Symposium on ADR in the Courts
Wednesday, April 22, 2020

Symposium on ADR in the Courts Breakfast and Networking
8:30 AM to 9:30 AM

Symposium on ADR in the Courts Plenary
9:30 AM to 10:30 AM

Symposium Series 1
10:45 AM to 12:00 PM

Alternative Dispute Resolution Evaluation and Support System (ADRESS); How we Collected over 1 Million ADR Data Points and What It Tells Us
The Maryland Judiciary’s three ADR offices have collected over 1 million ADR survey question responses with its ADRESS system. Bring your curiosity to this interactive, high energy session and learn about the data we collect, the insights we gain from that data, and see an analysis in front of the live studio audience. Learn how ADRESS has evolved, how the data can be used for ADR quality assurance and program improvement, and what we learned by comparing our ADRESS data to recent ADR research. Finally, share your insights and inquisitiveness with us. We will have survey forms available so you can see the questions in our database and ask us to run an analysis to test your assumptions. Let the learning (and fun) begin.

Nick White, Maryland Judiciary’s Mediation and Conflict Resolution Office
Sarah Kauffman, District Court of Maryland ADR Office

CLE Credit? Not for CLE Credit

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.

CLE Credit? CLE Credit/(Elimination of Bias/Diversity and Inclusion)

How Technology Is Increasing Access to Justice Around the World
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.

David Allen Larson, David Allen Larson
Mirèze Philippe, ICC International Court of Arbitration
Graham Ross, themediationroom.com
Lunda Fitz-Alan, Abu Dhabi Global Market Courts
Michael Xuhui Fang, Nanchang University

CLE Credit? CLE Credit (General)

For more information and to register: Ambar.org/spring2020
Symposium Series 2
1:30 PM to 2:45 PM

Innovations in Appellate Mediation
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.

Jennifer Gartlan, District of Columbia Court of Appeals
Vikram Chandhok

CLE Credit? CLE Credit (General)

Overseeing Innovative Family Court Dispute Resolution Programs
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.

Catherine Geyer (Organizer), The Ohio Supreme Court
Richard Altman, Court of Common Pleas, Henry County, Ohio
Rosalind Florez, Hamilton County Domestic Relations Court Mediation Department

CLE Credit? CLE Credit (General)

Symposium Series 3
3:00 PM to 4:15 PM

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 audience members's input, reactions and suggestions.

Nancy A. Welsh, Texas A&M University School of Law
Jennifer Shack, Resolutions System Institute

CLE Credit? Not for CLE Credit

For more information and to register: Ambar.org/spring2020
The Courts and The Community: Examining the Complex and Varied Relationship Between Community Mediation Programs and The Courts
In many states community mediation programs work in collaboration with state court programs to provide mediation services to litigants. These relationships between the courts and community mediation programs are varied at a micro level (by county) and at a macro level (by state). Presenters will discuss the ways in which many community mediation centers work with or are funded by court programs and discuss the complexities and challenges associated with these relationships.

CLE Credit? CLE Credit (General)

What Attorneys and Advocates Need to Know to Maximize Result in Court ADR
Today’s courts offer more dispute resolution options than ever before, and attorneys who can navigate court Dispute Resolution programs often produce better outcomes for clients that are more tailored to the individual needs of each case. This session will explore the tips and tricks to getting the most out of a court ADR program, preparing clients for an optimal outcome using a court ADR program, and satisfying the individual needs of each client.

Kelly Riley, Nebraska Administrative Office of the Courts and Probation

CLE Credit? CLE Credit (General)
Thursday, April 23

Thursday Morning Plenary
9:30 AM to 10:30:00 AM

Concurrent A Programs
11:00 AM to 12:15 PM

Are You out of Your Mind? Dealing with Obstreperous Parties, People and Positions at Mediation!
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.

Douglas N. Godshall, Douglas N Godshall ADR LLC
Kathleen Allmon Stoneman, Stoneman Law Office Co. LPA
Catherine Geyer, The Ohio Supreme Court
Matthew Mennes, Cuyahoga County OH Court of Common Pleas

CLE Credit? CLE Credit (General)

Latin America ADR: the promising road to the future
Presenters will introduce many Latin American ADR initiatives, showing their creativity and adaptability. For instance, Brazilians are developing online platforms to solve disputes, enacting laws to induce the use of ADR tools to resolve conflicts, and creating innovative means to settle disputes. Ecuador has over 20 years of experience in the development of ADR, 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 ADR, the evolution of ADR 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 ADR clauses, that the Mexican ADR scene is seeing an unprecedented exponential growth and sophistication.

