



American Bar Association Section of Dispute Resolution 12th Annual Spring Conference

April 7–10, 2010 | Hyatt Regency San Francisco | 5 Embarcadero | San Francisco, CA

EARLY BIRD DISCOUNT ENDS MARCH 8TH!



Events

April 7, 2010

Annual Symposium on Court ADR

*Co-Sponsored by the
California Administrative Office
of the Courts*

April 7, 2010

Civil Collaborative Law Symposium

*Co-Sponsored by the ABA
Health Law Section and the
ABA Tort Trial and Insurance
Practice Section*

April 8–9, 2010

Main Conference and Awards Gala

April 10, 2010

Legal Educators Colloquium

*Co-Sponsored by the
Association of American Law
Schools ADR Section and the
Northern California Legal
Educators*

In Cooperation With

Bar Association of San Francisco | California Dispute Resolution Council | Federal Bar Association ADR Section
National Association for Community Mediation | Northern California Legal Educators
State Bar of California Standing Committee on ADR | The Mediation Society



Homer C. La Rue
Section Chair

Dear Friends,

You are cordially invited to attend the world's **largest educational gathering** for the dispute resolution field. The Planning Committee has outdone themselves to ensure that the Section's 12th Annual Spring Conference is full of interesting and informative programs that will **challenge and engage** you. We could not have asked for a better conference location — in San Francisco, along the scenic and bustling **Embarcadero** waterfront. The California dispute resolution community has opened its arms to us and we are most appreciative. In addition to offering **over 100 CLE programs** to choose from, you will get a taste of San Francisco at our very special **Welcome Reception at Teatro ZinZanni** on Thursday night. On Friday night, the Section will honor some of the best and brightest in dispute resolution at our **Awards Dinner Gala**. I always look forward to this annual gathering as a time to catch up with **friends** and learn about the latest trends and **developments in the field**. If you've never been to the Spring Conference, I urge you to take advantage of the **First-Time Attendee special registration rate**, and tell a friend as well!

I look forward to seeing you in San Francisco!

Homer C. La Rue

Honorary Local Host Committee

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Golden Gate University Law School

Claudia Bernard

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U.S. Court of Appeals for the
Ninth Circuit

Hon. Wayne Brazil

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12th Annual Spring Conference Planning Committee

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Conference at a Glance

Wednesday, April 7

8:00 am – 5:00 pm	Registration
8:00 am – 5:30 pm	Representation in Mediation Competition
8:00 am – 5:00 pm	Collaborative Law Symposium
10:30 am – 5:45 pm	Annual Symposium on ADR in the Courts 455 Golden Gate Avenue
1:00 pm – 5:00 pm	Section Council Meeting
1:00 pm – 5:00 pm	International Committee Meeting
1:00 pm – 6:00 pm	CDRC Open Board Meeting

Thursday, April 8

7:00 am – 5:00 pm	Registration
8:00 am – 5:30 pm	Representation in Mediation Competition
8:00 am – 5:00 pm	Exhibits
8:30 am – 9:45 am	Opening Plenary/Frank Sander Lecture: Values and Identity Conflicts: Proposing a New Dispute Resolution Doctrine
9:45 am – 10:00 am	Break in Exhibit Area
10:00 am – 11:30 am	Concurrent Sessions – Series A
11:30 am – 1:00 pm	Lunch on Your Own
11:45 am – 1:00 pm	National, State, and Local Bar ADR Section Leaders Luncheon
1:00 pm – 2:30 pm	Concurrent Sessions – Series B
2:30 pm – 2:45 pm	Break in Exhibit Hall
2:45 pm – 4:15 pm	Concurrent Sessions – Series C
4:15 pm – 4:30 pm	Break in Exhibit Area
4:30 pm – 6:00 pm	Concurrent Sessions – Series D
6:00 pm – 8:00 pm	Welcome Reception

Friday, April 9

7:00 am – 5:00 pm	Registration
7:00 am – 5:00 pm	Exhibits
7:00 am – 8:15 am	Committee Meetings
8:30 am – 9:45 am	Arbitration Plenary: Let's Get the Lead Out!
8:30 am – 9:45 am	Mediation Plenary: The Psychology of Forgiveness
9:45 am – 10:00 am	Break in the Exhibit Area
10:00 am – 11:30 am	Concurrent Sessions – Series E

