

## Past Presidents' Recollections

Part I – The Early Years: 1985 - 1999

by Linda Gibson

*Note: In celebration of TAM's 20<sup>th</sup> Anniversary in 2005 I emailed as many of our Past-Presidents as I could find contact information for and asked them to send me recollections of their presidential years. Their memoirs were printed in the November 2005 issue of the TAM newsletter, The Texas Mediator, and republished in 2015 as part of our 30-year celebration. I have again contacted every former president I could this year and included any updates below. I was not always able to get updated information. The year the memory was written is noted following each entry.*

### **1985 TAFM's First President**

**Gary Kirkpatrick, Dallas**

**Adams Award 2006**

In 1985 it occurred to me that as mediators had national organizations, we in Texas should have an organization of our own for two reasons. First, we were then clarifying issues particular to Texas. Second, we needed to encourage participation by those who might not be able to travel to national meetings and conferences. I got names and numbers and started calling to find what level of interest there was. After many favorable responses, we called our first meeting, which took place at a hospital meeting room in Austin. I was elected the first President sometime later. Helping TAM get started is an accomplishment of which I am very proud.

Several years later I remember visiting Susanne Adams in her office, which was next to mine, to talk about TAFM becoming TAM. I was moving into cases other than family-related and felt that others might be doing the same and would benefit from having an organization with a broader focus. Susanne was very interested, and soon the topic was on the agenda and TAM was born. Perhaps others were having the same thoughts at the time, helping propel matters along.

Susanne was a colleague and friend, so we talked quite a bit about her case. I donated money towards her legal costs and hired her to present at some of my mediation training courses. I tried without success to get support for her from other mediation organizations.

My mediation career started in Denver and continued in Dallas. I worked at DMS [Dispute Mediation Service] for about five years as case manager. I left in 1987 to start a divorce mediation practice. During the next 4 or 5 years I mediated about 350 family cases. They were referred from therapists, attorneys and from appearances and word of mouth. I also conducted family mediation training courses. After about 3 years I began doing other kinds of mediation. I started with personal injury cases and between about 1990 and 1995 I mediated a few hundred of those. I began receiving court referrals, and mediated several hundred court-ordered cases. In the meantime, I entered into a contract with Texas Women's University to conduct both family and general civil mediation training programs. I trained about 1,000 mediators in multiple states on my own and with TWU combined.

I trained mediators in Argentina, Bolivia and Chile in 1994-95 with Horacio Marull, a Chilean Dallas based lawyer. These courses were presented entirely in Spanish, and included a video we produced showing a commercial mediation, also in Spanish. The first training was a 40-hour basic. A year later they invited me back to conduct a three-day advanced course. Both

programs were organized by Judge Jose Luis Cardero in San Salvador de Jujuy. In attendance by invitation were representatives of the business community, judges, lawyers, mental health and other professionals. Following the courses and those presented before and after by others, our meetings with the Judges of the Provincial Court of Appeals and the governor, and the hard work of Judge Luis Cardero and many others, mediation has become an accepted means of resolving legal conflicts in some areas of the region.

I still think of those of you I got to know, especially Laury Adams, the late Susanne Adams, Marie Mullineaux, Carol Hoffman, Judy Dougherty, Florence Kusnetz, and others from those early days. All of us would agree that mediation has come a long way since that hospital meeting room in Austin.

When I started in mediation I faced a lot of uncertainty about its economic viability and its reception by the legal, business and professional communities. Many people helped make mediation a more viable professional activity and thus helped me have some success. I hope that the field continues to develop and that litigants, others in conflict, the legal profession and society in general can benefit from what mediators have to offer. *(October, 2020)*

**1986 & 1987 Marie Mullineaux, Houston  
Adams Award 2006**

*(Unable to contact)*

**1988 & 1989 Susanne Adams, Dallas  
First Adams Award 1997**

*(Deceased)*

**1990 Florence M. Kusnetz, Houston  
Adams Award 2001**

When I took office, the organization was still the Texas Association of Family Mediators. I helped bring it into existence from the first planning meeting in the basement of an Austin hospital where I became the treasurer. I collected five dollars from everyone present so I could have money for postage to send out notices of future meetings. I also helped write the bylaws of TAFM in the backseat of a car driving from Austin to Houston at a subsequent meeting. It was all so personal then. Everyone knew everyone else, and we all helped each other promote mediation in a state that did not know the word. The first stationery for my mediation practice came back from the printer with 1,000 envelopes printed "Divorce and Family Meditation Services." We've come a long way, baby!

