The theme of this year’s Annual Spring Conference – *Improvise. Innovate. Inspire* – has found new meaning. The Section of Dispute Resolution has found the silver lining in “the cloud.” The 22nd Annual Spring Conference is now virtual, and will take place online for five days, from May 18 to May 22, 2020.

The Virtual Conference Platform will allow attendees to participate in educational programs and networking activities from their computers, telephones, and mobile devices. Each day will include at least four webinars, some of which will provide CLE credits, featuring esteemed experts.

Every day of the conference will have programming of interest to all dispute resolution practitioners. Each day also has a theme:

- **Monday** *Improvise, Innovate, and Inspire*
- **Tuesday** *Mediation*
- **Wednesday** *Symposium on ADR in the Courts*
- **Thursday** *Arbitration*
- **Friday** *Legal Educators’ Colloquium*

The current agenda lists all currently scheduled events and programs. The agenda will be updated as additional events are scheduled.

This real-time conference is likely to be accredited for more than 16 hours of CLE credit and can be purchased as a discounted package or as individual programs. The webinars, video releases, and program materials will be available to all conference attendees for the following year.

[https://ambar.org/drvirtual](https://ambar.org/drvirtual)

#DRVirtual
THANK YOU TO OUR SPONSORS

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AMERICAN ARBITRATION ASSOCIATION
International Centre for Dispute Resolution

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R. Wayne Thorpe
Richard Chemick

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Ana Sambold
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Joan Stearns Johnsen
Myra C. Selby
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Straus Institute for Dispute Resolution, Caruso School of Law, Pepperdine University

The Center for Negotiation and Dispute Resolution - UC Hastings College of the Law

Susan Guthrie, Learn to Mediate Online

KILOBYTE

ADR Notable

National Academy of Distinguished Neutrals

SMART CONFERENCE May 18-22, 2020

Improvise. Innovate. Inspire.
### Monday, May 18th

**Theme of the Day: Improvise, Innovate, and Inspire**

#### "Live" Programs (all times in Eastern)

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>10:00 AM</td>
<td>Virtual Conference Welcome and Orientation</td>
<td>Connect with Colleagues</td>
</tr>
<tr>
<td>11:00 AM</td>
<td>What Data Should Courts Collect and Report on ADR?</td>
<td>Webinar (non-CLE)</td>
</tr>
<tr>
<td>11:00 AM</td>
<td>The Evolution of ADR Programs in Federal Agencies</td>
<td>Webinar (CLE)</td>
</tr>
<tr>
<td>2:00 PM</td>
<td>Politics, Conflict Resolution and the Evolution of Democracy</td>
<td>Webinar (non-CLE)</td>
</tr>
<tr>
<td>2:00 PM</td>
<td>Resolving Disputes within Different Cultures and Religions</td>
<td>Webinar (non-CLE)</td>
</tr>
<tr>
<td>3:15 PM</td>
<td>Mediating the Political Divide</td>
<td>Webinar (CLE)</td>
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#### Video Release Programs

<table>
<thead>
<tr>
<th>Time</th>
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<th>Type</th>
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<tbody>
<tr>
<td>10:30 AM</td>
<td>Arbitrating Blockchain, Smart Contract and Smart Legal Contract Disputes</td>
<td>Video Release</td>
</tr>
<tr>
<td>10:30 AM</td>
<td>ODR and the Law - Outside the Courts</td>
<td>Video Release</td>
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#### Program Materials

<table>
<thead>
<tr>
<th>Time</th>
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<tbody>
<tr>
<td>5:00 PM</td>
<td>Adding Value by Addressing Matters of Impact</td>
<td>Program Materials</td>
</tr>
<tr>
<td>5:00 PM</td>
<td>ADR For A Modern Economy</td>
<td>Program Materials</td>
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</tbody>
</table>
# Tuesday, May 19th

**Theme of the Day: Mediation**

### "Live" Programs (all times in Eastern)

<table>
<thead>
<tr>
<th>Time</th>
<th>Program</th>
<th>Type</th>
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<tbody>
<tr>
<td>10:00 AM</td>
<td>Virtual Conference Tuesday Welcome and Orientation</td>
<td>Connect with Colleagues</td>
</tr>
<tr>
<td>11:00 AM</td>
<td>AAA-ICDR Foundation - Innovating Conflict Resolution</td>
<td>Webinar (non-CLE)</td>
</tr>
<tr>
<td>11:00 AM</td>
<td>Overcoming Mediation Cultural &amp; Language Barriers</td>
<td>Webinar (CLE)</td>
</tr>
<tr>
<td>2:00 PM</td>
<td>Handling Mediation Unruliness</td>
<td>Webinar (CLE)</td>
</tr>
<tr>
<td>2:00 PM</td>
<td>Command the Litigation Space: Becoming a More Effective Advocate in Mediation</td>
<td>Webinar (non-CLE)</td>
</tr>
<tr>
<td>3:15 PM</td>
<td>Appellate Mediation Innovations</td>
<td>Webinar (CLE)</td>
</tr>
<tr>
<td>3:30 PM</td>
<td>The Biography of a Mediator: Reaching toward a deeper understanding of mediation practice</td>
<td>Connect with Colleagues</td>
</tr>
<tr>
<td>4:00 PM</td>
<td>Ombuds Committee Meeting</td>
<td>Connect with Colleagues</td>
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### Video Release Programs

<table>
<thead>
<tr>
<th>Time</th>
<th>Program</th>
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<tbody>
<tr>
<td>10:30 AM</td>
<td>Decoding Ethical Design and Practice in Resolving Smart Contract &amp; Blockchain-Related Disputes</td>
<td>Video Release</td>
</tr>
<tr>
<td>10:30 AM</td>
<td>Effective Mediator Management of Strong Emotions: Facilitating Parent/Educator Collaboration in Special Education under the IDEA</td>
<td>Video Release</td>
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### Program Materials

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<th>Time</th>
<th>Program</th>
<th>Type</th>
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<tbody>
<tr>
<td>5:00 PM</td>
<td>Deconstructing Mediation: What Behavioral Analysis can teach us about Mediation</td>
<td>Program Materials</td>
</tr>
<tr>
<td>5:00 PM</td>
<td>The New Singapore Mediation Convention on Enforcement: Is it Good for Mediation?</td>
<td>Program Materials</td>
</tr>
</tbody>
</table>
# Wednesday, May 20th