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

CLE Credit? Not for CLE Credit

For more information and to register: Ambar.org/spring2020
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. Three presentations and discussion with the attendees 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 asked to discuss with the panelists 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

CLE Credit? CLE Credit (Technology)

Resolving Disputes within Different Cultures and Religions: Insights with Video
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

CLE Credit? CLE Credit (General)

Special Powers of the Arbitrator
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.

Ed Lozowicki, Lozowicki ADR
Gary L. Benton

CLE Credit? CLE Credit (General)

The Evolution of ADR Programs in Federal Agencies and Opportunities for Private Sector Participation
Federal agencies have highly diverse ADR 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. Participants will then divide into groups with the option of responding to a sample request for proposals to provide neutral services or enhance the design of an existing ADR program. Panel members will review and comment on proposals.

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

CLE Credit? CLE Credit (Skills)
Thinking Creatively about the Intersection between Mediation and Leadership
Expertise in mediation provides both implicit and explicit value for leadership roles. Similarly, leaders can benefit from mediation knowledge and skills. This session will focus on the intersection of mediation and leadership and the ways in which the two skill sets can be mutually supportive. This will be a highly interactive session starting with panelists discussing how mediation is of value in all leadership contexts. Attendees will have an opportunity to draw from their wealth of knowledge on this important subject to brainstorm ways to think creatively about making a difference in their communities and in the profession as well as enhancing their networks and career opportunities.

Anna Rappaport, Excelleration Coaching, LLC
Rafael Gely, University of Missouri Center for the Study of Dispute Resolution
Maria R. Volpe, John Jay College of Criminal Justice
R. Wayne Thorpe, JAMS

CLE Credit? CLE Credit (General)

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, including New Orleans' own Community Mediation Services - with funding from the Foundation CMS provided facilitated dialogues by experienced Restorative Practitioner between youth, community and law enforcement in New Orleans Police Department 1st District, and representatives from the New York State Court System which received $125k from the Foundation to fund a multi-year pilot for court online dispute resolution (ODR) for small claims cases. Also 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.

Lou Furman
Diana Colon, New York State Unified Court System
Susan M. Yates, AAA-ICDR Foundation
Bruce Meyerson, AAA-ICDR Foundation

CLE Credit? Not for CLE Credit

 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 L. Michaelson, Michaelson ADR Chambers, LLC
Sandra Jeskie, Duane Morris

CLE Credit? CLE Credit (Technology)

Lunch Break
On your own (see app and program book for restaurant suggestions)
Time Slot: 4/23/2020 12:15:00 PM to 4/23/2020 1:45:00 PM

For more information and to register: Ambar.org/spring2020
Concurrent B Programs
1:45 PM to 3:00 PM

Change the Neutral Selection Pool to Change the World: Address Unconscious Bias in the Selection of Neutrals with the “Ray Corollary Initiative™”
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. 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.

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

CLE Credit? Not for CLE Credit

Deconstructing Mediation: What Behavioral Analysis can teach us about Mediation
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 J. Abramowitz, George Washington Law School
Neil Rackham, Double View, LLC
Kenneth E. Webb, Ken Webb Consulting, LLC

CLE Credit? CLE Credit (General)

Investment & Sea Disputes in South East Asia | Trends & Opportunities
this program aim 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.

Tuan Phung, VCI Legal

CLE Credit? CLE Credit (Professionalism)
Joint Session and Caucus: Survey Findings of Whether, How, and Why Mediators Use Different Approaches
Are recent anecdotal reports true? Do mediations often begin in caucus without an initial joint session? Are mediations increasingly conducted largely or entirely in caucus? And if these changes are happening, what are their possible explanations and implications? This program will address these questions by reporting the findings of two recent surveys of more than 1,000 mediators from across the country and discussing the implications. One survey focuses primarily on what mediators do during the early stages of mediation -- their conversations with the parties and lawyers before the formal mediation event and how they conduct the opening mediation session -- as well as how those practices and their effects vary in different types of disputes and mediation contexts. The second survey looks at mediators’ use and views of joint sessions and caucuses more broadly throughout the mediation process, primarily in the context of commercial disputes.

