2018 ABA Section of Dispute Resolution

SPRING CONFERENCE
WASHINGTON, DC

APRIL 4-7, 2018
WASHINGTON HILTON

DISPUTE RESOLUTION IN COMPLEX TIMES

Develop your skills and learn from leading experts in the field. The conference agenda includes excellent programming on mediation, arbitration, negotiation, and specialty practice areas all geared toward making you a better Dispute Resolution professional.

Whether you are new to dispute resolution practice or have been practicing for decades, the 2018 ABA Section of Dispute Resolution Spring Conference has something for you.
WEDNESDAY, APRIL 4

SYMPOSIUM ON ADR IN THE COURTS

Welcome by Benjamin G. Davis, ABA Section of Dispute Resolution Chair

Plenary: ADR and A2J in These Complex Times 9:00 am - 10:30 am

Promoting access to justice (A2J) is a primary goal of many court systems. This plenary session will examine the challenges to A2J in the current complex times and ways that court ADR programs may foster or impede A2J.

Presenter:
Hon. Eric T. Washington (Ret.)
DC Court of Appeals
Washington, DC

Not for CLE

BREAK

10:30 am – 10:45 am

Integrating Online Dispute Resolution into the Courts 10:45 am – 12:00 pm

Online Dispute Resolution (ODR) is here, and increasingly, courts and legal service providers are recognizing its potential in expanding access to justice for parties involved in low dollar value civil cases. This session will introduce a variety of ODR tools and show them in action, as well as addressing some of the potential ethical dilemmas technology can introduce. Growing out of more than two decades of real-world experience, the presenters will discuss these challenges and share ideas regarding best practices and important procedural safeguards.

Presenters:
Sheila Purcell
Univ. of Calif. Hastings College of the Law
San Francisco, CA

Colin Rule
Tyler Technologies
San Jose, CA

Susan M. Yates
Resolution Systems Institute
Chicago, IL

General CLE Credit
Keywords: Technology, Court ADR

Justice and the Quality of Court ADR 10:45 am – 12:00 pm

Providing fair and efficient justice is among the courts' most fundamental responsibilities. What, then, are courts' quality assurance obligations when administering ADR programs or referring litigants to an ADR process or practitioner? Panelists and session participants will share and receive ideas, techniques, and tools to promote and evaluate the quality of court ADR programs.

Not for CLE
Keywords: Court ADR

LUNCH

12:00 pm – 2:00 pm

ambar.org/spring2018
WEDNESDAY, APRIL 4

SYMPOSIUM ON ADR IN THE COURTS

I'll Do It My Way: Differences and Their Outcomes in Federal District Court ADR 2:00 pm – 3:15 pm

The Federal Judicial Center recently completed a comprehensive study of ADR in eight federal district courts. The district courts have wide discretion to design and manage their ADR procedures as they prefer, consistent with demands of the caseload, preferences of the bar, judges' views of the role of a court, or almost any other factor. Consequently, ADR procedures vary greatly across districts. In what way? Why? And with what consequences? Moderated by the lead researcher from the FJC, join this panel of representatives from three study courts as they discuss their courts' ADR procedures and what the FJC's findings may suggest for ADR policy and practice in the federal courts.

Moderated by Donna Stienstra, Federal Judicial Center, Washington, DC

Howard Herman
U.S. District Court, Northern District of California
San Francisco, CA

Robyn Weinstein
United States Federal Court Eastern District of New York
Brooklyn, NY

Lori Miller Young
United States District Court - Eastern District of Missouri
St. Louis, MO

General CLE Credit
Keywords: Court ADR

Court ADR Case Management Systems - Overcoming the Obstacles 2:00 pm – 3:15 pm

Court case management systems typically lack adequate support for administering and tracking cases assigned to ADR. As a result, court ADR programs often rely on ancillary systems that require duplicate data entry. And, these ancillary systems don’t include data from the primary system that would be valuable in reporting, evaluating, and improving ADR program outcomes. Panelists, including experts in court case management systems, and session participants will share and learn from each other’s experiences addressing these challenges. They will identify approaches to establish robust systems for managing cases assigned to court ADR programs and administering and evaluating those programs.

Moderated by Alan Wiener, MACRO (MD Judiciary Mediation & Conflict Resolution Office), Annapolis, MD

John Matthias
National Center for State Courts
Denver, CO

Doug Van Epps
Michigan Supreme Court
Lansing, MI

Jamie L. Walter, PhD
AOC, Maryland Judiciary
Annapolis, MD

Not for CLE
Keywords: Court ADR, Case Management

BREAK 3:15 pm – 3:30 pm
WEDNESDAY, APRIL 4

SYMPOSIUM ON ADR IN THE COURTS

Ethically Speaking, Can a Judge Really be a Mediator? 3:30 pm - 4:30 pm

Beyond doubt, a judge at any level of the administrative or judicial system must act in accordance with the highest expectations of ethical behavior. But current ethical standards for either mediators or judges do not plainly establish standards for uniquely situated judge-mediators. Are judge-mediators more mediator than judge, or more judge than mediator? Do the ethical duties of a judge and a mediator conflict, or are the ethical principles for both roles compatible?

Presenter:

John A. Dietrich
ABA NCALJ
Washington, DC

Ethics / Professionalism CLE Credit
Keywords: Court ADR, Ethics

Court ADR Resource Share 3:30 pm - 4:45 pm

Court forms, websites, newsletters, blogs, journals, books... Learn about the resources others working in court ADR find indispensable and share the resources you use most. At this session you will find answers to issues that are hindering your court ADR program and you will have an opportunity to share something that really works for you. It will also showcase resources available at Resolution Systems Institute’s online Court ADR Resource Center (AboutRSI.org) since its renovation. Be sure to bring information about your favorite resource!

Facilitator:

Susan M. Yates
Resolution Systems Institute
Chicago, IL

Not for CLE
Keywords: Court ADR

TOUR AND RECEPTION (TICKETED EVENT, AT NO CHARGE)

Tour of DC Superior Court Multi-Door Dispute Resolution Division 5:00 pm – 6:00 pm

Tour one of the first multi-door programs in the U.S.

❖ DC Multi-Door Dispute Resolution Division, Court Building C, 410 E Street NW, Washington, DC 20001

Educational Program and Reception at DC Court of Appeals 5:30 pm - 7:30 pm

You will have the option to add ticket(s) to your cart during online registration checkout.

Welcoming Remarks by Chief Judge Robert E. Morin of the Superior Court of the District of Columbia

❖ DC Court of Appeals, 430 E Street, N.W., Washington, D.C. 20001
THURSDAY, APRIL 5

BREAKFAST

Continental Breakfast and Committee Networking Meetings 7:30 am – 8:30 am
The following committees will be hosting a networking meeting at breakfast tables. Look for signs on the designated tables:

❖ Ethics in ADR Committee
❖ Securities ADR Committee
❖ Public Policy and Consensus Building Committee
❖ Government ADR Committee
❖ Membership Committee

PLENARY

Welcome and Introduction by Benjamin G. Davis, ABA Section of Dispute Resolution Chair

Thursday Plenary and Presentation of the D’Alemberte Raven Award 8:30 am - 9:30 am

Thomas L. Friedman
Presenter:

Not for CLE

BREAK IN THE EXHIBIT HALL 9:30 am – 10:00 am
THURSDAY, APRIL 5

CONCURRENT EDUCATIONAL PROGRAMS, SERIES A

The Detroit Bankruptcy: The Power of Mediation 10:00 am - 11:00 am

The City of Detroit has emerged from the largest municipal bankruptcy in US history as a model of urban renewal and an example of the power of mediation. The City’s bankruptcy proceedings may also be a model for municipalities in current difficulty. Retired Judges Steve Rhodes and Jerry Rosen—best known for their roles in presiding over and mediating Detroit’s 2013 bankruptcy—will explore key issues in that case together with David Heiman, lead counsel for the City, with a focus on how mediation enabled creative problem solving and resulted in an agreed upon plan of adjustment in record time.

Moderated by Kevyn D. Orr, Jones Day, Washington, DC

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<th>Presenters:</th>
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<tbody>
<tr>
<td>David G. Heiman</td>
<td>Hon. Steven Rhodes (Ret.)</td>
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<td>JAMS</td>
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<td>Cleveland, OH</td>
<td>Detroit, MI</td>
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General CLE Credit Keywords: Mediation, Public Policy

When Healthcare Goes Badly: You Don’t Have to Litigate to Solve the Problem 10:00 am - 11:00 am

With life, death and health in the balance, adverse experiences in healthcare can produce particularly high-stress conflicts. Although physicians and administrators often fear litigation in these situations, predispute mediation can often produce better resolutions while avoiding the high costs and prolonged antagonisms of lawsuits. This panel describes three very distinct programs sharing a common goal: using early mediation to provide patients and families with answers, even apologies, and in many cases a complete resolution. Panelists will describe the University of Pittsburgh Medical Center's "Intermediation Program," the Department of Defense's "Healthcare Resolutions Program," and the University of Florida's mandatory mediation program.

Moderated by Haavi Morreim, College of Medicine, Univ of TN, Memphis, TN

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<tr>
<td>Kari L. Aasheim</td>
<td>Randall Jenkins</td>
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<td>Healthcare Education Insurance Company</td>
<td>President, University of Florida Healthcare Insurance Company</td>
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<td>Gainesville, FL</td>
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<td>Walter Reed National Military Medical Center</td>
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Not for CLE Keywords: Health Care, Mediation
THURSDAY, APRIL 5

CONCURRENT EDUCATIONAL PROGRAMS, SERIES A

Mediation and Civil Protection Orders - An Untenable Pairing or an Innovative Solution? Civil Stalking Protection Order Mediation Pilot Program in Ohio

10:00 am - 11:00 am

Civil Protection Order cases have expanded from cases involving intimate partner and family violence, coercion, menacing, and stalking to also cover landlord/tenant, co-worker disputes, real property controversies, friction between neighbors, collection matters, and other disputes that are akin to general civil litigation. Learn how Ohio is working with the Center for Court Innovation and Resolution Systems Institute to pilot an 18 month mediation program for civil stalking protection orders.

Presenters:

Dick Altman
Fulton/Henry County Common Pleas Court
Napoleon, OH

Judge Joyce V. Kimbler
Medina County Court of Common Pleas
Medina, OH

Diana Ramos-Reardon
Supreme Court of Ohio
Columbus, OH

Jennifer Shack
Resolution Systems Institute
Chicago, IL

General CLE Credit

Keywords: Mediation, Family

Rethinking Mediation Advocacy: Practical Strategies Based Upon The Behavioral Sciences

10:00 am - 11:00 am

Behavioral science data points us in one direction, but modern civil mediation practice is moving us the other way. This presentation first explores current behavioral science data as to both client and counsel handicapping errors and pitfalls, then juxtaposes that data against problematic trends in mediation practice today. Based on the speaker’s experience designing and executing early dispute resolution (EDR) initiatives in his roles as a public company general counsel, the program then outlines proven strategies and specific fixes for advocates and neutrals that incorporate what the brain science reveals.

