80+ Educational
Programs
(includes CLE and non-CLE programs)

Multiple Networking Opportunities

Symposium on ADR in the Courts
on April 4th

Legal Educators Colloquium
on April 7th

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

The conference events on Wednesday include the Symposium on ADR in the Courts for court ADR administrators, judges, neutrals, and researchers. Attendance at the Wednesday Symposium programs is included in the full conference registration. Those who wish to only attend the Wednesday programs should purchase a one-day Wednesday conference registration. Other Wednesday events include the ABA Law School Representation in Mediation Competition Nationals and the ABA Section of Dispute Resolution Leadership and Council Meetings.

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

*Columbia 1, 2 & 5 (Terrace Level)*

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**

*Columbia 6 (Terrace Level)*

10:30 am – 10:45 am

**Integrating Online Dispute Resolution into the Courts**

*Columbia 3 & 4 (Terrace Level)*

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*
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.

**Moderated by Rebecca Price**, Director, ADR Program, United States District Court, Southern District of New York

**Maureen A. Denihan, Esq.**  
District Court of Maryland  
Annapolis, MD

**Mandy R. Sarkissian**  
Dispute Resolution Services, Virginia Judicial System  
Richmond, VA

**Nick White**  
Maryland Mediation & Conflict Resolution Office  
Annapolis, MD

**Not for CLE**  
**Keywords: Court ADR**

**LUNCH**  
*On Your Own*  
12:00 pm – 2:00 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

Presenters:

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
SYMPOSIUM ON ADR IN THE COURTS

Court ADR Case Management Systems - Overcoming the Obstacles
Columbia 11 & 12 (Terrace Level)
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

Presenters:

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

Keywords: Court ADR, Case Management

Not for CLE

BREAK
Columbia 6 (Terrace Level)
3:15 pm – 3:30 pm

Ethically Speaking, Can a Judge Really be a Mediator?
Columbia 3 & 4 (Terrace Level)
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

Keywords: Court ADR, Ethics
WEDNESDAY, APRIL 4

SYMPOSIUM ON ADR IN THE COURTS

Court ADR Resource Share 3:30 pm - 4:45 pm
_Columbia 11 & 12 (Terrace Level)_

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!

_Susan M. Yates_
Resolution Systems Institute
Chicago, IL

Facilitator:

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

_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

Thursday events include a networking breakfast, The Frank Sander Lecture with Thomas L. Friedman, and concurrent educational programs throughout the day. The Exhibit Hall will be open all day. The day will conclude with an Awards Ceremony followed by a networking reception in the Exhibit Hall sponsored by NAM. After the reception there are Dine-Arounds for conference attendees wishing to join in evening events outside of the hotel.

**BREAKFAST**

**Continental Breakfast and Committee Networking Meetings**

*Columbia 5, 6, 7, & 8 (Terrace Level)*

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 in the Columbia Ballroom:

- Ethics in ADR Committee
- Securities ADR Committee
- Public Policy and Consensus Building Committee
- Government ADR Committee
- International Committee

The Membership Committee welcomes First-time attendees in the Cardozo room.
THURSDAY, APRIL 5

THURSDAY PLENARY

The Frank Sander Lecture  
*Columbia 5, 6, 7, & 8 (Terrace Level)*  
8:30 am - 9:30 am

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

**Presentation of the D’Alemberte Raven Award to Thomas L. Friedman**

The D’Alemberte Raven Award is the highest honor given by the ABA Section of Dispute Resolution. The award recognizes outstanding service in the field of dispute resolution. The Award is named for Robert D. Raven and Talbot D’Alemberte, both of whom were ABA Presidents and Dispute Resolution Chairs who shared a commitment to fostering the American Bar Association’s leadership in the area of dispute resolution. This award honors an individual or organization who has through service, research and writing significantly contributed to the ongoing effort to resolving conflicts.

This year’s award recognizes Mr. Friedman’s writings on foreign affairs and globalization that have provoked reflection and discussion. His contributions have helped us to understand how we might navigate and respond to the evolving sources of conflict in an increasingly fast-paced interdependent world.