The most significant accomplishment of my year as president was the name change from TAFM to TAM. We realized in order to be effective in promoting mediation we had to be inclusive and grow with the field. I believe I was the first professionally trained family mediator in Texas. I was trained in July, 1981, at the Federal Mediation and Conciliation Center in Washington, DC by Jim Coogler, who created the process for "structured mediation," and the first family mediators from around the country who were all trained by Jim. I came back to Houston to find that no one, including the judges, had ever heard of family mediation. We had a program of neighborhood mediation, labor mediation, and even farm/banker mediation, but no divorce or family mediation. Everyone said it couldn't be done because of the nature of family disputes.

I started my mediation practice in September, 1981, separate from my family law practice which started in 1973. From the first divorce mediation I did, I realized that this was the most civilized thing I could do for my clients. Keeping emotionally distraught, frightened, and angry people out of court benefited everyone, especially the children involved. Three other mediators who were trained by Jim Coogler - Don Graul, Judy Dougherty, and Alece Egan, joined me, and together we did extensive public education on family mediation, speaking to any group who would listen. Our best allies were the family therapists who recognized the benefits.

Our worst enemies were the family law attorneys who were afraid we would cut into their lucrative practices. It only took 15 or 20 years for them to come around. I retired in 1993 and carried out a promise I had made to myself to work to reform the family courts of Harris County. I started a political action committee, Court-Watch, with a handful of volunteers. By the November, 1994 judicial election, seven of the nine family court judges were gone after the election. Judicial candidates now had openings to run for office without pressures from certain incumbents who had been on the bench for decades. Ten years after those events, a book was published by the UT Press detailing this history. It is called *The Women of Court-Watch* by Carole Bell Ford. To read about it: [www.utexas.edu/utpress/books/forwom.html](http://www.utexas.edu/utpress/books/forwom.html). (November 2005)

At 91, I am so far out of the current procedural practice, but I sure can give you a lot of background information. I will always have a soft spot in my heart for family mediation, for that was my contribution to the history of divorce law in Texas and in the United States. [TAM's 35<sup>th</sup> Anniversary is quite an undertaking, and since I believe I was the first professionally trained family mediator in Houston (and maybe in Texas), I would love to be a part of the Anniversary Celebration. I am now 91 years of age and no longer travel out of Houston, but if you have a place for me and my memories I would be glad to participate. Let me know how I can help. It sounds exciting. (October 2020)

**1991 Laury Adams, Houston  
Adams Award 2008  
Spirit of TAM Award 2020**

Those of us who have been longtime mediators have experienced the evolution of mediation. In the early years, more people were familiar with meditation than mediation. Now, the field of mediation has practitioners with recognized professional skills. Mediation is not only a household word, but a valuable process used by various businesses, academic institutions, and organizations. Each TAM president has built on the contributions of those in the past. During the early years, the President led the association, published the newsletter, and headed the conference committee. My TAM presidency was a professional and personal challenge, for it was the year I was going through my own divorce. My first goal was for our organization to engage in strategic planning and develop a mission statement. With great effort, we were able to coalesce and accomplish the tasks. Bruce Mitchell seemed to perform miracles as we worked to get our newsletter professionally typeset and printed for the first time. That elevated our group's professional image. My biggest dream was having a nationally recognized mediator present at our annual conference. Bill Ury agreed to accept our invitation. We were mesmerized and inspired as he trained for the entire day. Spring Shadows Glen joined in sponsoring this high caliber program that drew multidisciplinary participation. Carol Hoffman and Judy Dougherty were stalwart members who helped with the arrangements and repeatedly projected the income and expenses to keep us in the black! Our work culminated in a successful event that gained TAM visibility and stature as a state organization. Our continued efforts can keep

mediation growing exponentially. As the world becomes more divisive, mediators are part of the hope for the future. *(Note: Laury Adams was the first person in the country to develop computer programs to use with clients in mediation. In 2004, DivorceSavvySavesMoney became the first interactive software for clients and professionals to download directly from the Internet at [www.divorceinfo.com](http://www.divorceinfo.com).) (Spring 2015)*

My report above represents the way our mediation profession was advanced during the year of my TAM presidency. I had a lot of help. The professionally printed newsletter and having a nationally-recognized presenter for our annual training served as important stepping stones for the future of TAM and benefits for its members.

