13TH ANNUAL

ARBITRATION TRAINING INSTITUTE

A Comprehensive Training in Advanced Arbitration Skills

SPONSORED BY

AMERICAN BAR ASSOCIATION

Dispute Resolution Section

March 9-10, 2020
Sandra Day O’Conner College of Law
Arizona State University | Phoenix, AZ

AN INTERACTIVE TWO-DAY COURSE OF INSTRUCTION

- Access new ideas in arbitration
- Acquire innovative strategies to build and market your practice
- Advance your own skills, knowledge and practice techniques
- Discuss current trends and practices
- Learn tips from the pros

Register online at ambar.org/arb2020
What participants are saying...

“This program was outstanding! Informative, creative, comprehensive, easily one of the best two-day programs.”

“The best CLE I ever attended.”

“The participants represented a wide range of experience yet the group was kept small enough to allow for useful conversation and sessions. The opportunity for advocates and arbitrators to interact during the sessions made this an exceptional and valuable program for arbitrators and advocates alike.”

Who Should Attend?

- Litigators wanting to better utilize arbitration
- Experienced arbitrators seeking better understanding of recent developments and trends in arbitration
- In-house counsel interested in learning the nuts and bolts of arbitration
- Those planning a career move to arbitration

Institute Planning

PROGRAM CO-CHAIRS
- Hon. Bruce E. Meyerson (Ret.) and Dana Welch

PLANNING COMMITTEE
- Thomas P. Hanrahan, Harrie Samaras, David M. Tenner, and Ron Wiesenthal

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Space is Limited. Register Today!
ambar.org/arb2020
Agenda

Presented by nationally recognized experts, this two-day training features sessions on every stage of the arbitral process examined from the vantage point of neutrals, advocates, and in-house counsel. Small group discussions allow participants to interact in depth with the faculty and each other. Substantive sessions address particular areas of arbitral practice.

MONDAY, MARCH 9

7:45 am – 8:30 am
Registration & Breakfast

8:30 am – 8:45 am
Welcome & Introductions

INSTITUTE CO-CHAIRS
- Dana Welch
- Hon. Bruce E. Meyerson (Ret.)

8:45 am – 9:45 am
Setting the Stage for a Successful Arbitration

Before the arbitration even starts, what should arbitrators and advocates be thinking about? This Panel will have the answers about arbitrator selection, disclosure, dealing with problematic arbitration clauses and other pre-hearing subjects.

PRESENTERS
- Moderator: Hon. Bruce E. Meyerson (Ret.), American Arbitration Association
- Arbitrator: Lawrence R. Mills, JAMS
- In-House Counsel: Susan R. Hanson, U-Haul International, Inc.

9:45 am – 10:45 am
Plenary:
The All-Important Preliminary Conference

Detailed planning for the hearing, when done properly, assures a cost effective and efficient arbitration. This Panel will identify key topics and strategies including discovery, motion practice, witnesses, exhibits, and the hearing calendar.

PRESENTERS
- Moderator: Philip S. Cottone, Arbitrator and Mediator
- Arbitrator: Barbara Reeves, JAMS
- Counsel: Gordon W. “Skip” Netzorg, Sherman & Howard

10:45 am – 11:00 am
Break

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**Phoenix**

**11:00 am – 12:15 pm**
**Break-Out Sessions on Setting the Stage and the Preliminary Conference**

**1:00 pm – 1:45 pm**
**Plenary: How Arbitrators Get In Trouble... And What to Do About It**

Although rare, what causes a provider organization’s legal department to get involved in arbitrations? And how can you, as an arbitrator, learn from the missteps of others? Hear from counsel for the American Arbitration Association who manages these real-life problems. What to look out for? What to do when it happens?

**PRESENTER**
- Tracey Frisch, Senior Counsel, American Arbitration Association

**1:45 pm – 2:45 pm**
**Plenary: Managing the Hearing**

The A to Z of managing the hearing efficiently and fairly will be discussed including final status conferences, evidence, subpoenas, opening and closing arguments, the when and how of arbitrator questions, and other issues.

**PRESENTERS**
- **Moderator:** Thomas P. Hanrahan, TPHanrahan Dispute Solutions
- **Arbitrator:** Deborah Rothman, Mediator & Arbitrator
- **Counsel:** Andrew M. Federhar, Spencer Fane LLP

**3:00 pm – 4:15 pm**
**Break-Out Sessions on Managing the Hearing**

This session describes the procedures that will apply during the arbitration hearing. This session reviews the common approaches arbitrators take in ensuring that the hearing is fair and efficient. Because the vacatur of an arbitration award can be caused by errors made by an arbitrator during the hearing, specific consideration will be given to common legal pitfalls that can occur.