Presenter:

Mark LeHockey
Judicate West
San Francisco, CA

General CLE Credit

Keywords: Mediation, Neuroscience, Communication, Skills
THURSDAY, APRIL 5

CONCURRENT EDUCATIONAL PROGRAMS, SERIES A

Stories from the Trenches: Post Award Issues in Securities Arbitration  10:00 am - 11:00 am

This diverse panel representing all "sides" of securities arbitration will use anecdotes to educate attendees on post award issues. The presenters will address the following: (i) How to get an award confirmed. It is as easy as it seems?; (ii) What are the strategies for deciding whether to challenge an award? What are some ways to invoke the narrow grounds for vacatur? What are the pros and cons of reasoned awards?; and (iii) Post award collection issues including getting paid, settlement agreements, and enforcement mechanisms.

Moderated by Mara Weinstein, FINRA, New York, NY

Presenters:

Katrina M. Boice
Katrina Boice Law
Los Angeles, CA

Gil Boyce
Kutak Rock
Washington, DC

Tracey Salmon-Smith
Bressler, Amery & Ross, PC
Florham Park, NJ

Adam Weinstein
Gana LLP
New York, NY

General CLE Credit

Keywords: Securities, Arbitration

Technology Integrated Dispute Resolution: Lessons from here and abroad  10:00 am - 11:00 am

The future is already here. What role is technology playing in dispute resolution? We exchange on lessons from around the world.

Moderated by Kimberlee Kovach, Kovach Dispute Resolution, Austin, TX

Presenters:

Maria Mercedes Albornoz
Centro de Investigación y Docencia Económicas (CIDE)
Mexico City, Mexico

Alberto Elisavetsky
ODR LATINOAMERICA
Ciudad Autónoma de Buenos Aires, Argentina

Not for CLE

Keywords: Technology
THURSDAY, APRIL 5

CONCURRENT EDUCATIONAL PROGRAMS, SERIES A

Staying Neutral in a Biased World: The Neuroscience of Implicit Bias  
10:00 am - 11:00 am

Humans are not hard wired toward a particular bias but as a social species we are hard wired to acquire biases, both explicit and implicit. We will focus on the science behind implicit bias. We will elucidate the evidence that implicit bias influences behavior and how understanding the neuroscience suggests ways to manage biases in connection with mediation.

Presenters:

Martha K. McClintock  
The University of Chicago  
Chicago, IL

Jill S. Tanz  
Chicago Mediation Services  
Chicago, IL

Ethics / Professionalism CLE Credit  
Keywords: Neuroscience, Implicit Bias, Skills

Ethical Issues in Arbitration and Med/Arb: Problems and Ethical Cures  
10:00 am - 11:00 am

Sponsored by CCA

This interactive program poses real-life scenarios that involve serious ethical issues. This Panel - all experienced arbitrators - will discuss these problems, challenge the attendees to analyze the critical ethical concerns, and offer solutions for managing them.

Presenters:

John R. Holsinger  
College of Commercial Arbitrators  
Hackensack, NJ

Joshua W. Martin III  
Potter Anderson & Corroon LLP  
Wilmington, DE

Richard H. Silberberg  
College of Commercial Arbitrators  
New York, NY

Ethics / Professionalism CLE Credit  
Keywords: Arbitration, Ethics
THURSDAY, APRIL 5

CONCURRENT EDUCATIONAL PROGRAMS, SERIES A

Using ADR to Resolve Intellectual Property Disputes 10:00 am - 11:00 am

Intellectual Property (IP) has gone through dramatic changes in recent years as to standards of protection eligibility, proofs, administrative agency cancellation of granted rights, the Defend Trade Secrets Act, and remedies all leading to increased uncertainties of outcome, high stakes and certainty of costs and delays. ADR (mediation, arbitration, case assessments) with an independent experienced single neutral or panel can yield quicker resolution at lower cost as well as greater confidentiality. We will explore how to reach a resolution effective between the parties and for multiple countries and multiple issues transcending national boundaries and limits of courts’ jurisdiction and tailored to parties’ needs.

Presenters:
- Jerry Cohen
  JAMS/Burns & Levinson LLP
  Boston, MA
- Nirav N. Desai
  Sterne, Kessler, Goldstein & Fox
  Washington, DC
- Marylee Jenkins
  Arent Fox LLP
  New York, NY
- Lisa M. Tittemore
  Sunstein Kann Murphy & Timbers LLP
  Boston, MA

Skills CLE Credit

Keywords: Intellectual Property, Skills

Is Third-Party Funding the Elephant in the Room? 10:00 am - 11:00 am

Third-party funding, whether for the benefit of plaintiffs, corporate defendants or contingency fee attorneys in both domestic and international disputes is on the rise. Traditionally, contingency fee attorneys have advanced litigation expenses, including their fees, which can be seen as a form of litigation funding. What effects do these practices have on decisions to settle including mediation negotiations and agreements? What can be done to ensure that the parties retain control of strategic and settlement decisions?

Moderated by Alida Camp, ADR Office of Alida Camp, New York, NY

Presenters:
- Jim Batson
  Bentham IMF
  New York, NY
- Jeanne M. Christensen
  Wigdor LLP
  New York, NY
- Deborah Masucci
  Masucci Dispute Management and Resolution Services
  Brooklyn, NY

General CLE Credit

Keywords: Third-Party Funding, Mediation, Negotiation
THURSDAY, APRIL 5

**CONCURRENT EDUCATIONAL PROGRAMS, SERIES A**

**Good Things Come to Those Who Ask: A Workshop to Increase Referrals**  
10:00 am - 11:00 am

Referrals are the gold standard of business development and the key to a healthy practice. This workshop includes a 7-point model for effective referral requests, inspiring examples from successful mediators, and interactive discussions and exercises to help participants increase their comfort level and skill in this area. Participants will share strategies with colleagues and practice asking for referrals in a risk-free environment. This workshop is appropriate for those refining their niche or reenergizing their practice as well as for mediators and arbitrators who are just starting out or moving into a full-time practice.

Presenters:

- **Eileen Coen, J.D.**  
  Eileen Coen Mediation, LLC  
  Bethesda, MD

- **Anna Rappaport**  
  Excelleration Coaching  
  Washington, DC

General CLE Credit  
Keywords: Practice Development, Mediation, Arbitration

**Beyond Smart: Lawyering with Emotional Intelligence--A Critical Edge in Challenging Times**  
10:00 am - 11:00 am

Emotional intelligence (EI) is the ability to recognize, understand and regulate our own and others’ emotions. Industries worldwide have incorporated EI into their hiring, training and leadership programs to maximize performance. In contrast, the legal community has given little notice to the role of emotions. This newly released book from the DR Section discusses EI for the first time in the unique context of practicing law. Muir identifies the many advantages of EI to individuals and law practices in these challenging times, how to determine your emotional intelligence, and the steps that raise individual and workplace EI.

Presenter:

- **Ronda Muir**  
  Law People Management, LLC  
  Charleston, SC

Not for CLE  
Keywords: Communication, Advocacy

**BREAK IN THE EXHIBIT HALL**  
11:00 am - 11:30 am
THURSDAY, APRIL 5

CONCURRENT EDUCATIONAL PROGRAMS, SERIES B

Hybrid Processes Combining Mediation and Arbitration to Apply the Best Process to the Dispute 11:30 am - 12:30 pm
Sponsored by CCA

Hybrid, or mixed mode, dispute resolution draws on the characteristics of mediation and arbitration. Fellows of the College of Commercial Arbitrators with experience in using hybrid methods will discuss these newer and evolving processes, in both domestic and international disputes.

Presenters:

Prof. Thomas Stipanowich
Straus Institute for Dispute Resolution, Pepperdine University School of Law
Malibu, CA

Edna Sussman
SussmanADR LLC
New York, NY

General CLE Credit

Keywords: Arbitration, Mediation, Hybrid Processes

What Does a Prepared Counsel/Client Team Look Like? 11:30 am - 12:30 pm

Settling major litigation takes work. Hear from a full-time mediator and former US Magistrate Judge, a corporation litigation head, and a deeply experienced outside counsel about what they do to "prethink the end-game." The session will cover preparing the mediator, internal damages and risk analyses, securing settlement authority, preparation of clients including reality checks and seeing the other side’s positions, preparing for and avoiding impasse, and holding the deal together through the documentation process. Moderate Q and A from the audience included.

Presenters:

Mark P. Goodman
Debevoise & Plimpton LLP
New York, NY

Joan Humes
Medtronic
Minneapolis, MN

Hon. Janice M. Symchych
JAMS
Minneapolis, MN

General CLE Credit

Keywords: Mediation, Negotiation
Arbitration Update: Cases, Laws, and Regulations  11:30 am - 12:30 pm

This panel will discuss the most important arbitration issues since the last Spring Conference. This panel will discuss the United States Supreme Court rulings dealing with arbitration issues, as well as notable federal and state court decisions. In addition, the panel will cover the timely issues of federal regulation of arbitration, including new rules by the Consumer Financial Protection Bureau and other federal agencies.

Presenters:
- Ronald Aronovsky
  Southwestern Law School
  Los Angeles, CA
- Kristen Blankley
  University of Nebraska College of Law
  Lincoln, NE
- James R. Madison
  Arbitrator-Mediator
  Menlo Park, CA
- Maureen Weston
  Pepperdine Law
  Malibu, CA

Disability and Dispute Resolution: Best Practices and Practical Information for DR Practitioners  11:30 am - 12:30 pm

As peacemakers, inclusivity is key to our effectiveness and core to our values. Too often though, disability is left out when we talk about diversity, inclusion, and civil rights. This session will explore the intersection of dispute resolution and disability. Topics include best practices for communicating with deaf and blind lawyers, parties and neutrals; ODR and website accessibility; accessible print and electronic documents; accommodation policies; disability issues in collaborative (family law) practice; language and disability awareness; Structured Negotiation and other successful DR strategies for disability rights claims; disabled mediator issues; and marketing mediation and legal services to the disability community.