11:30 am – 12:45 pm	Lunch on Your Own
12:45 pm – 2:15 pm	Concurrent Sessions – Series F
2:15 pm – 2:30 pm	Ice Cream Social
2:30 pm – 4:00 pm	Concurrent Sessions – Series G
4:00 pm – 4:15 pm	Break in the Exhibit Area
4:15 pm – 5:45 pm	Concurrent Sessions – Series H
7:00 pm – 10:00 pm	Gala Awards Dinner (Ticketed Event)

Saturday, April 10

6:30 am – 7:00 am	Rise and Shine Activity
7:00 am – 10:00 am	Registration
7:00 am – 10:00 am	Exhibits
8:30 am – 10:00 am	Committee Meetings with Continental Breakfast
9:15 am – 5:00 pm	Legal Educators Colloquium
12:00 pm – 1:30 pm	Legal Educators Colloquium Luncheon (Ticketed Event)
9:00 am – 5:00 pm	NAFCM Regional Training Institute



Visit the conference website:

www.abanet.org/dispute/conference/2010/home.html

Session Descriptions

Faculty Biographies

San Francisco tours and attractions

Program Updates



Conference Highlights Thursday April 8th

Thursday, April 8
8:30 am – 10:00 am
Opening Plenary
The Annual Frank Sander
Lecture:



Susskind

Values and Identity Conflicts: Proposing a New Dispute Resolution Doctrine

Professor Lawrence E. Susskind, Ford Professor of Urban and Environmental Planning, Massachusetts Institute of Technology

Much of the thinking and practice in the dispute resolution world is focused on resolving conflict by finding trades to ensure that disputants' most important interests will be met. However, this system breaks down when deeply-held values, beliefs and identity issues are the primary focus of the dispute. Consider, for example, on-going battles over immigration, the death penalty, abortion, climate change, same-sex marriage, gun control, public funding of health care, and the role of women in the church. Drawing on current research at the Public Disputes Program at Harvard Law School, Professor Susskind will outline why and how he thinks mediators can help to resolve the most difficult value-based and identity-based conflicts.

Welcome Reception at Teatro ZinZanni

Thursday, April 8
6:00 pm – 8:00 pm
Pier 29 — Embarcadero

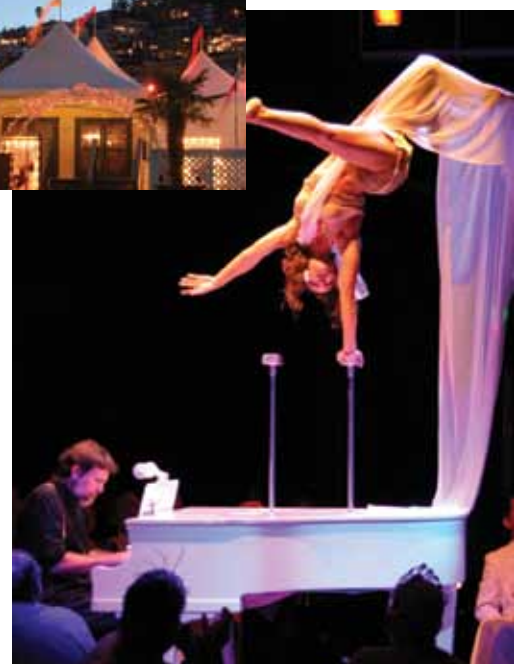
“Step into a realm where dreams and reality converge.”

Set along San Francisco's historic waterfront, Teatro ZinZanni is a bewitching evening of European Cabaret and Cirque, Divas and Madmen, Spectacle and Sensuality with live music, delicious munchies, and open bar. Tonight we will experience an exclusive reception in the luxurious European Speigeltent, complete with a taste of the show *Hearts on Fire* with live music by the TZ Orchestra, a performance by *The Diva*, acrobatics, and other magical splendors. Settle in to the carefree San Francisco vibe and relax as you get an elaborate painted-on tattoo, or shop the Teatro ZinZanni boutique for a keepsake from this magical evening. For more on Teatro ZinZanni visit www.zinzanni.org.



