

TRIBUTE TO MELVIN A. RUBIN

On August 12, 2015, our profession lost one of its greatest pioneers with the passing of Melvin A. Rubin. Though small in stature, Mel was a professional giant in mediation and alternative dispute resolution. To those he touched throughout his remarkable life, however, Mel was so much more than the career accomplishments found in the paragraphs below. As the oft described “grandfather” of mediation in Florida, Mel was not only a fine lawyer, accomplished mediator and inspiring teacher, he was a dear friend. Perhaps much more, Mel was a true “*mensch*” in every meaning of that remarkable concept.

Afflicted by a complicated childhood illness, Mel was told that he would not live to be an adult. With the support of an exceptionally dedicated family, Mel defied those dire predictions and went on to graduate from the University of Miami and the Boalt Hall School of Law in Berkeley, California. Perhaps those early conjectures of his imminent mortality shaped him because Mel grew to become a fighter, a man of stalwart perseverance, who was determined not only to succeed, but to find joy in each moment of his life. Greatly admired by friends, family and colleagues alike for his obvious *joie de vivre*, for his big heart and for his effort to always live life as fully as possible, Mel was a true renaissance man. Whenever possible, Mel was on the road traveling to exotic and faraway places. He collected art, books, cufflinks and suspenders as well as memorabilia from the Wizard of Oz which he saw as a great parable for all time; the need for courage, heart, intelligence and the importance of always returning home.

Mel began his storied legal career as a successful litigator in South Florida. It was fourteen years into his practice when Mel met the love of his life, Susan Scholz-Rubin, a local psychologist whose involvement in the burgeoning South Florida mediation movement would change Mel's career path forever. By the late 1980's, mediation had become his primary professional passion. He was captivated by amicable options for resolving conflict rather than

adversarial methods inherent to litigation; he would from that time forward be a peace-maker instead of a litigator.

After receiving his initial ADR training at Harvard University from the American Bar Association and later at the University of Florida with the American Arbitration Association, Mel became a leader of the ADR movement in Florida. He was an early appointee to the Florida Supreme Court Mediation Rules and Policy Committee where he was called upon to help develop the rules, standards and regulations that shaped this previously non-existent profession. In his private mediation practice, Mel developed a national reputation for resolving domestic conflict, while mediating thousands of cases of every type - civil, family and appellate.

In an effort to further the practice of mediation, Mel immersed himself in organizations that arose to service this new field within the practice of law. He served the American College of Civil Trial Mediators as a member of its Board of Directors and as its President. He became an invaluable and dedicated member of the Editorial Board of this Journal. He was a founding member of the Executive Board of the National Academy of Distinguished Neutrals and a Board member of the Florida Academy of Professional Mediators from whom he received the "Award of Merit", the Academy's highest honor for service to the profession.

A true ADR visionary, Mel quickly saw the benefits of the mediation process as far more than simply settling lawsuits. He was instrumental in designing and promoting ADR systems to deal with the mortgage foreclosure crisis and mass disasters. His participation in the formation of the ADR response to Hurricane Andrew's devastation in 1992 created the model for the State of Florida's response to six hurricanes that affected the state in 2004 and 2005.

Mel also facilitated the "Children's Summit" in South Florida, a conclave of over 200 regional and community groups and leaders meeting to deal with issues and crises of children and families.

Without a doubt, Mel's deepest professional satisfaction was found in teaching and training others in the art of ADR; creating a cadre of professionals committed to the constructive resolution of disputes. Over a thirty year span, Mel trained over 7,000 professionals in mediation throughout the United States and internationally. As an Adjunct Professor at the University of Miami Law School for thirteen years, Mel received accolades and admiration from his many students. For regular readers of this Journal, the several articles we have published featuring mediation processes used to "settle" historical and mythical conflicts were all written by Mel's students.

That we, his colleagues and friends, will forever be impacted by our time spent learning, working and laughing with the remarkable Mel Rubin goes without saying. We will never forget him. Most significant, however, is the influence this special man had on the thousands of individuals who he touched in his lifetime and upon our profession that he loved so much.

The Editorial Board
American Journal of Mediation

“Mel was the best of friends. Everyone was enriched for having known him. We will all miss him greatly.”

Stephen C. Sawicki, Esq.

Executive Director, Distinguished Fellow,
American College of Civil Trial Mediators
Orlando, FL

“Mel was a recognized factor in the growth of mediation and ADR in Florida. He was a critically important member of the Florida Supreme Court Mediation Rules and Policy Committee, a past president of the American College of Civil Trial Mediators, an Adjunct Professor of the University of Miami College of Law, and a certified mediation trainer. He gave unstintingly to his profession in both helping create Florida’s mediation infrastructure and teaching the art of mediation at all levels. All this while achieving a national reputation for mediating what may well be the most difficult and troublesome of human disputes – dissolution of marriage and Family Law conflicts. Mel gave us so much more than he took.”

Lawrence M. Watson Jr. Esq.

