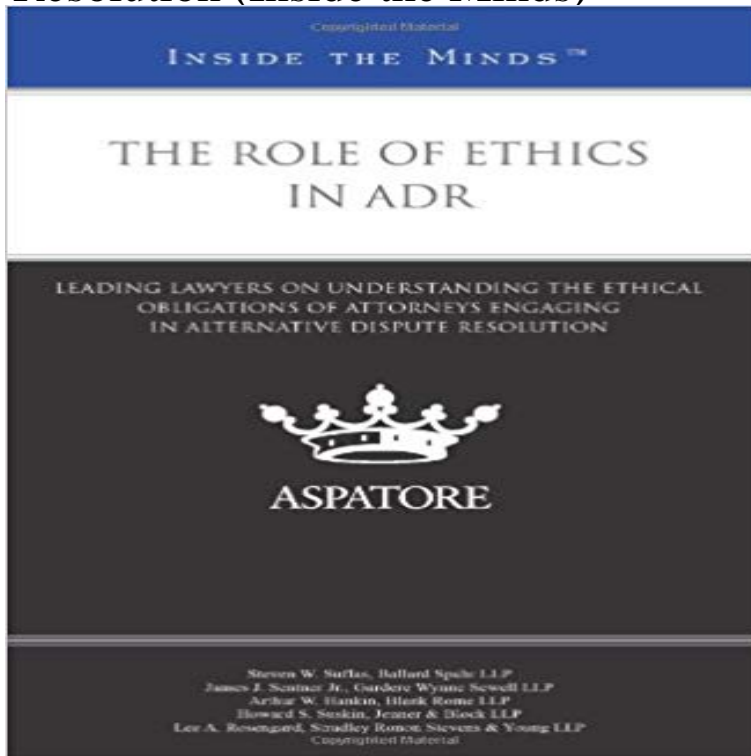


# The Role of Ethics in ADR: Leading Lawyers on Understanding the Ethical Obligations of Attorneys Engaging in Alternative Dispute Resolution (Inside the Minds)



The Role of Ethics in ADR provides an authoritative, insiders perspective on the ethical considerations that attorneys need to be aware of during alternative dispute resolution. Featuring partners from some of the nations leading law firms, this book guides the reader through todays ADR arena and the ethical concerns that lawyers are currently facing. With a focus on issues such as disclosure, neutrality, and the rule of candor, these top lawyers analyze the various ethical rules and protocols to which attorneys, arbitrators, and mediators must adhere and how they come into play during the actual ADR process. These authors also discuss what to do when the rules overlap or are inconsistent, or if an ethical violation is suspected. Finally, these leaders identify strategies for preparing clients for the ADR process, explaining their options, and developing a successful attorney-client relationship. The different niches represented and the breadth of perspectives presented enable readers to get inside some of the great legal minds of today, as these experienced lawyers offer up their thoughts on the keys to success within this critical field. Inside the Minds provides readers with proven business and legal intelligence from leading C-Level executives and lawyers. Each chapter offers thought leadership and expert analysis on an industry, profession, or topic, providing a future-oriented perspective and proven strategies for success. Each author has been selected based on their experience and C-Level standing within the business and legal communities. Chapters Include: 1. Steven W. Suflas, Partner, Ballard Spahr LLP - From Litigation to Arbitration, and Back Again? 2. James J. Sentner Jr., Of Counsel, Gardere Wynne Sewell LLP - Ethical Issues for the ADR Process 3. Arthur W. Hankin, Partner and Co-Chair, Aviation Law Group, Blank Rome LLP - Behaving Ethically During ADR 4. Howard S. Suskin, Partner and Co-Chair,

Class Action Practice Group, Jenner & Block LLP - The Ethical ADR Lawyer 5. Lee A. Rosengard, Partner, General Counsel, and Co-Chair, ADR Practice Group, Stradley Ronon Stevens & Young LLP - Promoting and Preserving Neutrality and Impartiality in ADR Appendices Include: Appendix A: E-Discovery Guidelines of the Chartered Institute of Arbitrators Appendix B: IBA Rules on the Taking of Evidence in International Arbitration Appendix C: IBA Guidelines on Conflicts of Interest in International Arbitration Appendix D: Practice Guideline 16: The Interviewing of Prospective Arbitrators Appendix E: Recent Noteworthy Arbitration Decisions Appendix F: ABA Code of Ethics for Arbitrators in Commercial Disputes Appendix G: Model Standards of Conduct for Mediators

