



16th Annual
Advanced Mediation
and Advocacy Skills
Institute

*Advocacy with Attainment:
People, Passion & Purpose!*

October 25–26, 2018
ABA Offices • Chicago, IL

COLLABORATING ORGANIZATIONS



AMERICAN
ARBITRATION
ASSOCIATION®

INTERNATIONAL CENTRE
FOR DISPUTE RESOLUTION®

An Interactive Two-Day Course of Instruction...

- Learn from leading advocates and mediators
- Discuss effective skills and techniques to obtain better outcomes for your clients
- Actively engage in discussions with presenters
- Gain new practice development skills

Who Should Attend?

- Litigators
- In-House Counsel and Other Corporate Users of Mediation
- Mediators
- Judges
- Claims Professionals

What Past Participants Have Said...

"Great content and speakers. I learned a great deal, networked, and picked up valuable techniques."

"Really enjoyed interactive discussions and ability to share ideas with experienced colleagues."

"Excellent format. Produced a broad range of perspectives and experiences. Very valuable!"

Special Deal! Registrants for the Institute receive 15% off registration for the 30th Annual Southern California Mediation Association Conference in Los Angeles on November 2–3, 2018. Visit the below website for more information.



www.ambar.org/med2018

16th Annual

Advanced Mediation and Advocacy Skills Institute

Advocacy with Attainment: People, Passion & Purpose!

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This two-day interactive institute features rare opportunities to learn from some of the leading mediators and advocates in North America. Each plenary session panel features an expert mediator and skilled advocates discussing each phase of the mediation process. Small group discussions led by experts in the field follow the plenary session panels. The opportunity for mediators and advocates to interact in small facilitated groups provides a unique environment to enhance your skill, knowledge and understanding of the mediation process.

THURSDAY, OCTOBER 25

8:00–9:00 am

Registration and Continental Breakfast

9:00–9:10 am

Welcome and Introductions

9:10–10:10 am

Preparing for Mediation Plenary

Experience increasingly shows that the typical personal injury case seen in mediation is not a simple “red car/blue car” accident. Rather, personal injury disputes deal with a wide range of issues from establishing liability, insurance coverage, economic caps and even immunity statutes. In this scenario veteran plaintiff and defense counsel will show the behind-the-scenes efforts to be fully prepared and ready to effectively deal with these and other issues and obstacles to achieve a favorable resolution of a complex dispute. Preparation, preparation, preparation.

Presenters: **Michael A. Pope**

McDermott Will & Emery

Robert M. Bastress, III

DiTrapano, Barrett, DiPiero,

McGinley & Simmons, PLLC

10:10–10:20 am

Break

10:20–11:35 am

**Small Group Discussions on
Preparing for Mediation**

Preparing for mediation is not the same as preparing for trial. However, some aspects of the process are remarkably similar. Some are remarkably different. The key difference in mediation prep, it is suggested, is you are preparing to resolve the dispute on your terms—not the judge’s, not the jury’s, not the arbitrator’s. Discuss in detail how to make the day of mediation a day that is preordained to go your way.

11:35 am–12:15 pm

Lunch

9:30–9:45 am

Break

9:45–10:55 am

Small Group Discussions on Negotiating in the “Early” Caucus Phase

Never miss an opportunity to educate (“work”) the mediator. Learn how to establish credibility, get your “best” upfront and “defuse” the landmines waiting for you in the other room. Remember, unless you say otherwise, it’s CONFIDENTIAL. Share ideas and approaches that you have seen work or fail with other participants and the facilitator. Explore the “whys.”

10:55–11:05 am

Break

11:05 am–12:05 pm

**Negotiating in the Caucus Phase
Plenary Part II: “Later” Caucusing**

It’s after lunch, the posturing has taken place, great umbrage as to the opposing party’s position has been expressed—now it’s time to get things done. How does the mediator get movement and avoid impasse? How does a good advocate make “concessions” without showing all their cards or being viewed as having a “weak” position? Are the skills needed here the same, similar, or different from everyday techniques of good litigation?

Presenters: **Albert Bates Jr.**

Pepper Hamilton LLP

John A. Sherrill

American Arbitration
Association

Matthew W. Argue

One Mediator, Inc.

12:05–12:45 pm

Lunch

12:45–1:45 pm

**Keynote Luncheon with
Hon. Michael R. Panter, (Ret.)**



Hon. Michael R. Panter, (Ret.), is a senior mediator and arbitrator at ADR Systems with more than 40 years of legal experience. While on the bench, Judge Panter won acclaim for his settlement abilities. Before becoming a judge, he was an active trial lawyer with his own law firm for 30 years. He brings a broad perspective to his practice, having served both as a neutral and as an advocate in hundreds of mediations and arbitrations.