**Theme of the Day: Symposium on ADR in the Courts**

## "Live" Programs (all times in Eastern)

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>10:00 AM to 10:15 AM</td>
<td>Virtual Conference Wednesday Welcome and Orientation</td>
<td>Connect with Colleagues</td>
</tr>
<tr>
<td>10:00 AM to 11:00 AM</td>
<td>Healthcare Committee Meeting</td>
<td>Connect with Colleagues</td>
</tr>
<tr>
<td>11:00 AM to 12:15 PM</td>
<td>How ODR Is Increasing Global Access to Justice</td>
<td>Webinar (CLE)</td>
</tr>
<tr>
<td>12:30 PM to 1:30 PM</td>
<td>Arbitration Committee Meeting</td>
<td>Connect with Colleagues</td>
</tr>
<tr>
<td>12:30 PM to 1:30 PM</td>
<td>Mediation Committee Meeting</td>
<td>Connect with Colleagues</td>
</tr>
<tr>
<td>2:00 PM to 3:15 PM</td>
<td>Address Unconscious Bias in the Selection of Neutrals</td>
<td>Webinar (non-CLE)</td>
</tr>
<tr>
<td>3:30 PM to 4:45 PM</td>
<td>The Jazz of Mediation - A to Z</td>
<td>Webinar (CLE)</td>
</tr>
<tr>
<td>5:00 PM to 6:15 PM</td>
<td>Live at the Section: Jazz's Lessons in Improvisation for Dispute Resolution</td>
<td>Webinar (non-CLE)</td>
</tr>
<tr>
<td>3:00 PM to 4:00 PM</td>
<td>Case Studies in Court-annexed Online Dispute Resolution (ODR)</td>
<td>Connect with Colleagues</td>
</tr>
</tbody>
</table>

## Video Release Programs

<table>
<thead>
<tr>
<th>Time</th>
<th>Program</th>
<th>Type</th>
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</thead>
<tbody>
<tr>
<td>10:30 AM</td>
<td>Moving from Neutrality to Empowerment: Equity and Justice in Dispute Resolution</td>
<td>Video Release</td>
</tr>
<tr>
<td>1:00 PM</td>
<td>Managing the Exchange of Electronically Stored Information in Mediations and Arbitrations</td>
<td>Video Release</td>
</tr>
<tr>
<td>1:00 PM</td>
<td>Overseeing Innovative Family Court Dispute Resolution Programs</td>
<td>Video Release</td>
</tr>
</tbody>
</table>

## Program Materials

<table>
<thead>
<tr>
<th>Time</th>
<th>Program</th>
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</thead>
<tbody>
<tr>
<td>1:00 PM</td>
<td>Diversity Initiatives in Court ADR</td>
</tr>
</tbody>
</table>
## Thursday, May 21st

**Theme of the Day: Arbitration**

### "Live" Programs (all times in Eastern)

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>10:00 AM to 10:15 AM</td>
<td>Virtual Conference Thursday Welcome and Orientation</td>
<td>Connect with Colleagues</td>
</tr>
<tr>
<td>11:00 AM to 12:15 PM</td>
<td>Arbitration Law Update - Focus on Tech &amp; Innovation</td>
<td>Webinar (CLE)</td>
</tr>
<tr>
<td>11:00 AM to 12:15 PM</td>
<td>How to Help Your Clients Make Good Decisions Using Litigation Interest and Risk Assessment Techniques</td>
<td>Connect with Colleagues</td>
</tr>
<tr>
<td>12:00 PM to 1:00 PM</td>
<td>Public Policy, Concensus Building, and Democracy Committee Business Meeting</td>
<td>Connect with Colleagues</td>
</tr>
<tr>
<td>2:00 PM to 3:15 PM</td>
<td>Developing an Inclusive Mindset for ADR</td>
<td>Webinar (CLE)</td>
</tr>
<tr>
<td>2:00 PM to 3:15 PM</td>
<td>Special Powers of the Arbitrator</td>
<td>Webinar (CLE)</td>
</tr>
<tr>
<td>2:00 PM to 3:15 PM</td>
<td>Side Gigs for Presence and Profitability: Podcasts, Programs and Publishing to Raise Your Profile and Line Your Pockets</td>
<td>Webinar (non-CLE)</td>
</tr>
<tr>
<td>3:00 PM to 4:00 PM</td>
<td>8 Innovative Arbitration Trends: A New Practice and Ethical Landscape</td>
<td>Connect with Colleagues</td>
</tr>
<tr>
<td>3:15 PM to 4:30 PM</td>
<td>Tips for the Arbitration Hearing</td>
<td>Webinar (CLE)</td>
</tr>
<tr>
<td>3:30 PM to 5:00 PM</td>
<td>ODR Taskforce &amp; Technology Committee Meeting</td>
<td>Connect with Colleagues</td>
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### Video Release Programs

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
<th>Type</th>
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<tbody>
<tr>
<td>1:00 PM</td>
<td>Arbitration on the Ballot: The 2020 Election and Beyond</td>
<td>Video Release</td>
</tr>
<tr>
<td>5:00 PM</td>
<td>Investment &amp; Sea Disputes in South East Asia</td>
<td>Trends &amp; Opportunities</td>
</tr>
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</table>
### "Live" Programs (all times in Eastern)

<table>
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<tr>
<th>Time</th>
<th>Program</th>
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<tbody>
<tr>
<td>10:00 AM</td>
<td>Virtual Conference Friday Welcome and Orientation</td>
<td>Colleagues</td>
</tr>
<tr>
<td>11:00 AM</td>
<td>How Mediation Skills Training Can Help Law Student Mental Health</td>
<td>Webinar (CLE)</td>
</tr>
<tr>
<td>1:00 PM</td>
<td>Legal Educators' Resource Share</td>
<td>Webinar (non-CLE)</td>
</tr>
<tr>
<td>2:00 PM</td>
<td>Can Integrating Dispute System Design Across the Law School Curriculum Foster More Innovative and Effective Lawyers?</td>
<td>Connect with Colleagues</td>
</tr>
<tr>
<td>2:00 PM</td>
<td>Technology Enhanced Mediation</td>
<td>Webinar (CLE)</td>
</tr>
<tr>
<td>3:15 PM</td>
<td>Ethics in ODR</td>
<td>Webinar (CLE)</td>
</tr>
<tr>
<td>3:30 PM</td>
<td>The Biography of a Mediator: Reaching toward a deeper understanding of mediation practice and its ongoing debates.</td>
<td>Connect with Colleagues</td>
</tr>
<tr>
<td>3:30 PM</td>
<td>Can We Do Better? Inspiring Sustainable Change Through Mediation Education</td>
<td>Webinar (non-CLE)</td>
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### Video Release Programs

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<th>Time</th>
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<tbody>
<tr>
<td>4:00 PM</td>
<td>Latin America ADR: the promising road to the future</td>
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<tr>
<td>4:00 PM</td>
<td>Virtual tools: Inspiration for addressing division in your community.</td>
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### Program Materials

<table>
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<tr>
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<tbody>
<tr>
<td>2:00 PM</td>
<td>What if it’s Criminal? Teaching Negotiation, Ethics, and Realities in Criminal Plea Bargaining</td>
</tr>
</tbody>
</table>
Accessing the Virtual Spring Conference

All content for the Virtual Spring Conference may be accessed from the virtual conference platform, a hub with easy access to all programs and conference events. Please note, CLE credit is only available for the Webinar (CLE) programs.

**Webinar (CLE)**
Presented on the BeaconLive platform that allows for tracking of attendance.

**Webinar (Non-CLE)**
Presented on a Zoom webinar platform.

**Program Materials**
Pages within the virtual conference platform with links to the materials provided by presenters for that program.