“An over-the-top indulgence of the senses”
 – San Francisco Chronicle

– The New York Times



Conference Highlights Friday April 9th

8:30am – 10:00 am
Arbitration Plenary

Let's Get the Lead Out! How Arbitrators, Outside Counsel, Clients and Providers Can Make Business-to-Business Arbitration Faster and Less Expensive

In response to mounting criticism that business arbitration has become just as slow and costly as litigation, the College of Commercial Arbitrators, with support from the ABA Section of Dispute Resolution, JAMS, AAA, CPR, the Chartered Institute of Arbitrators, and the Straus Institute for Dispute Resolution, conducted a National Summit on Business-to-Business Arbitration in Washington, DC in October 2009. Leading commercial arbitrators, corporate counsel who oversee ADR, law firm partners who represent businesses in arbitration, arbitration scholars, and executives of the major arbitration provider organizations assembled for a full day of discussion to identify the causes of the problem and to develop new and innovative solutions. This program will present the conclusions and recommendations that emerged from the Summit and will provide an opportunity for open dialogue.

Moderator:

Judge Curtis E. von Kann (Ret.), President, College of Commercial Arbitrators, Washington, DC

Keynote Speaker:

Thomas J. Stipanowich, William E. Webster Professor of Dispute Resolution, Pepperdine University School of Law, Malibu, CA

Panelists

Michelle Leetham, Vice President, Principal Counsel for Litigation, Bechtel Corporation, San Francisco, CA

Phillip M. Armstrong, Senior Counsel for ADR and Litigation, Georgia Pacific Company, Atlanta, GA

Larry D. Harris, Shareholder, Litigation and ADR Counsel, GreenbergTraurig, Washington, DC

Deborah Rothman, Arbitrator and Mediator, Los Angeles, CA



von Kann



Stipanowich



Leetham



Armstrong



Harris



Rothman

8:30am – 10:00 am
Mediation Plenary

The Psychology of Forgiveness

Dr. Frederic Luskin, Stanford University, Stanford, CA



Luskin

As mediators and as lawyers, we work with anger, resentment and, sad to say, even hatred. The negative effects of these emotional states are obvious: parties cannot communicate, they have difficulty negotiating, and even when they do "make a deal," the "deal" may exacerbate the anger rather than abate it. Dr. Fred Luskin will examine the psychology and physiology of forgiveness drawing from his experience as Director of the Stanford University Forgiveness Project. He will discuss his groundbreaking research on the effect of forgiveness on mind, body, and relationships, addressing the following questions:

- What is forgiveness?
- What are the physiological and emotional effects of grievance and forgiveness?
- What are the links to evolution and biology underlying grievance and forgiveness?

Dr. Luskin will help us reflect on the importance of forgiveness in our work and will take questions from the audience at the conclusion of his talk.

7:00 pm – 10:00 pm

Awards Dinner Gala and a Night at the Mediation Improv!

Tickets: \$95

Location: The Julia Morgan Ballroom at the Merchant Exchange Building, 465 California Street, 15th Floor

2010 D'Alemberte-Raven Award

The Honorable Warren Knight

2010 Lawyer as Problem Solver Award

Bennett G. Picker

2010 Lawyer as Problem Solver Award

Professor Andrew Schepard

2010 Lawyer as Problem Solver Institutional Award

Mediate.com

Following the Award presentation guests will be entertained as well as educated with a special **Night at the Mediation Improv!** as a troop of professional actors directed by seasoned mediator Jeff Krivis demonstrate the skillful art of improvisation at the mediation table through a series of vignettes.