Principal and Founder
Upchurch Watson White & Max
Editor, American Journal of Mediation
Emeritus Fellow
American College of Civil Trial Mediators
Maitland, FL

“Mel Rubin did not simply study and teach professionalism. He modeled it perfectly.

A distinguished advocate, Mel turned to mediation as a reflective choice for how best to serve his clients. Problem-solving for Mel was guided by principles of fair treatment and human compassion, not by professional jargon or straight jackets that artificially constrained helping people. He combined his sparkling imagination, ever present smile, rigorous analytical mind, and unrelenting persistence to press himself and those he served to develop possibilities to constructively address challenges that were disrupting their lives.

Mel delivered his talents across multiple segments: he mediated complex family controversies as regularly as he assisted parties to resolve commercial disputes. He challenged and sustained the neutral profession with his lectures and workshops examining a mediator's ethical responsibilities and dilemmas. Through his many mediator skill-building training programs and workshops, he shared - with admirable generosity - his insights and wisdom regarding mediator tactics and strategies. And in his "spare" time, he took special joy in working with law students, helping to shape and inspire the next generation of problem-solvers. He immersed himself completely in all these activities because he cared that mediator services - as part of a justice system - be viewed by the public as worthy of dignity and respect.

Mel's success in performing in each of these areas should be measured not simply by case numbers or financial remuneration but by his capacity to inspire all with whom he interacted to perform at the highest standards of excellence. His vitality was infectious. His passion for justice unquenchable. His love for life: well, that he would quickly and accurately ascribe to Susan, his talented, gracious spouse. Those of us who had the good fortune to interact with this remarkable duo on a regular

basis are poignantly aware of how our lives have been wonderfully enriched as a result.”

Professor Joseph B. Stulberg

Michael E. Moritz Chair In
Alternative Dispute Resolution
Ohio State University College of Law
Emeritus Fellow
American College of Civil Trial Mediators
Columbus, OH

“One of my greatest honors as President of the Florida Academy of Professional Mediators was to present Mel with the organization’s “Award of Merit”. If ever there was one individual who embodied the spirit and promise of mediation and its incorporation into the practice of law, it was him. A gentle, humble and vivacious human being, I smile each time I see the books from his library that Susan was kind enough to let me have. Our world as well as our profession is a better place for Mel having been a part of it.”

John W. Salmon, Esq.

Salmon & Dulberg Dispute Resolution
Editorial Board Member
American Journal of Mediation
Distinguished Fellow
American College of Civil Trial Mediators
Miami, FL

“He was a terrific, kind guy.”

Terrence M. “Terry” White, Esq.

Principal and Founder
Upchurch Watson White & Max
Fellow
American College of Civil Trial Mediators
Daytona Beach, FL

“Mel Rubin was one of the first people I met when I moved to Florida and joined the staff of the Dispute Resolution Center. He immediately became one of my closest allies and friends. Over the years, we cried together, laughed together and worked together to create the comprehensive court-connected ADR system currently in place in Florida. We didn’t always agree – Mel maintained a healthy skepticism about institutionalization of ADR – especially family mediation – but he worked tirelessly to improve the systems. Mel taught me many lessons over the years we worked together and I am forever in his debt. His wisdom and warm smile remain with me always.”

Professor Sharon Press

Director, Dispute Resolution Institute
Mitchell Hamline School of Law
Honorary Fellow
American College of Civil Trial Mediators
Saint Paul, MN

“I didn't know Mel long, but in my relatively short time with him I found a colleague of tremendous warmth and intelligence who was completely unselfish with his time and experience. I ran into him at a Dispute Resolution Section meeting a few years back and received a welcome that belied our short time together. He made me feel like a member of his family. One of my most enduring memories, though, is of the respectful silences afforded him by College members when it was his turn to weigh in on (usually ethical) problems posed at one of our annual meetings. I miss his wit and warmth, and I miss having him to turn to for advice and guidance. I feel truly fortunate for having known him.”

Joseph J. Bongiovi, III, Esq.

Bongiovi Dispute Resolutions
Fellow and Director
American College of Civil Trial Mediators
Las Vegas, NV

“Mel was a gregarious trailblazer who made sure to bring others along. Whether new mediators like me who he pushed to new skill development or his students who now have publishing credits, Mel not only developed a field but many of the people comprising it.”

Donald R. Philbin, Jr. Esq.

Picture It Settled
Editorial Board
American Journal of Mediation
Fellow
American College of Civil Trial Mediators
San Antonio, TX

“The soul of a prophet . . .”

Rodney A. Max, Esq.

Principal and Founder
Upchurch, Watson, White & Max
Distinguished Fellow, Past President
American College of Civil Trial Mediators
Miami, FL

“I still use the final set of questions Mel taught that mediators should ask before signing every settlement agreement.”

Hayden D. Lait, Esq.

Mediation and Law Offices of Hayden Lait
Editorial Board
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Distinguished Fellow, Past President
American College of Civil Trial Mediators
Memphis, TN