domestic Arbitration Competition:** This ABA sponsored competition allows students to gain experience in domestic arbitration practice and procedures. A realistic arbitration hearing is simulated and the participants prepare and present an arbitration case, including opening statements, witness examinations, exhibit introductions, evidentiary presentations, and summations. This competition is hosted regionally during the fall semester. South Texas College of Law sent a team to the regional competition at Southwestern Law School in Los Angeles in November 2010. The South Texas team consisting of **Sky Brown, Bill Carpenter, John Davis, and Rebekah Rodriguez** advanced to the regional semifinals. **David Roberson '10** served as coach for the team.



ABA Arbitration team (from left): Coach David Roberson, William Carpenter, John Davis, Sky Brown, and Rebekah Rodriguez.

- **ABA Negotiation Competition:** Also part of the ABA Law Student Division, in this competition, students practice legal negotiation in a variety of legal matters. The competition features two teams of co-counsel who negotiate a settlement of a legal matter on behalf of their respective clients. This competition is hosted regionally in November each year. **Courtney Alexander, Amrita Boghani, Sonia Chainani, Ben Ruemke, and Amy Suchma** represented South Texas College of Law at the regional competition in November 2011 in Fayetteville, Arkansas. The teams were coached by **Rochelle Cabe '08** and **Charles Guittard**.

- **ABA Representation in Mediation Competition:** Sponsored by the ABA Section of Dispute Resolution, this competition focuses on effective representation of clients in mediation. Teams are comprised of an attorney and a client. The interaction of lawyer and client along with interest-based problem solving is the foundation of this competition. This competition is hosted regionally in late February or early March each year. South Texas College of Law hosted the 2011 regional competition. The South Texas teams consisted of **Kaytlyn Knowles, Anthony Vessel, Lucy Regalado,** and **Thomas Tsang** and were coached by **Charles Guittard**. Congratulations to **Kaytlyn Knowles** and **Anthony Vessel** for placing third in the region!



Representation in Mediation teams (from left): Coach Charles Guittard, Anthony Vessel, Kaytlyn Knowles, Thomas Tsang and Lucy Regalado

- **ICC International Mediation Competition:** Modeled after the national ABA Representation in Mediation Competition, this competition is sponsored by the International Chamber of Commerce. Universities from around the world compete in Paris each February. Teams are selected by invitation only, and STCL has participated since February 2008. **Chris Archambault, Sonia Chainani,** and **Ben Ruemke** represented South Texas College of Law in the 2011 competition. Dean Emeritus, **James Alfini,** coached the South Texas team.
- **International Law School Mediation Tournament:** Sponsored by the International Academy of Dispute Resolution, this competition focuses on training and practical mediation experience. During the first half of the tournament, students participate in advocacy training, mediation training, and cross-cultural dispute resolution training. Following the training, students compete against schools from around the globe. Teams consist of three students and include an attorney, a client, and a student mediator who is paired with a co-mediator from another country. South Texas College of Law made an inaugural appearance at the 2011 tournament, which was held in London. The South Texas College of Law team consisting of **Amrita Boghani, Xochytl Greer,** and **Marium Siddiqui** placed first in the attorney/client division of the tournament. Students were coached by the Program Manager of the Frank Evans Center, **Debra Berman**.
- **International Commercial Arbitration:** As participants in the Vis Moot Arbitration Competition, students write briefs for both the claimant and respondent on a problem concerning an international commercial transaction. Issues are both procedural and substantive. Oral arguments take place each year in late March or early April in Vienna and Hong Kong, with several Pre-Moots as well. **John Davis, Leanne Fields, John Patout,** and **Travis Shaw** will represent South Texas College of Law in Vienna in April 2011. **Stacey Barnes,** an adjunct professor teaching Arbitration and International Commercial Arbitration at South Texas College of Law, is coaching the team.



International Law School Mediation Team (from left): Coach Debra Berman, Amrita Boghani, Marium Siddiqui, and Xochytl Greer.