**FACILITATED BY**
- Hon. Rebecca A. Albrecht (Ret.)
- Danielle L. Hargrove
- Amy L. Lieberman
- Harout Samra
- Deborah Crandall Saxe

**4:15 pm – 4:30 pm**
**Break**

**4:30 pm – 5:30 pm**
**Plenary: Arbitration Ethics**

Explore the unique issues facing arbitrators and arbitration advocates in an interactive session drawing upon the skill and knowledge of the faculty and attendees.

**PRESENTER**
- **Hon. Bruce E. Meyerson (Ret.), American Arbitration Association**

**5:30 pm**
**Reception**

**Space is Limited. Register Today!**

- Advance Your Skills
- Build Your Practice
- Improve Arbitration Outcomes
- CLE Credit!
TUESDAY, MARCH 10

7:30 am – 8:30 am Breakfast and Small Group Discussions: Building an Arbitration Practice

Your opportunity to meet experienced arbitrators and get pragmatic advice on building and maintaining your practice.

8:30 am – 9:30 am Plenary: The Award and Post-Award Issues

The hearing is over. This session will address the best way to prepare the Award, including dissenting opinions, independent research, post-hearing briefing, punitive damages, attorneys’ fees, enforcing or challenging the Award and other subjects.

FACILITATED BY

■ Shawn K. Aiken
■ John Bickerman
■ Sherman D. Fogel
■ Renee Gerstman
■ Mark E. Lassiter

10:45 am – 11:00 am Break

11:00 am – 12:15 pm Concurrent Sessions on Substantive Topics

Find the small group discussion that best suits your practice or your interests. The facilitators will kick off with their thoughts, leaving plenty of time for group interaction.

Employment Arbitration

■ John R. Phillips, Jay Daugherty

Mediation & Arbitration

Technology Arbitration

■ Gary L. Benton, Gary Benton Arbitration

This is a substantive session that will look at the unique issues that apply in arbitrations involving technology disputes. Because of the nature of these cases, special procedures are often necessary to maintain the confidentiality of documents and other evidence. This session will involve a discussion of rules and procedures that apply in cases involving software, patent, and trade secret disputes. The resolution of these disputes is impacted greatly by applicable federal laws which will be addressed as necessary.

Securities Arbitration

■ Joan Stearns Johnsen, U. of Florida Levin College of Law

This session will address the substantive law that applies to securities arbitration. Topics to be covered include but not be limited to: challenges to the arbitration agreement including unconscionability; dealing with the pro se Claimant; the effect of Supreme Court decisions eviscerating class actions in the arbitration context; challenges to the arbitration agreement including unconscionability; dealing with the pro se Claimant; the effect of Supreme Court decisions eviscerating class actions in the arbitration context.

9:30am – 10:45 am Break-Out Sessions on The Award and Post-Award Issues

After the hearing is over, and an award is entered, parties may move to confirm the award, or vacate the award.
11:00 am – 12:15 pm
**Concurrent Sessions on Substantive Topics**

Find the small group discussion that best suits your practice or your interests. The facilitators will kick off with their thoughts, leaving plenty of time for group interaction.

**International Arbitration**
- Lester Schiefelbein, Schiefelbein Global Dispute Resolution

This session will address the unique challenges of international arbitration. Topics to be covered include but are not limited to: the differences in procedure between domestic and international arbitration; selection of the law that applies to the proceeding; enforcement of non-US awards in US courts; how discovery is handled in other jurisdictions.

**Construction Arbitration**
- Richard A. Friedlander, Dickinson Wright

This session will address the substantive and procedural law that applies to construction arbitration. Topics to be covered include but are not limited to: non-signatories to the arbitration agreement, including subcontractors and related parties; joinder and consolidation of related parties in a single arbitration; the requirements of construction awards; retaining jurisdiction for purposes of specific enforcement; equitable remedies.

12:15 pm – 1:00 pm
**Lunch**

1:00 pm – 2:00 pm
**Plenary: I’m Watching You: What a Federal Judge Looks at when Reviewing Arbitration Awards**

The Award goes up for review. What does the Court look for? What should you make sure to include in the Award? What should arbitrators focus on in the proceeding and what are the pitfalls to avoid when drafting arbitration agreements?

