

ADR ARBITRATION PROGRAM UPDATE

After six months of operation the Dougherty County Alternate Dispute Resolution Program has been extremely effective. A total of 26 cases have been assigned for arbitration. Of the cases that have gone to arbitration, all but one were settled for award of the arbitrator. Several were settled before arbitration was held.

Personal injury cases dominated the ADR docket with 18 cases, followed by five domestic relations matters and three commercial cases. Dougherty Circuit Bar attorneys making the most use of the ADR Program are Bob Beauchamp, Carl Bryant, Bill Cannon, and Paula Taylor-Hanington.

Bob Beauchamp has used ADR in his personal injury practice. In cases where the client believes his case is worth much more than it is, taking the case to arbitration where the client can hear the defense's side of the story and get a ruling from the arbitrator has facilitated settlement at a realistic figure. Similarly, when an insurance adjustor or defense attorney is being especially parsimonious, hearing the plaintiff's side and getting a larger ruling from an arbitrator has made settlement possible. Smaller personal injury cases have also been effectively worked out through the arbitration process, thereby saving much time and effort on relatively modest

claims. Several clients with dubious claims have agreed not to appeal defense verdicts from an arbitrator. Bob advises that attorneys having as personal injury practice can use ADR as an effective tool to resolve personal injury cases.

Bill Cannon has also used arbitration successfully from the defense side of personal injury cases. He's been impressed with the relative brevity of the presentations while still allowing the parties to present their case to an impartial third party. He is also impressed with the cooperation he's received from opposing counsel, such as Carl Bryant, in preparing the case for presentation to the arbitrator and their willingness to agree on what the relevant evidence is and what should be presented to allow the arbitrator to make a fair and impartial ruling. All his cases in arbitration through the Superior Court have settled within days for the award of the arbitrator.

DOUGHERTY BAR BULLETIN

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Paula Taylor-Hanington is using ADR in her domestic relations practice chiefly to save the parties the considerable expense of a jury trial while still giving the parties their "day in court". The time saving feature of the arbitration process is also a benefit. She hopes that the rule nisi-like format, in which the only testimony comes from the parties and witnesses being questioned by counsel, could be relaxed so the parties could have an opportunity to speak their minds on the issues between them. If that's possible, Paula believes the arbitration process will leave the parties even more satisfied than the more formal proceedings in court. Her clients have been satisfied with the arbitrator's award.

Judge Loring A. Gray, Jr. is very pleased with the progress of the Program. He's hopeful more attorneys will make use of this procedure to try to obtain resolution of their clients' cases. He would particularly like to see some of the cases which have lingered too long on the civil docket be resolved with this obviously expeditious and economical program. As the program develops, the court may assign cases to arbitration.

In its first six months of operation the Dougherty Circuit's ADR Program shows promise of providing attorneys and their clients with an effective, economical means of resolving their legal disputes without the time and cost involved in a trial. The lawyers who have used the program find it very useful and report that their clients also have been satisfied that they have had their "day in court" and have been satisfied with the awards of the arbitrators.

Such results and enthusiasm among attorneys and clients certainly recommend this program for wider use by attorneys practicing in the Dougherty Superior Court. For further information on using this program, contact the program's administrator, Edmund A. Landau, III at 436-2568.

Law Day

Michael Meyer von Bremen

Law Day is just around the corner. As President-Elect, I will be in charge of this activity in late April or early May. As many of you know, the Dougherty Circuit Bar Association has, historically, been the recipient of numerous awards for their Law Day activities. We hope that this year will be no exception.

Hopefully, many of you will see fit to volunteer, without solicitation, for some of the activities. If so, please call me at 435-1470 to discuss in which area you may be able to help. Some of the areas we have been involved with in the past are: speakers bureau for civil clubs and area schools; speakers to appear on local television talk shows (possibly including Fox 31); lawyers who will coordinate tours of the Courthouse for area students; essay contest judges, and the receipt of nominations for the Liberty Bell Award. There are, of course, others and something will be printed later with more detail.

I also would like to remind all the members of the Bar that the Supreme Court recently enacted Rule 3.102, EC2-25 dealing with pro-bono service, which service is defined to include civic and public service activities as well as those activities which help the poor. The Supreme Court has made suggested guidelines of 40 hours annually, with 20 hours

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Edit. Phil Cannon

devoted to services to the poor. Given the fact that the Supreme Court has suggested this for all of us, Law Day Activity is one area where you can meet those public service activities.

Partner in Excellence Program

Jim Finklestein (Coordinator)

For the last few years we lawyers have undertaken as a group to assist the students at Martin Luther King, Jr. Middle School as part of the school system's Partner in Excellence Program. Our participation has included: providing speakers on the Bill of Rights to address various classes during the Bicentennial celebration of the Bill of Rights; inviting top students to our Bar luncheons to honor their achievements; providing warm clothing for indigent students and providing cash contributions for band uniforms.

Many students benefiting from the Partners in Excellence Program come from deprived backgrounds and need help from volunteers. Some students on the basketball team cannot afford to purchase proper basketball shoes, and the school system does not provide this equipment. The school needs funds to defray the cost of a message board and it still owes the school system \$1,000.00 a year for the next four years for band uniforms.

There are many things the members of the Dougherty

Bar Association can do to volunteer. If you would like to speak to a class, call Mrs. Powell at 431-3342. Suggested

topics are juvenile law; government; the court system; the Constitution and/or Bill of Rights or careers in the law. Perhaps you would like to make a financial contribution, \$25.00, which is always useful and needed. Funds are used to purchase band uniforms, shoes for the basketball team, project boards for science projects, ribbons and prizes for Field Day, tickets and/or expenses to take students on field trips. Members could also donate books to the library or to students for use at home. If you would like to get personally involved, there is always the after school program in which tutors or volunteers are needed. This program meets Monday, Tuesday and Thursday from 3:30pm to 4:30pm. One day a week would be a great help. Perhaps you could be a mentor to a young man or woman in need of a positive role model.

There are many, many ways you can help. These are only a few suggestions. If you would like to discuss volunteering or contributing to the program, call Jim Finklestein, 436-7824.

Law Library

The Law Library now subscribes to United States Law Week. This is a weekly publication of Federal Decisions. Each publication contains all new decisions,

summaries and a case and topical index.

Mock Trial

The SouthWest Georgia region Mock Trial Competition was held in Albany recently and was a big success. Teams from city high schools, as well as Crisp County and Lee County, competed in the event. The teams were well prepared and very professional. Each deserved the trip to the State Finals in Atlanta, but Crisp County will be the only team attending.

When you talk to Joe Dent or Dave Orłowski, thank them for their time and efforts as Coordinators. Rodney McCollough, David Martyn, Eric Eberhardt, and Scott Duncan, should also be thanked for their assistance in coordinating this event. Special thanks to the Albany Legal Secretaries Association for volunteering to help with paperwork and tabulating scores, especially Belinda Judy, Jan Weatheringham, and Kate Nofi. Thanks from your coordinators to all members of area Bar Associations who volunteered as evaluators, judge or attorney coaches.

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