1:45–2:45 pm

Small Group Discussions on Negotiating in the “Later” Caucus Phase

Examine and explore the timing and content of demands and offers in “later” stages of the mediation. Should you show patience or be aggressive? Is there a need for creativity? Should you focus on what is important to your position and “abandon” or “sacrifice” lesser issues? Share your thoughts and experiences.

2:45–3:00 p.m.

Break

3:00–4:00 pm

Mediation Marketing Plenary

Ever since the U.S. Supreme Court’s decision in the Bates case, the world of lawyers has been turned “upside-down” with advertising. Mediators also find themselves in an arena where marketing their services and skills is a virtual necessity. Is there a best way? Seminars? Writing articles? What does the “consumer” of mediator services look for when hiring a mediator? What works and what doesn’t? Gain insights to the “dos and don’ts” of mediator marketing.

Presenters: **Serena K. Lee**

American Arbitration
Association

Jeffrey T. Zaino

American Arbitration
Association

Elizabeth M. Carter

JAMS

INSTITUTE FACULTY

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American Arbitration
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Atlanta, GA

Jeffrey T. Zaino

American Arbitration
Association
New York, NY

Rebecca Zung

Breaking Free From
Divorce, Inc.
Los Angeles, CA

Learn From Experienced Practitioners

Program faculty will answer your questions on an array of topics, such as:

- Proper drafting of a mediation agreement and retention letter
- Proper use of risk analysis
- Emotional and psychological issues in mediation
- How and when to use an apology
- Ethical dilemmas
- Developing and marketing a dispute resolution practice
- Confirming the settlement

OTHER INFORMATION

LOCATION

ABA Offices, 321 N. Clark St., Chicago, IL 60654

TRAVEL

Room Block:

Kinzie Hotel, 20 West Kinzie Street, Chicago, IL 60654
\$184/night

Call **312-395-9000** and refer to ABA Dispute Resolution Advanced Mediation Institute or book online at <http://bit.ly/2zLntAg>.

Please visit <http://ambar.org/med2018> and click "Travel" on the left-hand side for more information.

REGISTRATION

Visit <http://ambar.org/med2018> or complete the attached form. Note: This program has a limited capacity of participants. Please register early to ensure a seat.

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/med2018> for the link to the scholarship application for the Institute. Applications are due by 5 pm ET on August 22, 2018; 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.

CANCELLATIONS

Cancellations must be received by October 5, 2018 via email to Melissa.buckley@americanbar.org or fax to **202-662-1683** in order to receive a refund less a \$50 processing fee. After this deadline, no refunds will be granted, but registration substitutes will be allowed.

SPECIAL NEEDS

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

CLE CREDIT*

The ABA directly applies for and ordinarily receives CLE credit for ABA programs in AK, AL, AR, AZ, CA, CO, CT, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, ME, MN, MS, MO, MP, MT, NH, NJ, NM, NV, NY, NC, ND, OH, OK, OR, PA, SC, TN, TX, UT, VT, VA, VI, WA, WI, and WV. These states sometimes do not approve a program for credit before the program occurs. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. For more information about CLE accreditation in your state, visit <http://ambar.org/med2018>.

REGISTRATION FORM

ABA SECTION OF DISPUTE RESOLUTION

Advanced Mediation and Advocacy Skills Institute | October 25–26, 2018 | Chicago, IL

For ABA Use Only
Meeting Code DR1714

Full Name _____ Title _____

Firm/Organization _____

Address _____

City, State, ZIP _____

Email _____ Phone _____

Registration Rates

	Early Bird (Through Sept. 7, 2018)	Starting Sept. 8, 2018
ABA DR Section Member or Collaborating Organization Member	\$745	\$845
ABA Member	\$845	\$945
Non-ABA Member	\$945	\$1045
Law Student Rate (Space is limited)	\$300	\$300

Discount Code _____

Amount Due \$ _____

Payment Information

- Check enclosed payable to American Bar Association Money Order
 Purchase Order (Gov't Agencies) PO# _____

*To protect your credit card security, we are accepting credit card payments only through online registration or over the phone at 1-800-285-2221. Fax and mail registrations must be accompanied by a check.

Submit to:

American Bar Association, Attn: Service Center – Meeting/Event Registrations Department,
321 N. Clark Street, Floor 16, Chicago, IL 60654 | Secure Fax Number: 312-988-5850