- **Securities Dispute Resolution Triathlon:** The Securities Dispute Resolution Triathlon is sponsored by the Hugh L. Carey Center for Dispute Resolution at St. John's Law School and the Financial Industry Regulatory Authority (FINRA). For two days in October, student teams from law schools around the country meet at St. John's University in New York City to test their advocacy skills in the negotiation, mediation and arbitration of a securities dispute. **Mykail J. Fox, Ian Kuecker '10,** and **David Roberson '10** represented South Texas College of Law at the 2010 Triathlon. **Stacey Barnes** coached the 2010 team. ♦

SPOTLIGHT ON SOUTH TEXAS ADR ALUMS



Bryan Coleman '73

As is our custom, Spotlight features two alumni who have active ADR practices but received very different training in law school. First, we are happy to introduce **Bryan Coleman '73**. Although Coleman attended law school before ADR was part of the legal education curriculum, he has developed a significant ADR practice. We are also happy to spotlight **J. Julio Vela '09**. Vela graduated recently and had the opportunity to receive substantial ADR skills training while at South Texas.

Mr. Bryan Coleman is the founder of Conflict Analysis & Resolution, Inc. in Houston, Texas. Prior to becoming involved with ADR, Mr. Coleman had his own litigation firm for over 25 years, Ray & Coleman, where he primarily represented small health insurers and prosecuted medical and legal malpractice cases. He also represented numerous business entities in Houston and several governmental entities outside of Houston. Seeking a change of pace in his practice, Coleman decided to pursue a different legal career, and he began mediation training in 1992. Since then, he has spent almost 20 years mediating and arbitrating thousands of litigated and pre-litigation disputes. Mr. Coleman has over 1,000 hours of training in dispute resolution and is a continuing education lecturer and trainer for numerous alternative dispute resolution training programs, including the American Arbitration

Association, American Academy of Attorney Mediators, Attorney Mediators Institute, A.A. White Dispute Resolution Institute, Professional Attorney Mediators, Association of Attorney Mediators, and Texas Mediator Credentialing Association. In addition, Coleman was regional head neutral for JAMS in Houston, after which he became regional head neutral for Resolute Systems.

Coleman is now president of Conflict Analysis & Resolution, Inc., and conducts an average of two ADR procedures daily. He has trained over 500 mediators, including many former judges, law students, and attorneys. He often accepts observers, who come to observe his style of mediation. Coleman also regularly gives back to the law school community by judging numerous law student ADR competitions, including the ABA Regional Representation in Mediation Competition recently held at South Texas College of Law.

J. Julio Vela is a solo practitioner in Houston with the main focus of his practice on criminal defense and ADR. Vela graduated from South Texas College of Law in 2009 and then received his LLM in Health Law from the University of Houston in 2010. He has been using his expertise in health law to gain specialized knowledge and experience with conflicts and disputes in the health industry. As Vela looks back at his law school experience, he explains that as a 1L at South Texas, he admittedly knew nothing about ADR and its potential implications in the legal field. He decided to take several mediation and arbitration classes, including international commercial arbitration. He also took a cross-cultural dispute resolution class abroad in Prague taught by Dean James Alfini and Kimberlee Kovach. Beyond taking ADR classes, he involved himself with the Frank Evans Center and began participating in ADR competitions. Throughout law school he competed in numerous mediation and arbitration competitions, including the ABA Representation in Mediation Competition, the ABA Arbitration Competition, and the Vis International Commercial Arbitration Competition in Vienna.



J. Julio Vela '09

After graduating law school, Vela decided to start a solo practice and use the skills the Center taught him to generate business in the ADR field. He immediately began to do pro bono mediations through the Center, as well as with the city of Houston. Through the Center's networks and his countless hours of pro bono work, Vela began to receive referrals and started making a name for himself as an accountable and impartial ADR practitioner. Over time, he took on more complex mediation and arbitration cases. Currently, about half of his practice is devoted to mediating and arbitrating. He has mediated and arbitrated numerous disputes involving family issues, simple and complex business disputes, and disputes in the health care industry. "Without the support and experience the Frank Evans Center provided me, I would not have acquired the tools necessary to successfully practice ADR immediately after graduation. The opportunities it has given me are priceless," Vela said.