Thomas L. Friedman has won the Pulitzer Prize three times for his work at The New York Times. His foreign affairs column in The New York Times reports on US domestic politics and foreign policy, Middle East conflicts, international economics, environment, biodiversity and energy. His sixth book, That Used to Be Us: How American Fell Behind in the World We Invented and How We Can Come Back, co-written with Michael Mandelbaum, was released in 2011. His new book, Thank you For Being Late: An Optimist’s Guide to Thriving in the Age of Accelerations 2.0, was updated and released 2017.

**Not for CLE**

**BREAK**  
*Exhibit Hall*  
9:30 am – 10:00 am

We recommend using this long break to network, check out our exhibitors, or talk to one of our many presenters.
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

Presenters:

- **David G. Heiman**
  JAMS
  Cleveland, OH

- **Hon. Steven Rhodes (Ret.)**
  JAMS
  Detroit, MI

- **Hon. Gerald E. Rosen (Ret.)**
  JAMS
  Detroit, MI

General CLE Credit

Keywords: Mediation, Public Policy
CONCURRENT EDUCATIONAL PROGRAMS, SERIES A

When Healthcare Goes Badly: You Don't Have to Litigate to Solve the Problem 10:00 am - 11:00 am
Embassy (Terrace Level)

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

Kari L. Aasheim
Healthcare Education Insurance Company
Gainesville, FL

Randall Jenkins
President, University of Florida Healthcare Insurance Company
Gainesville, FL

Barbara I. Moidel
Walter Reed National Military Medical Center
Bethesda, MD

Chaton Timmel Turner
UPMC
Pittsburgh, PA

Not for CLE

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
Dupont (Terrace Level)

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.

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: Health Care, Mediation

Mediation, Family
CONCURRENT EDUCATIONAL PROGRAMS, SERIES A

Rethinking Mediation Advocacy: Practical Strategies Based Upon The Behavioral Sciences

Columbia 11 (Terrace Level)

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 LeHocky
Judicate West
San Francisco, CA

General CLE Credit
Keywords: Mediation, Neuroscience, Communication, Skills

Stories from the Trenches: Post Award Issues in Securities Arbitration

Columbia 10 (Terrace Level)

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

Katrina M. Boice
Katrina Boice Law
Los Angeles, CA

Gil Boyce
Kutak Rock
Washington, DC

Janet K. DeCosta
Janet K. DeCosta, P.C.
Washington, DC

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

General CLE Credit
Keywords: Securities, Arbitration
THURSDAY, APRIL 5

CONCURRENT EDUCATIONAL PROGRAMS, SERIES A

Technology Integrated Dispute Resolution: Lessons from here and abroad 10:00 am - 11:00 am
Columbia 9 (Terrace Level)

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:

- **María 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

Staying Neutral in a Biased World: The Neuroscience of Implicit Bias 10:00 am - 11:00 am
Columbia 1 & 2 (Terrace Level)

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
CONCURRENT EDUCATIONAL PROGRAMS, SERIES A

Ethical Issues in Arbitration and Med/Arb: Problems and Ethical Cures  
10:00 am - 11:00 am  
Fairchild (Terrace Level)

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.

Sponsored by CCA

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

Using ADR to Resolve Intellectual Property Disputes  
10:00 am - 11:00 am  
Gunston (Terrace Level)

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
THURSDAY, APRIL 5

CONCURRENT EDUCATIONAL PROGRAMS, SERIES A

Is Third-Party Funding the Elephant in the Room? 10:00 am - 11:00 am
Cardozo (Terrace Level)

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

Charles Agee
Westfleet Advisors
Nashville, TN

Jeanne M. Christensen
Wigdor LLP
New York, NY

Deborah Masucci
Masucci Dispute Management and Resolution Services
Brooklyn, NY

Presenters:

General CLE Credit
Keywords: Third-Party Funding, Mediation, Negotiation

Good Things Come to Those Who Ask: A Workshop to Increase Referrals 10:00 am - 11:00 am
Columbia 12 (Terrace Level)

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.