Knight



Picker



Schepard



Mediate.com

Tracks at a Glance

ADVOCACY

A13 A New Level of Dialogue Between Litigators and Mediators: A Conversation with Some of San Francisco's Finest Mediation Advocates

B10 Mediation Advocacy: Get the Biggest Bang for Your Client's Buck

D4 Whether, When and How Representation in Mediation Matters

D12 Preparing The Battlefield: How Effective Use of the First Case Management Conference Can Work For Advocates, Arbitrators, Clients and Providers

E1 Forgiveness: The Ultimate Tool of Conflict Resolution

E11 The Electronic Information Juggernaut: Taking Aim at ADR

F8 The Language of Mediating Construction and Commercial Disputes

G3 Resurrecting The Stalled Mediation — Don't Let The Mediator or Advocate Blow Your Settlement

H1 Alternative Dispute Resolution: A Native American Approach

ARBITRATION

A2 The Managerial Arbitrator

B5 Significant Developments in Arbitration Case Law, Legislation, and Provider Services

C10 How Arbitrators Think and What You and They Can Do About It: A Journey Into the Minds of Arbitrators

E10 Advocacy in International Commercial Arbitration: What You Don't Know Will Hurt You (And Your Client)

F5 The Top Four Errors to Avoid When Drafting a Reasoned Arbitration Award

F5 What Exactly Did the Parties Agree to Arbitrate? Who Decides? And When?

H12 Reining in Costs and Delays in Commercial and Construction Arbitration

COMMUNICATIONS/ NEUROSCIENCE/PSYCHOLOGY

A3 Clientology: The Applied Science of Private Sit-Down Speaking with Clients

A8 From Reactivity to Responsiveness: Increasing our Capacity for Choice and Awareness When the Going Gets Rough

B2 Got Game? Using Game Theory to Understand, Manage, and Resolve Disputes

B3 Talking Across Borders: How to Design, Organize and Conduct "Dangerous Dialogues" on Race, Gender, Ethnicity and Politics

D5 Calm in the Face of the Storm: Spiritual Daily Practice for the Peacemaker

D8 Neuroscience, Negotiation and Persuasion: Applications and Implications in Litigation and Dispute Resolution

F6 The Art and Science of Communicating Across Cultures: Advanced Skills in Negotiation and Communication

F13 Lie Detection and Deep Truth in Negotiations: Lessons from Science and the Wizards

G7 Mediation Ethics and the "Adaptive Unconscious:" Understanding Our "Automatic Selves" and the Implications for Ethical Practice

H9 How to Help Clients Make Better Decisions Through Psychological Tools and Systematic Risk Analysis

H8 Neuro-Resolution: Applying New Understandings from the Behavioral Neurosciences in Conflict Resolution Practice

F13 Lie Detection and Deep Truth in Negotiations

COMMUNITY/YOUTH

E13 Strategies for Making Peace in Our Schools

F4 Words Work: Communication and Leadership Skills to help Middle School Aged Children Prevent and Resolve Conflicts

COURT ADR

A11 Ordered to Mediate — or to Settle? Issues in Court-Ordered Mediation

E12 Back Home Again in Indiana, Connecticut and Nevada— Creating and Implementing a Statewide Foreclosure Mediation Program

F1 Are Judges the Best or the Worst Mediators?

F10 A Hybrid ADR Process: Judges and Mediators Collaborate

H2 The Future of Family Mediation and Court-Connected Dispute Resolution

DIVERSITY

C6 Diversity and Assumptions at the Table: A Lunch Date

D6 The Roots of Diversity in the Field of ADR

E8 Hate Hurts: Recognizing Hate and Managing Its Effects

ETHICS

B9 Virtual Virtues: Wrestling with the Ethical Dilemmas of an Online Practice

D7 A Mediator Malpractice Primer: Avoid, Protect Or Get Stuck!

E2 Analyze This! and do it Ethically

H7 Ethical Quandaries in Mediation

FAMILY

A12 Grief Matters: Understanding and Working with Grief in Trust and Estate Disputes, Elder Abuse Cases, and Elder Mediation

C3 Two Processes are Better Than One: Combining Mediation and Collaborative Practice To Resolve Estate and Elder Conflicts

D2 Interdisciplinary ADR Opportunities for Families in Crisis: An Expanded View

F7 The Integrated Collaborative Team

G2 Mediating Same-Sex Dissolutions in an Era of Legal Uncertainty

GOVERNMENT/PUBLIC POLICY

A1 The Obama Administration and Collaborative Governance

C8 David and Goliath: Measuring the Impact of the California Dispute Resolution Council on Conflict Resolution in California

C11 What Can We Learn From the Use of Online Dispute Resolution by Federal Agencies?