Since graduation, he has helped coach mediation and arbitration teams and has volunteered his time to judge at regional tournaments. As a young attorney, Vela sees the importance of ADR in the legal field. He says, "If graduates want to become successful lawyers, they must recognize the importance of ADR." ♦

6TH ANNUAL INTERNATIONAL CHAMBER OF COMMERCE MEDIATION COMPETITION IN PARIS

The South Texas College of Law team consisting of Chris Archambault, Sonia Chainani, and Ben Ruemke competed in the 6th annual International Chamber of Commerce (ICC) Mediation Competition, held in Paris, France in February 2011. The competition, which was inaugurated in 2006, is open to students from across the world and tests their problem solving skills in a mock mediation. Students from 58 universities and 27 different countries participated. The South Texas Team competed against students from France, India, Singapore, and Tunisia.



ICC Mediation team and coach (from left): **Chris Archambault, Amy Suchma, Sonia Chainani, Ben Ruemke, and Dean James Alfini.**

The competition, which is designed to simulate an international dispute mediated at the ICC in Paris, consisted of four preliminary rounds involving separate commercial disputes. Students were judged on how well they utilized the mediation process, teamwork between counsel and client, presentation of the case, problem solving, relationship

building, information gathering and communication with the other side, generating creative options, and advocating client's interests. Each session is mediated by experienced international mediators and judged by

ADR professionals from around the globe. The competition provided students an opportunity to test their negotiation and mediation skills in a global context. ♦

INCREASED SUMMER STUDY ABROAD ADR OPPORTUNITIES

South Texas College of Law has joined William Mitchell College of Law and California Western School of Law to expand ADR summer study abroad opportunities. For the first time ever, students are able to choose between summer ADR classes in three different countries, including the Czech Republic, Malta, and the United Kingdom.



LONDON

Comparative Negotiation and Dispute Resolution: Tackling Cross-Cultural Disputes June 27 – July 8, 2011
Taught by Professor **Ver Ploeg**, William Mitchell College of Law, and Professor **Thomas Barton**, California Western College of Law



MALTA

Cross-Cultural Negotiation and Mediation June 27 - July 8, 2011
Taught by Professor **Kimberlee Kovach**, South Texas College of Law.



PRAGUE

Cross Cultural Negotiation and Dispute Resolution Course May 27 - June 24, 2011
Taught by Professor **Mark Weinstein**, California Western School of Law.

ADR ADVOCATES HOSTS SPEAKERS

The Alternative Dispute Resolution Advocates (“ADRA”) is a student organization comprised of law students who are interested in learning more about alternative methods to litigation, including negotiation, mediation, and arbitration. The ADRA hosted several prominent speakers at its spring semester meetings.

January 27, 2011 – Richard Flake, a successful attorney, mediator and

arbitrator and senior partner with the Cokinos, Bosein & Young law firm headquartered in Houston, presented on the topic of how judges and arbitrators view arbitration.

February 16, 2011- Ann Ryan Robertson, Chair of the North American Branch of the Chartered Institute of Arbitrators, gave a presentation on international commercial arbitration. Robertson also serves as a

member of the U.S. delegation to the NAFTA Advisory Committee on Private Commercial Disputes.

March 29, 2011- Mark Robeck, a partner at Baker Botts and co-head of the firm's energy litigation practice group, spoke about ADR from an advocate's perspective. Robeck represents clients operating in energy markets in a broad array of disputes and litigation. ♦



**Professor
Kimberlee K. Kovach**

On October 12, 2010, Kovach served on a panel discussing current trends in mediation at the Houston Bar Association monthly meeting and CLE. Joining her on the panel were Professor Thelma Harmon of TSU School of Law who discussed the importance of attorney participation in mediation and Professor Richard Dale of the University of Houston Law Center who discussed current case law with regard to good faith participation in mediation. Kovach explored current trends in mediation.

On November 6th, 2010, Kovach presented a talk at the annual conference of the Texas Mediator Credentialing Association. The conference was focused on exploring the styles of mediation, as noted by its title “Mediation: Straight Up, Shaken or Stirred.” Kovach's focus was on the facilitative style of mediation.

On January 5, 2011, Kovach presented her working paper, “Mediation and Collaborative Law: Twin Sisters of Different Mothers” to the Houston Bar Association Family Law Section at their monthly meeting.

On January 29, 2011, Kovach spoke on and moderated a panel considering a number of ethical issues in dispute resolution practice at the symposium entitled *Forecasting the Future: Cutting Edge Issues in ADR*, which was sponsored by the *University of LaVerne Law Review* in California.



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