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

Anna Rappaport
Excelleration Coaching
Washington, DC

Presenters:

General CLE Credit
Keywords: Practice Development, Mediation, Arbitration
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

Keywords: Communication, Advocacy

Attention conference regulars! Take this opportunity to introduce yourself to a first-time conference attendee. You can tell who they are by their first-time attendee ribbon (or maybe that glazed look in their eyes as they try to figure out which concurrent session to attend).

And First-Time attendees! Find someone who looks like they know their way around and introduce yourself. Section of Dispute Resolution leadership and staff will be mingling to help make connections. Also, take some time to check out our exhibitors or talk to one of our many presenters.
THURSDAY, APRIL 5

CONCURRENT EDUCATIONAL PROGRAMS, SERIES B

Hybrid Processes Combining Mediation and Arbitration to Apply the Best Process to the Dispute
Fairchild (Terrace Level)

11:30 am - 12:30 pm

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.

Sponsored by CCA

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?
Columbia 11 (Terrace Level)

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 "rethink 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
CONCURRENT EDUCATIONAL PROGRAMS, SERIES B

Arbitration Update: Cases, Laws, and Regulations
Gunston (Terrace Level)
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

General CLE Credit  
Keywords: Arbitration, Law of ADR

Disability and Dispute Resolution: Best Practices and Practical Information for DR Practitioners
Columbia 4 (Terrace Level)
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

Elimination of Bias CLE Credit  
Keywords: Skills, Disability, Mediation, Diversity
CONCURRENT EDUCATIONAL PROGRAMS, SERIES B

Using Mediation and Arbitration in Healthcare

Embassy (Terrace Level)

11:30 am - 12:30 pm

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.

Presenters:

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

Columbia 9 (Terrace Level)

11:30 am - 12:30 pm

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

Presenters:

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
Columbia 10 (Terrace Level)

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

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

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

General CLE Credit
Keywords: Government, Employment, Mediation

Debunking Myths and Identifying Pitfalls in Dispute Resolution Best Practices
Columbia 12 (Terrace Level)

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

Columbia 1 & 2 (Terrace Level)

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 feed back 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

Keynotes: Mediation, Negotiation, Research

LUNCH

On Your Own

12:30 pm – 2:00 pm

EARLY AFTERNOON GATHERINGS

Committee Meetings and Facilitated Dialogues

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

❖ Mediation Committee.................................................................Columbia 4 (Terrace Level)
❖ Public Policy and Consensus Building Committee.......................Gunston (Terrace Level)
❖ Women in Dispute Resolution Committee.................................Columbia 12 (Terrace Level)

Opportunity for Reflection and Appreciation

Columbia 9 (Terrace Level)

2:00 pm – 3:00 pm

Join your fellow conference attendees to reflect on the impact and importance of the profession’s leaders we have lost this year. This is an open space for people to gather, speak if they would like, and to be together for reflection and celebration of our colleagues.
THURSDAY, APRIL 5

BREAK

Focus on ABA Section of Dispute Resolution Book Authors 3:00 pm – 3:30 pm
Exhibit Hall

We invite you to meet ABA Section of Dispute Resolution Authors who will be available at the Section Table in the Exhibit Hall to sign books and discuss recent publications from the ABA DR Section.

CONCURRENT EDUCATIONAL PROGRAMS, SERIES C

Verbal Atemi – A Technique for Creative Disruption 3:30 pm - 4:30 pm
Gunston (Terrace Level)

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
Responding to Mediator Challenges

Columbia 12 (Terrace Level)

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
CONCURRENT EDUCATIONAL PROGRAMS, SERIES C

Is There A Single Mediation Ethics for All Mediators? General, Problem-Solving, Transformative, and Narrative Approaches to Mediation Ethics in Theory and Practice
Cardozo (Terrace Level)

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?

Presenters:

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
THURSDAY, APRIL 5

**CONCURRENT EDUCATIONAL PROGRAMS, SERIES C**

**What Do Empirical Studies Actually Tell Us About the Effects of Mediator Actions?**

You Might be Surprised

*Columbia 3 (Terrace Level)*

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.

*Presenters:*

**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

Skills CLE Credit

Keywords: Research, Mediation

**Interim Relief in Domestic and International Arbitration: The Law and the Practice**

*Columbia 10 (Terrace Level)*

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.

