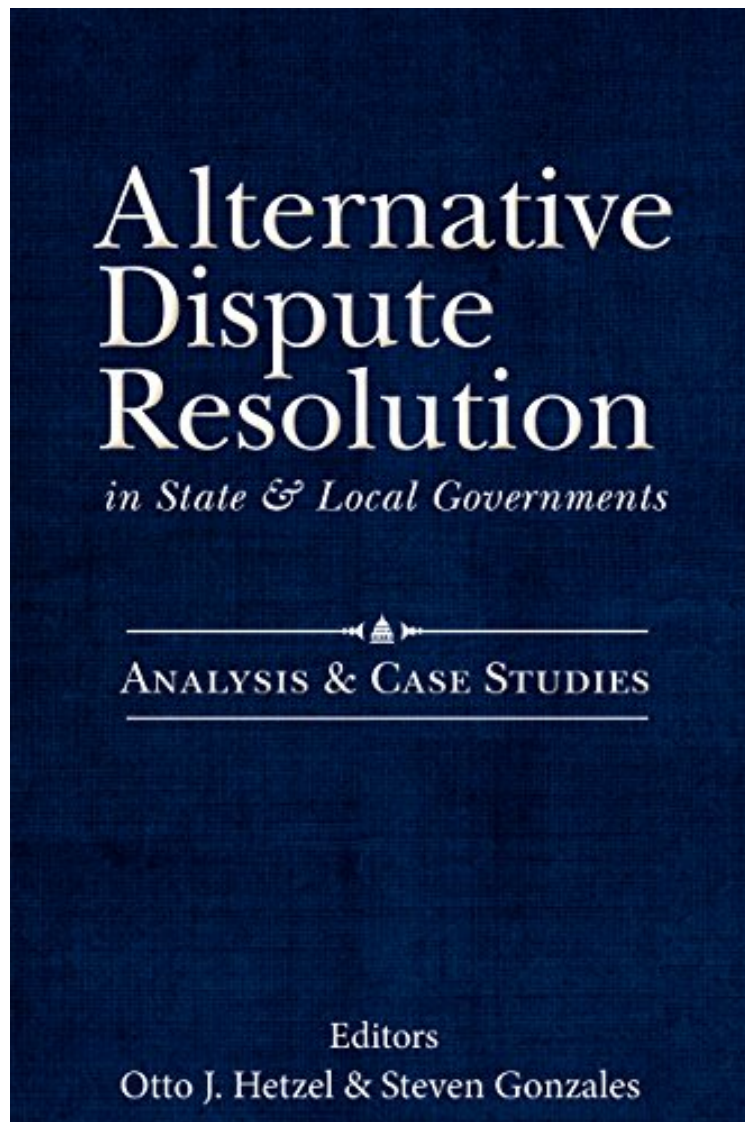


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## Alternative Dispute Resolution in State and Local Governments:: Analysis and Case Studies

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In recent years, alternative dispute resolution (ADR) has overtaken trial litigation as a cheaper and less complicated method of resolving disputes. This is especially true in government disputes, where the financial burden of litigation falls to the taxpayer. Many overburdened state and local governments have been turning to ADR to alleviate the both the strain on the taxpayers and the overburdened court system. For any lawyer in this field, understanding ADR isn't enough. One must understand the specific needs of state and local governments in order to succeed. This valuable guide, edited by Otto J. Hetzel and Professor Steven Gonzales, collects the thoughts and experiences of eight different ADR experts to analyze the history, usage, and future of state and local government ADR. This important information will position you for this groundbreaking change in government litigation, and help you serve your clients to the best of your abilities. Topics include: An overview of ADR An analysis of ADR options in various jurisdictions The role of legal counsel in mediation Effective mediation techniques Evidentiary issues in mediation Preparation of clients for ADR The use of ADR techniques in government decision-making