**Video Release**
Recorded video presentations will be released throughout the five days of the conference.

**Connect with Colleagues**
Scheduled and spontaneous events and gatherings. Each *Connect with Colleagues* event will appear on the virtual conference platform with a link to the event host’s Zoom or other virtual event space.

Conference registrants will be able to access the recordings of the webinars, the program materials, and the videocasts for one year after the conference.
Register for the conference at ambar.org/drvirtual

Registration costs

Dispute Resolution Member Rate: $100
ABA Member Rate: $200
Non-Member Rate: $300
Presenter Rate: $75
Special Discounted Rate: $150

(appplies to government employees, young lawyers, non-profit employees, academics, solo practitioners, members of collaborating orgs)

It is also possible to register only for the individual webinars in the conference. To do so, search for the webinar’s registration page at http://americanbar.org/cle-marketplace.

Not a member of the ABA or the Section of Dispute Resolution? Join us! Learn about membership.
CLE Information

The ABA will seek 16.25 hours of CLE credit (including 1.25 hours of Ethics and Professional Responsibility credit, 1.25 hours of Mental Illness Awareness credit, 1.25 hours of Technology credit, and 1.25 hours of Skills credit) for this program in 60-minute states and 19.5 hours of CLE credit (including 1.5 hours of Ethics and Professional Responsibility credit, 1.5 hours of Mental Illness Awareness credit, 1.5 hours of Technology credit, and 1.5 hours of Skills credit) for this program in 50-minute states.

Credit hours are estimated and are subject to each state’s approval and credit rounding rules. Please visit the program website at ambar.org/drvirtual for program CLE details or visit www.americanbar.org/mcle for general information on CLE at the ABA.

Scholarship Information

A limited number of scholarships to defray tuition expenses are available for this program. Scholarship applications must be submitted by Wednesday, May 6, 2020 at 5pm ET in order to be considered.

Click here to submit an application: https://americanbar.qualtrics.com/jfe/form/SV_bKS4cGULVKswXxX
Monday, May 18

Theme of the Day: Improvise, Innovate, and Inspire

10:00 am ET

Virtual Conference Welcome and Orientation

Section Chair Joan Stearns Johnsen and Conference planners welcome attendees and provide a live orientation to the conference and the events of the day.

10:30 am ET

Arbitrating Blockchain, Smart Contract and Smart Legal Contract Disputes

The future of contracting is here. The program will address block chains, smart contracts, and smart legal contracts from a very high, yet informative level designed to avoid technical complexity and enhance audience understanding. Specifically, the presenters will discuss what block chains (including distributed ledgers) are and how they work, their respective advantages, particularly regarding the use of smart legal contracts over conventional contract modalities, various legal issues each engenders, and the general nature of disputes that will inevitably arise. The presenters will then discuss why arbitration is ideally suited to resolve these disputes and provide pertinent considerations, and finally address drafting concerns for arbitration clauses to be used in transactions involving smart contracts and smart legal contracts.

Peter Michaelson, Michaelson ADR Chambers, LLC
Sandra Jeskie, Duane Morris

10:30 am ET

ODR and the Law - Outside the Courts

Presenters will discuss the impact of online dispute resolution technology on the practice of law beyond court processes. The presenters will: discuss new technology (AI, blockchain, etc.) and its application to the law and ADR; discuss the impact of technology on access to justice and social justice; discuss the use of technology for cross border issues such as digital identity. Attendees will be invited to explore a variety of practice and ethical issues raised by the use of technology in a broad array of venues.

Daniel Rainey, Holistic Solutions, Inc.
Larry Bridgesmith, Vanderbilt Law School
Benjamin Davis, U. of Toledo Law School
Michael Rosenblum
### Monday, May 18

**11 - 12:15 pm ET**

**What Data Should Courts Collect and Report on ADR?**

Few state court systems and federal district courts currently collect and report data regarding their use of mediation or other dispute resolution procedures. There are no standards for doing so. But change may be in the air. The National Center for State Courts (NCSC) has a workgroup developing data standards for courts and is interested in including ADR-related data elements. The NCSC and Pew Charitable Trusts have established data elements to evaluate ODR pilots. Private firms that provide courts’ case management systems have expressed willingness to incorporate ADR-related data. The presenters discuss the recommendations of the Section’s Advisory Committee on Dispute Resolution Research regarding the data elements courts should collect, the reasons for their recommendations, and their wide applicability. The presenters also seek input, reactions and suggestions from attendees.

Not for CLE Credit

Nancy Welsh, Texas A&M University School of Law  
Jennifer Shack, Resolutions System Institute  
Lin Adrian, Law Faculty, University of Copenhagen

**11:00 - 12:15 pm ET**

**The Evolution of ADR Programs in Federal Agencies**

Federal agencies have highly diverse dispute resolution programs, with some purely internal and some external-facing. Both present opportunities for private mediators to further develop them or serve as neutrals. Our panel has developed, managed and participated in ADR programs in varied settings including energy regulation, environmental, employment, and pension cases -- where the agency may be an adjudicator or a disputant. Programs include mediation, conflict management, and ombuds models. The panel will discuss the creation, management, and evaluation of their programs and lessons learned. They will describe opportunities for private neutrals to participate, the skills and experience that is needed and how to apply.

CLE Credit (Skills)

Judith Starr, Starr ADR, LLC  
David Moora, Federal Mediation and Conciliation Service  
Deborah Osborne, Athena Agreements  
Karen Dean, U.S. Patent and Trademark Office

**2:00 - 3:15 pm ET**

**Politics, Conflict Resolution and the Evolution of Democracy**

We are in the midst of a global political crisis, filled with hostility, hatred and personal attacks, and half the people won’t talk to the other half. The problem is, we haven’t figured out yet how to talk to each other about political ideas and beliefs, or discuss our disagreements in ways that might lead to learning, win/win outcomes, increased empathy, mutual understanding, and joint problem solving. How, then, do we talk to each other about difficult and dangerous issues? How do we exercise our responsibility as citizens without losing what we’ve learned as mediators, negotiators, and conflict resolvers? How do we advocate for what we believe in without becoming biased and adversarial? What is an interest-based form of political discourse? What higher order skills do we require for democracy to work? How do we design, organize and facilitate dialogues over political issues? So many questions, so few answers.

Not for CLE Credit

Kenneth Cloke, Center for Dispute Resolution
Monday, May 18

2:00 - 3:15 pm ET

**Resolving Disputes within Different Cultures and Religions**

How does mediation change when it takes place in different cultural and religious contexts? What values do the variations seem to serve? You’ll see video of mediations of civil disputes filmed in Europe, Asia, and Africa in which neutrals apply cultural and religious values. The panelists show and describe differences they see, analyzing the complex interplay of culture, religion, and individual styles in the mediation process. This session offers all mediators the opportunity to think about how their values impact their work and how they might borrow from different approaches.

- Dwight Golann, Suffolk University Law School
- Sukhsimranjit Singh, Pepperdine University
- Anne Fifer

**Not for CLE Credit**

3:15 - 4:30 pm ET

**Mediating the Political Divide**

Are you weary of the endless political divide pervading our world and nation? Would you like to mediate the political divide without falling prey to even more divisiveness? If you’ve answered “YES,” this seminar is for you. You will learn about mediation bias and triggers, mediation and legal ethics, and the psychology of political divide. This interactive presentation also includes participant analysis of pertinent hypotheticals.

