

A CONVERSATION WITH MASTER MEDIATOR JOSH KADISH
By Sharon Williams

Beginning in 1996 the Oregon State Bar Alternative Dispute Resolution Section, (ADR) established the Sidney Lezak award to recognize excellence in the field of Alternative Dispute Resolution. This award is not given every year but only when there is an individual whose dedication and commitment to the field merits this special award. The award has only been given to eight individuals. This year, Joshua Kadish will be the ninth person to receive the award at the upcoming annual meeting on October 26, 2011.

Mediation has been a core part of Josh's legal practice for over 25 years. Every year since 2006, Portland Monthly magazine has recognized Josh as one of Portland's Top 10 Alternative Dispute Resolution lawyers. Josh routinely writes and speaks about mediation techniques and process, and he worked tirelessly for two years to create the Multnomah County Circuit Court probated mediation program. In 2000, Josh was awarded the Oregon Mediation Association's annual Award for Excellence.

To celebrate his accomplishments, ADR Section Co-Chair, Sharon Williams sat down with Josh to look back on his dedication to mediation in particular, and alternative dispute resolution, in general. The following is their conversation.

SHARON:

Josh, you are soon to receive a very special award from the Oregon State Bar Alternative Dispute Resolution Section, the Sidney Lezak Award. It seems like a good time to get some feedback from you on how you came to embrace mediation as a part of your practice. So, how did mediation begin for you?

JOSH:

Back in 1979, when my wife, Lisa, and I moved to Oregon, the only person we knew here was someone that had been a student of my father's and a dorm parent to Lisa during her college years....it was Jay Folberg. Those folks who have knowledge of the early mediation movement in Oregon will recognize Jay as one of the persons responsible for introducing mediation to Oregon. He was a professor at Lewis and Clark's Northwestern School of Law at the time.

Lisa and I were invited to a party at Jay's home, and most of the people there were in some way involved in mediation, such as Stan Cohen. Stan was an early mediator and a strong advocate for court connected mediation programs. He was a big influence on me, and got me appointed to the Oregon Board of Licensed Counselors and Marriage and Family Therapists.

SHARON:

Was mediation commonly utilized at that time in legal circles here?

JOSH:

Mediation was largely unknown then, outside the labor law context. The few family mediators at that time used a model of a mixed gender and discipline co-mediators. Lisa, a clinical psychologist, and I were very interested in building that kind of a mediation model with each other and did so in the early stages of our careers. People like Lois Gold, Kris LaMar and Herb Trubo were doing similar things – all of us working in the family law field.

SHARON:

I know you have been involved with many different organizations and/or Boards over the years promoting and/or support alternative dispute resolution. Can you tell me what some of the activities have been?

JOSH:

I was involved in helping establish the Oregon Mediation Association and served on the board for many years. I still work with OMA on the Leadership Committee and help with fundraising. I have served as the past President of the OSB ADR Section. I helped set up the Oregon Family Institute and am still on their Board. We help courts with programs to aid families involved in the court system. Recently, we helped facilitate two probate mediation trainings for Multnomah County.

SHARON:

In which legal areas do you find your mediation skills are most beneficial?

JOSH:

Certainly family law in the traditional sense...divorce, custody, etc. But I also find that my skills are useful in the business and estate planning areas of my practice. A couple can come in to make an estate plan for example, and find they have very divergent views of how they want to handle an asset of their marriage. It also crops up in family business disputes, in succession planning, will contests, trust administration and guardianships. Prenuptial agreements are another area of “family” law that can often be assisted by using mediation.

SHARON:

Do you also teach mediation skills?

JOSH:

I have been an adjunct professor at the Lewis & Clark Law School for years. I teach two different seminars on an alternating basis – Mediation and Negotiation Skills and Family Mediation. These classes didn't exist when I went to law school. I am now starting to co-teach these classes with Lauren MacNeill. I also do a lot of speaking and writing for CLE programs.

SHARON:

Was it challenging to find a law firm that allowed you to continue to pursue mediation as part of your practice?

JOSH:

I had to seek a partnership that was supportive of my developing mediation as a part of my business, estate and family law practice. The large firms were not interested in this, so I joined the small firm of Newcomb, Sabin, Meyer and Schwartz. That firm became what was Meyer & Wyse and now is Wyse Kadish, LLP. I have the great advantage of practicing with other attorneys that augment and support my practice and bring their own strengths to our practice in fields like employment and litigation.

SHARON:

A brief, personal note – you became a grandfather this past year – correct?

JOSH:

I did indeed. I am very happy to have the opportunity to be grandpa and feel that I have been very fortunate over the years to have a good blend of personal and professional life. Mediation continues to be a part of my practice that I enjoy greatly but I also love my time with family and doing other activities, such as playing my guitar at the Hillsdale Farmer's Market, singing in the Bach Cantata Choir, and serving on the Board of Hillsdale Main Street.

JOIN US TO CELEBRATE JOSHUA KADISH AS THE 2011 SIDNEY LEZAK AWARD RECIPIENT AT THE OSB ADR ANNUAL MEETING, Wednesday, October 26, 2011 at The University of Oregon, White Stag Block, Wayne Morse Suite, 70 NW Couch Street, Portland, Oregon 97209.

The annual business meeting and lunch for OSB ADR members begins at noon. Joshua Kadish will be presented with the Sidney Lezak Award as part of the annual business meeting.

A CLE titled “Ethics in Mediation” presented by Donna Garaventa and Peter Chamberlain will begin at 1:00 pm. CLE credit is pending. The cost of the CLE is \$10.00 for Section members and \$25.00 for non members.

For more information, please contact Sharon Williams sharon@familylaw-mediation.net or Lisa Amato laa@wysekadish.com