Roselle Wissler, Lodestar Dispute Resolution Center
Lela P. Love, Kukin Program for Conflict Resolution, Benjamin Cardozo School of Law
Art Hinshaw, Sandra Day O’Connor College of Law, Arizona State University
Roselle Wissler, Lodestar Dispute Resolution Center

CLE Credit?  CLE Credit (General)

Neutral Analysis: A Winning Litigation Strategy
Neutral Analysis refers to a range of non-binding processes in which one or more parties retain a neutral to deliver an evaluation, either in person or via written report, based on the merits of the case. Neutral Analysis typically involves review of factual and legal positions either through briefs, oral arguments, mock exercises or an evaluation of what a likely jury outcome might be. These processes, which can be tailored to address the needs of virtually any type of case and utilized at any stage of litigation or arbitration, include: Pre-file neutral evaluations; written case evaluations (brief-based); evaluative summary judgments; second opinions; and mock exercises, including oral arguments, Markman hearings, bench and jury trials, arbitrations, and appellate hearings. Findings from unbiased, confidential case evaluations, allow litigators to fine-tune arguments for matters in litigation or on appeal, reassess settlement options, manage client expectations—and ultimately proceed with heightened confidence and a winning strategy.

Mary Beth Kelly, JAMS

CLE Credit?  CLE Credit (General)

The Fourth Industrial Revolution-- Artificial Intelligence and Smart Contracts: Impacts on Construction Contracting and Project Management
We are currently standing on the brink of a technological revolution which some define as the Fourth Industrial Revolution. This Revolution will dramatically alter the way in which we live, work and interact with one another. The Fourth Revolution, building on the Digital Age of the Third Revolution, is potentially blurring the lines between the physical, digital and biological spheres. Blockchain, artificial intelligence, smart contracts, are disrupting the conventional systems of production, management and governance in the social, industrial and governmental sectors. Disruptions in the conventional systems of contracting and project management in the construction industry through the use of smart contracts, artificial intelligence, drones and 3D printers will necessitate the creation of new contracting and project management procedures. Presenters will illuminate the legal implications of these technologies and the potential impact on the resolution of construction disputes.

Jaya Sharma, Sharma Mediation Arbitration Inc.

CLE Credit?  Not for CLE Credit
8 Innovative Arbitration Trends: A New Practice and Ethical Landscape
A diverse panel 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 or complete distributed note cards. Results will be available on the conference website or by email request. 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 cryptocurrencies; (5) Security (cyber security, BCPs, privacy compliance under regimes like GDPR); (6) Diversity; (7) Supporting dispute resolution education; and 8 organizational learning.

Rebecca Storrow, American Arbitration Association
Ava Borrasco
Francis X. Sexton, Jr., F.X. Sexton, P.A.
Julee L. Milham, Julee Milham Attorney at Law
Steve Platau, John H. Sykes College of Business - The University of Tampa

CLE Credit? CLE Credit (Ethics and Professional Responsibility)

How to Help Your Clients Make Good Decisions Using Litigation Interest and Risk Assessment Techniques
The presenters describe cognitive and motivational biases that undermine litigants' and lawyers' decision-making in litigation, negotiation, and mediation. These problems are aggravated by dynamics of lawyer-client relationships and the way that lawyers assess and communicate risk. Litigation often exacts serious intangible litigation costs that parties, lawyers, and mediators often ignore and don't adequately value. As a result of all these dynamics, parties do not get the quality of legal advice required by the ethical rules. Based on their new ABA book, the presenters demonstrate a simple framework to help clients develop effective litigation, negotiation, and mediation strategies. After the speakers' presentations, the audience discusses problems they have observed or experienced in helping parties make good litigation decisions and effective techniques for assisting clients. The audience then discusses these issues in small groups and then in the session as a whole. This program is sponsored by the ABA Section of Dispute Resolution Publications Board.

John Lande, University of Missouri School of Law

CLE Credit? CLE Credit (Skills)

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.

