

Preface

This issue of the *Ohio State Journal on Dispute Resolution* is the culmination of a year-long effort by many individuals dedicated to the exploration and development of alternative methods of dispute resolution in the United States. Scholars, practitioners, and state legislators nationwide are currently addressing the issue of enacting legislation to regulate various aspects of the mediation process. Recognizing the need for critical examination of this issue, the Editors of the *Journal* endeavored to provide a forum for discussing the propriety and possible substance of mediation legislation.

In May 1986, the *Journal* co-sponsored the "Symposium on Critical Issues in Mediation Legislation" in Columbus, Ohio. At the Symposium, Professor Frank E.A. Sander moderated a roundtable discussion on the desirability of adopting mediation legislation in the areas of (1) confidentiality in mediation, (2) mediator liability, and (3) enforceability of mediated agreements. A distinguished panel of twenty-two scholars and practitioners (See Appendix A) vigorously debated the issues and concerns surrounding the formulation of such legislation.

In this issue of the *Journal*, many of the leading arguments raised at the Symposium are presented. The Editors' hope is to provide a framework for future debate in this area. The issue includes three articles (one in each area of the proposed legislation), three responding notes, and model legislation.

The model legislation represents the majority view of the Symposium participants. *Journal* members drafted the legislation after observing the symposium and researching the areas of the proposed legislation. A first draft was circulated to the Symposium participants, requesting each to comment. Suggested changes were then incorporated in a final draft. The final draft was distributed to the participants requesting their endorsement or rejection of each piece of legislation. The *Journal* members are confident that the legislation represents the collective seasoned judgment of the Symposium participants.

The Editors of the *Journal* would like to thank the following individuals and organizations for their assistance in sponsoring the Symposium and in the publication of this important issue: Professor Frank E.A. Sander for his participation and invaluable guidance throughout this endeavor; Mr. Larry Ray for his inspiration and continued support of our efforts; the Prudential Foundation and the National Institute for Dispute Resolution for their generosity in providing the essential funding for the Symposium; Ohio State Bar Association, Capital University Law School, the Kettering Foundation, and the Kent State University Division of the Center for Peaceful Change for their assistance and cooperation in sponsoring the Symposium; Dean Francis X. Beytagh, Associate Dean John P. Henderson, and the entire administration of the Ohio State University College of Law for their support in sponsoring the Symposium; Mr. Nelson Larkins, Ms. Sandy Roth, and the 1985-86 *Ohio State*

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