Mediation has been my passion for many years and I have loved seeing the evolution of TAM. Although I take great pride in TAM's accomplishments through the years, my vision for the future is greater awareness on the part of the public for the benefits of using mediation as the primary method for resolving conflicts. In addition to enhancing mediators' skills, we must engage in public education! *(October 2020)*

**1992 Linda Hahn, Dallas**

*(Unable to contact)*

**1993 John Guerra, Denton – Deceased  
Adams Award 2012**

**1994 Suzanne Mann Duvall, Dallas  
Adams Award 1998**

Looking back, with the benefit of history and hindsight, I believe that I was president of TAM just as TAM entered its adolescence. Just like human adolescence it was a time of great change, combining ecstatic highs with doldrummesque lows. TAM was growing from its pre-ADR statute infancy and childhood, wherein its small but committed membership was composed primarily of counselors, therapists and other related professionals who were incorporating mediation into their family practice, to a membership composed of lawyers mediating lawsuits as an adjunct to their practice. In 1992 Susanne Adams asked me to join the TAM board as a bridge between those two worlds, a kind of mediator of mediators. One year later, at the “strong suggestion” of John Guerra, I found myself TAM’s president-elect. Through the continued leadership of such giants as Susanne Adams, Laury Adams, Maureen Peltier and John Guerra, combined with the new blood of Michael Schless, Wendy Trachte-Huber, Rena Silverberg, Bruce Stratton, John Palmer and Judy Corder, we became “family” to this organization that we love, helping it to grow and to change as needs be. We acknowledged our differences, but did not let them divide us. Instead, we forged TAM into the leading interdisciplinary organization in Texas (and probably any other state). In explaining what I was getting into when I joined TAM’s board, Susanne Adams said “You know, we are all strong personalities, and sometimes we can be some of the most contentious sons of #\*& around. In the end, though, we all have the same goals. We all want to be peacemakers.” As for myself, I am fortunate to be able to make a living doing what I love. I am a full-time mediator and ADR professional. I am still actively involved in various leadership roles in the profession and am particularly involved in establishing and maintaining high ethical and professional standards for mediators in Texas. Most rewardingly, I still enjoy the warmth and friendships I made in our TAM family. *(November 2005)*

**1995 Michael J. Schless, Austin  
Adams Award 2003**

It was 1992. I had just left the bench to begin a new chapter in my legal career as a mediator. I had taken a negotiation course from Randy Lowry at Pepperdine. Judy Corder and Mary Thompson had (superbly) provided my first real mediation training, and R<sub>2</sub>CMP (no, not the Royal Canadian Mounted Police, but rather Ross, Ross, Courtenay, Mike, and Peter) had made sure I had gotten the mediation concept through my thick skull. I was actually getting cases and was thoroughly excited about this new process outside the courtroom in which I had lived for the previous two decades. I got a call from some character named John Guerra who introduced himself as the President of TAM. He sweet-talked me into joining the organization, and fed me some line about how great it would be to have a former judge on the board the next year. So, in 1993 I joined the board and witnessed John's unique style of "leadership by charm" as he worked diligently to bring legitimacy to this new process and organization, no longer in its infancy, but still a child. In 1994, Suzanne Mann Duvall became TAM's president, my mentor, and my dear friend. Suzanne thoughtfully guided us through some difficult waters, because the turf war between mediators who were attorneys and mediators with other professional backgrounds was now heating up, and TAM was determined to maintain the multidisciplinary approach to mediation. At that time, our beloved Susanne Adams got sued by the Unauthorized Practice of Law Committee for practicing law without a license (drafting mediated settlement agreements as part of the mediation process). And, as if that was not enough, for only the second time in its history, a grievance was filed against a TAM member, and that grievance grew into a lawsuit against, among others, both TAM and SPIDR (now ACR). It was in that tumultuous condition that the reigns of TAM were turned over to me in 1995 for my year as President. The TAM grievance process held up and, thanks to some fine work by Wayne Meachum, the lawsuit against TAM was dismissed on summary judgment. Our attention turned to the UPL suit against Susanne. I will never forget the phone call I received from Susanne telling me that the UPL Committee had offered to dismiss the suit if she would agree that on all of her business cards, stationery, and work documents, under her name, she would add the words "Not Licensed to Practice Law in Texas." Non-attorney mediators, particularly in Dallas where this suit was pending, were terribly frightened by the lawsuit and its implications for them, and Susanne saw this settlement as a way for them and her to stay in business. I suggested that she agree to these settlement terms on one condition: that the UPL Committee members themselves agree that on all of their business cards and stationery, under their names, they add the words "Not Licensed as a Mortician, Beautician, Optician, or Any Other Profession (other than attorney) Requiring a License in Texas." The suit was dismissed, without conditions, and it was a huge victory for the multidisciplinary approach to mediation. Susanne had won her fight with the UPL folks, but lost the battle she had been waging at the same time with cancer. Thus, was the bittersweet end to my term as president. *(November 2005)*

