13TH ANNUAL

ARBITRATION
TRAINING INSTITUTE

A Comprehensive Training in Advanced Arbitration Skills

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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

Alternative Dispute Section of the Arizona State Bar
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
**13TH ANNUAL ARBITRATION TRAINING INSTITUTE**

A Comprehensive Training in Advanced Arbitration Skills

**Phoenix**

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

Virtually all arbitrations begin with a preliminary conference during which time the arbitrator discusses with counsel the procedures to be followed in the arbitration. The arbitrator typically reviews with counsel the claims that are the subject of the arbitration, any anticipated defenses, the timing of the arbitration, the need for subpoenas, and the rules that will be followed during the hearing. This session will also discuss an arbitrator’s disclosure obligations and consider how those obligations are affected by the Federal Arbitration Act. In addition, the session will examine how the Federal Arbitration Act and ethical codes treat nonneutral arbitrators differently than neutral arbitrators.

FACILITATED BY
■ Maureen Beyers
■ John Bickerman
■ Danielle L. Hargrove
■ John R. Phillips
■ Harout Samra

12:15 pm – 1:00 pm
Lunch

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

2:45 pm – 3:00 pm
Break

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
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.

**PRESENTERS**
- Moderator: Dana Welch, Welch ADR
- Arbitrator: David M. Tenner, Ridley McGreevy & Winocur PC
- Counsel: Mark C. Dosker, Squire Patton Boggs

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

This session will address the substantive law that applies to employment 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.

**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; calculating loss and the use of experts; FINRA procedures; the pro se Claimant; the application of broker-dealer law.

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.

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**Build Your Practice**
**Improve Arbitration Outcomes**
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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

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

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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

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

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

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Squire Patton Boggs  
San Francisco, CA

Andrew M. Federhar  
Spencer Fane LLP  
Phoenix, AZ

Sherman D. Fogel  
Sherman D. Fogel PA  
Phoenix, AZ

Richard A. Friedlander  
Dickinson Wright  
Phoenix, AZ

Tracey Frisch  
American Arbitration Association  
New York, NY

Renee Gerstman  
Wells & Gerstman PLLC  
Scottsdale, AZ

Thomas P. Hanrahan  
TPHanrahan Dispute Solutions  
Manhattan Beach, CA

Susan R. Hanson  
Phoenix, AZ

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

Mark E. Lassiter  
The Lassiter Law Firm  
Tempe, AZ

Amy L. Lieberman  
Insight Mediation LLC  
Scottsdale, AZ

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Phoenix, AZ

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Sherman & Howard  
Denver, CO

John R. Phillips  
Jay Daugherty Mediation & Arbitration  
Kansas City, MO

Barbara Reeves  
JAMS  
Los Angeles, CA

Deborah Rothman  
Mediator & Arbitrator  
Los Angeles, CA

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DLA Piper  
Miami, FL

Deborah Crandall Saxe  
JAMS  
Los Angeles, CA

Lester Schiefelbein  
Schiefelbein Global Dispute Resolution  
Los Gatos, CA

Honorable G. Murray Snow  
Chief United States District Judge for the District of Arizona  
Phoenix, AZ

Joan Stearns Johnsen  
U. of Florida Levin College of Law  
Gainesville, FL

Lance Tanaka  
American Arbitration Association  
Denver, CO

David M. Tenner  
Ridley McGreevy & Winocur PC  
Denver, CO

Dana Welch  
Welch ADR  
San Francisco, CA
Registration

ONLINE REGISTRATION


To register with a check or purchase order, click here.

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

<table>
<thead>
<tr>
<th>Early Bird Rate</th>
<th>Starting February 1, 2020</th>
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<tbody>
<tr>
<td>ABA Section of Dispute Resolution Member / Cooperating Organization Member</td>
<td>$550 / $650</td>
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<tr>
<td>ABA Member</td>
<td>$650 / $750</td>
</tr>
<tr>
<td>Non-ABA Member</td>
<td>$750 / $850</td>
</tr>
<tr>
<td>Law Student Rate</td>
<td>$300 / $300</td>
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</tbody>
</table>

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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](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](http://ambar.org/arb2020) for program CLE details or visit [www.americanbar.org/mcle](http://www.americanbar.org/mcle) for general information on CLE at the ABA.