

Indiana Association of Mediators

Advancing the Practice of Mediation in Indiana



Welcome to the following new members: Dana Larbus (Noblesville); Dana R. Kerr (Ellettsville); Lewis Laderer Jr. (South Bend); Mona Paddock (Bloomfield); Marianne Woolbert (Anderson); Samuel R. (Chic) Born (Indianapolis); Charlie Asher (South Bend); William Hancock (Indianapolis); Susan Wack (Carmel); Robert Devetski (South Bend); Andrea Halpin (South Bend); Gladys Whitfield (Indianapolis); Deborah Kapitan (Crown Point); Kathleen Cord Cash (New Palestine); Pat Brown (Zionsville); John Shanks II (Anderson); Latoria Marion (Gary); Dustin Matern (Franklin), who was our 100th member; Krista Bennett (Indianapolis); and to returning member, Lori Torres (Indianapolis). The Association now has over 100 members due to the recent Fall Conference featuring Jim Melamed - something we haven't seen since the early to mid '90's!



Fall Conference Photos

November 2010

Member News

James A. McEntarfer has associated with a new firm - Stout & Seibert, P.C. located at 118 West Maumee Street, Angola, IN 46703. Contact information: (260) 665-5717 / fax (260) 665-1122 / e-mail: jmcentarfer@swzlaw.com

Joseph T. Bumbleburg, Lafayette, an attorney at Ball Eggleston, has been appointed to his 11th term as Department Judge Advocate of the Indiana Department of the American Legion. Mr. Bumbleburg is the senior member of the firm. He joined the firm in 1964 after serving three years with the U.S. Army as an officer of the Judge Advocate Corps. Formerly a trial lawyer with extensive civil trial experience, his practice now focuses on real estate development, municipal law, zoning and subdivision law. His mediation practice focuses on personal injury, wrongful death and various other civil matters.

New Advertising Rules for Attorneys

On October 14, 2010, the Indiana Supreme Court adopted changes to the Indiana Rules of Professional Conduct for attorneys, the first significant change in at least a generation. The revision has been a 5-year process that goes into effect on January 1, 2011. Generally, the Rules are intended to align Indiana with the Model Rules adopted by the American Bar Association a decade ago which are followed in most other states. Structurally, they attempt to provide more guidance than to provide a specific list of “do’s and don’ts.” More of the previous black-letter rules have now been moved into the comments portion. Other changes address how attorneys contact accident victims and the use of law firm names that accurately describe the relationship of the lawyers involved. While most commentators feel that the new Rules liberalize the advertising rules, they didn’t address the use of social media and other online resources. The \$50 filing fee for attorney advertising remains in place. The Commission did not adopt a procedure to pre-review advertising, or create a ‘safe harbor’ that is available in other states. As an example of the type of change that was approved, lawyer advertising is permissible so long as it’s not “false” or “misleading”. Previously, the rule prohibited advertising that was “false, fraudulent, misleading, deceptive, self-laudatory, or unfair”. The full text of the new Rules can be found on the Supreme Court [website](#).

SurveyMonkey Results

Recently, current and former members had a chance to provide input on 10 questions from your Board of Directors. Briefly, as of the Annual Meeting, the results were as follows:

Question 1: How long have you been a mediator - over 50% of respondents indicated they had been in practice for less than 5 years - only 9% more than 15 years.

Question 2: Current status - almost all respondents (95%) were current IAM members.

Our Members



Mary Hoeller, President
Indianapolis



Lew Laderer, South Bend



Susan Wack, Carmel



Deborah Kapitan, Crown Point

Question 3: Primary reasons for joining the IAM - all of the following were ranked as equally important: the free referral service available to current members; networking; keeping up with mediation developments in the state by using the website, the newsletter and the facebook page; attending IAM seminars to improve skills; and passing along knowledge by assisting other mediators in developing their skills.

Question 4: If you didn't renew your membership, why not? Since almost everyone that responded was a member, this wasn't informative although one individual noted that an invoice had not been received.

Question 5: Preferred method of continuing education (with 1 being the most favorite and 6 being the least favorite method) - 100% of respondents ranked the traditional classroom presentation as their first or second choice; webinars got an average of 2.8, teleseminars - 3.7; reading materials - 3.2; podcasts - 3.7; DVD's - 3.29; and audio CD's - 3.3.