Well it only took 22 years after the UPL suit against Susanne was dismissed for the State Bar of Texas Professional Ethics Committee to decide it is not unethical for a lawyer acting as a mediator to draft or suggest terms for inclusion in a mediated settlement agreement. The reasoning is that that opinion should apply to mediators who are not lawyers, and thanks to the tireless efforts of our dear friend Walter Wright, I predict that will be recognized well before TAM's 40th anniversary. *(October 2020)*

**1996 Carol Hoffman, Austin  
Adams Award 2010**

In 1988, I had the good fortune to be able to join Don West Graul, Florence Kusnetz, and Jeanne Lee Klein in setting up a family and divorce mediation practice in Houston. My background as a CPA fit well with their plans to serve families facing separation, divorce, and post-divorce disputes with a multi-disciplinary approach using co-mediation. Don Graul and I are still enjoying our work together in this arena. I trained with AFM founder John Haynes in New York City and TAFM founders Laury Adams and Marie Mullineaux in Houston, and joined both of these professional organizations as soon as I completed my training. Susanne Adams was the president of TAFM in 1988, and it was very meaningful to me that the Susanne C. Adams Award was established and awarded to her during my 1996-97 term as president of TAM. Susanne was a very important role model for me. My term of office also marked the establishment of the TAM website, thanks to the innovative ideas and hard work of board members Luciano Rodriguez and Linda Gibson. Our board became aware of the expansion in the complexity of our organization, and recognized the need to obtain directors liability insurance for the first time during my term of office. The 1997 annual conference was held in Dallas, very ably chaired by Virginia Bowers and Rena Silverberg. This was the first year that TAM had a half-day, preconference, continuing-education opportunity for our membership that was organized by Luciano Rodriguez, Maureen Peltier, and Wayne Scott. It proved to be very successful.

Don Graul and I closed our family mediation practice in January of 2010, and I have enjoyed getting to spend more time with my grandchildren during my retirement in the past five years. Instead of mediation, I am busy with meditation in the "hot yoga" classes that I enthusiastically attend now. *(May 2015)*

**1997 Elizabeth "Wendy" Trachte-Huber, Hempstead**

During my year as president we spent endless hours educating the world about mediation and what a life-changing process it can be. I was humbled, though, by my experience as we checked into the hotel for our annual conference. My family was joining me at our annual meeting. My daughter was with me as I walked up to check-in to the hotel and the handsome hotel clerk asked my daughter what we were doing at this hotel. She replied, "We are attending the Texas Association of Mediators Annual Meeting." He asked, "Well, are you for or against?" She looked puzzled and he clarified "For or against meat eaters." She had to clarify "NOT meat eaters, mediators." We have come so far yet sometimes it seems we have miles to go.

What have I been doing (since TAM presidency): In 2000, I stepped out of the ADR arena to serve as Claims Administrator for the Settlement Facility – Dow Corning Trust. ("SF-DCT") In this role, I was the primary person responsible for overseeing the facility charged with the processing of all personal injury settlement claims against Dow Corning relating to medical implant products, including silicone gel breast implants. Current estimates indicate that it took more than 325,000 claims and approximately \$1.95B (NPV) to resolve these claims and pay administrative costs. In my role I had four primary areas of responsibility: 1) The efficient and fair evaluation of claims consistent with provisions of the Joint Plan and with the Revised Settlement Plan (MDL-926); 2) The efficient delivery of payments to approved claimants pursuant to the Joint Plan; 3) The management and custody of assets paid to the Settlement Facility; and 4)

The faithful execution of the provisions of the Joint Plan. I supervised a staff of nearly 200, and was responsible for the European settlement facility located in Amsterdam. As claims administrator, I was responsible for the direction and management of the claim handling process—from outreach and intake to resolution.