Moderated by Lainey Feingold, Law Office of Lainey Feingold, Berkeley, CA

Presenters:
- Deepinder Goraya
  Washington Lawyers’ Committee for Civil Rights and Urban Affairs
  Washington, DC
- Debra Patkin
  National Association of the Deaf
  Silver Spring, MD
- Robyn M. Powell, MA, JD
  Robyn Powell Consulting, LLC
  Framingham, MA
THURSDAY, APRIL 5

CONCURRENT EDUCATIONAL PROGRAMS, SERIES B

Using Mediation and Arbitration in Healthcare

The panelists are active neutrals throughout the US, devoting a substantial part of their practice to healthcare cases. They will provide an analysis of dispute needs and concerns particular to healthcare and an overview of the many different kinds of healthcare cases they handle including provider/payor reimbursement disputes; False Claims Act cases; disputes between hospitals and physicians involving employment, contracts with physician groups, and other emerging deals; M&A contracts; and risk management controversies with insurers and patient safety claims.

Barbara Reeves
JAMS
Los Angeles, CA

R. Wayne Thorpe
JAMS
Atlanta, GA

General CLE Credit
Keywords: Health Care, Mediation, Arbitration

The In-House Counsel Perspective: What Corporate Counsel Really Think About Mediators, Mediation and Their Own Role in the Process

In-house counsel usually pay the bills for mediators in commercial, IP, employment, and construction cases, and they also participate frequently in mediations. Three experienced in-house counsel representing different industries will share their insights on (1) what they look for and like in mediators; (2) how they think the mediation process can be improved; and (3) how they see their own roles as participants in mediation.

Moderated by Joe Esposito, Hunton & Williams LLP, Washington, DC

Susan Dunnings
Lockheed Martin
Bethesda, MD

Charles W. Durant
SAIC
Reston, VA

Lisa MacVittie
Freddie Mac
McLean, VA

Not for CLE
Keywords: Mediation
THURSDAY, APRIL 5

CONCURRENT EDUCATIONAL PROGRAMS, SERIES B

EEOC Mediations: Reflections on the Largest Employment Discrimination Mediation Program in the U.S. for the Private Sector

As the EEOC celebrates almost 20 years of mediations across the nation in the area of employment discrimination, we invite you to join our panel of experts. With 50,000+ mediations conducted since 1999, and $200+ million obtained in benefits for parties, the most impressive statistics are that over 74% of cases settle and over 90% of parties would recommend the EEOC’s mediation process. Stephen Ichniowski, from EEOC’s Headquarters in Washington, Regional EEOC Supervisors, Katherine Perez and Jennifer Ortiz Prather, along with Professor Patrick McDermott from the University of Salisbury, will provide programmatic details, share specifics about what makes the program successful, and discuss its pro bono program.

Moderated by Jennifer Ortiz Prather, EEOC - Houston District Office, Houston, TX

Presenters:

Stephen Ichniowski  
EEOC  
Washington, DC

E. Patrick McDermott  
Franklin P. Perdue School of Business, Salisbury University  
Salisbury, MD

Katherine S. Perez  
U.S. EEOC  
San Antonio, TX

General CLE Credit  Keywords: Government, Employment, Mediation

Debunking Myths and Identifying Pitfalls in Dispute Resolution Best Practices

The facilitators will identify four myths that can undermine effective conflict resolution and will present thirteen common pitfalls in current ADR communication best practices. Alternative methods presented for eliminating pitfalls can transform the process of gathering information, giving feedback, stating positions, and creating boundaries. Using these methods, practitioners can enhance transparency, build trust, and prompt clients to take accountability for constructive decision-making. The session is based on the work of Sharon Strand Ellison (co-presenter), creator of the Powerful Non-Defensive Communication process, which is designed to enhance skill sets for quickly defusing defensiveness.

Presenters:

Sharon Strand Ellison  
Institute for Powerful Non-Defensive Communication  
Sunriver, OR

William Logue  
Quinnipiac Law School & The Logue Group  
West Hartford, CT

Skills CLE Credit  Keywords: Communication, Skills
THURSDAY, APRIL 5

CONCURRENT EDUCATIONAL PROGRAMS, SERIES B

Cutting Edge Research on Behavior in Groups: Implications for Negotiation and Mediation 11:30 am - 12:30 pm

For the last three years, Neil Rackham has been expanding on his research that led to his 1978 seminal work, "The Behaviour of Successful Negotiators." Gone is the pen and pencil coding system of yore and in its place is a new app that can deliver real time feedback to negotiating participants. The app and the research behind it are currently being tested at Sheffield University. Be on the cutting edge and hear the results. Learn also from Ava J. Abramowitz how those findings can be effectively used to better understand negotiation and mediation.

Presenters:

Ava J. Abramowitz
George Washington Law School
Washington, DC

Neil Rackham
Sheffield University
Sheffield, England

Skills CLE Credit

Keywords: Mediation, Negotiation, Research

LUNCH – ON YOUR OWN 12:30 pm – 2:00 pm

COMMITTEE MEETINGS

Committee Meetings and Facilitated Dialogues 2:00 pm – 3:00 pm

ABA Section of Dispute Resolution committees and task forces will host meetings and facilitated dialogues.

❖ Mediation Committee
❖ Relational Practice Committee
❖ Public Policy and Consensus Building Committee
❖ Women in Dispute Resolution Committee

BREAK IN THE EXHIBIT HALL 3:00 pm – 3:30 pm

CONCURRENT EDUCATIONAL PROGRAMS, SERIES C

Verbal Atemi – A Technique for Creative Disruption 3:30 pm - 4:30 pm

Contained within the Japanese martial art of Aikido is Atemi - a strike used to unbalance or distract. This workshop will explore the concept of verbal Atemi through stories taken from the conflict resolution text, Sweet Fruit from the Bitter Tree: 61 Stories of Creative & Compassionate Ways out of Conflict by Mark Andreas. Join Aikido black belt and conflict resolver Stephen Kotev as we explore how to apply this technique for creative disruption to high-conflict situations.

Presenter:

Stephen Kotev
www.StephenKotev.com
Silver Spring, MD

Not for CLE

Keywords: Mediation, Communication, Skills
CONCURRENT EDUCATIONAL PROGRAMS, SERIES C

Responding to Mediator Challenges  
3:30 pm - 4:30 pm

Mediator challenges happen for all mediators, whether experienced or relatively new. One participant rises and shouts. New information suddenly emerges at the end of the session, which totally changes the situation. The mediator hears something in a caucus which the participant doesn't want shared, but which is troubling. One participant isn't represented and may not be fully knowledgeable as to the consequences of the proposed agreement. These and many other challenges occur during mediations - and what should we do? This session will present a video of a mediation with challenges. At each challenge, the video will be paused and the panelists and then the participants in the room will discuss what they would do. At the end, a list of mediator responses will be provided for all participants as a tool for the future.

Moderated by Ramona Buck, Federal Mediation and Conciliation Service, Washington, DC

Eileen B. Hoffman  
FMCS/GWU Law School  
Washington, DC

Joyce A. G. Mitchell  
Joyce A. Mitchell and Assoc., P.C.  
Rockville, MD

Robert J. Rhudy  
Senior Mediation and Decision-Making, Inc.  
Baltimore, MD

Skills CLE Credit  
Keywords: Mediation, Employment, Labor

Is There A Single Mediation Ethics for All Mediators? General, Problem-Solving, Transformative, and Narrative Approaches to Mediation Ethics in Theory and Practice  
3:30 pm - 4:30 pm

Mediation practice is highly diversified. There are different styles or models of mediation, with mediators choosing the style or mixture of styles that suit them best. The most acknowledged styles are Problem-Solving, Transformative, and Narrative mediation.

It is generally accepted that all mediators must conduct themselves ethically, and that ethical conduct is key to the professionalization of mediation, its ability to command public trust, and to its success in providing a sustainable appropriate dispute resolution procedure. But what does ethical practice mean? Does it mean the same for problem-solving, transformative, and narrative mediators? And if not, what are the differences between these notions of ethics and do they have practical implications?

Sara Cobb  
George Mason University  
Washington, DC

Jody B. Miller  
Dutchess County Commission on Human Rights  
New Paltz, NY

Omer Shapira  
Ono Academic College  
Kfar-Saba, Israel

Ellen Waldman  
Thomas Jefferson School of Law  
San Diego, CA

Not for CLE  
Keywords: Ethics, Mediation
CONCURRENT EDUCATIONAL PROGRAMS, SERIES C

What Do Empirical Studies Actually Tell Us About the Effects of Mediator Actions? You Might be Surprised
3:30 pm - 4:30 pm

The Report of the ABA Dispute Resolution Section Task Force on Research on Mediation Techniques answers some questions but raises others. Find out: which mediator actions and mediation outcomes have been studied empirically; which mediator actions appear to have a greater potential for positive than negative effects on settlement and disputants' perceptions of mediation, and which have more mixed effects; and the limitations of the conclusions we can draw. We also will discuss the implications of the findings for the mediation field and what next steps (by the Section and others) are needed to enhance mediation practice.

Bobbi McAdoo
Mitchell Hamline School of Law
St Paul, MN

Gary Weiner
Gary Weiner, Attorney Mediator
Sebastopol, CA

Roselle Wissler
Arizona State Univ. O'Connor College of Law
Phoenix, AZ

Not for CLE
Keywords: Research, Mediation

Interim Relief in Domestic and International Arbitration: The Law and the Practice
3:30 pm - 4:30 pm

To obtain a provisional remedy or interim relief in a dispute subject to arbitration is often of critical importance to lawyers. The choice of seeking such relief from an arbitrator, or a court, is sometimes not apparent. This Panel of experienced neutrals, all of whom have published articles on the topic, will explore the legal and practical aspects of obtaining interim relief in domestic and international arbitration. The Panel will describe not only the applicable law, but also the rules of the commonly-used administering agencies, as well as practical considerations lawyers must take into account.

Marc J. Goldstein
MJG Arbitration & Mediation
New York, NY

Hon. Faith S. Hochberg
Hochberg ADR
New York, NY

Bruce Meyerson
American Arbitration Association
Phoenix, AZ

Skills CLE Credit
Keywords: Arbitration, International
THURSDAY, APRIL 5

CONCURRENT EDUCATIONAL PROGRAMS, SERIES C

Using Realistic Measurements of Litigation Risk in the Settlement Process
3:30 pm - 4:30 pm

Decisions on whether to proceed with litigation - or settle - require good predictions about realistic future outcomes. Litigation risk assessment is a critically important skill that lawyers need to possess, an effective tool for mediators, and is essential to informed decision-making by clients. In this session, we will present a simple, methodical risk analysis model which makes room for a thorough assessment of 'process costs', from the client's point of view. We will also discuss ways that a mediator can navigate such a discussion, without losing neutrality or getting lost in the law and evidence.