- Jocelyn Torres, Attorney at Law

**CLE Credit (General)**

5:00 pm ET

**Adding Value by Addressing Matters of Impact**

Many organizations emphasize the value of data – or “the numbers” – to support and justify significant decisions. However, the value of the story behind the numbers often gets overlooked. Please join our panel of practicing ombudsmen as they share their unique working perspectives and how the ombuds role, which is often a solo job, shapes their value to their various organizations and stakeholders. Participants can practice using scenarios and learn firsthand when concepts such as confidentiality and privacy collide with the ability to self-promote and share true value. There will be ample time for attendees to have an interactive discussion, learn more about the ombudsmen community, and share tools and strategies for demonstrating impact outside of data.

**Not for CLE Credit**

- Allison Monyei Whaley, Clemson University Ombudsman
- Elizabeth Hill, University of Colorado - Boulder
- Sana Manjeshwar, Chevron
- Stephanie Villafuerte
- Tanya Hayes, LSU Ag Center - Southeast
ADR For A Modern Economy

With enormous uncertainty surrounding the current international commercial climate at least one economic constant remains: conflict. Through diplomacy, arbitration, mediation, hybrids, and otherwise, dispute resolution offers international efficiencies, prevention, innovation, management, expertise and access to justice uniquely suited to resolve economic volatility, historically, which continues to permeate the modern commercial economy today. A robust global dispute resolution framework originating from foundational treaties negotiated through diplomacy, extend to contract, settle through mediation, or are awarded in arbitration and enforced in national courts. Principles of sovereignty, self-determination, party autonomy, custom, industry expertise, confidentiality, fundamental fairness, due process, finality, comity, and reciprocity, among others, provide an unparalleled international rule of law which allows the world’s economy to function even when much uncertainty may remain. Join these international dignitaries who embody "innovation, improvisation, inspiration" of global proportions for this program.

Bryan Branon, Branon's ADR
David Huebner, Huebner Arbitration
Nannette Brown, U.S. District Court for the Eastern District of Louisiana
Giuseppe De Palo, United Nations
Nancy Thevenin, Thevenin Arbitration and ADR
Tuesday, May 19

Theme of the Day: Mediation

Virtual Conference Tuesday Welcome and Orientation

Section Chair Joan Stearns Johnsen and Conference planners welcome attendees and provide a live orientation to the conference.

10:30 am ET

Decoding Ethical Design and Practice in Resolving Smart Contract & Blockchain-Related Disputes

Smart contracts built in the blockchain are transforming online transactions, but questions have been raised about their reliability and enforceability. This program considers the practical and ethical challenges that blockchain-based smart contracts represent for traditional dispute resolution professionals seeking to respond to the disputes that these contracts generate, such as those involving the computer code on which they are based, their distributed form, and their legal status. The session also considers several smart contract dispute case studies and a number of systems that have been created to resolve these types of disputes, including online arbitration, AI-powered solutions, and crowd-sourced innovations.

Not for CLE Credit

Becky Jacobs, University of Tennessee College of Law
Angie Raymond
Amy Schmitz, University of Missouri School of Law
Erin Archerd, University of Detroit Mercy Law
Colin Rule, Tyler Technologies
Marcia Narine Weldon, University of Miami School of Law

10:30 am ET

Effective Mediator Management of Strong Emotions: Facilitating Parent/Educator Collaboration in Special Education under the IDEA

This program engages participants in case studies applying strategies to build trust and rapport between parents and school districts, manage strong emotions, and create Individual Education Programs (IEPs) that objectively meet the needs of children with disabilities. Although presented in the context of parent/educator conflict, the strategies utilized in managing strong emotions comes from the book, "Beyond Reason, Using Emotions as you Negotiate," by Roger Fisher and Daniel Shapiro. The five core concerns presented by the authors provide an excellent framework from which to diagnose and effectively address strong negative emotions in any conflict, and this function is essential to a mediator’s ability to establish trust and rapport with disputants. Therefore, this program may appeal to anyone interested in increasing their skills associated with managing strong negative emotions regardless of the types of conflicts involved.

Not for CLE Credit

Richard Peterson, USC Gould School of Law; USC Gould Center for Dispute Resolution
Richard Erhard
Tuesday, May 19

11:00 - 12:15 pm ET

AAA-ICDR Foundation - Innovating Conflict Resolution

The American Arbitration Association (AAA) and its international division, the International Centre for Dispute Resolution (ICDR), announced the establishment of the AAA-ICDR Foundation in May 2015. The Foundation has awarded more than $1.6 million since inception. Hear from some of the Foundation's grantees and learn about what the Foundation looks for in its proposal review and how to submit a competitive request for funding. This program is sponsored by the American Arbitration Association, a diamond sponsor of the 2020 Spring Conference.

Tracey Frisch, AAA-ICDR Foundation
Lou Furman, Community Mediation Services
Susan Yates, AAA-ICDR Foundation
Bruce Meyerson, AAA-ICDR Foundation

11:00 - 12:15 pm ET

Overcoming Mediation Cultural & Language Barriers

Presenters, neutrals experienced in conducting mediations among parties and counsel representing different cultures and speaking different languages, address communication challenges of multi-cultural and multi-lingual mediations. Presenters provide attendees a deeper understanding of how managing these challenges -- some of which are not always evident at first glance -- can dramatically impact the success or failure of the mediation process. Attendees gain awareness of the relative strengths and weaknesses of different tools mediators, parties, and counsel utilize when faced with cultural and language barriers -- such as employing professional interpreters, using bilingual counsel or mediators (or both), or relying on bilingual family members -- and the dangers that can befall mediation participants if these barriers are not adequately appreciated or addressed. Presenters share first-hand experiences with various techniques and challenge the audience to maintain language awareness and innovate to ensure success in an increasingly multi-cultural and multi-lingual world.

CLE Credit (General)
Doug Witten, Innovative ADR International LLC
Ana Sambold, Sambold Law & ADR Services

2:00 - 3:15 pm ET

Handling Mediation Unruliness

How does the mediator deal with the obstreperous party, lawyer, or family member who threatens violence or exhibits uncontrollable anger? The presentation commences by showing previously videotaped mediation sessions conducted by experienced mediators designed to illustrate situations where one or more of the participants is being obstreperous, unprepared, or feckless and appears to be more interested in "making noise," not a resolution. Presenters discuss how to assist parties and mediators in navigating difficult issues (and personalities) that often are seen as barriers to a successful mediation.

