

## **Judges Stress Listening, Preparedness in Handling Disputes**

A standing room only crowd of lawyers – many of them sitting or retired judges – listened intently as several of their peers discussed mediation and settlement conferences during “Dispute Resolution Principles and Techniques for the Bench” on Friday of the ABA Annual Meeting.

The panel of experts addressed such questions as the judge or mediator’s responsibility and the expectations of the clients coming before them; the difference between how a judge should act in a case versus a mediator, what the judge needs from the parties, and how the judge closes a deal.

Judge Wayne Brazil, of Oakland, CA, emphasized the importance of understanding the local culture where the case is being brought, and having some sense of expectations of the people appearing before the judge. A pre-settlement conference call can assist in helping to learn about what those expectations might be. Mary Alexander, of San Francisco, echoed the benefits of the pre-settlement conference call.

Think about your priorities, Brazil stressed, and don’t get distracted by lower objectives. Brazil continued by listing possible priorities, culminating with the need to “demonstrate commitment to the integrity of the process.” Listen to, and be respectful of, the people before you. “Eschew your own ego,” said Brazil.

Alexander, in response to the question of what the judge needs from the parties, said that the judge or mediator should have the settlement brief or statement in hand as early as possible before the case. “Read the brief,” said Alexander, “and show that you

have.” It’s beneficial to give an overview of the case to the people before you to show that you’ve done that homework. It also helps instill trust.

The CLE program was sponsored by the Judicial Division and cosponsored by several additional ABA entities. The session was the first of three panels focused on dispute resolution Friday afternoon.

\* \* \*