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KIMBERLEE K. KOVACH

Mediation

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shell

2nd Edition

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MEDIATION

IN A NUTSHELL

SECOND EDITION

By

KIMBERLEE K. KOVACH

South Texas College of Law

藏书章

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PREFACE

During the last thirty years, the field of mediation has evolved and matured, perhaps far more than those involved in the process envisioned. In most ways, this growth of mediation use has been very encouraging, constructive and valuable. Individuals are learning innovative and creative ways to solve problems. Matters are being resolved expeditiously. Awareness that dispute resolution need not be based upon a win-lose, right-wrong paradigm has increased. But along with that progress have also come concerns and unease. Like any maturity in innovation, "growing pains" have emerged. This is particularly true of mediation use as it relates to the courts. Not surprisingly, the last several years have brought us many developments in terms of how and where mediation is conducted as well as expansion of the parameters of practice. These rules, guidelines and policy matters surrounding mediation practice are now found in case law, statutes, court rules, books, law reviews and professional journals.

This book is an attempt to provide a concise, yet comprehensive overview of most of the issues that currently impact mediation practice. Although space did not permit in depth analyses of each of the myriad of issues raised, the reader hopefully

PREFACE

will find useful resources through the references, cases and bibliographies at the end of each chapter.

I wish to thank my friends and colleagues who made suggestions with regard to the content and outline of this book. My indebtedness is also extended to all of those whose thoughtful and insightful publications have formed the foundation of the continuing knowledge and further innovation in the field of dispute resolution.

A special note of thanks and admiration to Jim Coben and those at Hamline's Dispute Resolution Institute, and the Mediation Case Law Project.* This compilation of mediation case law with summaries assisted greatly with this work.

Much appreciation to Rafael Boza for his research and assistance in editing. I also thank Rita Cannon and David Square for their dedication and work on this project. I also acknowledge Liz Herre, whose help was so significant to the first edition.

And, finally, a special expression of gratitude to my wonderful family, for whose presence and support I am eternally thankful.

KIMBERLEE K. KOVACH

Austin, Texas
December 2009

* <http://law.hamline.edu/adr/mediation-case-law-project.html>.

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