CLE Credit (General)
Douglas Godshall, Douglas N Godshall ADR LLC
Catherine Geyer, The Ohio Supreme Court
Matt Mennes, Cuyahoga County OH Court of Common Pleas
Peggy Jones, Thrasher, Dinsmore & Dolan
Tuesday, May 19

2:00 - 3:15 pm ET

Command the Litigation Space: Becoming a More Effective Advocate in Mediation

Not only can dispute resolution be a powerful tool to improve your client’s individual situation, it can be an effective tool to strengthen your client’s enterprise. By expanding the concept of winning, lawyers and advocates can leverage joint problem-solving to deliver better outcomes for their clients. This session will prepare lawyers and advocates to achieve more successful outcomes in mediation of a range of conflicts. Seasoned experts will share what to expect during mediation, what skills are necessary to be the most effective advocate, how to prepare (including how to prepare participants on your team), what to do – and what not to do – during mediation, how to make best use of joint and separate sessions, how to engage with the mediator between sessions, and other important distinctions between litigation and mediation.

CLE Credit (Skills)

Kimberly Mlinaz, United States Air Force
Michael Wolf

3:15 - 4:30 pm ET

Appellate Mediation Innovations

The growing appellate docket and desire to provide parties with greater access to justice have sparked renewed interest in the formation and usage of appellate mediation programs. Presenters will explore strategies utilized by appellate mediators when previous litigation or mediation on the administrative or trial court level have been ineffective in resolving disputes. Participants will also learn how to prepare for effective mediation sessions from both the counsel and neutral perspectives. In addition, presenters will explore the creation and management of appellate mediation programs addressing considerations such as selection of neutrals, training of neutrals and counsel, case screening criteria and considerations, and the expansion of appellate mediation programs to enhance pro bono opportunities and access to justice.

CLE Credit (General)

Jennifer Gartlan, District of Columbia Court of Appeals
Vikram Chandhok
Dean Leslie

3:30 – 4:30 pm

The Biography of a Mediator: Reaching toward a deeper understanding of mediation practice and its ongoing debates.

Mediation as a professional endeavor remains remarkable in the diversity of personality and practice welcomed within its big tent. Social justice warriors seeking to right society's wrongs, mental health professionals enticed by the prospect of more therapeutic outcomes, and deal-makers drawn to juggling complementary trade-offs, all find a place at the mediation table. Unsurprisingly, this heterogeneity has resulted in a sometimes confusing array of understandings regarding mediation's primary goals and methods. In mediation, individual biography plays a particularly powerful role in shaping practice, given the paucity of external regulation or constraint. The presenters in this panel discuss a text-in-progress, which features auto-biographies authored by 15 prominent dispute resolvers. Panelist and book contributor Ellen Waldman will discuss her investigations into the "psychobiography of mediation's" justice debate.

Not for CLE Credit

Ellen Waldman, Quinnipiac School of Law
Lucy Moore
Howard Gadlin, Former OMBUDS at NIH
Tuesday, May 19

4:00 - 5:00 pm ET

Ombuds Committee Meeting

5:00 pm ET

Deconstructing Mediation: What Behavioral Analysis can teach us about Mediation

Program Materials

Since 1978, when "The Behavior of Successful Negotiators" by Neil Rackham and John Carlisle was published, Behavioral Analysis (BA) has been used to bring science to Negotiation and Sales. With the 2017 publishing of the Section's Research Task Force findings that "none of the categories of mediator actions has clear, uniform effects across the studies on any of the three sets of mediation outcomes," we asked, Could BA bring science to Mediation? For the last two years we have been working to answer that question. Come hear what we have found out -- so far.

Ava Abramowitz, George Washington Law School
Neil Rackham, Double View, LLC
Ken Webb, Ken Webb Consulting, LLC

The New Singapore Mediation Convention on Enforcement: Is it Good for Mediation?

Program Materials

This program considers the strengths and risks posed by the new Singapore Mediation Convention on enforcing mediated settlement agreements. The panelists were "in the room when it happened." They were all delegates at the UN meetings when the convention was drafted. Each panelist also contributed to the SINGAPORE MEDIATION CONVENTION REFERENCE BOOK that delves deeply into the convention and why key choices were made. Some of the provisions have triggered fears by members of the mediation community who question whether the Convention will be good for mediation. This program will probe the first international treaty to support private mediation and that will put mediation on an even playing field with arbitration and the New York Convention on enforcing arbitral awards.

Hal Abramson, Touro Law Center
Ellen Deason, Ohio State Univ Law School
Michel Kallipetis
Allan Stitt, CEO, ADR Chambers, Toronto
Wednesday, May 20

Theme of the Day: Symposium on ADR in the Courts

10:00 am ET

Virtual Conference Wednesday Welcome and Orientation

Conference planners welcome attendees and provide a live update about conference events and activities for the day.

Not for CLE Credit

10:00 - 11:00 am ET

Healthcare Committee Meeting

Not for CLE Credit

10:30 am ET

Moving from Neutrality to Empowerment: Equity and Justice in Dispute Resolution

This session will suggest a cognitive re-framing for approaching dispute resolution by focusing on not only neutrality, but also aspirations toward justice and equity through an awareness of existing psychological, interpersonal, and structural barriers across identity. Through a research-based exploration of topics such as racial anxiety, implicit bias, structural inequity, and critical legal studies, this session will suggest considerations and opportunities for valuing not only the perception of neutrality in dispute resolution, but the empowerment of all parties involved. Practical strategies for increasing empowerment through analysis of identity and power distribution will equip participants to build upon their existing skill sets and add additional tools that value diversity and inclusion to their repertoire.

Not for CLE Credit

Lena Tenney, Kirwan Institute for the Study of Race & Ethnicity Race & Cognition Program

11:00 - 12:15 pm ET

How ODR Is Increasing Global Access to Justice

Join us as we explore how courts and private providers around the world have expanded access to justice by using cutting edge technology. We will address topics that include which court systems already have adopted online dispute resolution (ODR). What do those platforms look like and how do they operate? Do we have any empirical evidence regarding how they are operating? We also will invite your comments and observations.

CLE Credit (General)

David Larson, Mitchell Hamline School of Law
Mirèze Philippe, ICC International Court of Arbitration
Linda Fitz-Alan, Abu Dhabi Global Market Courts
Michael Fang, Nanchang University
Thomas Pettersen, Computas AS
### Wednesday, May 20

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
<th>Panelists</th>
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<tr>
<td>12:30 - 1:30 pm ET</td>
<td>Arbitration Committee Meeting</td>
<td>Connect with Colleagues</td>
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<tr>
<td>12:30 - 1:30 pm ET</td>
<td>Mediation Committee Meeting</td>
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<td>1:00 pm ET</td>
<td>Managing the Exchange of Electronically Stored Information in Mediations and Arbitrations</td>
<td>Dispute resolution in today's world faces perhaps no greater challenge than managing the exchange of Electronically Stored Information (ESI) in a cost-effective manner. Apart from providing participants with an understanding of the basics of ESI, vignettes will be used to help demonstrate and brainstorm successful E-Discovery strategies in mediations and arbitrations. A discussion of the burgeoning field of Technology Assisted Review will also be presented and discussed, particularly in light of the many benefits of TAR in managing discovery costs in matters where there are thousands (or tens of thousands) of electronic documents that may be relevant to the matter in dispute. Finally, we will also cover the use of e-Neutrals, i.e. neutrals that are engaged to assist litigants through discovery in court filed matters.</td>
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<td>Dean DiPilato, Mackenzie Hughes LLP, Sherman Kahn, Mauriel Kapouytian Woods LLP</td>
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<td>1:00 pm ET</td>
<td>Overseeing Innovative Family Court Dispute Resolution Programs</td>
<td>As family systems change and the number of self-represented litigants increase, so too must the family court dispute resolution processes evolve. Today's family courts provide myriad dispute resolution options such as mediation, neutral evaluation, arbitration, conciliation, negotiation, parenting coordination, and collaborative law. This session will explore ways to provide meaningful dispute resolution options in family courts that meet the needs of litigants and focus on the best interests of the children and families served by courts.</td>
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<td>Catherine Geyer, The Ohio Supreme Court, Dick Altman, Court of Common Pleas, Serpil Ergun, Cuyahoga County Court of Common Pleas</td>
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All times in Eastern Daylight
Wednesday, May 20