Presenters:

Kimberly Cork
ADR Chambers
Toronto, Ontario, Canada

Heather Heavin
College of Law, University of Saskatchewan
Saskatoon, Saskatchewan, Canada

Michaela Keet
University of Saskatchewan
Saskatoon, SK, Canada

Keywords: Mediation, Negotiation, Advocacy

What role for dispute resolution?: Arbitration rule or rule of Arbitration?
3:30 pm - 4:30 pm

This past summer, the Consumer Financial Protection Bureau issued a rule to prohibit pre-dispute arbitration clauses in consumer financial contracts. Congress has recently passed and the President has signed into Law H.J.Res. 111 which nullifies the Consumer Financial Protection Bureau's rule prohibiting the use of a pre-dispute arbitration agreement to prevent a consumer from filing or participating in certain class action suits. During the run up to the Congressional vote, the Comptroller of the Currency - the federal bank regulator - had expressed concerns about the CFPB rule as had several banking organizations. At the same time several consumer organizations and even the American Legion weighed in against the repeal of the rule calling in vain for President Trump to not sign H.J. Res. 111. This panel will examine the arguments on all sides in this area and what is the likely impact of the nullification of the rule for dispute resolution? What role diversity? What ADR response?

Presenters:

Henry Allen Blair
Mitchell Hamline School of Law
St. Paul, MN

Louis Burke
Louis F. Burke PC
New York, NY

Benjamin Davis
University of Toledo College of Law
Toledo, OH

Stephen Ware
University of Kansas
Lawrence, KS

Keywords: Arbitration

Not for CLE
THURSDAY, APRIL 5

CONCURRENT EDUCATIONAL PROGRAMS, SERIES C

Three Case Re-enactments for Better Cross-Cultural Understanding: Common Asian-American Challenges in Dealing with Disputes 3:30 pm - 4:30 pm

How does a person’s race, culture, or national origin impact what you see across the table or in the courtroom? When must those things be a consideration for you, as an advocate or decision maker? When must those things not be a consideration for you? The presenters will re-enact portions of three real cases involving Asian Americans to help answer these questions. Each re-enactment will be followed by an interactive discussion of challenges reflected in the case and what advocates and decision-makers can and must take away from it.

Moderated by Joanne Chan, Asian Pacific American Bar Association of the Greater Washington, D.C. Area (APABA-DC), Washington, DC

Presenters:

Naznin Saifi
Asian Pacific American Legal Resource Center
Washington, DC

Navdeep Singh
National Asian Pacific American Bar Association
Washington, DC

Elimination of Bias CLE Credit

Keywords: Diversity, Implicit Bias

Managing & Mediating Multi-Party Cases Like a Pro! 3:30 pm - 4:30 pm

AHHH!!! What do I do with all of these people when there’s only one of me?! Mediating complex cases with multiple plaintiffs, multiple defendants, cross-complaining parties, or facilitating large groups can all feel like a 3-ring circus. Doing so effectively requires strong case management skills and tools before and throughout the mediation, and a lot from the mediator during the mediation. Working through a detailed checklist, and discussing best practices and process design, we will arm attendees with understandable tools to make these complex cases of herding cats feel more like a day of confident, smooth sailing with great results.

Presenters:

Lee Jay Berman
The Mediation Offices of Lee Jay Berman
Los Angeles, CA

Hon. Louise LaMothe
Santa Barbara, CA

Skills CLE Credit

Keywords: Mediation, Practice Development, Complex Disputes, Facilitation
THURSDAY, APRIL 5

CONCURRENT EDUCATIONAL PROGRAMS, SERIES C

Moving Beyond the Dance: Resilience in the Midst of Intractable Conflict 3:30 pm - 4:30 pm

This session will deepen participants’ understandings of experiential, neuroscience-informed ways to prevent escalation in diverse intractable conflicts. Presenters will give an overview of three recent cases from their work: designing and implementing community-based sexual assault prevention programs in New Delhi (Bhangoo-Randhawa); educating Muslim, Jewish and Druze students together in Tzfat, Israel (Efron and LeBaron); and working with Punjabi youth in Vancouver, Canada to inoculate against radicalization (LeBaron and Bhangoo-Randhawa). Participants will then be engaged in experiential mapping approaches used in the case studies. The session will conclude with a dialogue on ethical dispute system design in intractable intercultural conflicts.

Presenters:
Yael Efron
Zefat College School of Law
Shilat, Israel

Karen Bhangoo Randhawa
University of California, Berkeley
Berkeley, CA

Michelle LeBaron
University of British Columbia Allard School of Law
Vancouver, British Columbia, Canada

Skills CLE Credit

Keywords: Neuroscience, Community, Dispute Systems Design

Ombuds: The Value of an Insider-Outsider in Complex Times 3:30 pm - 4:30 pm

As the division in our country deepens, the ability of the federal government to effectively administer the programs and policies that we depend on diminishes. This, in turn, creates distrust inside and outside government, further hindering its effectiveness. In these challenging times, federal ombuds – independent insider-outsiders – are invaluable to effective government. Ombuds are uniquely situated to provide both pertinent information and assistance in resolving issues to constituents and agencies alike. Moreover, ombuds provide a place perceived as safe—offering a respectful hearing and credible options — underscoring government as accessible and responsive to the needs and concerns of a diverse array of stakeholders.

Presenters:
Scott Deyo
Deyo Ombuds Solutions, LLC
Fairfax, VA

Carole S. Houk
chiResolutions, LLC
Chapel Hill, NC

Lauren Marx, MS
chiResolutions, LLC
Washington, DC

Not for CLE

Keywords: Ombuds, Government

BREAK IN THE EXHIBIT HALL

4:30 pm – 4:45 pm
SHOWCASE PROGRAMS

Balance and Efficiency in Design: The Many Touch Points for Dispute Resolution and Procedural Justice in the Settlement of a Class Action Race Discrimination Case 4:45 pm – 5:45 pm

This program discusses an innovative claims resolution process. In the wake of Walmart, Professor Lynn Cohn faced the task of disbursing one of the largest race discrimination class action settlements in an efficient yet individualized manner. In less than one year, she disbursed claims to the 81% of class members participating. Her process included both a simple claims form with expedited disbursement and a detailed claims form and individualized interview with increased procedural justice benefits. Moderator Michael Lewis will lead a discussion among Special Master Lynn Cohn, Lead Class Counsel Linda Friedman, Mediator Linda Singer, and class representatives about the many aspects of this case including class action waivers and mandatory arbitration clauses, procedural justice, dispute resolution systems design, and the role of special master and neutrals.

Moderated by Michael Lewis, JAMS, Inc., Washington, DC

Lynn Cohn
Northwestern Pritzker School of Law
Chicago, IL

George R. McReynolds
Merrill Lynch
Nashville, TN

Linda R. Singer
JAMS
Washington, DC

Presenters:

Keywords: Dispute System Design, Complex Disputes, Procedural Justice

Re-framing Hate: Practice-Based Ideas for Dispute Resolution’s Role Regarding Hate Incidents 4:45 pm – 5:45 pm

Not-for-profits report a surge in hate incidents across the country. Dispute Resolution practitioners have the skill-set and the opportunity to support communities responding to hate as well as those developing resilience in advance of a triggering incident. Grounded by the real-world experience of panelists, this engaging conversation will illustrate how dispute resolution practitioners can support communities in the face of hate.

Frank Dukes
Institute for Environmental Negotiation, U. of Virginia
Charlottesville, VA

William Froehlich
Divided Community Project
Columbus, OH

Grande Lum
The Ohio State University Moritz College of Law
Hillsborough, CA

Becky L. Monroe
Lawyers’ Committee for Civil Rights Under Law
Washington, DC

Presenters:

Keywords: Public Policy, Community, Mediation

Not for CLE
THURSDAY, APRIL 5

AWARDS CEREMONY

Presentation of the Lawyer as Problem Solver Award, the Representation in Mediation Competition Trophy, the Section’s Chair Award, and the JAMS Warren Knight Award 6:00 pm – 6:30 pm

RECEPTION

Conference Welcome Reception in the Exhibit Hall 6:30 pm - 7:30 pm

Sponsored by NAM

DINE-AROUNDS

Conference Dine-Arounds and informal events organized by committees and leadership. 7:30 pm

The conference app will list detailed information about each dine-around. The following committees will host Thursday dine-arounds (please note each attendee pays his/her own costs for the meal):

❖ Mediation Committee
❖ Practice Development Committee
❖ Government ADR Committee

FRIDAY, APRIL 6
BREAKFAST

Continental Breakfast and Committee Networking Meetings 7:00 am – 8:15 am

The following committees will be hosting a networking meeting at breakfast tables. Look for signs on the designated tables:

❖ Arbitration
❖ Court ADR
❖ Membership
❖ Ombuds

PLENARY: NEGOTIATION IN THE GOVERNMENT PART ONE

Welcome and Introduction by Ava J. Abramowitz, ABA Section of Dispute Resolution Long Range Planning Officer

Saying It's So Does Not Make It So: The Multi-party Negotiation Behind the Repeal of Don't Ask, Don't Tell 8:30 am - 9:30 am

This panel will explore the behind the scenes multiparty negotiations that lead to the repeal of "Don't Ask, Don't Tell." It took more than a directive from the President to repeal the policy. Three members of the team that helped spearhead the Pentagon's review will reflect on the process that was created and the lessons learned for others who may need to gain wide support for change by Congress, the Executive Branch, government agencies, interest groups, and the public.

At the time the President called for the end of Don't Ask, Don't Tell, the team members focused on getting the review and assessment done. Only after the fact, did they realize that they had managed a large-scale, multi-party negotiation.

The panel will discuss how the Pentagon facilitated a consensus (mostly so) among military branches, key members of Congress, and outside interest groups. Their experience is an instructive case study of negotiations and consensus building on a "hot-button" issue of which many are aware but few know the behind the scene details of how the change was "negotiated."

Moderated by Hal Abramson, Touro Law Center and US Air Force Academy, Colorado Springs, CO

Presenters:

Jonathan L. Lee
McKinsey & Company
Washington, DC

Colonel Linell A. Letendre
US Air Force Academy
Colorado Springs, CO

The Honorable Joseph M. McDade, Jr.
Acting General Counsel, US Air Force
Washington, DC

Not for CLE

FRIDAY, APRIL 6
PLENARY: NEGOTIATION IN THE GOVERNMENT PART TWO

Introduction by Nancy Welsh, ABA Section of Dispute Resolution Immediate Past Chair

Tim Kaine, a former civil rights lawyer, is Virginia's junior U.S. Senator. He was the 2016 Democratic nominee for Vice President, former Governor of Virginia, Lieutenant Governor of Virginia, and Richmond mayor and city council member. Kaine is a member of the U.S. Senate Health, Education, Labor and Pensions, Budget, Armed Services and Foreign Relations Committees. He lives in Richmond with his wife Anne Holton, former Virginia Secretary of Education, and they have three adult children.