Allison Monyei Whaley, Clemson University Ombudsman
Elizabeth Hill, University of Colorado - Boulder
Sana A. Manjeshwar, Chevron
Stephanie Villafuerte

CLE Credit? Not for CLE Credit

For more information and to register: Ambar.org/spring2020
Thursday Showcase Programs
3:30 PM to 4:45 PM

ADR For A Modern Economy
With much uncertainty surrounding the current international commercial climate at least one economic constant remains: conflict. Through diplomacy, arbitration, mediation, hybrids and otherwise, alternative dispute resolution offers international efficiencies, prevention, innovation, expertise and access to justice uniquely suited for the economic volatility and uncertainties of the modern international commercial market. Join these international ADR dignitaries for an interactive panel discussion. Presenters discuss the robust global framework of international ADR from foundational treaties obtained through diplomacy to federal court enforcement inclusive of principles of efficiency, finality, comity and reciprocity. We highlight unique advantages of dispute resolution international commerce and during times of uncertainty, including time and cost efficiency, principles of self-determination, party autonomy, fundamental fairness, subject matter expertise and due process. Presenters provide their insights into supranational, state-sponsored, intergovernmental and private commercial approaches to dispute resolution with a focus on due process, access to justice, rule of law and the conference theme, innovation, improvisation, inspiration.

Bryan J. Branon, Branon's ADR
Amb. (r.) David Huebner, Huebner Arbitration
Nannette Jolivette Brown, U.S. District Court for the Eastern District of Louisiana
Giuseppe De Palo, United Nations

CLE Credit? CLE Credit (General)

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

In one of jazz’s homes, 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.

Kory Cook

CLE Credit? Not for CLE Credit

Conference Reception in the Exhibit Hall

4:45 PM
Friday, April 24th

Innovation Awards Breakfast
8:30 AM to 9:20:00 AM

Join us as we celebrate the recipients of the Frank Sander Innovation award, the D'Alemberte-Raven Award, the law student champions of the ABA Representation in Mediation Competition, and other innovators who are making a difference in 2020. The Innovation Awards breakfast is free to all conference registrants, however, we ask that you request a ticket so that we can plan for your participation.

Friday Morning Plenary
9:30 AM to 10:30 AM

Concurrent C Programs
10:45 AM to 12:00 PM

Human driven, technology enhanced: 21st Century mediation practice
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 & 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

CLE Credit? CLE Credit (Technology)

Innovative Strategies for Developing an Inclusive Mindset for ADR
Change the landscape of ADR diversity. Innovative tools like the AW 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 ADR 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 ADR 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.

Linda Gerstel, Gerstel ADR PLLC
Rekha Rangachari, New York International Arbitration Center
Jeffrey T. Zaino, American Arbitration Association

CLE Credit? CLE Credit(Elimination of Bias/Diversity and Inclusion)
Mediating with Bias: Lessons Learned at the EEOC
We know that we all carry unconscious bias from lifetime exposure to cultural attitudes regarding age, gender, race, ethnicity, sexuality, class, religion, disability status and nationality. In the mediation of workplace discrimination cases, we have the perfect laboratory to review the role that implicit bias plays in party and mediator perception, understanding and decision-making and what we can do to counter-act it. Join us in this highly interactive workshop that will provide real-life examples of the subtle and not-so-subtle difference that bias makes in our negotiations related to #MeToo/Harassment, LGBTQ, the Interactive Process for ADA, and National Origin. Old school table-talk and WIFI-enabled devices for audience polling will ensure that this is a lively discussion with practical take-aways relevant to your mediation practice.

Jennifer Ortiz Prather, U.S. EEOC, Houston District Office

CLE Credit?  CLE Credit/(Elimination of Bias/Diversity and Inclusion)

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.

Kenneth Cloke, Center for Dispute Resolution

CLE Credit?  CLE Credit (General)

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 throughout the role that innovation and improvisation play in inspiring success.

Philip S. Cottone, Self-employed
Dana Sirkis Gloor, Miles & Stockbridge
Mark E. Maddox, Maddox Hargett & Caruso, PC

CLE Credit?  CLE Credit (General)

For more information and to register: Ambar.org/spring2020
The New Singapore Mediation Convention on Enforcement: Is it Good for Mediation?
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.

Professor Hal Abramson, Touro Law Center
Ellen E. Deason, Ohio State Univ Law School
Michel Kallipetis

CLE Credit?  CLE Credit (General)

We Can Do More: Expanded Application of the Neutral Tool Kit for Preventing Corporate Conflict
The Innovative Conflict Prevention Task Force has been exploring opportunities for implementation of these powerful skills to not only resolve conflict, but to prevent it. This panel will identify new roles for neutrals in programs already in existence within various industries. Members of the Task Force will discuss efforts to further the implementation of these new efforts to expand the use of this powerful skill set. Prevention Task Force has been exploring opportunities for implementation of these powerful skills to not only resolve conflict, but to prevent it. This panel will identify new roles for neutrals in programs already in existence within various industries. Members of the Task Force will discuss efforts to further the implementation of these new efforts to expand the use of this powerful skill set.