D1 "Whiskey is for Drinking and Water is for Fighting" — Does Mediation Work in Large Scale Water Disputes?

F12 The Healthcare Follies: Teachable Moments For Negotiators and Conflict Management Practitioners

G4 The Town Hall Meeting: Conflict, Governance, and Free Speech

INTERNATIONAL

- A7 Negotiation Pedagogy in China
- B8 Success Indicators for the Use of ADR in European Business Deals
- C13 Dispute System Design: A Comparative Look at Court-ADR in Bhutan, India, Israel and U.S.
- D9 Mediators Beyond Borders and the Rule of Law: Peacebuilding in International Communities
- D10 Lawyers in Asian Arbitration: A Comparative Look at Techniques, Approaches and Trends in Major Jurisdictions
- E3 Weinstein International Fellows — A Visitor’s View of ADR in the U.S.
- E7 Yin & Yang, East & West in the Culture of Mediation: Singapore Lessons
- F3 Workshop in Peacemaking — Exploring Common Ground in Worldwide Practices and Rituals

- G8 Training Mediators in High-Conflict Areas of Central Africa
- H5 The Art and the Practice of Mediation in Hong Kong, China, and Korea

MEDIATION

- A4 Mediating the Non-Litigated Case: Commercial, Political, and Executive Disputes
- A9 The Art (and Science) of Caucusing in Mediation: Getting to the Heart of Conflict Specialized Context:
- B1 Quality and Ethics in Mediation Services: Challenges and Opportunities
- B4 Transparent Mediation — Giving Away Our Strategies?
- C2 Hiding Behind Unethical Conduct—Has Confidentiality

Trumped the Necessity for Truthfulness and Good Faith?

- C2 Mediating Social, Economic, Political and Environmental Disputes: How Mediators Can Help Save the Planet
- E5 Stories Mediators Tell
- F2 Deal or No Deal: Overcoming Multi-Dimensional Barriers to Effective and Efficient Mediation of Disputes
- F11 Preventing and Breaking Impasse by Understanding the Symbolic Meaning of Money in Mediations
- G5 Party Participation in Mediation: The Desire to be Heard, Not Just Seen
- H4 Mudslinging, Manners and Mediators
- H11 Some Like It Hot! Tools and Techniques for Effectively Handling Anger in the Mediation Room

MULTI-PARTY/CLASS ACTION

- A5 An In-Depth Look at Class-Action Arbitrations in the Consumer and Employment Contexts
- C1 Class Action Arbitrations — The Supreme Court Revisits the Issue in Stolt-Nielsen v. Animalfeeds
- G9 6 Deadly Behaviors to Avoid in Mediating the Complex Multi-Party Case

NEGOTIATION

- A6 Teaching At The Table — Assisting the Parties in Being Better Negotiators
- B11 Measuring Your BATNA: Improving the Calculation of the Financial Value of Your Case

- C7 Attorney Negotiation Ethics and the Real World
- D13 Effective Cross-Cultural Communication in ADR
- E6 When They Want to Walk Out: How to Get Beyond the Predictable Impasses of Positional Bargaining in the Settlement of Civil Litigation
- G11 “Legally Blonde” Meets “The Godfather” — Modern Media Heroes and Heroines Demonstrate How Gender Differences Influence Negotiation Strategies

PRACTICE DEVELOPMENT

- C12 Who Wants to Be a Millionaire? Marketing Your ADR Practice
- G6 Marketing Plan Workshop
- H6 Preparing Your Arbitration/Mediation Practice for the Coming Economic Recovery
- H10 Can You Hear Me Now? Mediating By Phone and Making It Work For You

RESEARCH

- B12 Effective Mediator Persuasion: What Does the Research Tell Us?
- E4 Innovating Justice: Lessons Learned from the Field in Dispute Resolution System Design

SPECIALIZED CONTEXT

- A10 Mandatory Employment Arbitration: Experience Shows Unexpected Results for Employers and Employees
- B6 Application of the Uniform Collaborative Law Act in Commercial Construction, Probate, and Med-Mal Disputes

- B7 Creating Cultures of Engagement: Responding to the Joint Commission Accreditation Standards for Addressing Conflict in Healthcare Organizations

- B13 When Faith and Rights Collide: Resolving Conflicts Involving Faith-Based Institutions

- C5 Interest Arbitration — Coming to an Employer Near You . . .