Kathleen Cord Cash
New Palestine

Question 6: Conference topics of the most interest - 1st (most popular) - advanced mediation skills training; 2nd - Indiana-specific mediation issues and topics; 3rd - national trends and evolving practice areas; 4th - issues and topics related to the following practice areas (& number of people requesting): Business/Corporate (1 person); Civil mediation (2); Elder mediation (1); Family/Probate (2); CHINS/Foster care (1); Domestic Relations (3); getting started (1); victim/offender conferencing for juveniles (1); 5th - business growth and marketing; 6th (least popular) - basic mediation skills training.

Question 7 - IAM events/activities of the most value (with 1 being the most valuable and 6 being the least valuable) - average ranking for all respondents - IAM Conferences - 1.6; IAM website - 2.3; Referral list - 2.4; IAM newsletter - 2.4; IAM Listserve - 2.5; IAM Speaker's Panel - 3.4; Other - 1 individual suggested that the IAM sponsor a 40-hour training class.



Krista Bennett, Indianapolis

Question 8 - Suggestions for future IAM initiatives - (in no particular order): more collaboration with ADR section of ISBA; more info/research on non-attorney mediation; mentoring; getting more people involved; small business startup of a mediation practice/ways to ease into a practice/local rules new mediators would need to know; community mediation; survey on mediation styles both for civil and domestic mediation; survey on areas of practice - for family mediators, what % is mediation and what else

do they do - family law, GAL, parenting coordination, co-parenting education, judicial service, etc; better interface with judiciary; encouraging judges to use non-attorney mediators; set up victim/offender conferencing programs for juveniles; encourage pro-bono committee at ISBA.

Question 9 - what would you like to see the IAM change or do different - offer regional seminars; more cost effective for preferred membership; not much - doing a great job; mentoring of new members; additional info to non-attorney mediators.

Question 10 - Would you favor the IAM forming a task force to look at the possible formation of a community dispute resolution center? 75% of respondents said “yes” and 25% responded with a “no”. Based on this response, the Board is getting further information, which will be reported as it becomes available. If you haven’t responded to the Survey request yet, the Board would still appreciate your input!

2010 - 2011 Officers and Directors Elected

At the Annual Meeting of the Members held on October 25th, the following officers and directors were elected: Mary Hoeller, President; Eileen Maguire, Vice President; Barbra Bachmeier, Secretary; and Ginger Shanks, Treasurer. All of these individuals automatically serve as directors of the Association. Three new directors were elected - Charlie Asher (Indianapolis); Dustin Matern (Franklin); and Ginger Shanks (Anderson). Five directors agreed to continue serving on the Board - Jo Hughes (Indianapolis); Doug McMillan (Valparaiso); Marvin Pavlov (Columbus); Kim Van Valer (Greenwood); and Rick Wacker (Trafalgar).



Attending the Annual Meeting of the Membership: (back row, left to right) Beth Johnson, Pat Brown, Kim Van Valer, Dustin Matern, Albert Schinazi (guest speaker), Chuck Tavel, Jo Hughes, Susan Wack, Ginger Shanks, John Shanks; front row: Rick Wacker, Eileen Maguire, Barbra Bachmeier, Mary Hoeller, June Shrieves, Steven Brecount.

3 Ways to \$ave on your 2011 Dues!

Current IAM members can renew their dues for 2011 for just \$50 if paid before December 31, 2010 - a \$10 savings! Persons wishing to join the IAM before the end of the year pay just \$80 for the rest of 2010 and all of 2011 or \$60 after 1/1/11. For those that attended the Fall Conference, a mere \$20 pays your dues for 2011! Send your payment to Ginger Shanks, IAM Treasurer / 349 North 500 West / Anderson, IN 46011.

Have a funny mediation story? Want to share an announcement about your practice, speaking engagement, a good book on mediation or other item of interest? Have you run into a situation you weren’t sure how to handle? Your item can be distributed to the membership and insights shared! Contact [Rick Wacker](#).

Copyright 2010 Indiana Association of Mediators. All rights reserved.

This publication is a basic summary and should not be relied on as an authoritative statement of the law. You should consult an attorney for detailed legal advice before taking legal action. The materials included may be abridged from laws, court decisions, and administrative rulings and should not be considered to be legal opinions on specific facts or as a substitute for legal counsel.