*Presenters:*

**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
CONCURRENT EDUCATIONAL PROGRAMS, SERIES C

Using Realistic Measurements of Litigation Risk in the Settlement Process
Columbia 9 (Terrace Level)

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?
Columbia 1 & 2 (Terrace Level)

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**

<table>
<thead>
<tr>
<th>Event</th>
<th>Time</th>
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<tbody>
<tr>
<td>Three Case Re-enactments for Better Cross-Cultural Understanding: Common Asian-American Challenges in Dealing with Disputes</td>
<td>3:30 pm - 4:30 pm</td>
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<tr>
<td><em>Embassy (Terrace Level)</em></td>
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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 Carol Wong, Justice in Aging, Washington, DC**

<table>
<thead>
<tr>
<th>Presenters</th>
<th>Location</th>
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<tbody>
<tr>
<td>Naznin Saifi</td>
<td>Asian Pacific American Legal Resource Center Washington, DC</td>
</tr>
<tr>
<td>Navdeep Singh</td>
<td>National Asian Pacific American Bar Association Washington, DC</td>
</tr>
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**Elimination of Bias CLE Credit**

**Keywords: Diversity, Implicit Bias**

<table>
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<tr>
<th>Event</th>
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<tr>
<td>Managing &amp; Mediating Multi-Party Cases Like a Pro!</td>
<td>3:30 pm - 4:30 pm</td>
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<tr>
<td><em>Columbia 11 (Terrace Level)</em></td>
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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.

<table>
<thead>
<tr>
<th>Presenters</th>
<th>Location</th>
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<tbody>
<tr>
<td>Lee Jay Berman</td>
<td>The Mediation Offices of Lee Jay Berman Los Angeles, CA</td>
</tr>
<tr>
<td>Hon. Louise LaMothe</td>
<td>U.S. Dist. Ct. Central Dist. California Santa Barbara, CA</td>
</tr>
</tbody>
</table>

**Skills CLE Credit**

**Keywords: Mediation, Practice Development, Complex Disputes, Facilitation**
CONCURRENT EDUCATIONAL PROGRAMS, SERIES C

Moving Beyond the Dance: Resilience in the Midst of Intractable Conflict

3:30 pm - 4:30 pm

Dupont (Terrace Level)

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

Not for CLE

Keywords: Neuroscience, Community, Dispute Systems Design

Ombuds: The Value of an Insider-Outsider in Complex Times

3:30 pm - 4:30 pm

Fairchild (Terrace Level)

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

General CLE Credit

Keywords: Ombuds, Government
THURSDAY, APRIL 5

BREAK
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
Columbia 6 (Terrace Level)
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

Linda D. Friedman
Stowell & Friedman, Ltd.
Chicago, IL

George R. McReynolds
Merrill Lynch
Nashville, TN

Linda R. Singer
JAMS
Washington, DC

Presenters:

General CLE Credit

Keywords: Dispute System Design, Complex Disputes, Procedural Justice
THURSDAY, APRIL 5

SHOWCASE PROGRAMS

Re-framing Hate: Practice-Based Ideas for Dispute Resolution’s Role Regarding Hate Incidents
*Columbia 8 (Terrace Level)*

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.

Presenters:

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

*Not for CLE*

Keywords: Public Policy, Community, Mediation

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
*Columbia 5 & 7 (Terrace Level)*

6:00 pm – 6:30 pm

RECEPTION

Conference Welcome Reception
*Exhibit Hall, Columbia West (Terrace Level)*

6:30 pm - 7:30 pm

Sponsored by:

NAM
NATIONAL ARBITRATION AND MEDIATION®
THURSDAY, APRIL 5

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 – 8:00 am*
*Columbia 5, 6, 7, & 8 (Terrace Level)*

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

- Arbitration
- Court ADR
- Employment
- Membership
- Ombuds

**Welcome Remarks by ABA President Hilarie Bass**
*8:15 am - 8:30 am*
*Columbia 5, 6, 7, & 8 (Terrace Level)*
FRIDAY, APRIL 6

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
Columbia 5, 6, 7, & 8 (Terrace Level)

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

Jonathan L. Lee
McKinsey & Company
Washington, DC

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

Presenters:

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

Not for CLE
PLENARY: NEGOTIATION IN THE GOVERNMENT, PART TWO

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

Friday Plenary
Columbia 5, 6, 7, & 8 (Terrace Level)

9:30 am – 10:15 am

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
Exhibit Hall

10:15 am – 10:30 am
Teaching Negotiations in the Military: Is that an Oxymoron?  
Cardozo (Terrace Level)  
10:30 am – 11:30 am

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.