- C9 Mediating Healthcare Disputes and Conflicts That Arise in Hospital Settings

- D3 Gazing Into the Crystal Ball — What Will Business Conflict Look Like in 25 Years?

- D11 Managing Workplace Conflict — Lessons from The World Bank Group

- E9 Taming the E-Discovery Beast: How to Cost Effectively Deal with E-Discovery in Employment ADR Cases

- F9 Will Insurance Be There When You Need to Settle? Top Ten Hints for Careful ADR Preparation

- G1 Probate ADR: An Idea Whose Time Has Come

- G12 Resolving Construction Disputes in the Recession Tri-fecta (No money, No Insurance and No Customers)

- H3 Negotiating Labor and Employment Disputes in the Shadow of the Employee Free Choice Act: Preparing for Negotiation, Handling Requests for Information, and Overcoming Impasse



Daily Schedule

Wednesday, April 7, 2010

8:00 am – 5:00 pm

Collaborative Law Symposium

See details on page 15.

10:30 am – 5:45 pm

Annual National Symposium on Court ADR

Co-sponsored by the California Administrative Office of the Courts

Offsite Location: State Building, 455 Golden Gate Avenue

See details on page 14.

1:00 pm – 5:00 pm

International Committee Meeting
Hyatt Regency Embarcadero

1:00 pm – 5:00 pm

Section Council Meeting
Hyatt Regency Embarcadero

1:00 pm – 6:00 pm

CDRC Open Board Meeting
Hyatt Regency Embarcadero

Thursday, April 8, 2010

8:30 am – 9:45 am

Opening Plenary Annual Frank Sander Lecture Values and Identity Based Conflicts Professor Lawrence E. Susskind

See page 4.

10:00 am – 11:30 am

Concurrent Session Series A

A1 The Obama Administration and Collaborative Governance

Lisa Blomgren Bingham, Indiana University Sch. of Public & Env. Affairs, Bloomington, IN; James Fishkin, Stanford University, Stanford, CA; Joe Goldman, AmericaSpeaks, Washington, DC; Richard Reuben, University of Missouri-Columbia, School of Law, Columbia, MO; John Kamensky, IBM Center for Business & Government, Washington, DC

A2 The Managerial Arbitrator

Christine Byrd, Irell & Manella LLP, Los Angeles, CA; Richard Chernick, JAMS, Los Angeles, CA; William Fitzgerald, American Arbitration Association, Los Angeles, CA

A3 Clientology: The Applied Science of Private Sit-Down Speaking with Clients

Marjorie Aaron, Univ. of Cincinnati College of Law, Cincinnati, OH; Patricia Foster, Frost Brown Todd, Cincinnati, OH; Dwight Golann, Suffolk Univ Law School, Boston, MA

A4 Mediating the Non-Litigated Case: Commercial, Political, and Executive Disputes

Sherman Fogel, Phoenix, AZ; Amy Lieberman, Insight Employment Mediation, Scottsdale, AZ; David Tierney, Sacks Tierney PA, Scottsdale, AZ

A5 An In-Depth Look at Class-Action Arbitrations in the Consumer and Employment Contexts

Kristen Blankley, Squire, Sanders & Dempsey, LLP, Columbus, OH; Alexandra Bodnar, Squire, Sanders & Dempsey, LLP, Los Angeles, CA; Jean R. Sternlight, UNLV Boyd School of Law, Las Vegas, NV

A6 Teaching At The Table - Assisting the Parties in Being Better Negotiators

Moiria Kelly, Kelly Consulting LLC, New Berlin, WI; Christine Harris Taylor, Christine Harris Taylor Mediation and Arbitration, Milwaukee

