



Alternative Resolutions

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CHAIR'S CORNER

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The Times They Are A Changing

It's been thirty-three years since Bob Dylan, in order to raise the social consciousness of a society mired in the turbulent times that were the sixties, wrote, "The Times, They Are A Changing." As I write this, there are one thousand nineteen days left in this century (thirteen hundred eighty-four, for your purists out there). It's time that we in the alternative dispute resolution community acknowledge that we are an evolving profession; that what we do today is not the final word, but only a part of a continuing process. We do not want to become mired in complacency. We have to recognize that the times are always a' changing.

This was brought home to me recently by a group of panelists at the Annual Meeting of the Texas Association of Mediators. Representatives from EDS, Texas Instruments, and J.C. Penney Company discussed mediation from the consumers' point of view. The topic of the discussion was, "What We Need, What We Want, and What We Expect When We Come to Mediation." It was an eye-opening experience. Just seven years ago when I first started mediating, the chief "bone of contention" in mediation circles was the caucus; to caucus or not to caucus. That was the question. The "real" mediators held to the belief that "secrets weren't nice" and that the caucus was a crutch used only by those who, because they were either unskilled or inexperienced, lacked the ability to keep the parties together to resolve the dispute. The "upstarts" suggested that the caucus was an essential tool that must be employed in all court-annexed mediations in order to protect confidences and/or assure the lawyers that they would retain the ability to effectively try the case should it not

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