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

Mediating Construction Defect Claims As Catharsis – Legal And Therapeutic  
Columbia 3 (Terrace Level)  
10:30 am – 11:30 am

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
CONCURRENT EDUCATIONAL PROGRAMS, SERIES D

A Package Deal: A Branding & Resume Workshop for Neutrals  
Columbia 12 (Terrace Level)  
10:30 am – 11:30 am

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  
Presenter:  
American Arbitration Association  
Washington, DC

Integrating Restorative Justice for Juvenile Crime in Local Court, School and the Community  
Embassy (Terrace Level)  
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.

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

Keywords: Practice Development  
Not for CLE
Streamlining Arbitration and Promoting Settlement Through Sensible, Active Case Management

Gunston (Terrace Level)

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.

Ingeuneal C. Gray
American Arbitration Association
Houston, TX

Mark Heley
Heley Duncan & Melander PLLP
Edina, MN

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

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

Dupont (Terrace Level)

10:30 am – 11:30 am

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.

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
FRIDAY, APRIL 6

CONCURRENT EDUCATIONAL PROGRAMS, SERIES D

**Handling Multi-Claim Construction Disputes: Practical Tips**

*Columbia 9 (Terrace Level)*

10:30 am – 11:30 am

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.

**Sponsored by CCA**

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

**General CLE Credit**

**Keywords: Construction, Arbitration, Complex Disputes**

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**#StayWoke: Lessons from Birmingham, Implementing Critical Cultural Competency in Mediation Practice**

*Columbia 10 (Terrace Level)*

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

**Elimination of Bias CLE Credit**

**Keywords: Public Policy, Mediation, Diversity, Social Justice**
The Mediator as Village Elder
*Columbia 1 & 2 (Terrace Level)*

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 Hawaiian 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

Overcoming impasses in mediation: The potential of creativity against the constraint of time
*Columbia 11 (Terrace Level)*

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 Manuello  
  Legal Creatives  
  Montreal, Quebec, Canada

**Not for CLE**  
**Keywords:** Mediation, Skills
**FRIDAY, APRIL 6**

**CONCURRENT EDUCATIONAL PROGRAMS, SERIES D**

**Ethics, Technology, and Dispute Resolution Systems Design**  
10:30 am – 11:30 am  
*Fairchild (Terrace Level)*

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

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**BREAK**  
*Exhibit Hall*  
11:30 am – 11:45 am

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**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  
*Columbia 3 (Terrace Level)*

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
CONCURRENT EDUCATIONAL PROGRAMS, SERIES E

The Model Standards: Are They Appropriately Guiding the Practice of Mediation Today  
*Columbia 4 (Terrace Level)*  
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

To BS or Not To BS. Is That The Question? (Brain Storming, silly)  
*Gunston (Terrace Level)*  
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.

**Presenters:**  
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

**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?"

*Fairchild (Terrace Level)*

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**

**Presenters:**

- 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

**Keywords:** Arbitration, Pro Se, Advocacy

Democracy and Conflict Over Policy: The State, Local Participation, and People

*Cardozo (Terrace Level)*

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

**Keywords:** Public Policy
What Dispute Resolvers Need to Know About Mental Health Concerns

Embassy (Terrace Level)

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

The Use of ADR in the Federal and State Regulatory Arenas

Columbia 10 (Terrace Level)

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

Keywords: Government
What Happens When You Lose Data that You Thought Was Secret and Money that You Thought Was Secure – Mediating and Arbitrating Cybersecurity Disputes

Columbia 9 (Terrace Level)

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: Mediation, Arbitration
Prejudice in ADR: Still a Problem in These Complex Times?