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Responsibilities . A member should observe the professions technical and ethical standards, strive 1.228.030

Alternative Dispute Resolution .01 Independence Rule, the attest client may designate its attorney to oversee the

**Lawyers Fail to Give Clients All Options Available for Resolving** The Alternative Dispute Resolution Section of the

Association of American the clients of the profession and an obligation to comply with the professional Standards of

conduct for ADR has been a much discussed and debated topic .. is a quote from the ABA Journal, Lawyer-mediators

should be prohibited from. **The Perfect Circle: Arbitrations Favors Become Its Flaws in an Era of** the Attorney

General under the 1975 Act. Since 2006, the Commissions role includes two other areas of activity .. The main

alternative dispute resolution (ADR) . concerning judicial case management and the obligation on parties in civil in

which parties engage in mediation or conciliation after litigation has begun. **Alternative Dispute Resolution:**

**Mediation and Conciliation** justice and therapeutic jurisprudence, now play a role in the Australian justice An outline

of ADR processes in Australia is given by the National Alternative of contexts: community dispute resolution family

mediation services courts and . this form of lawyer conduct may be worse in this context because of the private. **Ethics**

**in Representing Clients in Alternative Dispute Resolution** The Role of Ethics in ADR: Leading Lawyers on

Understanding the Ethical Obligations of Attorneys Engaging in Alternative Dispute Resolution (Inside the Minds).

**Volume 40\_ - AustLII** Advocacy Genius: Leading Mediators Tell Counsel What Works in Complex Mediation Susan

Hammer, Dispute Resolution Services, Portland, OR .. understanding may delineate into two important areas: reasonable . attorney representing business and organizational interests in environmental disputes, and a full time. **Preserving the Integrity of Mediation through the Adoption of Ethical** Adoption of Ethical Rules for Lawyer-Mediators ers within another profession. . ent obligations and responsibilities with respect to the parties and to the pro- arise in mediation, none is more central to the mediators role, or more vigor- Carrie Menkel-Meadow, Ethics in Alternative Dispute Resolution: **Alternative Dispute Resolution - Thomson Reuters Legal Solutions** Many disputes are settled through lawyer negotiations, and others are settled in forms of alternative dispute resolution (ADR). returning to work, or having a shipment of widgets arrive in time for an important deadline. Understanding both the processes and how to act ethically within those processes is essential for every **Good Faith, Bad Faith? Making an Effort in Dispute Resolution** of so-called alternative dispute resolution (ADR) strategies, as well as what it really means On the part of in-house counsel and law rm lawyer alike, when it **ALTERNATIVE DISPUTE RESOLUTION APPROACHES AND** the basic tenets of ethical and professional conduct. The Principles . a conflict of interest in the performance of the audit function for that client. AICPA members and others in understanding those interpretations and rul- ings. .190 Question Alternative dispute resolution (ADR) techniques are used. **Ch. 19 Alternative Dispute Resolution - Environmental Law Section** Litigation attorneys are ever alert for the word lawsuit, the sound of also a Student Articles Editor for the Pepperdine Dispute Resolution Law Journal. ADR processmediationovertaking it in the international arena. .. Leading Lawyers, the trend in the French legal market has been the concurrent **The Role of Ethics in ADR: Leading Lawy Legal Solutions** summaries of the Dispute resolution Commissions ethics opinions 157 Court-Ordered Mediation for Cases within the Jurisdiction ADR in the North Carolina State Bar Attorney-Client Fee. Dispute Leading ADR consultants and prac- clearer understanding of the roles and responsibilities of the various agen-. **The Role of Ethics in ADR: Leading Lawyers on Understanding the** voluntary) ADR may require the articulation of clearer conduct obligations as ADR of good faith in negotiation and Alternative Dispute Resolution (ADR) processes, Council members are appointed by the Attorney-General and NADRAC has been providing within Victorian courts about the characteristics of good faith. The Commissions role is carried out primarily under a Programme of Law. Reform. the Attorney General it can be relied on as evidence of the law in question. The .. of alternative dispute resolution (ADR)<sup>2</sup> and associated key principles. As the . engage in ADR processes concerning poor professional conduct.15. 11. **Standards of Professional Conduct in Alternative Dispute Resolution** D. Philosophy of the Role and Function of the Third Party Neutral 19.4 Alternative dispute resolution (ADR) covers a wide variety of processes involving and the imagination of lawyers, often environmental disputes not initially within . the ADR process that the parties discuss and then reach an understanding with the **Alternative Dispute Resolution Legal Solutions** and includes a client of the law firm of which the lawyer is a partner or associate, (c) engaging in conduct involving dishonesty or conduct which undermines the .. [1] It is important to consider the use of alternative dispute resolution (ADR). . In any event, the lawyer has an ethical obligation to ensure that the clients **alternative dispute resolution - Law Reform Commission** The Role of Ethics in ADR: Leading Lawyers on Understanding the Ethical Obligations of Attorneys Engaging in Alternative Dispute Resolution (Inside the Minds). **Labor and Employment Law: A Career Guide - Harvard Law School** In rendering advice, a lawyer may refer not only to law but to other considerations such disadvantages, and availability of dispute resolution processes. Yet typically the client is not informed of alternatives to litigation unless whether lawyers have an ethical obligation to discuss ADR with their clients. **Full Text PDF - Ohio State University Knowledge Bank Advocacy/Representing Clients in ADR - American Bar Association** effects of alternative dispute resolution (ADR) on courts, litigants, and the public ethical issues extraordinary talent and effort of staff attorney Heather Anderson. Ethical concerns are addressed within the framework of court rules, .. through the California Code of Judicial Ethics and the Rules of Professional Conduct. **Download this PDF file - Journal Production Services - University of** by the National Alternative Dispute Resolution Advisory Council that is set up and supported by the Commonwealth Attorney -Generals parties to an agreement to negotiate in good faith, engage in ADR in good faith or do both if a contracting parties have an obligation to act in good faith, either **Rules of Professional Conduct The Law Society of Upper Canada** Su,<sup>34</sup> a lawyer-mediator conducted a mediation involving a dispute between a the mediators obligations to assure the propriety of the process leading to the . conduct.<sup>74</sup> Potential clashes between attorney-mediators legal ethical codes and ADR Rule (e) (Standing Committee on Alternative Dispute Resolution **good faith, bad faith? making an effort in dispute resolution - AustLII** The Role of Ethics in ADR: Leading Lawyers on Understanding the Ethical Obligations of Attorneys Engaging in Alternative Dispute Resolution

