

# JAMS BOSTON NEWSLETTER

IN SPITE OF THE PANDEMIC...

## ADR Did Not Come to a Virtual Standstill

*The coronavirus pandemic has put a new emphasis on the word “alternative” in the world of alternative dispute resolution (ADR). Virtual mediations and arbitrations are occurring, but are they working? Here are some insights and tips from neutrals and clients.*



**Hon. Nancy Holtz (Ret.)** “Yes, virtual hearings are working. Some folks are skeptical and have been asking how a mediator can engage the parties with the seemingly impersonal medium of a videoconference. I have found that there really isn’t much I can’t do via video that I could do in person.”



**Maria Walsh, Esq.** “When TV was invented, there was one TV in the entire neighborhood. You couldn’t imagine having multiple TVs in your home. Not long ago, people couldn’t imagine holding a mediation via videoconference, but now we do, and I think we will continue to do so even when things return to normal. One of my tips is to ensure ahead of time that your internet connection is reliable.”



**Thomas I. Elkind, Esq.** “Due to the coronavirus, Massachusetts courts continue to operate on an emergency-only basis. Civil litigants therefore have the choice of waiting until the crisis is over or considering alternative means, like videoconferencing, to resolve their disputes. If they choose to wait, parties may find that the courts are even more backlogged than before when they return.”

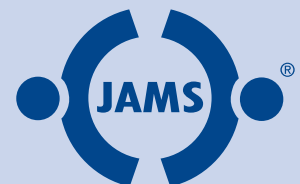
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### A Note From the Editor

I hope this message finds you and your family healthy and safe during this incredibly trying time. While there is much going on in the world of ADR, nothing is more relevant than the rise of virtual hearings. Our cover story offers fun yet insightful comments from our neutrals and clients. This issue also includes a neutral spotlight featuring **Hon. Joan Feeney (Ret.) on Page 3** as well as a delightful profile of the entire **JAMS Boston staff on Page 4**.

—**Kristen Schuck, Business Manager**  
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# ADR Did Not Come to a Virtual Standstill CONTINUED FROM PAGE 1



"I was impressed with **Hon. Stephen E. Neel (Ret.)** and the JAMS team from the beginning of the Zoom mediation process. It was clear to me that JAMS had conducted extensive training to prepare and had made every effort to ensure that the mediation was secure, efficient and as close as possible to the in-person experience. JAMS had dedicated technological support to ensure that the Zoom platform functioned flawlessly. We even had a test session to work out any kinks, which I found quite helpful. I had no concerns about online security or safety. I am certain that the mediation would have worked out the same way if we had all been in one location. My client was able to save the cost and time associated with traveling from California. I plan to use Judge Neel and JAMS in the future based upon my experience." —*Partner at a large Boston law firm*



**Hon. Bonnie H. MacLeod (Ret.)** "I was initially skeptical and fearful about the userfriendliness and effectiveness of virtual mediations. Having now completed a fair number of them, I can attest that, when approached with patience and good humor, I no longer have these concerns."

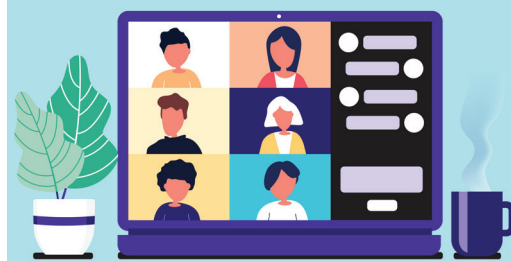


**Hon. James V. Ryan (Ret.)** "I have found that pre-mediation discussions with the neutral are even more important virtually than they are for in-person sessions. I stress the importance of preparing properly to all parties and offer a practice session to make sure things run smoothly."

"I have to admit that I was a skeptic at first, but I really thought the mediator did a great job going from virtual room to room. When it was needed, I was able to be in a private 'room' with my client throughout the day. The personal setting—we were both logging in from our homes—felt so natural. I think it built more trust." — *Plaintiff's Counsel*

"To me, the initial joint session felt less contentious than an in-person meeting. Perhaps the parties could view each other a little more objectively from afar." — *In-House Lawyer*

## Virtual ADR Tips



**WEBINAR:** A recording of our March 2020 webinar titled "**Keep It Moving: Using Videoconferencing to Settle Your Mediations**" can be found [here](#). JAMS Boston neutrals and staff discuss how to prepare for remote mediation and various logistical concerns, including security, among other topics.

**ADDITIONAL INFORMATION,** articles and videos about our virtual ADR capabilities can be found at [jamsadr.com/online](https://jamsadr.com/online). As things begin to return to normal and social-distancing orders are relaxed, JAMS Boston neutrals will continue to offer parties the flexibility of resolving their disputes wherever they feel most comfortable, whether remotely or in person at one of our resolution centers.



**If you could meet any person, living or not, who would that be and why?** Abraham Lincoln. He was a brilliant lawyer and practiced bankruptcy law!

**What are some things about you that people would be surprised to learn?** I love to cook and grow my own herbs. I speak French, was a French literature major in college and keep up with adult education classes. Both of my children speak French as well. They went through the French immersion program in our town, and my daughter now teaches in the program.

**What is the most interesting place you have ever visited?** I have been to the South of France—both Provence and the Cote d'Azur—numerous times and love everything about the region: the culture, art, architecture and language; the gorgeous flowers and intense sun; the amazing food and wine; the boundless sea and shore; and the extraordinary people.