Columbia 11 (Terrace Level)

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

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

Columbia 12 (Terrace Level)

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
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.

Megan Cyrulewski
Megan Cyrulewski Mediation, LLC
Troy, MI

Electronic Discovery: Practical Challenges and Working Models for the Modern Day Mediator, Arbitrator and Litigator

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
CONCURRENT EDUCATIONAL PROGRAMS, SERIES F

Does the Arbitrator Have Jurisdiction? And Who Decides the Issue? 2:15 pm - 3:15 pm
Columbia 4 (Terrace Level)

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

Presenters:

Dana Welch
Welch ADR
San Francisco, CA

General CLE Credit

Keywords: Arbitration

Mediation Mythbusters - A Game Show Experience! 2:15 pm - 3:15 pm
Columbia 10 (Terrace Level)

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.


Cristina I. Flores
Kerr McDonald, LLP
Baltimore, MD

Steve Nickelsburg
Clifford Chance US LLP
Washington, DC

Presenters:

Nicholas Stevens
Starr Gern Davison & Rubin, P.C.
Roseland, NJ

Skills CLE Credit

Keywords: Mediation
CONCURRENT EDUCATIONAL PROGRAMS, SERIES F

What I’m Reading, 6
Columbia 9 (Terrace Level)

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
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

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

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

Presenters:

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

2:15 pm - 3:15 pm

Fairchild (Terrace Level)

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.

Presenters:

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

Questioning Ourselves: How to Become A Mediator Who Asks "Game-Changing" Questions

2:15 pm - 3:15 pm

Columbia 1 & 2 (Terrace Level)

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  
Columbia 12 (Terrace Level)  
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:
Gloria Johnson
Gloria Johnson, Esq.
Mitchellville, MD

D.C. Office of Human Rights
Washington, DC

General CLE Credit

Keywords: Arbitration, Public Policy, Diversity, CFPB

FOIA and Mediation: Together at Last  
Cardozo (Terrace Level)  
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

General CLE Credit

Keywords: Government, Mediation
FRIDAY, APRIL 6

CONCURRENT EDUCATIONAL PROGRAMS, SERIES F

So You Want to Be a Mediator: How to Start and Develop a Practice
Gunston (Terrace Level)

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

Liz Carter
JAMS
New York, NY

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

Presenters:

Jeffrey T. Zaino
American Arbitration Association
New York, NY

Not for CLE

Keywords: Mediation, Practice Development

BREAK
Exhibit Hall

3:15 pm – 3:30 pm

COMMUNITY AND COMMITTEE RESOURCE SHARES

CANCELLED - Legal Educators’ Resource Share
Columbia 9 (Terrace Level)

3:30 pm – 5:00 pm

This program has been cancelled. Please visit the Mitchell Hamline exhibit table to share helpful resources you use in your classes, or jot them down on a flip chart during the Saturday morning breakfast. Bobbi McAdoo and Sharon Press will collate all the information after the conference and post it to the legal educators’ listserv.

Relational Committee Resource Share
Cardozo (Terrace Level)

3:30 pm – 5:00 pm

Not for CLE
FRIDAY, APRIL 6

COMMITTEE MEETINGS

ABA Section of Dispute Resolution Committee Meetings
3:30 pm – 5:00 pm
❖ Technology Committee……………………………………………Dupont (Terrace Level)

FRIDAY AFTERNOON EVENT

Living Room Conversations
3:30 pm – 5:00 pm
Columbia 1 & 2 (Terrace Level)

Dialogue in Complex Times: We have invited Living Room Conversations, an organization providing tools for the public to engage in friendly yet meaningful conversations with those with whom they may disagree, to introduce their model and lead attendees in dialogue. Living Room Conversations strives to increase understanding, reveal common ground and allow people to discuss possible solutions. When people of all walks of life connect, they can begin to bridge the divides that cause separation. Living Room Conversations co-founder, Joan Blades, will join in conversation with Section Chair, Ben Davis, to introduce the living room conversation model, which is based on a simple dialogue structure that does not require a trained facilitator. Following their conversation, the audience will engage in their own conversation. This special Friday afternoon session will provide an opportunity for attendees to reflect on their conference experience around the theme Dispute Resolution in Complex Times and discuss topics such as Power & Gender Equity, Money & Values, and American Culture.