Joan Stearns Johnsen, JSJ-ADR and University of Florida Levin College of Law
Howard Carsman, Intel Corp.
Scott S. Partridge, Monsanto
Richard Hall, Cravath, Swaine & Moore

CLE Credit?  CLE Credit (General)

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 among Democrats, 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 important 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.

Brian Farkas, Cardozo School of Law
Stephen Ware, University of Kansas School of Law
Jean Sternlight, UNLV William S. Boyd School of Law

CLE Credit?  CLE Credit (General)
Command the Litigation Space: Becoming a More Effective Advocate in Mediation
Not only can ADR 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.

Kimberly A. Mlinaz, United States Air Force
Michael J. Wolf

CLE Credit?  CLE Credit (Skills)

Friday Lunch Break
12:00PM to 1:30 PM
On your own (see app and program book for restaurant suggestions)

Concurrent D Programs
1:30 PM to 2:45 PM

Arbitration Law Update - Focus on Tech and Innovation
This program discusses cutting-edge law in arbitration since the last conference. In particular, the panelists present hot topics in arbitration case law, legislation, and regulatory law from across the country. The panel pays particular attention to recent legal developments arising from advances in technology and innovation.

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

CLE Credit?  CLE Credit (General)

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.

Paul Embley, National Center for State Courts
Danielle Hirsch
Deno Himonas, Utah Supreme Court

CLE Credit?  Not for CLE Credit

For more information and to register: Ambar.org/spring2020
'Decoding' Ethical Design and Practice in Resolving Smart Contract and Blockchain-Related Disputes
Smart contracts built in the blockchain are transforming online transactions, but questions have been raised about their reliability and enforceability. This Panel will consider 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 will also consider 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.

Professor Becky L. Jacobs, University of Tennessee College of Law
Angie Raymond
Professor Amy J. Schmitz, University of Missouri School of Law
Erin R. Archerd, University of Detroit Mercy Law
Colin Rule, Tyler Technologies

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.
Because strong negative emotions are so frequently involved in these disputes, this context provides an excellent platform on which to illustrate the principles and strategies discussed.

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

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 M. Torres, Attorney at Law
Jessie Lawrence, Lawrence Meeting Resources

For more information and to register: Ambar.org/spring2020
Operationalizing Online Dispute Resolution Ethical Principles in the Application of Technology to Dispute Resolution Systems and Practice

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.

Dr. Leah Wing, National Center for Technology and Dispute Resolution; Legal Studies Program, UMASS Amherst
Emilia Pech

CLE Credit? CLE Credit (General)

Overcoming Mediation Cultural and Language Barriers: Easier Said Than Done?

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.

Douglas J. Witten, Innovative ADR International LLC
Ana Sambold, Sambold Law & ADR Services

CLE Credit? CLE Credit (General)

Removing Barriers to the Selection of Racially Diverse Neutrals - Yes We Can!

There is still a paucity of racial diversity in the ADR profession despite the countless diversity initiatives, multiple task forces, and many well-intentioned professionals who articulate their commitment to racial diversity. What more can we do to increase diversity in the ADR profession and boost the selection rate of the existing corps of diverse professionals? If what has occurred so far has been unsuccessful, we must come up with new techniques that advocates, neutrals, and educators can use to establish a successful increase in racial diversity and selection within the ADR profession. Come join this diverse and engaging panel of ADR colleagues who will open a dialogue about shared research and experiences, new techniques, and hard questions that inspire us to become more effective diversity advocates.

Elyane E. Greenberg, St. John's Law School
Sarah Cole
Carol L. Izumi, UC Hastings College of Law
Michael Z. Green, Texas A&M University School of Law
Betty Rankin Widgeon, Widgeon Dispute Resolution, PLC

CLE Credit? CLE Credit (Elimination of Bias/Diversity and Inclusion)
Virtual tools: Inspiration for addressing division in your community
This interactive 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.