**Visit [jamsadr.com/feeney](https://jamsadr.com/feeney) or call 617.228.0200 to set a case with Judge Feeney.**

## What influenced you to pursue a career in law?

My father was the major influence that spurred me to enter the legal profession. He was a poor boy from South Boston who became a successful lawyer and judge. Through his service in World War II and the benefits of the GI Bill, he was able to attend law school. At the age of 12, I started working in his law office. At home, he would share fascinating stories of his cases. He instilled in me a love of the law, the importance of public service and the value of hard work.

## What practice areas/case types are you particularly interested in developing at JAMS?

Because of my 42-year career in bankruptcy, I am interested in dispute resolution for all types of disputes that arise in main bankruptcy cases and adversary proceedings, as well as commercial law disputes. Through the neutral analysis segment of JAMS, I am interested in assisting attorneys in improving motion, trial and appellate practices. As the former chief judge for the United States Bankruptcy Appellate Panel for the First Circuit, I am available to assist counsel with preparing appellate arguments and with brief writing and editing. Also, I volunteer at the Suffolk Probate and Family Court as a mediator and am interested in ADR in domestic relations cases.

## What is your settlement style?

My mediation settlement style is a combination of facilitation and evaluation. I thoroughly prepare for any mediation, whether that is reading the court file and all documents submitted by the parties or analyzing the strengths and weaknesses of each party's case before the mediation session. During the mediation session, I make sure I fill in any gaps in information, listen to the parties' views of their case as well as their needs and wants, and explore with the parties different options for compromise.

## What attracted you to the world of ADR after such a prestigious career on the bench?

Although trial and appellate practice were rewarding, ADR is often a quicker, more efficient and less costly way to solve a problem. Moreover, in ADR the outcome is not win or lose and parties can often better satisfy their interests in a consensual resolution. For example, if the parties wish to continue a business relationship after resolution of their dispute, we can factor that into a settlement.

## What was the most interesting case you heard on the bench?

Most interesting to me were the individual and business reorganizations, where debtors could retain their assets and rehabilitate their financial affairs. I also enjoyed helping people redress harm that predatory lenders caused.

## What achievement are you most proud of?

In my career, I am most proud of the reputation I had as a judge who was knowledgeable, prepared, fair and compassionate. But overall, I am most proud of raising my two children—a son and a daughter—who are industrious and caring persons and who have the values my parents and grandparents instilled in me.



# Meet the Staff: JAMS Boston

*As one of Boston's most established and reputable ADR providers, JAMS offers respected and experienced retired judges and attorneys with proven track records and extensive practice area and industry expertise. They will be the first to tell you, though, that the real shining stars are the staff and managers who provide personable, first-class client service; maintain our top-notch facilities; and support the panelists.*



**Gabi Thorp, Case Manager** Before JAMS, I worked in very customer-oriented positions in the hotel industry and at a destination wedding travel company. What I love the most about JAMS is working with my neutrals, with whom I have bonded and forged true friendships. Our office has an amazing group of women neutrals, and I have been lucky enough to work with two of the best in the industry. I have enjoyed learning from them, hearing about their backgrounds and watching what they do every day. Knowing they are the kind of strong, independent women every woman strives to become helps me grow as a person. Outside of the office, I enjoy going out with friends, and I'm a big Boston Bruins fan, so I miss watching their games. I love to go for walks, especially this time of year.

**Angus Blake, Case Manager** In my previous job, I dealt with older articles and records and did tasks that were not people-related. It is the opposite at JAMS, and I really like that all of my activities include interactions with clients, peers and neutrals. My co-workers support each other, I enjoy talking to clients, and I really appreciate that the neutrals include me in the process. Every day, I encounter interesting nuances on the job. Despite living in a world of social distancing, I have really enjoyed the connections I've made and interactions I've had in my new role as a Zoom moderator for mediations. Outside of JAMS, music is my hobby. I play guitar and have played in a couple bands in the past. I still enjoy going to listen to friends perform.



**Michelle Renderos, Administrative Assistant/Client Services** Similar to my role at JAMS, I previously worked at the front desk for a financial firm. My favorite part of that job was meeting my fiancé there. Here at JAMS, I felt very welcomed and embraced right from the start. With some organizations, it can take weeks or even months to get acclimated, but refreshingly, it happened immediately at JAMS. I love that I interact with both clients and neutrals. I'm very lucky! I think our office has the best view of Boston. It's been fun to see clients react to the amazing view. Outside of work, I have two young nephews, and my little sister is expecting her first child, so I'm looking forward to spending time with her baby and my nephews.

**Kristen Schuck, Business Manager** My interest in dispute resolution started when I minored in conflict analysis and resolution in college. I worked at a real estate law firm while obtaining my master's degree in public policy at night. After graduation, I was lucky to land at JAMS New York, where I learned so much about ADR as a case manager and assistant manager. When the opportunity to manage the Boston office presented itself, it seemed like the right next step. In my short time here, I already feel like part of the JAMS Boston family. One of the company's missions is to promote work-life balance. I'm a fitness fanatic who loves to run, hike and try all different types of workout classes. I love spending time with my husband and family and trying new restaurants here in Boston.



**Matt York, General Manager** I really like the fact that JAMS is viewed as a global company, yet JAMS Boston still captures the essence of being a local provider with staples from the bench and bar who are trusted and known entities. That is a credit not just to the panel, but also to the staff who have invested time and energy and truly believe in what we do. Before joining JAMS 15 years ago, I worked at the federal court in Philadelphia. I helped open the JAMS Philadelphia office, left there to manage the New York Resolution Center and now have regional general manager responsibilities that include Boston. When I'm not at JAMS, I enjoy spending time with my wife and kids. I enjoy playing sports and reading Harry Potter novels with them, and that is what makes me whole.