Presenter:

Senator Tim Kaine
US Senate
Washington, DC

Not for CLE

BREAK IN THE EXHIBIT HALL

CONCURRENT EDUCATIONAL PROGRAMS, SERIES D

Teaching Negotiations in the Military: Is that an Oxymoron?

This program considers lessons from the military integrating negotiations into its training across military branches. These new programs are encountering challenges similar to teaching negotiations to litigators. Both the officer and litigator that have been trained to win on the battlefield or in the courtroom need to adopt a different mindset and approach when switching to negotiating. Military officers when deployed in hostile regions also face challenges of limited time and deep distrust that offer negotiation lessons for others. This program will be based on the insights of several military leaders who are helping to spearhead from within the use of negotiation and the experiences of Professor Abramson who is spending this academic year as a visiting professor helping the US Air Force Academy build its negotiation program.

Presenters:

Hal Abramson
Touro Law Center and US Air Force Academy
Colorado Springs, CO

LTC Aram M. Donigian
United States Army
Colorado Springs, CO

Colonel Linell A. Letendre
US Air Force Academy
Colorado Springs, CO

Maj Elizabeth McDaniel
USAF JAG Corps
Pentagon, VA

Keywords: Negotiation, Government

Not for CLE

FRIDAY, APRIL 6
Mediating Construction Defect Claims As Catharsis – Legal And Therapeutic

Constructive Defect Claims are incredibly complex, expensive, unwieldy and exasperating types of litigation. Numerous parties, extensive documentation, numerous depositions and competing experts, along with underlying insurance coverage disputes and parallel declaratory judgment actions, cumulatively present the toughest legal and emotional challenges of the litigation process. Often these claims involve the emotional trauma of families and pets being displaced from their homes for long periods of time during long-running and contentious litigation. Clients’ anxiety levels are high.

This program addresses the alternative route of mediation as a cost-effective means to resolve these issues quicker with the mediation as catharsis –legal and therapeutic approach.

Richard Byrne, Esq.
NAM (National Arbitration and Mediation)
Garden City, NY

Carolyn Crawford
Nationwide Insurance
Columbus, OH

Hon. Peter B. Skelos, Ret’d J.S.C.
NAM (National Arbitration and Mediation)
Garden City, NY

A Package Deal: A Branding & Resume Workshop for Neutrals

Roll up your sleeves, bring two printed copies of your ADR resume and be prepared to take part in this practical and interactive workshop - a must for any neutral interested in building their ADR practice. Join Matthew Conger, Director of ADR Services for the American Arbitration Association’s D.C. regional office, and a local D.C. neutral in this highly engaging session where they will share best practices and offer an opportunity for you to personalize and get real-time feedback on your resume and/or professional website!

Matthew Conger
American Arbitration Association
Washington, DC

FRIDAY, APRIL 6

ambar.org/spring2018
CONCURRENT EDUCATIONAL PROGRAMS, SERIES D

Integrating Restorative Justice for Juvenile Crime in Local Court, School and the Community

10:30 am – 11:30 am

A small team of seasoned professionals will describe Fairfax County, Virginia’s innovative Alternative Accountability Program (AAP), which integrates the restorative justice efforts of several agencies in a very large county to better address the challenges of juvenile justice: youth risk factors for criminalization, recidivism, victim needs, and disproportionate minority contact. Augmenting the county’s agencies, AAP uses the non-profit Northern Virginia Mediation Service (NVMS) as its organizing hub for agency collaboration and the principal service provider for police referrals involving juvenile criminal offenses in the community and its public schools.

Presenters:

David T. Deal
Northern Virginia Mediation Service
Falls Church, VA

Elizabeth Jones
Fairfax County Juvenile and Domestic Relations District Court
Fairfax, VA

Pallas Washington
Fairfax County Department of Neighborhood and Community Services
Alexandria, VA

First Lt. Andrew Wehrlen
Fairfax County Police Department
Fairfax, VA

Not for CLE

Keywords: Restorative Justice, Community, Facilitation, Court ADR

Streamlining Arbitration and Promoting Settlement Through Sensible, Active Case Management

10:30 am – 11:30 am

Active case management by arbitrators can reduce the time and cost of getting to final award while enhancing party- and counsel autonomy, as well as increasing the chances of settlement. This audience-participation session will discuss specific techniques such as: (1) the arbitrator posing written questions and tentative observations for discussion at the preliminary hearing; (2) inexpensive informal discovery methods; (3) direct testimony by written statement and/or in witness-panel format; and (4) other lessons from the ABA / AAA Code of Ethics as well as the federal Manual for Complex Litigation.

Presenters:

Ingeuneal C. Gray
American Arbitration Association
Houston, TX

D. C. Toedt III
Attorney & Arbitrator
Houston, TX

Mark Heley
Heley Duncan & Melander PLLP
Edina, MN

Skills CLE Credit

Keywords: Arbitration
Mediation at the Bedside: Addressing the Complexities of End of Life Decision Making

Using role plays adopted from actual bioethical mediations, attendees will have the opportunity to explore the complexity of end of life decision making and examine some of the successful conflict resolution techniques often used in bioethics consultations. Presenters will incorporate the role of multidisciplinary bioethics committees, advance directives and the impact of the more recently legislated POLST (Practitioner Orders for Life Sustaining Treatment) forms in this process. This program will highlight the increasing role of bioethics mediations as a vehicle to balance the needs of patients, families, hospitals, health care providers, hospitals and insurers, at a time fraught with emotional conflict.

Presenters:

Ilene Albala
Department of Justice
Washington, DC

Robert E. Margulies
Margulies Wind
Jersey City, NJ

Terri Reicher, JD., LLM
Justice Marie Garibaldi ADR Inn of Court
Pompton Lakes, NJ

Handling Multi-Claim Construction Disputes: Practical Tips

Construction arbitrations often involve complex disputes with multiple parties, hundreds of change orders, and project-wide delays. If not well-managed, the hearings become too lengthy, reducing the ability of counsel and the Panel to move with alacrity and be cost-effective. Three construction practitioners/arbitrators who have experience presenting and arbitrating complex disputes will discuss the newest and best practices that resolve construction disputes in a fair manner without sacrificing content, speed or cost.

Presenters:

Neal M. Eiseman
Goetz Fitzpatrick LLP
New York, NY

Herbert H. (Hal) Gray, III
Ragsdale Beals Seigler Patterson & Gray, LLP
Atlanta, GA

Judith B. Ittig
College of Commercial Arbitrators
Washington, DC

Keywords: Mediation, Elder, Health Care, Family

Keywords: Construction, Arbitration, Complex Disputes
CONCURRENT EDUCATIONAL PROGRAMS, SERIES D

#StayWoke: Lessons from Birmingham, Implementing Critical Cultural Competency in Mediation Practice  10:30 am – 11:30 am

All eyes were watching: 1963, Birmingham, Alabama - The radical enforcement of racial segregation garnered national and international attention, bringing the brutality and inhumanity of America's racial order to the forefront of global citizens' minds. Though significant racial progress has been made throughout Alabama over the past 50 years, the influence of Jim Crow on cultural biases persist in myriad contexts. Drawing upon the experiences of two award-winning mediators in Birmingham, this presentation demonstrates how mediators become aware of and competent in managing historical and contemporary dynamics of race, gender, class and other identity constructs in mediation practice.

Presenters:
Cassandra W. Adams
Samford University, Cumberland School of Law
Birmingham, AL

Martha Reeves Cook
Martha Reeves Cook, LLC
Birmingham, AL

Not for CLE  Keywords: Public Policy, Mediation, Diversity, Social Justice

The Mediator as Village Elder  10:30 am – 11:30 am

Mediation has been practiced for many centuries in societies where people relied on elders for their wisdom and discernment. This workshop will briefly examine the mediation work of elders from traditional societies (e.g., tribal communities in Turkey, First Nations of Canada, and traditional Hawai’ian communities) and then consider the applicability of these techniques in modern mediation. The workshop will conclude with a discussion of ethical and diversity issues raised by this topic and the personal qualities that make people effective mediators.

Presenters:
G Daniel Bowling
GD Bowling Mediation
Sausalito, CA

Danielle L. Hargrove, Esq.
DLH ADR Solutions
San Antonio, TX

David A. Hoffman
Boston Law Collaborative, LLC
Boston, MA

General CLE Credit  Keywords: Mediation, Practice Development
FRIDAY, APRIL 6

CONCURRENT EDUCATIONAL PROGRAMS, SERIES D

Overcoming impasses in mediation: The potential of creativity against the constraint of time

10:30 am – 11:30 am

Why are some people able to reach agreement faster and better than others? People in conflict have a natural tendency to value their own points of view, see the fixed pie and each believing there is only one way out. Under time pressure, judgments and biases get triggered quickly. How to get out of it? Improv skills can be a powerful tool for deeper understanding, creative growth, and better outcomes. Tessa invites you to take on an experiential journey through the art and science of negotiation, using improv games and theory to develop your negotiating and dispute resolution skills.

Presenter:
Tessa Manello
Legal Creatives
Montreal, Quebec, Canada

Not for CLE
Keywords: Mediation, Skills

Ethics, Technology, and Dispute Resolution Systems Design

10:30 am – 11:30 am

With the increasing infusion of information and communication technology into virtually every form of dispute intervention process, courts and ADR programs face important ethical considerations. Should algorithms be impacting and deciding outcomes? Should software developers be gatekeepers to access to justice? How can technology foster or reduce bias? Are our ADR ethical standards sufficient to address these questions? Panelists explore ethical principles and standards for Online Dispute Resolution (ODR), ADR, and Artificial Intelligence, illustrating the challenges and the opportunities they provide for enhancing access to justice.

Presenters:
Janet Martinez
Stanford Law School
Stanford, CA

Carrie Menkel-Meadow
University of California Irvine Law School
Irvine, CA

Leah Wing
Legal Studies Program, U. of MA Amherst
Amherst, MA

Not for CLE
Keywords: Ethics, Mediation, Technology, Dispute Systems Design, Arbitration

BREAK IN THE EXHIBIT HALL

11:30 am – 11:45 am
FRIDAY, APRIL 6

CONCURRENT EDUCATIONAL PROGRAMS, SERIES E

How to Succeed in Arbitration (By Really Trying): How Good Lawyers Win Arbitrations and How Good Arbitrators Decide Them.  11:45 am - 12:45 pm

Arbitration and litigation are different processes. Advocacy techniques that are effective in court are often failures in arbitration. And arbitrators can and should approach decision-making differently than judges. This program will explore the key components of successful arbitration advocacy and decision-making.