A7 Negotiation Pedagogy in China

Feng Ying Yu, Leading Negotiation Institute, Beijing China; Andrew Wei-Min Lee, Leading Negotiation Institute, Beijing China

A8 From Reactivity to Responsiveness: Increasing our Capacity for Choice and Awareness When the Going Gets Rough

Scott Rogers, Institute for Mindfulness Studies, Miami Beach, FL; Lili Zohar, Denver, CO

A9 The Art (and Science) of Caucusing in Mediation: Getting to the Heart of Conflict

Nicole DiPentima, Boston Law Collaborative, LLC, Boston, MA; David Hoffman, Boston Law Collaborative, LLC, Boston, MA

A10 Mandatory Employment Arbitration: Experience Shows Unexpected Results for Employers and Employees

Charles Coleman, Raytheon Corporation, Dallas, TX; Michael Lewis, JAMS, Washington, DC; Ralph Morris, Schiff Hardin LLP, Chicago, IL; Pearl Zuchlewski, Kraus & Zuchlewski LLP, New York City, NY — Co-sponsored by the ABA Labor & Employment Section

A11 Ordered to Mediate — or to Settle? Issues in Court-Ordered Mediation

Michael Dickey, Charleston School of Law, Charleston, SC; Stephen Ware, University of Kansas, Lawrence, KS; Maureen Weston, Pepperdine University School of Law, Malibu, CA

A12 Grief Matters: Understanding and Working with Grief in Trust and Estate Disputes, Elder Abuse Cases, and Elder Mediation

Richard Collier, Cooper White & Cooper, San Francisco, CA; Dana Curtis, Dana Curtis Mediation, Sausalito, CA; Stacy Carr, Sutter VNA & Hospice, Santa Rosa, CA

A13 A New Level of Dialogue Between Litigators and Mediators: A Conversation with Some of San Francisco's Finest Mediation Advocates

Jeff Kichaven, Professional Mediation & Arbitration, Los Angeles, CA; Guy Kornblum, Guy Kornblum & Associates, San Francisco, CA; Otis McGee, Sheppard Mullin Richter & Hampton LLP, San Francisco, CA; Julia Molander, Sedgwick Detert Moran & Arnold LLP, San Francisco, CA

11:30 am – 1:00 pm

Lunch on Your Own

1:00 pm – 2:30 pm

Concurrent Session Series B

B1 Quality and Ethics in Mediation Services: Challenges and Opportunities

Sandford M. Brook, Judicial Arbitrator Group, Inc., Denver, CO; Lou Gieszl, MACRO, Annapolis, MD; Donna Stienstra, Federal Judicial Center, Washington, DC; Cynthia Savage, Golden, CO

B2 Got Game? Using Game Theory to Understand, Manage, and Resolve Disputes

Kurt L. Dettman, Construction Dispute Resolutions, Hingham, MA; Jessica Horewitz, Navigant Consulting, Inc., Washington, DC; Nicholas Kauffman, Wilson, Elser, Moskowitz, Edelman & Dicker LLP, Chicago, IL; James F. Ring, Chu, Ring & Hazel, LLP, Boston, MA; Chen Song, Navigant Consulting, Los Angeles, CA

B3 Talking Across Borders: How to Design, Organize and Conduct "Dangerous Dialogues" on Race, Gender, Ethnicity and Politics

Kenneth Cloke, Mediators Beyond Borders, Santa Monica, CA; Prabha Sankaranarayan, Mediators Beyond Borders, Pittsburgh, PA; Anna Spain, Mediators Beyond Borders, Boulder, CO; Rachel Wohl, MACRO, Annapolis, MD

B4 Transparent Mediation — Giving Away Our Strategies?

