

Remembering the Father of ADR in Texas

By ALBERT M. AMADO

“Hi, my name is Frank. It’s a pleasure to meet you.” Those words, and a broad and welcoming smile and handshake, were how most of us met Frank Garrettson Evans, III. He passed away peacefully on November 9, 2019 at 91 years of age at his home in Bastrop leaving a legacy of decades of groundbreaking work in our field.

Frank had a storied career as a trial attorney, Chief Justice of the 1st Court of Appeals of Texas, founder of many community mediation programs, sponsor and drafter of the Texas ADR financing and court referral statute, law professor, mediation system designer, mediator and arbitrator. Awards in our profession have been named after him and the conflict resolution center at South Texas College of Law bears his name. He rightly earned the moniker of “the father of ADR in Texas.” And that’s just his accomplishments as a lawyer. His distinction in the military as a twice enlisted member of the United States Marine Corps during times of conflict in China and Korea, his social work helping youth at the intersections of homelessness and delinquency, his advocacy for environmentalism and his career as a designer and builder of boats added to his lore and made him one of the most diverse and interesting people I’ve ever had the pleasure of meeting. I was fortunate enough to have known Frank as a mentor and and also as friend so, I now take this opportunity to speak to who he was as a person.

Frank was exceedingly humble. When I first met him, I had no idea who he was. We literally stumbled onto each other at South Texas College of Law in a hallway. After talking with him for more than an hour, I left knowing almost nothing about him except that he loved boats and water. He loved to meet and get to know people. The latter part was the key for him. He was the consummate people person. Politicians know how to work a room, but it’s all about shaking hands. Frank loved to shake hands, and he had a strong and warm handshake, but only because that was the opening to genuinely getting to know about you. And he could do it in a short amount of time with some quick and disarming questions. He made everyone feel at ease and you’d feel comfortable telling him anything. Notably, he loved to meet all sorts of people. I saw him speak at length to everyone from Supreme Court justices to a bellboy at a hotel who helped him with something trivial. If you got his attention, it was undivided and genuine.

He was funny. I will miss his dry and often self-deprecating wit. I will miss his sense of mischievousness and the accompanying laughter. It was a would-be belly laugh that was suppressed, but only partially so, as if he’d been caught doing something and felt it was excessive. Frank was compassionate and had a profound commitment to helping people, especially those who were marginalized by society. He was always willing and able to come up with a project to help people and, when I’d ask about how it would be funded or how we’d pay anyone for working on this project, he didn’t really trouble himself with those details. He just wanted to get it done.

He was selfless. It was always about helping others and never about him. Only within the past couple of years, did I learn about his work in the 70s with marginalized youth at the intersections of homelessness, drug and alcohol addiction and the criminal justice system. He re-purposed old houses to put a roof over their heads, created small businesses to provide work for them and got work for them, and he gave them hope that they could recover from their problems in life. That was all in his “spare time.” I only recently heard about this because he certainly did not toot his own horn. He never did. His modesty was astounding.

Frank has a strong moral compass. His North Star was a belief that each of us has to do our part to solve social injustice. Viewed through that lens, he seemed to see conflict resolution as a huge concept and he interpreted it in its broadest possible context, as a way to help others through collaboration and communication. He was interested in restorative justice and peer mediation to solve disputes but, more importantly, to address social ills; and facilitated dialogue to solve public policy disputes and environmental issues to give citizens a voice.

Frank was a dreamer and he dreamed really big. That sometimes made it hard to accomplish his vision, but he never gave up on the goal. Persistence was another one of his hallmarks. And goodness knows his energy for reaching for the next thing was boundless.

He was an optimist. No problem was ever too big for Frank. His idea was always that any problem could be solved if people were willing to sit down, talk about it, *listen* to each other and then get to work on what they decided. For him, solutions came from the listening and collaboration, so the trick was to get people to talk and listen, and that’s what he was so good at —conversation and asking the right questions.

Always thinking, designing and building is another thing I remember about Frank. About three months before his passing, I told Frank that we were looking at putting in a catwalk type system for walking in our back yard, which is very steep and drops off to a dry creek. I saw the wheels in his mind immediately start turning and started offering options. Then he noted that bamboo is sustainable and stronger than iron. “Well, as I understand it, part of the issue is that you have a gully in the back. Now if you could get across that gully, say over to the other side, you could use that other part, too. A bridge made out of bamboo could do that for you.” So, in Frank’s fertile mind, the proposed path in the backyard had within moments blossomed into a bridge and expanded to use of the property across the gully. When I mentioned that that exceeded the scope of what we were thinking, his answer was “maybe, but wouldn’t a bridge be useful to visit your neighbors?” The wheels of creativity were constantly turning in his mind and Frank was always about building bridges, both figuratively and literally.

Finally, while many can reflect on the importance of Frank Evans in mediation and conflict resolution, my reflection is that I also had the privilege to know him as a friend. And the most notable thing for me is that he was always there for me, he was

there whenever I needed him the most, and he was there unwaveringly and fully committed. Frank was steadfast in everything he did.

I'm conscious that there will come a time in future decades when people will only know the name "Frank Evans" and then do research on him. They will pull up his list of distinguished accomplishments and, as impressive as that list is, it doesn't begin to touch upon who he was as a person. Those of us who were privileged to have worked with him and gotten to know him well were truly blessed. He was, more than the father of dispute resolution in Texas," an outstanding human being. A true gem of a person. Counting him as a friend is a blessing for which I will forever be thankful.

Biography



ALBERT M. ("AL") AMADO holds a J.D., from Emory University School of Law; an LL.M. degree from The University of Texas at Austin School of Law, where his studies focused on international law, the resolution of conflict, and interdisciplinary Latin American studies; and a B.B.A. from The University of Texas at Austin McCombs School of Business. He began his career in trial and appellate litigation. Over the years, his experience has been diverse and has included litigation of commercial, criminal, entertainment, construction, and personal injury matters, to name a few. He has also been active as a mediator, arbitrator, and trial and conflict consultant, and Director of Business Affairs and Latin

America to a global fitness company. He has served as the Founding Director of the International Institute and Director of Latin American Projects for the Frank Evans Center for Conflict Resolution. He is currently Adjunct Professor of trial skills and conflict resolution at Emory University School of Law, Atlanta, Georgia and Founding and Executive Director of the non-profit LACEP/CERCA where he develops diverse projects related to the use of interdisciplinary methods for the resolution of conflict related to emerging issues in Latin America. From 2009 to 2014, Mr. Amado was the Director for the American Bar Association (ABA) Rule of Law Initiative (ROLI) in the Andean Region. Based in Ecuador, his work focused on training justice sector operators on the oral, accusatory trial process and public transparency and ethics, as well as the investigation and prosecution of transnational crimes, including narcotics trafficking, money laundering and terrorism financing and human trafficking. Since 2015, he has been a consultant for ABA ROLI and the National Center for State Courts in Latin America, as well as Academic Consultant for the Merida Initiative. He is also a visiting faculty member and frequent speaker and lecturer at law schools and legal education programs throughout Latin America, including Universidad Nacional Autónoma de México, Proyecto ACCESO (Cal Western University, San Diego, California), Proyecto OASIS (University of San Diego, San Diego, California), Universidad Andina Simon Bolívar (Quito, Ecuador) and Universidad San Francisco de Quito (Quito, Ecuador) and Universidad El Externado (Bogota, Colombia).