Presenters:
Joan Blades
Living Room Conversations
Benjamin Davis
University of Toledo College of Law
Toledo, OH

Not for CLE

RECEPTION (TICKETED EVENT)

Reception & Tours for Attendees of the Legal Educators’ Colloquium
5:45 pm – 7:30 pm

Hors d’oeuvres & drinks will be served reception style. Howard Law Student Ambassadors will also conduct several ten-minute tours of the Law School, explaining the historical role of the Law School in the struggle for social justice. The tours will run from 5:45 pm until 6:20 pm. Please click here to reserve your free ticket.

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

BREAKFAST

Continental Breakfast
Columbia 1 & 2 (Terrace Level) 7:30 am – 8:30 am

Sponsored by:

Calling all legal educators! Please share any helpful resources you use in your classes by jotting them down on a flip chart during breakfast. Bobbi McAdoo and Sharon Press will collate all the information after the conference and post it to the legal educators' listserv.

LEGAL EDUCATORS’ COLLOQUIUM

Center(s) of Attention: The Past, Present & Future of Law School Dispute Resolution Centers
Columbia 3 & 4 (Terrace Level) 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
SUNDAY, APRIL 8

LEGAL EDUCATORS COLLOQUIUM

Help Desk: Using Technology in the Classroom
Columbia 6 (Terrace Level)

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
Columbia 1 & 2 (Terrace Level)

9:30 am – 9:45 am

LEGAL EDUCATORS’ COLLOQUIUM

Aiding Adjuncts: Supporting, Developing and Retaining Quality DR Adjunct Faculty in Tight-Budget Times
Columbia 3 & 4 (Terrace Level)

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
LEGAL EDUCATORS’ COLLOQUIUM

Teaching Negotiation Micro-skills: New Videos and Other Options  
9:45 am - 11:00 am  
*Columbia 6 (Terrace Level)*

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

Skills CLE Credit  
Keywords: Legal Educators Colloquium, Negotiation, Skills

COFFEE BREAK  
11:00 am – 11:15 am  
*Columbia 1 & 2 (Terrace Level)*

LEGAL EDUCATORS COLLOQUIUM

Advancing Social Justice Through ADR  
11:15 am - 12:30 pm  
*Columbia 6 (Terrace Level)*

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.

Presenters:  
Deborah Thompson Eisenberg  
University of Maryland Carey School of Law  
Baltimore, MD  
Eve Hanan  
UNLV  
Las Vegas, NV  
Jonathan Scharrer  
University of Wisconsin Law School  
Madison, WI  
Gail E. Silverstein  
University of California Hastings College of the Law  
San Francisco, CA

Not for CLE  
Keywords: Legal Educators Colloquium, Social Justice, Public Policy
LEGAL EDUCATORS’ COLLOQUIUM

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

*Columbia 3 & 4 (Terrace Level)*

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.

**Presenters:**

**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

LUNCH (TICKETED EVENT)

Legal Educators Colloquium Luncheon

*Georgetown (Concourse Level)*

Legal Educators Colloquium Luncheon and presentation of the Scholarly Work award to Professor Charles Craver. You will have the option to add ticket(s) to your cart during online registration checkout.
LEGAL EDUCATORS’ COLLOQUIUM

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

Columbia 6 (Terrace Level)

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
LEGAL EDUCATORS’ COLLOQUIUM

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

Columbia 3 & 4 (Terrace Level)

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

COFFEE BREAK

Columbia 1 & 2 (Terrace Level) 3:15 pm – 3:30 pm
LEGAL EDUCATORS’ COLLOQUIUM

Are Neutrals Born or Made?  
_Columbia 6 (Terrace Level)_

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

**Brian Pappas**  
Boise State University  
Boise, ID

**Edward H. Pappas**  
Dickinson Wright PLLC  
Troy, MI

Not for CLE

Keywords: Legal Educators Colloquium
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Lessons From the Stone Soup Project and Ideas for the Future 3:30 pm - 5:00 pm
Columbia 3 & 4 (Terrace Level)

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

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