

Note: Room 610 (6th floor) is available as a speaker preparation room.



14th Annual
Advanced Mediation and Advocacy Skills Institute

October 6-7, 2016 | Phoenix, AZ

AGENDA

THURSDAY, OCTOBER 6

8:00 a.m. **Registration**
5th Floor Lobby

8:00 a.m. **Continental Breakfast**
5th Floor Conference Center – Room 544

9:00 a.m. **Welcome and Introductions**
5th Floor Conference Center – Room 544

9:10 a.m. **Preparing for Mediation**
5th Floor Conference Center – Room 544
Mediators, corporate counsel, and litigators reveal preparation techniques that maximize opportunities for favorable settlements.

Presenters:

Hon. Bruce Meyerson (Ret.), American Arbitration Association

Stacy Gabriel, Gabriel & Ashworth, P.L.L.C.

David M. Bixby, General Counsel, Banner Health

10:10 a.m. Break
5th Floor Lobby

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10:20 a.m. **Small Group Discussions on Preparing for Mediation**

Divide into below breakout rooms

Become immersed in an in-depth discussion about issues such as written submissions, process design, managing client expectations, safety, administrative details, pre-mediation conferencing, and whether to include opening statements in a joint session at the start of the mediation.

Breakout	Facilitators	Room
A	Michael Aurit , The Aurit Center for Divorce Mediation Howard A. Herman , U.S. District Court, N.D. California	5 th Floor Robert B. Carey Conference Room – Room 555
B	Kristen Blankley , University of Nebraska College of Law Steven M. Guttell , Steven M. Guttell, PLC	6 th Floor Gammage & Burnham Conference Room – Room 606
C	Sherman D. Fogel , Sherman D. Fogel, PA Myra C. Selby , Ice Miller LLP	6 th Floor Sandra Day O’Connor Institute Seminar Room – Room 696

11:35 a.m. Break
5th Floor Lobby

11:45 a.m. Lunch
5th Floor Conference Center – Room 544

12:15 p.m. **Keynote Luncheon: Regulating Mediators**
Prof. Art Hinshaw, Arizona State University
5th Floor Conference Center – Room 544

Unlike most professionals, mediators are virtually unregulated. This gives unscrupulous mediators the opportunity to take advantage of an unsuspecting public, which is exactly what a disbarred lawyer turned divorce mediator was able to do for nearly nine years until the criminal justice system finally caught up to him. Using that example as a jumping off place to discuss the merits of occupational regulation, this talk would turn to potential barriers to regulating the field and methods for overcoming them.

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1:15 p.m. **Negotiating in the Caucus Stage of Mediation**
5th Floor Conference Center – Room 544
 Learn how skilled mediators and advocates use the private caucus to probe for information, develop options, refine interests, and conduct reality testing.

Presenters:

Harold Coleman, Jr., American Arbitration Association
Brian J. Campbell, Campbell Law Group, Chtd.
Catharine Ellingsen, EVP, Chief Legal Officer and Corporate Secretary,
 Republic Services Inc.

2:15 p.m. Break
5th Floor Lobby

2:25 p.m. **Small Group Discussions on Negotiating in the Caucus Stage of Mediation**
Divide into below breakout rooms
 Examine and explore the techniques expert mediators and advocates use during a private caucus to move toward resolution, and discuss behavioral aspects of decision making.

Breakout	Facilitators	Room
A	Ava J. Abramowitz , George Washington University Law School Barry C. Schneider , Schneider Mediation	5 th Floor Robert B. Carey Conference Room – Room 555
B	Becky A. Bartness , Wilenchik & Bartness John A. Sherrill , American Arbitration Association	6 th Floor Gammage & Burnham Conference Room – Room 606
C	Shari M. Capra , Shari M. Capra, P.C. Michele M. Feeney , Michele M. Feeney, L.L.C.	6 th Floor Sandra Day O’Connor Institute Seminar Room – Room 696

3:40 pm Break
5th Floor Lobby

3:50 p.m. **Ethics Forum: Common Ethical Issues Faced by Mediators and Advocates**
5th Floor Conference Center – Room 544
 Institute faculty members will share advice on how to recognize and solve potential ethical issues in the mediation process.

Presenters:

Hon. Bruce Meyerson (Ret.), American Arbitration Association
James J. Alfini, Houston College of Law

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- 5:00 p.m. **Welcome Reception with Institute Faculty**
5th Floor Fort McDowell Yavapai Nation Courtyard
The faculty will be available to informally discuss questions raised during the first day's presentations. This social hour is a unique opportunity to take advantage of their experience in the dispute resolution field.