1:00 pm ET

**Diversity Initiatives in Court ADR**

This workshop discusses ways that Court ADR Programs can increase diversity on their roster of neutrals. The discussion will attempt to define the meaning of diversity in the context of court ADR, discuss why it matters, and then offer several examples of existing initiatives to increase diversity among court neutrals. The workshop will also ask participants for information about their own initiatives and facilitate a brainstorming session among attendees for ways that our Court ADR Community and Committee can collaborate to move the needle of diversity.

Not for CLE Credit

Robyn Weinstein, Eastern District of New York
Jeannie Adams, DC Superior Court
Sara Budish, Harvard Negotiation & Mediation Clinical Program

2:00 - 3:15 pm ET

**Address Unconscious Bias in the Selection of Neutrals**

If there is only one person of color or woman in the final slate of neutrals for the selection of an arbitrator or mediator, there's statistically no chance that a person of color or woman will be selected. That is the conclusion of the empirical data. This proposition has been empirically proven in the law-firm-hiring setting in biglaw in the Mansfield Rule. The Rooney Rule, in the NFL, demonstrates that when persons of color are in the final selection pool for head coaching positions and top management positions, there is significantly greater likelihood that persons of color will be seen as qualified and will be selected. This workshop will demonstrate how a version of the “Mansfield Rule” and the “Rooney Rule,” designed to address unconscious bias in law firms and in NFL hiring decisions, can be applied successfully to the selection of neutrals in arbitration and mediation who are persons of color and women.

Not for CLE Credit

Homer La Rue, La Rue Dispute Resolution Svcs.; Howard Univ. School of Law
Alan Symonette, Symonette ADR Services, Inc.
Allison Gambill, Brownstein Hyatt Farber Schreck, LLP
Cyrus Mehri

3:00 - 4:00 pm ET

**Case Studies in Court-annexed Online Dispute Resolution (ODR)**

Some courts are adding Online Dispute Resolution (ODR) as a new layer on existing processes and having limited success, while other courts are realizing significant benefits by using ODR as an opportunity to complete rethink processes. ODR is becoming the court process, not an alternative path. How do lawyers, neutrals, advocates and the public fit into this new paradigm? While ODR is no longer a radical concept, upending established processes may be. This interactive session explores case studies in court ODR from across the US: essential preparations, hard lessons, process innovations, and very encouraging outcomes.

Not for CLE Credit

Paul Embley, National Center for State Courts
Danielle Hirsch
Deno Himonas, Utah Supreme Court
### Wednesday, May 20

#### 3:30 - 4:45 pm ET

**The Jazz of Mediation - A to Z**

Innovation, improvisation and inspiration are part of every successful mediation. Participants cannot rely on textbook formulas, as every mediation is unique. The methods on any given day have to be tailored to the facts, circumstances and personalities on hand. The panelists and moderator include mediators and counsel who will share their views on the pros and cons of different techniques, with the audience participating. The program outline starts with pre-mediation issues, then moves to the mediation session itself, followed by discussion of mediator styles, med-arb and other hybrids, negotiating tips on opening offers/demand, anchoring, conditional offers, mediator proposals, strategies to break impasse, baseball arbitration, and Medaloa. It will end with how to select a mediator, balancing process skills and expertise. The panelists will emphasize the role that innovation and improvisation play in inspiring success.

**CLE Credit (General)**

Philip Cottone, Mediator and Arbitrator
Dana Gloor, Miles & Stockbridge
Jeff Abrams, Abrams Mediation and Arbitration, Inc.

#### 5:00 - 6:15 pm ET

**Live at the Section: Jazz's Lessons in Improvisation for Dispute Resolution**

In this program, we're gonna jam. This highly interactive session will incorporate a live jazz performance from dispute resolution neutrals and professional musicians to discuss how improvisation can improve the practice of mediation and facilitation, to demonstrate techniques to use for improvisation, and to assess when improvisation is worth implementing. Attendees will learn theory and science behind improvisation, observe examples of improvisation at work in dispute resolution, and practice newly acquired tricks and skills. They will leave the session with immediately usable tools for their work, along with a melody or two humming in their head and heart. Be prepared to move, to think, and to step outside of your comfort zones as you experiment with new tricks for your dispute resolution bag.

**Not for CLE Credit**

Larry Schooler, CD&P
Kory Cook
Thursday, May 21

Theme of the Day: Arbitration

Virtual Conference Thursday Welcome and Orientation

Conference planners welcome attendees and provide a live update about conference programs and activities.

11:00 - 12:15 pm ET

Arbitration Law Update - Focus on Tech & Innovation

This program discusses cutting-edge developments in arbitration case law, legislation, and regulatory law from across the country. The presenters pay particular attention to recent legal issues arising from advances in technology and innovation.

CLE Credit (General)

Kristen Blankley, University of Nebraska College of Law
Maureen Weston
Ronald Aronovsky, Southwestern Law School
James Madison

11:00 - 12:15 ET

How to Help Your Clients Make Good Decisions Using Litigation Interest and Risk Assessment Techniques

Lawyers and neutrals help clients make decisions in litigated cases by doing “litigation interest and risk assessments” (LIRA). Practitioners often struggle with this important task for many reasons. As a result, clients often don’t make as good decisions as they should in litigation, negotiation, or mediation. Based on their new ABA book, the presenters will discuss why it is important to do LIRAs, problems that lawyers and neutrals have doing them, factors that should be included in good LIRA analyses, and how good LIRA procedures can help lawyers and neutrals in their work. This program will be interactive, inviting participants to share their experiences, techniques, and ideas.

Not for CLE Credit

John Lande
Michaela Keet
Heather Heavin

12:00 – 1:00 pm ET

Public Policy, Consensus Building, and Democracy Business Meeting

Not for CLE Credit
Thursday, May 21

1:00 pm ET

Video Release

Arbitration on the Ballot: The 2020 Election and Beyond

Arbitration is on the ballot in 2020. Not only has "mandatory" arbitration become a campaign talking point, but -- perhaps unlike any previous president -- President Trump himself understands arbitration. His support of arbitration is well-documented, and springs from his decades in the real estate and construction industries, where private resolution of conflict is commonly baked into form contracts. He has an equally well-documented distaste for litigation of disputes through public courts. President Trump's comfort with arbitration serves as the backdrop to dramatic efforts to expand the use of private dispute resolution. From confidential arbitration agreements with his campaign staffers and White House employees, to his agreement to arbitration with Stormy Daniels, to efforts to expand U.S. Supreme Court precedent banning class actions, the administration has taken steps to advance arbitration as a legal norm. Meanwhile, Democratic candidates have put forth proposals to curtail the use of arbitration in various employment and consumer contexts. As we approach the 2020 elections, this panel will highlight the candidates' arbitration policies and analyze proposals for reform.