In April of 2005, I resigned and returned to my first love-- ADR teaching and training. I am currently training for several corporate clients and teaching law school courses. I am so glad to "be back." Hope to see old friends soon. Prior to the Settlement Facility, I served as vice president for the American Arbitration Association ("AAA"). I was responsible for marketing dispute resolution services, including training and educational programs, as well as program development. I was also responsible for the recruitment and retention of neutrals on AAA panels. I served as director of the A.A. White Dispute Resolution Institute at the University Of Houston College of Business Administration for seven years prior to joining the AAA.

In addition to teaching, I returned to school to be trained as an Episcopal Priest. I was ordained and served St. John's Episcopal Church, Marlin, TX as their rector for 5 years, and recently I was called to St. Bartholomew's Episcopal Church in Hempstead, Texas. This is a volunteer role serving small parishes that cannot afford a priest. I am working on a project on reconciliation and another on discerning vocation for the Diocese of Texas. My husband and I were honored this year with the Evans Award, and this was such a highlight to our lives. We are enjoying serving our community, as so many people in this field seem to do. It continues to be an honor to be advocates for peace and reconciliation. The priesthood has been a challenge and a joy, and seeing old friends in mediation is a great treat. *(May 2015)*

Now I should be listed as living in The Roaring Fork Valley, Colorado. After serving St Bartholomew's Episcopal Church in Hempstead, TX during the time of the death of Sandra Bland in the local jail, I learned the role of churches in peacemaking and conflict management. Due to the work of the churches in that town, peace was maintained in very volatile times. In 2016, we moved to the Roaring Fork Valley of Colorado where I have been serving several small churches in the region as full-time clergy. In January of 2020 I started serving St Peters of the Valley Episcopal Church in Basalt, CO. Post COVID-19 we have become Episcopal Televangelists and produce a weekly you-tube video of our worship. AND most exciting I am assisting the local community as we explore community-based dispute resolution. There are a few Texans around who would love to see us form a Roaring Fork Valley Dispute Resolution Center-- stay tuned. I have mediated a few cases involving housing disputes as well as providing training in conflict management and mediation. I have also become trained as a Certified Daring Way Facilitator teaching Brene' Brown's research to many. I continue on the Editorial Board of the American Academy of Civil Trial Mediators and recognize once we have peacemaking in our blood-- we can't ever stop. *(October 2020)*

**1998 Maureen Peltier, Houston  
Adams Award 2002**

For my year the big issue was "non-attorney" mediators versus attorney mediators. I'm so glad that's not an issue now, and we got past it. We were also looking at the creation of and improvements to our website. Luciano Rodriguez was guiding us in that direction. He would bring his laptop to the meetings, when most of the rest of us didn't even have laptops.

We mailed out conference notices; email just wasn't used. People paid their conference and membership fees with checks! And we used fax machines a lot!

Haven't times changed? *(May 2015)*  
**1999 Virginia Bowers, Dallas**

As president for the TAM year 1999-2000, we focused on the "usual" issues of membership: membership benefits, putting on a good conference with plenty of attendees, etc. But I am most proud of the efforts to get TAM members eligible for the Equity Markets Mediator Insurance, which was available to most non-attorney mediators through only one other source. I think this is a significant benefit of TAM membership.

I started mediating in 1992 and have mediated over 250 cases, 60% of which were court appointments, and the others were at DMS, all of which were "commercial" rather than family. I am still active in mediation, having attended two mediation conferences/ training sessions this year and mediating some cases at DMS. However, it is my observation that in the 13-short years that I have been involved, there have been tremendous changes in mediation as a full-time or part-time vocation. Some of these probably impact the non-attorney mediators more than attorneys, while many of the changes impact most mediators. I find it very significant that mediation is used far more widely, particularly in court cases, but the number of grievances or instances of "bad mediating practices" seem to remain relatively minimal. I think this attests to the continued emphasis on training and ethics on the part of all of the mediating organizations.

I have not been involved with mediation in the past ten years, except for still seeing and enjoying some friendships that were fostered in this community. Other volunteer activities have been filling my time, principally I have been and continue to be the treasurer of my church. My admiration to those of you who are still so faithful to TAM, and my experience with the organization was certainly an important part of my participation in the mediation world. *(May 2015)*