

RODERIC DUNCAN

JUDGE OF THE SUPERIOR COURT, RETIRED

PRIVATE DISPUTE RESOLUTION  
IN FAMILY LAW

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Steven Rosenberg, Esq.  
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Dear Steve:

To put it simply, your 40-hour mediation training program was superb. I came in thinking mediation was a lot like the several thousand judicial settlement conferences I had done in my 20 years on the Alameda Municipal and Superior Court benches. If Jerry Spolter at the American Arbitration Association hadn't recommended you so highly, I might never have found the time to take the course. I finished it excited about the huge differences between these two procedures for resolving disputes and I'm convinced that I want to do mediation "your way" for the rest of my post-retirement career.

There are countless things I could laud in the course, but I think my favorite was the listening instruction and practice. Judges tend to think that mediation means bringing the lawyers into chambers, working out some kind of acceptable compromise and then going out and selling it to the parties. It works pretty well in moving the calendar, but, of course, it leaves the parties bewildered, feeling left out and frustrated for never having been given a chance to tell their story.

With the new skills you have provided those of us in your class I find that I am able to really establish a important connection with each party and then negotiate, discuss and brainstorm until a solution that the parties have worked out is accepted by all. As the course moved on, I began to think "well, he's got a solution for getting everyone chummy and talking about the issues, but I'll bet he hasn't got any real answers for what you do when they have been negotiating for hours and are still miles apart." But, as with any other topic, you had good, solid answers that I am discovering work very well.

And, of course, all of the film clips, role plays and visiting teachers kept everyone involved and ready to jump in at all times. The course was a great experience. Thanks for your get skills as a trainer.

Sincerely,