Moderated by Hon. Curtis E. von Kann (Ret.), JAMS, Washington, DC

Presenters:

David Hensler
Hogan Lovells US LLP
Washington, DC

Vivien B. Shelanski
JAMS
New York, NY

Skills CLE Credit

Keywords: Arbitration

The Model Standards: Are They Appropriately Guiding the Practice of Mediation Today  11:45 am - 12:45 pm

The Model Standards were promulgated in 1994 and revised in 2005. Now, 13 years later, do the Model Standards continue to appropriately promote the core values of mediation? Using stimulating ethical dilemmas and real-time polling, participants in this highly interactive session will explore how 21st century developments are addressed by the Model Standards, and whether the Standards should be updated for our complex times. Areas of exploration include the impact of technology, self-determination (does it belong to parties or attorney advocates?), safety, access to justice, impartiality and conflicts of interest of repeat players, mediator styles, process issues such as the use of caucuses, and UPL.

Presenters:

Susan Nauss Exon
University of La Verne College of Law
Ontario, CA

Daniel Rainey
Holistic Solutions, Inc.
Alexandria, VA

Ethics / Professionalism CLE Credit

Keywords: Ethics, Mediation
FRIDAY, APRIL 6

CONCURRENT EDUCATIONAL PROGRAMS, SERIES E

To BS or Not To BS. Is That The Question? (Brain Storming, silly)  
11:45 am - 12:45 pm

This informative, entertaining, and interactive session will take a deep look at brainstorming and other techniques used by mediators to elicit solutions. Research shows that when people generate their own ideas for resolving conflict, they're more likely to reach lasting agreements. There have been numerous studies on effective team work, creativity in solution generation, and optimum techniques for brainstorming, all of which may help people not in conflict. But when participants are entrenched in conflict, the challenge to find solutions is even tougher. Join us to explore the history of brainstorming, other problem-solving techniques, and ADR research, and learn how they inform our choices in facilitating effective, lasting outcomes for participants.

Gretchen A. Kainz  
District Court of Maryland ADR Office  
Annapolis, MD

Jonathan S. Rosenthal  
Mediation and Conflict Resolution Office (MACRO)  
Annapolis, MD

Emmett J. Ward  
Mediation and Conflict Resolution Office (MACRO)  
Annapolis, MD

Presenters:

Skills CLE Credit  
Keywords: Mediation, Skills, Research, Communication

Mandatory Pre-Dispute Arbitration Agreements - the Pro se Litigant v. the Experienced Lawyer - Can We "Level the Playing Field?"  
11:45 am - 12:45 pm

When arbitration is required by mandatory pre-dispute agreements, consumers, employees, and other citizens sometimes represent themselves, pro se, and must interact with experienced lawyers. Many pro se litigants lack an understanding of arbitration and do not represent themselves effectively during in-person hearings. Conversely, many consumers resolve their disputes through digital computer-based methods. Can the arbitrator ensure fairness? Is digital on-line dispute resolution a means to resolve disputes more effectively with better outcomes? The panel will examine the ethical quandary that arbitrators face and consider practical solutions to potentially level the playing field for pro se litigants.

Moderated by Arthur Peabody, Jr., Arthur E. Peabody, Jr. PLLC, Alexandria, VA

David Allen Larson  
Mitchell Hamline School of Law  
Saint Paul, MN

Amy J. Schmitz  
University of Missouri Columbia School of Law  
Columbia, MO

Jean Sternlight  
UNLV Boyd School of Law  
Las Vegas, NV

Not for CLE  
Keywords: Arbitration, Pro Se, Advocacy
FRIDAY, APRIL 6

CONCURRENT EDUCATIONAL PROGRAMS, SERIES E

Democracy and Conflict Over Policy: The State, Local Participation, and People 11:45 am - 12:45 pm

All over the world, democracies face new threats as dialogue about public policy has become increasingly adversarial and positional. Moreover, people can participate in democracy face-to-face in their communities, but the local, state, and national governments can make decisions that shape what people can do about policy challenges. What can dispute resolvers do to foster democratic dialogue? What skills and capacities can we bring to bear as lawyers, facilitators, and mediators? This session will examine how law shapes and limits dialogue and levels of participation over policy, and how we can design effective processes and systems given these challenges.

Presenters:
Lisa Blomgren Amsler
Indiana University School of Public and Environmental Affairs
Bloomington, IN

Mariana H.C. Gonstead
St. Thomas School of Law
Minneapolis, MN

Jessie Lawrence
Lawrence Meeting Resources
Santa Fe, NM

Skills CLE Credit

Keywords: Public Policy

What Dispute Resolvers Need to Know About Mental Health Concerns 11:45 am - 12:45 pm

1 in 5 people have a diagnosable mental health problem each year. Are you ready for these issues when they impact your cases? Do you know what to do when a party discloses a mental health diagnosis, when one party accuses another of having one, or when you suspect a mental health issue? This workshop teaches conflict resolvers to become sensitive, accessible, and impartial toward parties with mental health needs. We also discuss lessons learned from a recent AAA-ICDR Foundation project providing mediation skills training to peer specialists living with mental illness.

Presenters:
Dan Berstein
MH Mediate
New York, NY

Maria R. Volpe
John Jay College of Criminal Justice - CUNY
New York City, NY

Not for CLE

Keywords: Disability, Mediation, Arbitration, Skills
FRIDAY, APRIL 6

CONCURRENT EDUCATIONAL PROGRAMS, SERIES E

The Use of ADR in the Federal and State Regulatory Arenas 11:45 am - 12:45 pm

In many regulatory agencies, from state to federal, ADR processes have become part of the menu of options to resolve regulatory disputes. Join Deirdre McCarthy Gallagher, Rick Miles, and Jerrilynne Purdy, co-authors of the soon to be published "The Use of ADR in the Regulatory Arena," (Michigan State University Press) to examine ADR in the regulatory arena, past and present. Explore the effectiveness of a dispute systems system approach to integrate ADR into regulatory frameworks in a manner that augments, rather than supplants, traditional processes. Reflect on lessons learned, best practices, and on what the future may hold.

Presenters:

Deirdre McCarthy Gallagher
Voices of Value, LLC
Rockville, MD

Richard Miles
Voices of Value
Catonsville, MD

Jerrilynne Purdy
Alexandria, VA

Not for CLE

What Happens When You Lose Data that You Thought Was Secret and Money that You Thought Was Secure – Mediating and Arbitrating Cybersecurity Disputes 11:45 am - 12:45 pm

As the last year has shown, protecting data from hackers has become a serious challenge. When data is stolen, there can be devastating impacts on individuals, companies and even electoral politics. As these disputes percolate into the public realm, and where legal principles affecting rights and responsibilities may be ambiguous, mediation and arbitration may be a better way to restore order. Participants in this program will learn about the emerging issues in this new field of law and the parameters of how issues are being resolved. Insurance to protect parties that might be affected by cybersecurity will be discussed. Efforts to mediate and arbitrate cybersecurity issues will be highlighted. For mediators looking for a niche practice that may blossom in the future, cybersecurity may be a fertile place to look.

Presenters:

John Bickerman
Bickerman Dispute Resolution, PLLC
Washington, DC

John Buchanan
Covington & Burling LLP
Washington, DC

Sherman Kahn
Mauriel Kapouytian Woods LLP
New York, NY

Serena K. Lee
American Arbitration Association
San Francisco, CA

Skills CLE Credit

Keywords: Government, Mediation, Arbitration
FRIDAY, APRIL 6

CONCURRENT EDUCATIONAL PROGRAMS, SERIES E

How the Preference for Third Party Decision Making and Substantive Expertise in "Major" Cases Fosters Bias in Neutral and Process Selection 11:45 am - 12:45 pm

Overconfidence and a "clash of cultures" may explain why many lawyers and litigants (before they experience a dispute resolution process) appear to favor neutrals who have substantive expertise and who use adjudicative and evaluative interventions. This workshop will explore how those pre-process preferences can clash with litigants' post-process perspectives and also can create additional barriers for qualified women and people of color who wish to serve as mediators in large complex commercial disputes. The workshop will explore what can be done in response, including public education, creation of incentives, procedural and policy changes, research, and reporting.

Presenters:

Marvin E. Johnson
JAMS/CADR
Silver Spring, MD

Nancy Welsh
Texas A&M University School of Law
Fort Worth, TX

Elimination of Bias CLE Credit
Keywords: Research, Implicit Bias, Practice Development

Prejudice in ADR: Still a Problem in These Complex Times? 11:45 am - 12:45 pm

Troubling issues concerning race, gender, disability, age, identity, and immigration and other percolating topics have recently accentuated concerns of the disadvantaged in our society. Following up on a rich discussion held among the panelists about prejudice in ADR that resulted in a symposium held in early 2017 and published papers by the SMU Law Review, this panel will capture and share key thoughts from those papers. Questions we will explore include: What, if anything, is working to address prejudice in ADR? What options do have-nots in our society have to help navigate the ADR process and avoid the consequences of prejudice?

Presenters:

Gilat Juli Bachar
Stanford Law School
Stanford, CA

Pat Chew
Univ. of Pittsburgh/ Harvard Law School
Pittsburgh, PA

Michael Z. Green
Texas A&M University School of Law
Fort Worth, TX

Andrea Kupfer Schneider
Marquette University Law School
Milwaukee, WI

Elimination of Bias CLE Credit
Keywords: Diversity, Social Justice
FRIDAY, APRIL 6

CONCURRENT EDUCATIONAL PROGRAMS, SERIES E

The Global Pound Conference Series - What We Learned, What We Know, Where We Go

11:45 am - 12:45 pm

Forty years after the first Global Pound Conference (GPC) introduced the idea of a Multi-Door Court House, the International Mediation Institute initiated the 2016-2017 Global Pound Conference Series in 29 cities, in 23 countries. Thousands participated, focusing on shaping the future of dispute resolution and providing access to justice. This series utilized real-time voting technology to allow participants to vote on 20 identical "Core Questions" for each event. The ensuing discussions and interactions in each city were as diverse as they were interesting. Join some of the organizers and panelists of the North American Series to find out what we learned, what we know and where we go.

Presenters:

Bryan J. Branon
American Arbitration Association
Seattle, WA

Kathleen Pierz
JAMS
New York, NY

General CLE Credit

Keywords: Mediation, Negotiation, Arbitration, Advocacy, International

LUNCH – ON YOUR OWN

12:45 pm – 2:15 pm

CONCURRENT EDUCATIONAL PROGRAMS, SERIES F

Neutrality and Domestic Violence in Mediation

2:15 pm - 3:15 pm

Even though there is a Domestic Violence screening process before the start of a mediation, not everyone tells the truth. In this seminar, you will learn how to read possible signs of domestic violence and how to continue the mediation while maintaining your neutrality as a mediator. You will be given tips on how to find out if there is domestic violence between the parties, how to move forward with the mediation while remaining neutral and suggestions and coping skills if you are uncomfortable with proceeding with this particular mediation.