**PRESENTER**
- Honorable G. Murray Snow, Chief United States District Judge for the District of Arizona
2:00 pm – 3:15 pm
Contemporary Topics in Arbitration

Choose the session that focuses on issues you want to discuss.

Will Legal Analytics Make Arbitrators Obsolete?
The implications of artificial intelligence and what that means for arbitration.

PRESENTER

Professor Gary E. Marchant, Sandra Day O’Connor College of Law, Arizona State University

Third Party Funding: What Do Arbitrators Need to Know?
Third parties fund individual cases and have strategic partnerships with law firms and corporations. These relationships can create problems for the unwary arbitrator. How can an arbitrator identify and address issues that may arise?

PRESENTER

Professor Victoria Sahani, Sandra Day O’Connor College of Law, Arizona State University

Ad Hoc and Administered Arbitrations – Pros and Cons
When the dispute resolution clause does not specify a provider, the parties may opt for a non-administered (ad hoc) arbitration. This program will examine the advantages and disadvantages of administered and ad hoc arbitrations.

PRESENTERS

Olivier P. André, International Institute for Conflict Prevention and Resolution (CPR)
Lance Tanaka, American Arbitration Association

MODERATOR

David M. Tenner, Ridley McGreevy & Winocur PC

3:15- 3:30 pm
Break

3:30- 4:00 pm
Wrap Up
The chance to answer any questions you still might have!

4:00 pm
Adjourn

Faculty

Shawn K. Aiken
Shawn Aiken, PLLC
Phoenix, AZ

Hon. Rebecca A. Albrecht (Ret.)
Bowman and Brooke LLP
Phoenix, AZ

Olivier P. André
International Institute for Conflict Prevention and Resolution (CPR)
New York, NY

Gary L. Benton
Gary Benton Arbitration
Palo Alto, CA

Maureen Beyers
Beyers Farrell PLLC
Phoenix, AZ

John Bickerman
Bickerman Dispute Resolution PLLC
Washington, DC

Philip S. Cottone
Arbitrator and Mediator
Malvern, PA
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Registration

ONLINE REGISTRATION

To register with a check or purchase order, [click here](http://ambar.org/arb2020).
Please note that this program has a limited capacity of participants. Once the capacity has been reached, individuals will be placed on a waiting list in case of cancellations. Please register early to ensure a seat.

Rates

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<th>Early Bird Rate</th>
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<td><strong>ABA Section of Dispute Resolution Member / Cooperating Organization Member</strong></td>
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Travel Information

MEETING LOCATION
Sandra Day O’Connor College of Law
Arizona State University
111 E. Taylor Street
Phoenix, AZ 85004

LODGING

Hotel Block
Hampton Inn and Suites
77 East Polk St, Phoenix, AZ 85004

$267 per night

To reserve, call the hotel at (602) 710-1240 and give the responding agent the Group Code ATI. The deadline for reserving is February 27, 2020 at 5pm CST.

Please visit http://ambar.org/arb2020 for additional discounted travel information.

Other Information

CANCELLATIONS

Cancellations must be made in writing and received by 5 pm ET on February 21, 2020 via email to: Melissa.buckley@americanbar.org in order to receive a refund less a $50 processing fee. No refunds will be granted after that date. Registration substitutions will be allowed.

SPECIAL NEEDS

Confirmed registrants should notify Melissa.buckley@americanbar.org promptly if special assistance for ADA and/or dietary needs is required.
SCHOLARSHIPS

Scholarships to defray tuition expense for ABA programs are available upon application on a program-by-program, case-by-case basis. Preference will be given to public interest lawyers, government lawyers, full-time law professors, solo or small firm practitioners of limited means, and unemployed attorneys.

Visit http://ambar.org/arb2020 for the link to the scholarship application for the Institute. Applications are due by 5 pm ET on January 17, 2020; applications received after this date will not be considered.

You will be notified of a decision prior to the early bird registration deadline. A minimum fee may be charged on all approved scholarship applications to defray expenses.

CLE CREDIT

The ABA will seek 13 hours of CLE credit (including 1 hour of ethics credit, 2 hours of skills credit, 1.25 hours of technology credit, and 0.75 hours of professionalism credit) in 60-minute states, and 15.6 hours of CLE credit (including 1.2 hours of ethics credit, 2.4 hours of skills credit, 1.5 hours of technology credit, and 0.9 hours of professionalism 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 http://ambar.org/arb2020 for program CLE details or visit www.americanbar.org/mcle for general information on CLE at the ABA.