About the Author Otto J. Hetzel is a practicing attorney in Washington, D.C., with a legal and consulting practice for local government entities and private sector clients primarily with respect to matters arising with federal agencies over administration of federal programs. He is a Professor of Law Emeritus, Wayne State University Law School, with over 20 years of teaching experience. He has broad policy-level experience in federal, state, and local government, and has focused on reforming the intergovernmental relationships and conflicts inherent in current governmental delivery systems. Formerly a Deputy Attorney General of the State of California and Associate General Counsel at the U.S. Department of Housing Development, he also has served as Special Counsel to a number of local government entities. He also plays an active role in civil rights matters, having helped draft and enact the 1968 Fair Housing law, and frequently provides training on civil rights issues. Recently, he contributed to and edited a Symposium Issue on Fair Housing Testing for *The Urban Lawyer* (Spring 2009, Volume 41, No. 2). Mr. Hetzel was co-editor (with Ernie Abbott) of the first edition of this text, titled *A Legal Guide to Homeland Security and Emergency Management for State and Local Governments* (ABA 2005, ASIN: B001KZ7GSS), and he also served with Mr. Abbott as Co-Chair and Reporter of "The Law and Catastrophic Disasters: Legal Issues in the Aftermath," a two-day Legal Tabletop Exercise involving a simulated disaster scenario for the Institute for Public Safety and Justice of the University of the District of Columbia, 2009, funded by the Department of Homeland Security. He has served as Vice-Chair of the Homeland Security and Emergency Management Committee of the American Bar Association's State and Local Government Section and on the ABA Hurricane Katrina Task Force Legal Subcommittee. He currently participates in the ABA's Special Committee on Disaster Response and Preparedness and has helped develop courses in the field of Intelligence Analysis for undergraduate and graduate university programs. He is Chair of the ABA Administrative Law Section's Committee on Housing and Urban Development and authors the chapter on HUD issues in the Section's annual publication, *Developments in Administrative Law and Regulatory Practice*. Mr. Hetzel publishes extensively and speaks frequently on homeland security, housing, community development, legislative, civil rights, and legal ethics issues. For 14 years, he was co-editor of the international journal *Urban Law and Policy*. Mr. Hetzel is co-author of two law school texts, *Legislative Law and Statutory Interpretation* (ISBN: 9781422407455) and *Housing and Community Development* (ISBN: 9781594608339), and for 20 years wrote a column, "Washington's Labyrinthine Ways," for the ABA's State and Local Government Section that commented on activities in Congress and federal agencies relative to state and local governments. He was recently elected a Life Trustee of the National Housing Conference in recognition of his long-standing commitment to affordable housing. An LL.M. graduate of Harvard Law School with a J.D. from Yale Law School, he is admitted to the United States Supreme Court and the bars of California, Washington, D.C., and Michigan. August 2010. Prof. Steve Gonzales joined Arizona Summit in 2005 as a member of the law school's founding faculty. At Summit, Prof. Gonzales was the first professor ever to teach Property, Civil Procedure, Constitutional Law, Federal Courts, and Federal Indian Law. In his entire law teaching career he has taught Constitutional Law, Property and Alternative Dispute Resolution or Mediation approximately 40 times each. He has also taught Criminal Procedure, Communications Law, upper level seminars and served as coach for Summit's American Bar Association (ABA) Negotiations and Dispute Resolution moot competitions. Prof. Gonzales also founded Summit's ABA Law Student, Alternative Dispute Resolution, Hispanic, International, and Veteran's student organizations. He was instrumental in co-founding the Native American and Middle Eastern student organizations. He assisted in the creation of many of Summit's fundamental policies, curricula, committees and co-curricular activities. For several years Prof. Gonzales served as Director of Experiential Learning (director of the clinics). In that capacity he founded five and supervised seven clinics. He created the American Indian Law, Immigration and Human Rights, Juvenile Defense, Veterans Legal Assistance, and Veterans Tax Clinics. He has taught the Mediation clinic for seven years. As clinics director, he negotiated agreements making the Mediation Clinic the court-annexed program for the city of Phoenix, funding the Indian law clinic to serve tribes and the Phoenix Indian Center, permitting students to practice in the Immigration Courts, and coordinating the Veterans Tax Clinic services with the U.S. Internal Revenue Services. INTERNATIONAL, NATIONAL AND MEDIA SERVICE In 2012 Prof. Gonzales chaired the access to justice session at the White House Summit on Hispanic Education. He has appeared over 75 times as a legal analyst on

national and local news media including the PBS News Hour, National Public Radio, Time Magazine, CNN-TV, CNN-Radio, ABC, CBS, NBC and Fox TV affiliates, "Outlaw Radio", and is a regular on local TV and radio news and talk programs. He is currently Vice-Chair of the ABA Committee on International Legal Education and Certification and a member of the ABA Section of Dispute Resolution Ethics Committee. He was appointed by the President of the ABA to the Commission on Minorities in the Profession, and served seven years as Secretary and a member of the ABA Section of Dispute Resolution Council. He was Vice-Chair of the ABA Task Force on Consumer Arbitration and presented at and helped plan many ABA programs. In 2000 the ABA selected him as a panel speaker in London with the Lord Chief Justice of Great Britain, and to address the Paris Bar Association in Paris, France. He has addressed two ADR conferences at Harvard Law School, and over 300 legal conferences and programs, including at the London International Court of Arbitration, the Paris Bar Association, and in South America for judicial officers. In 2013 he was selected by the Botswana Industrial Courts to address the first international conference of Labor and Industrial Court Judges in Botswana. The conference was attended by judges from several African nations and representatives from the United Nations, and the Botswana Minister of Labor. Prof. Gonzales taught ADR in graduate school for seven years in Europe and has served for over a decade as an accredited NGO representative to the United Nations Indigenous Forum and once to the UN Commission of Sustainability. At the UN he has presented programs on conflict resolution, mediation, and indigenous legal issues.

**STATE BAR AND RELATED SERVICE** Prof. Gonzales chaired the Arizona State Bar Committee on Women and Minorities and was elected the 2009-10 President of the Arizona Association of Conflict Resolution. During his address to the State Bar of Arizona Board of Governors, the Board paused and voted to accept his proposal to establish the State Bar's first Standing Committee on Military Legal Assistance, which he has served on since its inception.

**PRACTICE AND OTHER EXPERIENCE** By age 33 Prof. Gonzales received three gubernatorial appointments, including as chief appellate administrative judge of Michigan's worker's compensation system. He was also an administrative law judge and director of Colorado's workers' compensation program and has served as a judge, prosecutor, and senior assistant attorney general. In federal Indian law he was chief judge of the Mohegan Tribe, Director of Legal Aid for the Fort McDowell Yavapai Indian Community; and Assistant Attorney General for the Navajo Nation.

Prof. Gonzales holds a Juris Doctor degree from Wayne State University in Michigan, and did undergraduate and graduate studies at Michigan State University. He is admitted to practice law in Arizona, Colorado, and Michigan, as well as U.S. District Courts for Arizona, Colorado, the W.D. Michigan, and the U. S. Court of Appeals for the Ninth Circuit. He was raised in Michigan.