Presenter:

Megan Cyrulewski
Megan Cyrulewski Mediation, LLC
Troy, MI

Not for CLE

Keywords: Mediation, Family
FRIDAY, APRIL 6

CONCURRENT EDUCATIONAL PROGRAMS, SERIES F

Electronic Discovery: Practical Challenges and Working Models for the Modern Day Mediator, Arbitrator and Litigator 2:15 pm - 3:15 pm

Given that over 90% of information is now stored electronically, it is nearly impossible to effectively resolve a dispute through mediation or arbitration without addressing the exchange of electronically stored information. This program will explain the basics of ESI, address the practical challenges that mediators, arbitrators and litigators face, and explore solutions to common pitfalls that otherwise inhibit the effective resolution of disputes. The course will also explore and present working e-Discovery models that focus on minimizing costs, and effectively managing the resources of the parties and counsel.

Moderated by Dean J. DiPilato, Esq., Mackenzie Hughes, LLP, Syracuse, NY

Jaya Sharma
Sharma Dispute Resolution LLC
Madison, WI

Presenters:

General CLE Credit

Does the Arbitrator Have Jurisdiction? And Who Decides the Issue? 2:15 pm - 3:15 pm

Does the arbitrator have authority to decide: his/her own jurisdiction, non-signatories' obligation to arbitrate, third party joinder, consolidation and related issues? If the arbitrator decides "yes", can the award be vacated for exceeding powers, the most common ground for vacatur? Recent court decisions reach different results on such issues. In this interactive program three experienced arbitrators will review and discuss with the audience current law on these topics and techniques for protecting an award from vacatur.

Gary L. Benton
Gary Benton Arbitration
Palo Alto, CA

Edward Lozowicki
lozowickiADR
Palo Alto, CA

Dana Welch
Welch ADR
San Francisco, CA

Presenters:

General CLE Credit

Keywords: Technology, Mediation, Arbitration

Keywords: Arbitration
FRIDAY, APRIL 6

CONCURRENT EDUCATIONAL PROGRAMS, SERIES F

Mediation Mythbusters - A Game Show Experience! 2:15 pm - 3:15 pm

Join our simulated game show where experienced attorney-advocate “contestants” from areas such as business, employment, and construction law will field questions in order to “bust the myths” surrounding mediation. Misconceptions regarding both private and court-affiliated mediation persist despite decades of increasing recognition and use of the process. Some arise from widely held, but erroneous, assumptions about the mediation process; some stem from a fundamental misunderstanding of the mediator’s role; and some result from a lack of knowledge of how the process can be adapted or customized to benefit a particular case or client. Audience participation will be encouraged.


**Presenters:**
- Cristina I. Flores
  Kerr McDonald, LLP
  Baltimore, MD
- Steve Nickelsburg
  Clifford Chance US LLP
  Washington, DC
- Nicholas Stevens
  Starr Gern Davison & Rubin, P.C.
  Roseland, NJ

Skills CLE Credit  Keywords: Mediation

What I'm Reading, 6  2:15 pm - 3:15 pm

What inspires you in your life and work? Join us for the sixth year of What I'm Reading, a panel consisting of several established ADR scholars and practitioners speaking about a recent book or article (or movie) that particularly resonated with that person, particularly in light of ADR principles and practices.

**Presenters:**
- James Alfini
  South Texas College of Law
  Houston, TX
- Rebecca Hollander-Blumoff
  Washington University
  St. Louis, MO
- Jennifer Reynolds
  University of Oregon School of Law
  Eugene, OR
- Ana Sambold, Esq.
  ADR Services, Inc.
  San Diego, CA

Not for CLE  Keywords: Legal Educators, ADR Outside the Bubble

ambar.org/spring2018
FRIDAY, APRIL 6

CONCURRENT EDUCATIONAL PROGRAMS, SERIES F

What Are You Thinking Now? 25 Years and Counting: A Roundtable Perspective
Discussion with Former Section Chairs Looking Back -- and Going Forward

In its 25 years of growth and development, the Section has undertaken numerous roles, projects and policies. This interactive ‘fireside chat’ with many of the former Section Chairs who now comprise the Distinguished Emeritus Committee of the Section will provide insight into its work, then, now and in the future. This session is also focused on interaction with all participants, and gathering input and additional perspectives as well.

Moderated by Kimberlee Kovach, Kovach Dispute Resolution, Austin, TX

Deborah Masucci
Masucci Dispute Management and Resolution Services
Brooklyn, NY

Bruce Meyerson
American Arbitration Association
Phoenix, AZ

Lawrence R. Mills
JAMS
San Francisco, CA

Not for CLE

Shifting Conflict Stories-creating and Claiming More Meaning

This session will assist ADR-Professionals to listen even more deeply to conflict stories, to recognize power-words and limiting beliefs, to liberate emotions, and to facilitate the parties’ more active participation in ADR processes. The panel, experienced mediators and coaches, will demonstrate how conflict conversations subtly evince recurring themes, reinforce unstated values, and open-up energy and space to re-envision a positive way-forward. These dialogues can be fused with increased possibilities when interrupted, challenged, or displaced by the disputant. This session provides techniques to do so. Participants will learn methods to assist parties to use their stories to deepen self-understanding and create a greater commitment to bringing their best selves to resolving their disputes.

Sam Hardy
Conflict Coaching International
Perth, WA, Australia

Dr. Cindy Mazur
FEMA
Washington, DC

Cinnie Noble
CINERGY Coaching
Toronto, Ontario, Canada

Michael West
Michael West & Associates
Pittsford, NY

Not for CLE

Keywords: Skills, Communication
FRIDAY, APRIL 6

CONCURRENT EDUCATIONAL PROGRAMS, SERIES F

Questioning Ourselves: How to Become A Mediator Who Asks "Game-Changing" Questions
2:15 pm - 3:15 pm

New research shows a direct link between asking elicitive questions and reaching settlement in mediation. This highly interactive session prepares mediators – and their trainers – to harness the power of effective questioning in mediation. Presenters will lead session participants through a series of drills, games, and mediation simulation exercises designed to demonstrate the diversity of question types, their (mis)uses, and techniques for better question construction. In addition, participants will tackle a question-framing exercise designed to promote option generation. Session participants will also be encouraged to share their own, favorite tools for teaching questioning in mediation.

Presenters:

Erin Archerd
University of Detroit Mercy School of Law
Detroit, MI

Zena Zumeta
Mediation Training & Consultation
Ann Arbor, MI

Not for CLE

Arbitration Activism: A close look at arbitration agreements in consumer finance and their effect on the minority consumer
2:15 pm - 3:15 pm

In July 2017, the Consumer Financial Protection Bureau issued a rule prohibiting certain consumer financial product and service providers from using arbitration clauses in contracts to bar the consumer from participating in any class action regarding the product or service. While the Rule itself was ultimately disapproved, the issue of the impact of arbitration, as well as class action litigation, on minority communities in particular, which have been found to be disproportionately targeted by consumer financial products and services (e.g., home mortgage loans), remains relevant and concerning. This program seeks to examine the impact of arbitration in consumer finance litigation, and, specifically, its impact on minority communities.

Moderated by Jennifer Ubiera, Esq., Greater Washington Area Chapter of the National Bar Association, Washington, DC

Presenter:

D.C. Office of Human Rights
Washington, DC

General CLE Credit

Keywords: Arbitration, Public Policy, Diversity, CFPB
FRIDAY, APRIL 6

CONCURRENT EDUCATIONAL PROGRAMS, SERIES F

FOIA and Mediation: Together at Last

2:15 pm - 3:15 pm

The year 2016 marked the 50th anniversary of the Freedom of Information Act and saw both houses of Congress unanimously pass, and the President sign into law, significant amendments that bolster the use of dispute resolution in every federal agency’s FOIA process. With 700,000+ requests annually, disputes regularly arise between the public and federal agencies. Improving communications and resolving disputes save administrative resources and avoid costly litigation. The amendments also give the Office of Government Information Services (OGIS)—the FOIA Ombudsman—additional authority and institutional independence. What led to these changes and how are they improving our original Open Government law?

Presenters:

Miriam Nisbet  
retired  
Washington, DC

Alina M. Semo  
National Archives and Records Administration  
Washington, DC

Not for CLE

Keywords: Government, Mediation

So You Want to Be a Mediator: How to Start and Develop a Practice

2:15 pm - 3:15 pm

This will be a highly interactive program where the panel will provide best practices of starting and sustaining a mediation business. This program will guide participants through the process of developing a marketing plan, creating a business plan, discuss the benefits and drawbacks of joining an ADR organization and what to expect in the first years of practice. Lead by very experienced professionals in the ADR industry. Participants will get first-hand knowledge of how to start and sustain a practice as a neutral.

Moderated by Josephine Bahn Jennison, Federal Deposit Insurance Corporation, Silver Spring, MD

Presenters:

Liz Carter  
JAMS  
New York, NY

Hon. Martin P. Welch (Ret.)  
The McCammon Group  
Baltimore, MD

Jeffrey T. Zaino  
American Arbitration Association  
New York, NY

Not for CLE

Keywords: Mediation, Practice Development

BREAK IN THE EXHIBIT HALL

3:15 pm – 3:30 pm
FRIDAY, APRIL 6

COMMUNITY AND COMMITTEE RESOURCE SHARES

Legal Educators' Resource Share 3:30 pm – 5:00 pm
This is an annual tradition for the Legal Educators and is like an in-person list serve.

Co-Facilitators

Bobbi McAdoo
Mitchell Hamline School of Law
St Paul, MN

Sharon Press
Dispute Resolution Institute Mitchell Hamline School of Law
Saint Paul, MN

Not for CLE

Keywords: Legal Educators Colloquium

Relational Committee Resource Share 3:30 pm – 5:00 pm

COMMITTEE MEETINGS

ABA Section of Dispute Resolution Committee Meetings 3:30 pm – 5:00 pm

RECEPTION

Reception & Tour for Attendees of the Legal Educators Colloquium

❖ Howard University School of Law, 2900 Van Ness St NW, Washington, DC 20008
SATURDAY, APRIL 7

COFFEE BREAK
7:30 am – 8:30 am

LEGAL EDUCATORS COLLOQUIUM
Center(s) of Attention: The Past, Present & Future of Law School Dispute Resolution Centers
8:30 am - 9:30 am

One of the most interesting developments in legal education over the last forty years has been the proliferation of academic centers, including dispute resolution centers. DR Centers have become core structures in the production of DR scholarship, teaching, and training. Yet, little is generally known about the origins, development, and current practices of these organizations. This panel brings together directors from several DR centers to explore issues such as: What factors led to the creation of the center? What has worked? What has not worked? What does the future hold as these centers become mature organizations?

