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# State bar journal honors dean at Tech law school

By Heidi Toth/Staff Reporter

Brian Shannon, associate dean for academic affairs at the Texas Tech School of Law, recently won the 2002 Outstanding Law Review Article Award from the *Texas Bar Journal*.

Shannon won the award for an article published in the *Texas Tech Law Review* titled, "Confidentiality of Texas Mediations: Ruminations on Some Thorny Problems."

According to information from the *Texas Bar Journal*, the article focuses on recurring problems with mediator confidentiality and compares the Texas statute to the Uniform Mediation Act, a statute proposed by a national group.

Shannon said the foundation has an annual presentation for the best article published in a law review in the state. Criteria for the award include encouraging the reader to improve his or her law practice and discussing a topic of current interest.

"I'm very pleased it happened to be an article published in our law review," he said.

Shannon's article focuses on confidentiality rules related to mediation. Despite television lawyer shows, Shannon said, about 90 percent of situations are settled outside of the courtroom. In civil cases they are usually settled, with or without an attorney, and criminal cases are plea-bargained.

Proposals from all over the state are being looked at on how to improve mediation, Shan-

non said. There also are national conferences trying to make statutes that can be enacted by many state legislatures, so there is consistency from state to state.

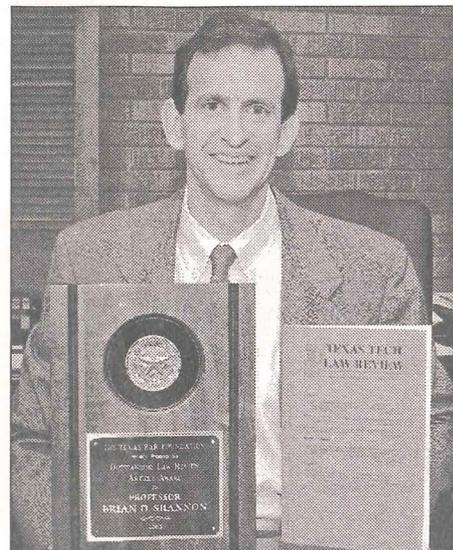
Shannon said the State Bar of Texas Alternative Dispute Resolution section sent copies of his article to lawyers throughout the country to encourage them to look at different ways of mediation.

Texas first enacted an out-of-court dispute mediation process in 1987, he said, so the state has had 14 years with the statute before people began raising issues about it. Mediation is an important part of law practice because out-of-court settlements and resolutions are easier and better for everyone involved.

However, a breach in confidentiality by one of the parties can jeopardize the success of the mediation. Shannon's article highlights the importance of confidentiality and looks at some of the problem areas.

Examples he gave include one party talking to the media, one party talking to employers or in divorce cases, when information about improprieties, such as tax evasion, is disclosed. There is a question if whether a prosecutor who later receives the information can use it. Texas has one of the broadest statutes in the country, he said, but confidentiality is necessary for successful mediation

Mediation also can be used in situations where a lawsuit is not usually necessary, but two parties



JAIME TOMÁS AGUILAR/Staff Photographer  
**BRIAN SHANNON**, THE associate dean for academic affairs at the Texas Tech School of Law, recently won the 2002 Outstanding Law Review Article Award from the *Texas Bar Journal*.

want an issue resolved, Shannon said.

He also compares the Texas statute to the Uniform Mediation Act and determines the Texas statute is superior and has served the mediation specialists and citizens well since its inception.

Dean Walter Huffman said Shannon's award was given to him for producing the most outstanding piece of legal scholarship in the state, which is good for both Shannon and for the law school.

"Legal scholarship is a very important part of what law schools and professors do," he said, adding that articles like Shannon's are one of the few ways to shape law and make it what it

# Award

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should be, so he is pleased with what Shannon is doing.

"It's a really significant testament to Brian's talent and a great feather in this law school's cap," he said.

Wesley Johnson, a third-year law student from Hurst, said students recognize the faculty is the school's greatest strength.

"It's giving us exactly the kind of exposure we need to get our rank up," he said.