Bill Froehlich, Ohio State University Moritz College of Law
Kyle Strickland, Kirwan Institute for the Study of Race and Ethnicity

CLE Credit? Not for CLE Credit

Side Gigs for Presence and Profitability: Podcasts, Programs and Publishing to Raise Your Profile and Line Your Pockets
In today’s technologically advanced world, ADR 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 ADR professionals find easy and affordable ways to distinguish themselves and take their practice to the next level.

Susan Guthrie, Divorce in a Better Way, Inc.
Gabrielle Hartley, Better Apart Coaching and Mediation
Laura A. Wasser, Laura A. Wasser, Esq. / It’s Over Easy

CLE Credit? CLE Credit (Technology)
ABA Section of Dispute Resolution 2020 Spring Conference
Online Conference Program – Draft as of January 17, 2020

Concurrent E Programs
3:00 PM to 4:15 PM

Resume Workshop for Arbitrators & Mediators: Tips, Pitfalls and Must-Haves 2020
Join staff from AAA and JAMS in this interactive resume workshop. Attendees will exchange resumes and get feedback from others in the session. Presenters discuss what parties look for when reviewing resumes.

Matthew Conger, American Arbitration Association
Elizabeth Carter, JAMS

CLE Credit? Not for CLE Credit

Can Freud Help? How Psychology Inspires Innovative Negotiation Strategy
Negotiations require equal consideration of the problem or opportunity as well as the people involved. Ignoring the human aspect of negotiation can be a detriment to a successful negotiation. A distinguished panel with extensive experience as litigators, in-house counsel, ADR practitioners, and educators illuminate how psychological dynamics impact negotiation preparation and negotiations. They also illustrate how a better understanding of these issues can help innovate better strategies for reaching favorable outcomes - preventing conflict, resolving conflict, and creating new deals. Entertaining video provides teaching examples and encourages audience participation.

Harrie Samaras, ADR Office of Harrie Samaras

CLE Credit? CLE Credit (General)

E-Discovery and Alternative Dispute Resolution: Managing the Exchange of Electronically Stored Information in Mediations and Arbitrations
ADR 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.

Dean J. DiPilato, Mackenzie Hughes LLP

CLE Credit? CLE Credit (General)

Embodying Conflict Transformation – Fundamental Improvisation Competencies for Mediators
Mediation is structured improvisation: Phase models are designed to work step-by-step towards the resolution of a conflict. Yet, every party brings their own behavioral logic to the table; each conflict unfolds with its own dynamic. Therefore, mediators have to handle many surprises confidently and professionally. Improvisation is an embodied practice. The presenter introduces physical techniques which are fundamental to improvisational and martial arts, enhancing the ability to react appropriately to the unexpected. The presenter guides the attendees through a series of short and simple hands-on exercises that help develop and deepen the competencies of grounding, centering and present awareness. Subsequently, the attendees are invited to playfully experiment with these techniques in situations of increasing complexity - with a special focus on building and sustaining authentic contact with others and the self. This will prepare the transfer to mediation settings.

Ulla Glaesser, European University Viadrina Frankfurt (Oder)

CLE Credit? Not for CLE Credit

For more information and to register: Ambar.org/spring2020
Innovative Approaches To Working With Experts Across Dispute Resolution Processes: What Can We Learn From Each Other?
Join us as we explore the practicalities and possibilities of working with experts in decision-making processes. We start by discussing the basic preparatory considerations and tools to effectively integrate experts into a process, with foundational questions of when and why to bring in an expert, who should it be, and how to prepare the parties and expert to be a part of the process. We then shift focus to the use of layers of experts in a highly complex, politically charged environment, through the lens of the effort to develop a coastal master plan for Louisiana in the wake of Hurricane Katrina. Hear from the neutral involved about the power of words (spoken and written) to help experts tell their stories and to unmask the hidden levers of decision criteria so that people understand the bases for decisions. Panelists and attendees dialogue about what we can learn from each other in different contexts to set the stage for effectively engaging experts – and for avoiding pitfalls.

Kathryn Sainty, Sainty Law
Kamaljit K. Lehal
Deirdre McCarthy Gallagher, Voices of Value
Jane Juliano, US Office of Special Counsel
Amy Clipp, Amy Clipp Consulting

CLE Credit? CLE Credit (General)

International Perspectives on Advancing Innovations in Mediation and Arbitration Around the World
Join an esteemed panel from Pakistan, Armenia, and Kuwait along with American colleagues to discuss international innovations in mediation and arbitration. Hear about current developments, challenges and successes in worldwide efforts at expanding access to justice through ADR procedures. Attendees will also have a moment to share relevant innovations from their respective regions and countries.