Presenters:

Bob Bailey
MU School of Law
Columbia, MO

Art Hinshaw
Sandra Day O'Connor College of Law at Arizona State University
Phoenix, AZ

Lela Porter Love
Benjamin Cardozo School of Law
New York, NY

Sharon Press
Dispute Resolution Institute Mitchell Hamline School of Law
Saint Paul, MN

General CLE Credit
Keywords: Legal Educators Colloquium

Help Desk: Using Technology in the Classroom
8:30 am - 9:30 am

Do you want to try new technology in the classroom but are afraid? Join Northwestern Law professor Alyson Carrel and Noah Martin, learning engineer from Georgetown University, to explore innovative ways to incorporate technology in your courses. Come with your curricular and classroom management challenges and meet one on one with Alyson and Noah to brainstorm tech-based solutions. Technology doesn’t have to be a distraction or decrease student understanding of the subject, in fact it has the capability to greatly increase student engagement with the professor, each other, and the material if thoughtfully incorporated into the curriculum. Before or during the conference, share your challenges using the google form found here: https://tinyurl.com/ABAtechtools

Presenters:

Alyson Carrel
Northwestern Pritzker School of Law
Chicago, IL

Noah Martin
Georgetown University Designing the Future(s) Initiative
Washington, DC

Not for CLE
Keywords: Legal Educators Colloquium, Technology

COFFEE BREAK
9:30 am – 9:45 am

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SATURDAY, APRIL 7

LEGAL EDUCATORS COLLOQUIUM

Aiding Adjuncts: Supporting, Developing and Retaining Quality DR Adjunct Faculty in Tight-Budget Times 9:45 am - 11:00 am

Many, if not most, law schools rely on adjunct faculty to expand and enhance their DR programs and stretch their DR budgets. This interactive workshop explores ways to attract, develop, and retain adjunct faculty. We will examine various adjunct faculty organizational models, as well as ways to create a cohesive teaching team and faculty learning community. We will also explore opportunities and challenges of being and working with adjuncts and exchange (and imagine) methods to inspire and support excellence for our programs and professional fulfillment for our adjuncts.

Presenters:

Dana L. Curtis  
Conflict Resolution Program, Santa Clara Law 
Sausalito, CA

Melinda Gehris  
Hess Gehris Solution 
Concord, NH

Charles A. Pillsbury  
Quinnipiac University School of Law 
North Haven, CT

Richard Reuben  
University of Missouri School of Law 
Columbia, MO

Not for CLE  
Keywords: Adjuncts, Legal Educators Colloquium

Teaching Negotiation Micro-skills: New Videos and Other Options 9:45 am - 11:00 am

How to gather information effectively, before making an offer? How to make a good offer and support it well, or get past an extreme position, or deal with a stonewaller? Skills like these are crucial to good negotiation but it’s hard to teach them. We’ve created vignettes to role play these skills, as well as videos, available for downloading from the Section’s website, to show lawyers dealing with these challenges. This session will show examples of new video and other materials, then invite our expert audience to contribute their own teaching ideas and comments.

Presenters:

Marjorie Corman Aaron  
University of Cincinnati College of Law 
Cincinnati, OH

Dwight Golann  
Suffolk University Law School 
Boston, MA

Not for CLE  
Keywords: Legal Educators Colloquium, Negotiation, Skills

COFFEE BREAK 11:00 am – 11:15 am
SATURDAY, APRIL 7

LEGAL EDUCATORS COLLOQUIUM

Advancing Social Justice Through ADR

11:15 am - 12:30 pm

Black Lives Matter. ICE raids. Muslim ban. Racism. Income disparity. LGBTQ rights. What does ADR have to do with societal issues of the day? Is it merely transactional, a way to cut a deal or settle a case? In this highly interactive session, panelists ask: "How Does ADR Advance Social Justice?" How do we engage our students in thinking about ADR's relationship to social justice (SJ)? The panel will facilitate a discussion on the relationship between SJ and ADR and share pedagogy for bringing SJ into ADR courses. Participants are encouraged to contribute exercises and teaching techniques they have developed.

Deborah Thompson Eisenberg  
University of Maryland Carey School of Law  
Baltimore, MD

Carol Izumi  
UC Hastings College of the Law  
San Francisco, CA

Jonathan Scharrer  
University of Wisconsin Law School  
Madison, WI

Not for CLE  
Keywords: Legal Educators Colloquium, Social Justice, Public Policy

The Case Conundrum: Keeping Mediation Clinic Students Engaged Beyond Just Small Claims Cases

11:15 am - 12:30 pm

This session will explore the experiences of faculty who are involved with mediation clinics. The voluntary nature of most mediation programs, inconsistent case referrals, increased numbers of "competitor" volunteer mediators and declining court caseloads create a challenging environment for faculty seeking to ensure mediation opportunities for students. Historically clinics have developed relationships with small claims or family courts. With declining case numbers, what can be done to ensure that students have a valuable experience while also fulfilling the clinical hour requirements? What are some creative partnerships or new fieldwork sources that clinics can develop while still meeting the ABA requirements? Can the role of faculty in case work be re-thought to help in meeting these goals? Panelists will explore unique opportunities for students and how clinic faculty can work to enhance learning in the clinical environment. Both in-class and out-of-class experiential opportunities will be addressed. Finally, the panel will also show how the opportunities discussed can enhance experiential opportunities in doctrinal ADR courses.

Debra Berman  
South Texas College of Law Houston  
Houston, TX

Donna Erez-Navot  
Cardozo Law School - Kukin Program for Conflict Resolution  
New York, NY

Douglas Frenkel  
University of Pennsylvania Law School  
Philadelphia, PA

Toby Guerin  
Center for Dispute Resolution Maryland Carey Law  
Baltimore, MD

Not for CLE  
Keywords: Legal Educators Colloquium, Mediation, Clinical Education
SATURDAY, APRIL 7

LUNCH (TICKETED EVENT)

Legal Educators Colloquium Luncheon
You will have the option to add ticket(s) to your cart during online registration checkout.

Legal Educators Colloquium Luncheon and presentation of the Scholarly Work award.

LEGAL EDUCATORS COLLOQUIUM

ADR in the International Setting: The Howard Law School World Bank Group ADR Initiative & the Dominican Republic Human Rights Investigation

This workshop provides an interactive overview of two unique international experiential learning initiatives in ADR developed by the Howard University School of Law. One program is a collaboration between the Howard University Law School and the Internal Justice Services of the World Bank Group (the “WBG”). The other is the fact-finding mission in Haiti based on an integrated stakeholder model for human rights investigations. The development of both programs will be presented by the panelists along with input from current and past students. The workshop will explore the program development, the learning goals, and the lessons learned. Participants will learn the challenges and successes created by collaborations with international partners in the resolution of workplace disputes and human rights investigations.

Presenters:

Carmia N. Caesar
Howard University School of Law
Washington, DC

Nadine A. Chapman
World Bank Group
Washington, DC

Homer La Rue
Howard University School of Law
Washington, DC

John L Woods Jr., Esq
Howard University School of Law
Washington, DC

Not for CLE

Keywords: Legal Educators Colloquium
SATURDAY, APRIL 7

LEGAL EDUCATORS COLLOQUIUM

Toward Integrating ADR Teaching, Writing, Theory, and Practice 2:00 pm - 3:15 pm

During this highly interactive session, attendees will learn cutting-edge ideas on how to more effectively integrate ADR teaching, writing, theory and practice. The panel will explore (1) Ideas on how to more effectively integrate our own (and others’) scholarship into the classroom, especially in role play debriefs; (2) To what extent can we use role plays and other exercises that are good at integrating legal substance, theory, skills, and practice; and (3) What are some teaching ideas and experiences that inform and inspire our scholarly research, and vice versa.

Moderated by Peter Reilly, Texas A&M School of Law, Fort Worth, TX

Presenters:

Cynthia Alkon
Texas A&M University School of Law
Fort Worth, TX

Hiro N. Aragaki
Loyola Law School
Los Angeles, CA

Rishi Batra
Texas Tech University School of Law
Lubbock, TX

Noam Ebner
Creighton University
Omaha, NE

Elizabeth Tippett
University of Oregon School of Law
Eugene, OR

Not for CLE

Keywords: Legal Educators Colloquium

Are Neutrals Born or Made? 3:30 pm - 5:00 pm

Many law schools today provide experiential and clinical opportunities for students to advocate in ADR settings through FINRA Clinics, and the VIS and ABA Arbitration and Representation in Mediation Competitions. This program will examine whether there is utility in training law students to be neutrals through law faculty, student, practitioners’ lenses. Should legal education train law students to be mediators and arbitrators? Law faculty, practitioners, and former students will discuss whether neutrals are born or made!

Presenters:

Mary A. Bedikian
Michigan State University College of Law
East Lansing, MI

Samantha Duncan
American Federation of Government Employees,
AFL-CIO
Washington, DC

Bryan H. Levy
Bryan H. Levy P.C.
Farmington Hills, MI

Edward H. Pappas
Dickinson Wright PLLC
Troy, MI

Brian Pappas
Boise State University
Boise, ID

Not for CLE

Keywords: Legal Educators Colloquium
SATURDAY, APRIL 7

LEGAL EDUCATORS COLLOQUIUM

Lessons From the Stone Soup Project and Ideas for the Future 3:30 pm - 5:00 pm

This program will discuss, assess, and build on the Stone Soup Dispute Resolution Knowledge Project's inaugural year. DR faculty, students, and practitioners have collaborated in the production and dissemination of valuable qualitative data about actual dispute resolution practices. Stone Soup faculty assign students to conduct interviews about actual cases and/or conduct “focus group classes” with guest speakers. In this program, Stone Soup faculty will describe their experiences, answer questions, and brainstorm with the audience. Faculty, students, and practitioners are enjoying and benefiting from this project. Come find out how you can too. For more information: http://law.missouri.edu/drle/stone-soup/.

Presenters:

Kelly Browe-Olson
UA Little Rock Bowen School of Law
Little Rock, AR

Carolyn Wilkes Kaas
Quinnipiac University School of Law
Hamden, CT

John Lande
University of Missouri School of Law
Columbia, MO

Dr. Martha E. Simmons
Osgoode Hall Law School
Toronto, Ontario, Canada

Gemma Smyth
Faculty of Law, University of Windsor
Windsor, Ontario, Canada

Not for CLE

Keywords: Legal Educators Colloquium