Not for CLE Credit

Brian Farkas, Cardozo School of Law
Stephen Ware, University of Kansas School of Law
Maureen Weston, Pepperdine University Caruso School of Law

2:00 - 3:15 pm ET

Developing an Inclusive Mindset for ADR

Change the landscape of dispute resolution diversity. Innovative tools like the Arbitral Women Diversity Toolkit are designed to help people see how unconscious bias operates; learn techniques to overcome it. Make the business case to others that empirical evidence supports dispute resolution diversity. Examine some statistics and what is holding us back. Transform awareness campaign to action plan. Challenge ingrained habits. Participate in brainstorming groups and uncover and confront your own bias. Leave this panel with the following: set specific objective fair expectations for choosing dispute resolution professionals; ideas for adapting tools personal and professional habits to challenge traditional ideas and encourage openness to new viewpoints; mechanisms to slow down decision-making to engage the reflective, calculating, logical side of the brain; and ways to empower those who are included as well as those who are inclusive. Be ready for a diversity self-assessment and leave with marching orders to keep a diversity journal.

CLE Credit (General)

Linda Gerstel, Gerstel ADR PLLC
Rekha Rangachari, New York International Arbitration Center
Jeffrey Zaino, American Arbitration Association
Louise Barrington, Arbitral Women
Rebecca Mosquera, Akerman LLP
Thursday, May 21

2:00 - 3:15 pm ET  |  Special Powers of the Arbitrator
Webinar (CLE)

Arbitrators can and often do provide for damages in their awards. But what other remedies are within the arbitrator’s authority? And what limits apply? In this interactive program a panel of experienced arbitrators will discuss with the audience topics such as: injunctions, declaratory relief, and specific performance; reservation of jurisdiction to enforce such remedies; sanctions, attorney fees and punitive damages; and emergency relief such as escrows, receivers, security deposits, and Mareva injunctions. The program will cover the law and best practices for arbitrators in utilizing these remedies.

CLE Credit (General)
Edward Lozowicki, Lozowicki ADR
Gary Benton
Tyrone Holt, The Holt Group LLC
Deborah Mastin, Law Office of Deborah Mastin PLLC

2:00 - 3:15 pm ET  |  Side Gigs for Presence and Profitability: Podcasts, Programs and Publishing to Raise Your Profile and Line Your Pockets
Webinar (non-CLE)

In today’s technologically advanced world, dispute resolution practitioners have a number of tremendously powerful tools available to help them to grow their practice beyond the traditional networking and advertising options. Online resources are easily and affordably available to assist professionals in establishing their expertise and expanding their reach while also creating evergreen sources of passive income. The panel will discuss the many benefits of producing podcasts, creating downloadable teaching programs, and publishing content and will educate attendees on the myriad online resources and programs that can help them do it all. The panelists have each successfully incorporated these technologies and innovations into their own practices, and in this program they share their insider knowledge to help dispute resolution professionals find easy and affordable ways to distinguish themselves and take their practice to the next level.

Not for CLE Credit
Susan Guthrie, Divorce in a Better Way, Inc.
Gabrielle Hartley, Better Apart Coaching and Mediation
Laura Wasser, Laura A. Wasser, Esq. / It’s Over Easy
Thursday, May 21, 2020

3:00 – 4:00 pm ET  
**8 Innovative Arbitration Trends: A New Practice and Ethical Landscape**

A diverse group of arbitration practitioners, academics, and professionals will explore how ethical considerations should be first considerations in innovating in the commercial ADR field. Discussion surrounds eight questions designed to identify emerging practice principles. Participants may contribute their suggestions in the session via chat. The eight trends: (1) Industry growth and decline; (2) Managing complexity; (3) Process, in the form of continuances, discovery, depositions; (4) Technology, including AI, predictive technology, legal analytics, e-discovery, contract due diligence, legal research, regulating analytics, implicit bias, SEC guidance on blockchain and cryptocurrency; (5) Security (cyber security, BCPs, privacy compliance under regimes like GDPR); (6) Diversity and Inclusion; (7) Supporting dispute resolution education; and (8) organizational learning.

Not for CLE Credit  
Rebecca Storrow, American Arbitration Association  
Ava Borrasso  
Francis Sexton, F.X. Sexton, P.A.  
Julee Milham, Julee Milham Attorney at Law  
Steven Platau, John H. Sykes College of Business - The University of Tampa  
Luis Martinez, American Arbitration Association / International Centre for Dispute Resolution

3:15 – 4:30 pm ET  
**Tips for the Arbitration Hearing**

Stop thinking about your arbitration hearing as just another version of a trial. This program will provide practical tips for making the hearing better than a trial. Why have experts on the same subject testify days or even weeks apart when they can testify simultaneously? Why have witnesses testify for hours about things the arbitrator(s) already know from reading their affidavits or reports? Is there any reason why claimant should put on its entire case before respondents present witnesses? Come listen to practical ways arbitration hearings can be made more efficient and economical than court trials and share your experiences about what has worked - and not worked - in your cases.

CLE Credit (General)  
David Tenner, Ridley, McGreevy & Winocur, P.C.  
Conna Weiner, JAMS  
D. C. Toedt

3:30 – 5:00 pm ET  
**ODR Taskforce & Technology Committee Meeting**

Connect with Colleagues

Not for CLE Credit
Thursday, May 21

5:00 pm ET

Video Release

**Investment & Sea Disputes in South East Asia | Trends & Opportunities**

This program aims to update the audience of the latest developments in South East Asia on Investment disputes and method to prevent and amicably settle between investors and governments and government to government.

Not for CLE Credit

Tuan Phung, VCI Legal
Friday, May 22

*Theme of the Day: Legal Educators' Colloquium*

**Virtual Conference Friday Welcome and Orientation**

Conference planners welcome attendees and provide a live orientation to the conference and the events of the day.

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**11:00 - 12:15 pm ET**

**How Mediation Skills Training Can Help Law Student Mental Health**

Panelists present a timely, new paradigm -- mediation training and mindfulness instruction of law students to effectively address the serious mental health problems within the legal profession, as documented in the ABA’s 2016 landmark study. The panelists discuss: (1) empirical evidence of, and conceptual as well as neuroscience support for, the connection between mental health and mediation and mindfulness training; (2) new empirical research that shows the benefits to law students and lawyers of mediation and mindfulness training and practice, from enhanced well-being to increased professionalism, marketability, client satisfaction, and the potential for reduced bias; and (3) reframing mediation training as an innovative and effective way to satisfy key recommendations of the ABA Task Force on Lawyer Well-Being -- that law schools create well-being education and that all stakeholders create institutional features that "cultivate lawyers' personal resources to boost resilience."