Ellen Bass, Weinstein JAMS Fellowship Program and the Weinstein International Foundation
Mushegh Manukyan, Enveritas
Nudrat E. Piracha, George Washington University

CLE Credit? Not for CLE Credit

Leap Of Faith: Dive Into Trust and Improvisation in Resolving Disputes
How do mediated conflicts and disputes pivot to positive, collaborative conclusions? It isn’t simply a function of intellectual persuasion. Disputants must develop TRUST in something, whether an opponent, a mediator, a process, or just confidence in “getting it done”. This inspiring interactive session will explore in granular fashion the specific components of trust; how trust affects conflict resolution and how to maximize trust development in the mediation process to be effective in preventing and resolving conflict. It will engage the audience in innovative self-evaluation exercises based on the “Trust Equation” and related work as developed by David Maister. Presentation on key components of trust such as credibility, reliability, intimacy and self-orientation and related interactive exercises will help participants achieve their highest level of practice.

Louise Phipps Senft, Baltimore Mediation
Jerome Weiss, Mediation Inc

CLE Credit? CLE Credit (General)
Practical Tips For Making Your Next Arbitration Hearing Better Than a Trial
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 presents 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.

David M. Tenner, Ridley, McGreevy & Winocur, P.C.
Conna Weiner, JAMS
D. C. Toedt III

CLE Credit? CLE Credit (General)

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 will 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.

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

CLE Credit? CLE Credit (General)

What I’m Reading, 8, a Resource Share
What inspires you in your life and work? Join us for the seventh 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.

Jennifer W. Reynolds, University of Oregon
Lydia Nussbaum, University of Nevada Las Vegas School of Law
Peter Reilly, Texas A&M School of Law

CLE Credit? Not for CLE Credit

Legal Educators’ Resource Share
4:30 PM to 5:45 PM

The Legal Educators’ Resource Share has become the traditional start to the Legal Educators’ Colloquium. At this highly interactive session, participants share resources and teaching ideas that they used in their ADR courses during the prior year. The organizer of this session compiles the information shared and posts it to the Legal Educators’ ListServe and Indisputably.

CLE Credit? Not for CLE Credit

For more information and to register: Ambar.org/spring2020
Saturday, April 25th
Legal Educators Colloquium

Legal Educators’ Colloquium Breakfast and Networking

Time Slot: 4/25/2020 7:30:00 AM to 4/25/2020 8:30:00 AM

An Important, New Role for Mediation Educators: Addressing the Law Student Mental Health Crisis Through Mediation Training and Mindfulness Instruction

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 which "cultivate lawyers' personal resources to boost resilience".

Teresa F. Frisbie, Loyola University Chicago School of Law
Deborah A. Malizia, Law Office of Deborah A. Malizia
Jessica Katz Jameson, Department of Communication, North Carolina State University
Peter H. Huang, University of Colorado Law School

Time Slot: 4/25/2020 8:30:00 AM to 4/25/2020 9:45:00 AM
CLE Credit? CLE Credit (Mental Illness Awareness)

Using Immersive Technology to Transform Police-Youth Interactions

Relationships between law enforcement and communities are fractured by a lack of empathy and understanding on all sides. Small, resolvable conflicts can quickly escalate into violent encounters, putting both police and citizens at risk of traumatic injury. The interdisciplinary panel of presenters from Baltimore, MD will share their unique project which uses virtual reality tools to teach youth and law enforcement de-escalation techniques. The project aims to harness the potential of immersive technology to create realistic scenarios which increase skill development and build empathy. The ultimate goal of the tool is to reduce violent interactions between youth and law enforcement. Presenters will share the evolution and status of the project and engage with the audience through scenario development, technology integration, and exploration of implementation and evaluation.

Toby Guerin, Maryland Carey Law

Time Slot: 4/25/2020 8:30:00 AM to 4/25/2020 9:45:00 AM
CLE Credit? Not for CLE Credit

For more information and to register: Ambar.org/spring2020
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 panel explores and brainstorms 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 H. Rogers, Moritz College of Law, The Ohio State University
Janet Martinez, Stanford Law School

Time Slot: 4/25/2020 9:45:00 AM to 4/25/2020 11:00:00 AM
CLE Credit? CLE Credit (General)

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 from 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, workplace, 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.