FRIDAY, OCTOBER 7

- 7:15 a.m. **Continental Breakfast & Networking**
5th Floor Conference Center – Room 544
Choose a networking table during breakfast to share tips on developing and marketing your mediation practice.
- 8:30 a.m. **Breaking Impasse in Mediation**
5th Floor Conference Center – Room 544
A skilled mediator will share tips on avoiding and addressing impasse and advocates will describe when to “hold'em or fold'em” at the mediation table.

Presenters:

Claudia L. Bernard, U.S. Court of Appeals for the Ninth Circuit
Stanley J. Marks, Begam, Marks & Traulsen
Melanie Verkamp Pate, Lewis Roca Rothgerber Christie LLP

- 9:30 a.m. Break
5th Floor Lobby

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9:40 a.m. **Small Group Discussions on Breaking Impasse in Mediation**

Divide into below breakout rooms

Participate in a focused examination of the factors causing impasse, and how mediators and advocates use patience and creativity to get the job done.

Breakout	Facilitators	Room
A	Shawn K. Aiken , Aiken Schenk Hawkins & Ricciardi P.C. Joan Stearns Johnsen , University of Florida Levin College of Law	5 th Floor Robert B. Carey Conference Room – Room 555
B	Renee Gerstman , Wells & Gerstman PLLC Susan Grody Ruben , Mediator and Arbitrator	6 th Floor Gammage & Burnham Conference Room – Room 606
C	Amy L. Lieberman , Insight Employment Mediation Nancy A. Welsh , Penn State University, Dickinson School of Law	6 th Floor Sandra Day O’Connor Institute Seminar Room – Room 696

10:55 a.m. Break
5th Floor Lobby

11:05 a.m. **Mediating Complex Cases**
5th Floor Conference Center – Room 544
In many mediations there are multiple parties, multiple claims and often parties who are not physically present. These circumstances call for different strategies and approaches by mediators.

Presenters:
Harrie Samaras, ADR Office of Harrie Samaras
Scott Shelley, Vice President, Litigation Counsel, Meritage Homes
Andrew S. Friedman, Bonnett, Fairbourn, Friedman & Balint, P.C.

12:05 p.m. Break
5th Floor Lobby

12:15 p.m. Lunch
5th Floor Conference Center – Room 544

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12:45 p.m. **Keynote Luncheon: How Modern Sales Theory Can be Effectively Used in Mediation**

Ava J. Abramowitz, George Washington University Law School
5th Floor Conference Center – Room 544

Selling and Negotiating require many of the same skills. But, while there have been very few scientific studies of negotiation skills, selling skills have been extensively studied. Ava Abramowitz, a mediator and a GW Law School instructor of negotiations, will explore how practitioners can tap into these studies and use their findings to improve their negotiation and mediation skills.

1:45 p.m. **Small Group Discussions on Mediating Complex Cases**

Divide into below breakout rooms

Participate in an interactive discussion identifying procedures, timing issues, appropriate facilities, technology, interplay between levels of insurance coverage, and matters which could benefit from co-mediation, among other strategies, for mediating complex and multi-party cases.

Breakout	Facilitators	Room
A	Jillisa Brittan , U.S. Court of Appeals for the Seventh Circuit	5 th Floor Robert B. Carey Conference Room – Room 555
B	Brice E. Buehler , Brice E. Buehler, P.C., Law Office Ruth Franklin , ON Semiconductor	6 th Floor Gammage & Burnham Conference Room – Room 606
C	Joanna M. Jacobs , US Department of Justice Beth Trent , The CPR Institute	6 th Floor Sandra Day O’Connor Institute Seminar Room – Room 696

2:45 p.m. Break
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3:00 p.m.

Throwing the Perfect Pitch: Marketing for Mediators

5th Floor Conference Center – Room 544

Learn what qualities clients seek when hiring a mediator, get insights into the marketing “dos and don’ts” and learn from others what has worked -- and has not worked -- for them. The Perfect Pitch session will include significant time for program attendees to ask questions about marketing as well as any of the other topics covered in the two days of training.

Presenters:

Serena K. Lee, Vice President, American Arbitration Association

Kimberly Taylor, Senior Vice President and Chief Operating Officer, JAMS

4:00 p.m.

Adjourn