**CLE Credit (Mental Illness Awareness)**

Teresa Frisbie, Loyola University Chicago School of Law
Deborah Malizia, Law Office of Deborah A. Malizia
Jessica Jameson, Department of Communication, North Carolina State University

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**1:00 - 2:30 pm ET**

**Legal Educators' Resource Share**

In this highly interactive session, participants share resources and teaching ideas that they used in their dispute resolution courses during the prior year. The facilitator of this session compiles the information shared and posts it to the Legal Educators' ListServe and Indisputably.

**Not for CLE Credit**

Sharon Press, Mitchell Hamline School of Law Dispute Resolution Institute
Noam Ebner
Can Integrating Dispute System Design Across the Law School Curriculum Foster More Innovative and Effective Lawyers?

The next generation of lawyers needs a systemic perspective on addressing conflict. With new technologies and global innovation, what one person does may have a ripple effect on multiple parties, known and unknown -- potentially creating not just one dispute, but a stream of them. What challenges and opportunities do law students face as existing institutions evolve? Incorporating Dispute System Design across the law school curriculum can equip them with a new analytical framework for the complexity of rapidly changing environments. This group will explore and brainstorm with participants different ways to incorporate Dispute System Design in curriculum in the U.S. and abroad. How can students learn to deconstruct current systems for strategic advantages and disadvantages? Participants discuss how to empower students through deliberate system design to provide more effective counsel to clients, help their communities deal with divisive issues, and use cultural differences to propel innovation.

Lisa Blomgren Amsler, Indiana University O’Neill School of Public and Environmental Affairs
Nancy Rogers, Moritz College of Law, The Ohio State University
Janet Martinez, Stanford Law School
Mariana Gonstead, St. Thomas University School of Law

Technology Enhanced Mediation

Many professions have changed aspects of their practice by incorporating technology. Mediation, however, is largely practiced today as it was 30 years ago, with little use of technology. In a changing world, clinging to old practices entails individual and field-wide risk. And yet, mediators are understandably hesitant about a technology-driven process bereft of the distinctively human essence giving mediation much of its value. In this session, presenters will sketch out advantages and opportunities technology could offer individual mediators and the field as a whole. They will discuss specific software applications, and provide frameworks for conversations in which participants will consider potentially helpful forms and uses of technology in mediation.

Alyson Carrel, Northwestern University Pritzker School of Law
Gary Doernhoefer, ADR Notable
Lucy Bassli

What if it’s Criminal? Teaching Negotiation, Ethics, and Realities in Criminal Plea Bargaining

How should we teach negotiation for criminal practice contexts? In this session, panelists will share recent work teaching plea bargaining to students and practicing lawyers. Materials offer sneak peeks at new simulations and videos of lawyers negotiating plea bargains and discuss curriculum around plea bargaining for law students and attorneys. Questions of ethics, disclosures, timing, information, agency, interpersonal relationships, and hardball tactics; are important and challenging in the plea bargaining context. What obligations do we have to teach the realities of criminal context constraints, motivations, and ethics when using plea negotiation simulations and how can we fulfill them?

Marjorie Aaron, University of Cincinnati College of Law
Heather Kulp, New Hampshire Judicial Branch
Friday, May 22

3:15 - 4:30 pm ET

**Ethics in ODR**

Panelists present on the vital role of Ethical Principles for Online Dispute Resolution in the development and use of ODR standards, system design and software. Panelists and participants explore operationalizing ethical principles in the face of the real-world complexities when applying an array of technologies to case management, automation, court and private ADR processes, algorithmic decisionmaking, and oversight mechanisms. Actual case examples illustrate ways ethical principles are already being utilized for ODR Standards development by the ABA ODR Taskforce, the ADR Institute of Canada, and for new protocols by practitioners, DR software developers, and systems designers. Participants discuss cases illustrating challenges and successes in such undertakings.

Leah Wing, National Center for Technology and Dispute Resolution; Legal Studies Program, UMASS Amherst
Emilia Péch, Department of Justice Canada

3:30 - 4:45 pm ET

**Can We Do Better? Inspiring Sustainable Change Through Mediation Education**

Comprehensive educational programs in mediation offer practical skills and theoretical knowledge. They do even more than that: They inspire change in the personal and professional lives of participants. There is a plethora of anecdotal evidence showing these further reaching effects of mediation training, but research is lacking. This presentation contributes to filling the gap. The presenters introduce an empirical study of 284 German and Danish graduates from two university based executive mediation programs. The findings demonstrate the significant impact of the programs on the personal, work place, and societal level. The study also explores the effects of gender, position, years since graduation etc. on the degree of impact. Inspired by the findings, the presenters invite participants’ collaboration in sharing and developing curricular, didactic, and structural innovation that systematically supports sustainable changes in their graduates’ lives, work, and communities.

Ulla Glaesser, European University Viadrina Frankfurt (Oder)
Friday, May 22

4:00 pm ET

**Latin American ADR: the promising road to the future**

Presenters will introduce many Latin American dispute resolution initiatives, showing their creativity and adaptability. For instance, Brazilians are developing online platforms to solve disputes, enacting laws to induce the use of dispute resolution tools to resolve conflicts, and creating innovative means to settle disputes. Ecuador has over 20 years of experience in the development of dispute resolution processes, with a voluntary system that conceives the Mediated Settlement Agreement as a judgment, and that promotes the participation of public entities as parties to the mediation. It receives over 120,000 mediation cases a year with an exponential growth. Since 2008 with a constitutional amendment to promote dispute resolution, the evolution of dispute resolution and ODR in Mexico has been noticing and increasing at different levels. But it is mostly recently with judicial precedents, legislative pieces, and the popularization of dispute resolution clauses, that the Mexican dispute resolution scene is seeing an unprecedented exponential growth and sophistication.

Alexandre Fiori de Tella, University of Missouri - College of Education - ELPA
Amada Maria Arley Orduña
Ximena Bustamante
Fernando Navarro

Not for CLE Credit

4:00 pm ET

**Virtual tools: Inspiration for addressing division in your community**

This video release session hopes to inspire attendees to help their communities develop innovative processes to address community division and the issues that underlay community tension. In early 2020 the Divided Community Project – in partnership with the Kirwan Institute for the Study of Race and Ethnicity – tested its virtual toolkit, designed to enable mediators across the country to help their communities use dispute systems design concepts in order to assist community leaders to identify and address community division. Panelists will share what has and has not worked as they develop processes to identify and address community division. Launched in 2018, the Harvard Negotiation and Mediation Clinical Program podcast “Thanks for Listening” tracks efforts to bridge the political divide in the U.S. through dialogue and collaborative processes and spotlighting the important and often courageous work of individuals and organizations who are helping citizens engage with one another in these bitterly partisan times. Through this increasingly popular on-line platform, the podcast seeks to educate, inform, and inspire conflict engagement veterans and newcomers alike.

William Froehlich, Ohio State University Moritz College of Law
Kyle Strickland, Kirwan Institute for the Study of Race and Ethnicity
Grande Lum, Menlo College
Neil McGaraghan, Harvard Law School

Not for CLE Credit