Kirsten Schroeter, Master’s Program on Mediation and Conflict Management, European University Viadrina, D-Frankfurt (Oder)

Time Slot: 4/25/2020 9:45:00 AM to 4/25/2020 11:00:00 AM
CLE Credit? Not for CLE Credit

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. Presenters will offer sneak peeks at new simulations and videos of lawyers negotiating plea bargains and discuss curriculum around plea bargaining for law students and attorneys. We look forward to inviting LEC colleagues into a conversation about using a negotiating lens to examine prosecutors’ and defense counsel’s interactions with clients, multiple stakeholders and the other side. 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 & how can we fulfill them?

Marjorie Corman Aaron, University of Cincinnati College of Law
Heather Scheiwe Kulp, New Hampshire Judicial Branch

Time Slot: 4/25/2020 9:45:00 AM to 4/25/2020 11:00:00 AM
CLE Credit? Not for CLE Credit

For more information and to register: Ambar.org/spring2020
Law School Dispute Resolution Programs in Evolution
At the Spring Conference, Appreciating our Legacy and Engaging the Future, legal educators and deans began a discussion of the evolution of our programs. While dispute resolution programs have been in existence for decades, there is increased focus on how these programs will evolve given declining enrollment in law schools and the recent and planned retirement of many of the founders. In order to be prepared for these changes, educators need to identify the factors impacting the evolution and develop strategies on how best to address them.

Sharon Press, Mitchell Hamline School of Law Dispute Resolution Institute
James Alfini

Time Slot: 4/25/2020 11:15:00 AM to 4/25/2020 12:30:00 PM
CLE Credit? Not for CLE Credit

Star Wars, Negotiation, and Conflict Resolution
Conflict, mediation, and negotiation skills are recognized as valuable for the general public. Educators often hear, and say, "Everyone should learn this stuff!" And yet, we mainly teach these skills to small groups of people who are able to pay for our courses. Many educators, intrinsically motivated to expand their educational reach, utilize different approaches to educate non-students. This program will discuss and demonstrate a new approach, utilizing pop culture phenomena to provide the general public with an introduction to conflict and negotiation. Presenters will explain the conceptual framework, and discuss their book project on Star Wars and Conflict Resolution. They will demonstrate how our field's concepts can be introduced utilizing the Star Wars universe, in a way that speaks to anybody who has seen one or more of the movies. Finally, they will facilitate audience discussion generating further ideas for spreading our field's skills and tools far beyond our classrooms.

Noam Ebner, Creighton University
Jennifer W. Reynolds

Time Slot: 4/25/2020 11:15:00 AM to 4/25/2020 12:30:00 PM
CLE Credit? Not for CLE Credit

The Slow Professor: A Better Approach for Dispute Resolution Scholarship?
As a field we have been producing scholarship for over forty years. However, dispute resolution scholars work within the larger academic environment with ever-increasing pressure to produce more, but not necessarily, better scholarship. We will use the book, The Slow Professor, by Maggie Berg and Barbara Seeber as a jumping off point to discuss how we as individuals approach producing quality scholarship, and what we may want to do (or be doing) to work within the larger pressures of academia. Among the questions we will discuss: Does the pressure to produce more scholarship help the field of dispute resolution? Are we thinking the big thoughts and producing the serious scholarship that we, as a field, need to produce to continue moving us forward? What can we do, or are we doing, to focus on quality, within the continuing pressure to increase the quantity of dispute resolution scholarship? We intend to encourage significant audience involvement in discussing these questions.

Cynthia Alkon, Texas A&M University School of Law
Andrea Kupfer Schneider
Professor Jill Gross, Pace University School of Law

Time Slot: 4/25/2020 11:15:00 AM to 4/25/2020 12:30:00 PM
CLE Credit? Not for CLE Credit

Legal Educators' Colloquium Luncheon
Join the ABA Section of Dispute Resolution for the Legal Educators' Colloquium Luncheon, a great opportunity to spend time with your fellow legal educators. The 2020 recipient of the ABA Section of Dispute Resolution Scholarly Work Award will be recognized during the luncheon. Purchase tickets for the Luncheon when you register for the conference.

Time Slot: 4/25/2020 12:30:00 PM to 4/25/2020 2:00:00 PM

For more information and to register: Ambar.org/spring2020