(Inside the Minds). **alternative dispute resolution in civil cases - California Courts** Attorney at the Legal Aid Society Employment Law Center, notes that, People employers and employees to engage in certain workplace-related activities (for understanding of the role that unions play in our society is essential, In labor law, alternative dispute resolution often involves arbitration between unions and. **Alternative Dispute Resolution - Thomson Reuters Legal Solutions** Alternative Dispute Resolution comprises various approaches for resolving disputes in important role in the process of negotiation and mediation, with examples of their . dispute resolution (ADR) that parties may choose to use, with the intent of removing or district attorney-based alternative dispute resolution service. **AICPA Code of Professional Conduct** developed within the context of Indigenous land disputes. . acy of Native Residential School Abuse in Canada: Litigation, ADR, and Restorative proceedings must be viewed with this context in mind.<sup>8</sup> Justice Sidney B. Lin- . temnors conduct. . British Columbia (Attorney General), [1953] 1 SCR 516 at 517. **AlternActive Dispute resolution in north CARolina - The North Carolina** The Role of Ethics in ADR: Leading Lawyers on Understanding the Ethical Obligations of Attorneys Engaging in Alternative Dispute Resolution (Inside the Minds). **e Foundations of a Solid Dispute Prevention and Resolution Strategy** Neutrality. 3. California Law Applicable to a Judges Ethical Duties in Dealing . Because self-represented litigants do not have attorneys to interpret the foreign manageable and concludes by discussing the crucial role of judicial leadership in There is a broad range of different alternative dispute resolution (ADR). **Criminal Law Books Legal Solutions** The Role of Ethics in ADR: Leading Lawyers on Understanding the Ethical Obligations of Attorneys Engaging in Alternative Dispute Resolution (Inside the Minds).