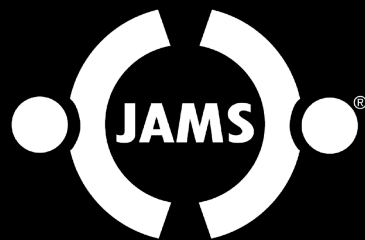# MAKING THE MOVE

Best Practices, Ethics & Tips to Transition to ADR

NAWJ Midyear Meeting
March 22, 2025

SPEAKERS

Maryam Hatcher, Esq. | **Moderator**

Joan B. Kessler, Esq. Ph.D.

Hon. Heather Welch (Ret.)

Denise Langford Morris, Retired Judge

AGENDA

- Introduction to ADR
- Journey to ADR
- Qualities of a Strong ADR Neutral
- Roles and Practice Types at JAMS
- Pathways to ADR
- Overcoming Challenges in the Transition
- Ethics & Best Practices
- Looking Forward

INTRODUCTION TO ADR

UNDERSTANDING ADR AS A CAREER PATH

JOURNEY TO ADR

Joan B. Kessler, Esq. Ph.D.
JAMS | Los Angeles

JOURNEY TO ADR

Hon. Heather Welch (Ret.)
JAMS | Chicago

JOURNEY TO ADR

Denise Langford Morris, Retired Judge
JAMS | Detroit

QUALITIES OF A STRONG ADR NEUTRAL

- Substantial Civil Case Work
  - Focus on civil cases or family law

- Settlement Experience

- Gaining Experience with Court Mediation or similar programs

- ADR Types at JAMS
  - Mediator
  - Arbitrator
  - Court-Appointed Neutral (Referee/Special Master)
  - Neutral Analysis
  - Program Cases
  - Allocation work
  - Title IX
  - Pathways
- Practice Areas

PATHWAYS TO ADR

- Assessing Current Skills & Experience
  - Negotiation
  - Legal analysis
  - Communication
- Identifying Gaps & Learning Needs
  - Understanding ADR processes and techniques
  - Building facilitation and mediation skills
- Marketing Tips

OVERCOMING CHALLENGES IN THE TRANSITION

- Transition from Judge/Practicing Attorney to ADR Neutral

- Difference in Skill Set

- Difference in Marketing Mindset

- Nature of the Market

- Traditional Selection of Neutrals

- Size of Matters/Making a Living

ETHICS & BEST PRACTICES

- Common Ethical Dilemmas Faced by Arbitrators and Mediators
  - Conflicts of interest
  - Maintaining impartiality
  - Ensuring confidentiality
  - Marketing ethical dilemmas when building a practice
- Differences from Ethical Dilemmas Encountered as a Judge
  - Judicial roles have stricter guidelines
  - Judges face public scrutiny
  - Judges have a defined legal framework

LOOKING FORWARD