Alan Gross, Safe Horizon Mediation Program, New York, NY; Nivedita Gutta, Safe Horizon Mediation Program, New York, NY; Elena Bayrock Saporra, Safe Horizon Mediation Program, New York, NY

B5 Significant Developments in Arbitration Case Law, Legislation, and Provider Services

Kristen Blankley, Squire, Sanders & Dempsey, LLP, Columbus, OH; Adam Fox, Squire, Sanders & Dempsey, L.L.P., Los Angeles, CA; James Madison, Menlo Park, CA; Maureen Weston, Pepperdine University School of Law, Malibu, CA

B6 Application of the Uniform Collaborative Law Act in Commercial Construction, Probate, and Med-Mal Disputes

Sherrie R. Abney, Law Offices of Sherrie R. Abney, Carrollton, TX; Kathleen Clark, Servant Lawyership, Pleasant Hill, CA; David Hoffman, Boston Law Collaborative, LLC, Boston, MA; Lawrence Maxwell, Attorney-Mediator-Arbitrator, Practitioner of Collaborative Law, Dallas, TX

B7 Creating Cultures of Engagement: Responding to the Joint Commission Accreditation Standards for Addressing Conflict in Healthcare Organizations

Mary Foarde, Hamline School of Law, Minneapolis, MN; Debra Gerardi, EHCCO, LLC, Half Moon Bay, CA; Dale Hetzler, Erlanger Health System, Chattanooga, TN; Ila Rothschild, Joint Commission, Oakpark Terrace, IL

B8 Success Indicators for the Use of ADR in European Business Deals

Paola Cecchi Dimeglio, The Hague University, UC Hastings College of the Law, Den Haag, Netherlands; Peter Kamminga, Tilburg University, UC Hastings College of the Law, Tilburg, Netherlands; Manon Schonewille, M&SD, Amsterdam, Netherlands

B9 Virtual Virtues: Wrestling with the Ethical Dilemmas of an Online Practice

Jo DeMars, DeMars & Associates, Ltd., Waukesha, WI; Susan Exon, University of La Verne College of Law, Ontario, CA; Kimberlee Kovach, South Texas College of Law, Houston, TX; Colin Rule, eBay/PayPal, San Jose, CA

B10 Mediation Advocacy: Get the Biggest Bang for Your Client's Buck

Joseph Fasi, II, Gonzalez Saggio & Harlan, LLP, Milwaukee, WI; Charles Houston, III, Gonzalez Saggio & Harlan, LLP, Phoenix, AZ; Kerrie Murphy, Gonzalez Saggio & Harlan, LLP, West Des Moines, IA; Miriam Rich, Gonzalez Saggio & Harlan, LLP, Indianapolis, IN

B11 Measuring Your BATNA: Improving the Calculation of the Financial Value of Your Case

Laura Kaster, Appropriate Dispute Solutions, Princeton, NJ; Michael Palmer, Win Before Trial, Middlebury, VT

B12 Effective Mediator Persuasion: What Does the Research Tell Us?

Douglas Frenkel, University of Pennsylvania Law School, Philadelphia, PA; James Stark, University of Connecticut Law School, Hartford, CT; Karen Tokarz, Washington University School of Law, St. Louis, MO

2:45 pm – 4:15 pm

Concurrent Session Series C

C1 Class Action Arbitrations - The Supreme Court Revisits the Issue in *Stolt-Nielsen V. Animalfeeds*

Chris Drahozal, University of Kansas School of Law, Lawrence, KS; Bruce Meyerson, Phoenix, AZ; Eric Tuchmann, American Arbitration Association, New York, NY; George A. Hanson, Stueve Siegel Hanson LLP, Kansas City, MO; Rebecca Eisen, Morgan Lewis & Bockius LLP, San Francisco, CA; Cornelia Pillard, Georgetown University Law Center, Washington, DC

C2 Hiding Behind Unethical Conduct--Has Confidentiality Trumped the Necessity for Truthfulness and Good Faith?

Roger M. Deitz, Dispute Resolution, New York, NY; Kimberlee Kovach, South Texas College of Law, Houston, TX; Jan Frankel Schau, ADR Services, Inc., Los Angeles, CA; John Sherrill, Seyfarth Shaw LLP, Atlanta, GA

C3 Two Processes are Better Than One: Combining Mediation and Collaborative Practice To Resolve Estate and Elder Conflicts

William M. Andrews, Santa Rosa, CA; Karen J. Levitt, The Levitt Law Group, Chelmsford, MA; Lynda J. Robbins, Chelmsford, MA

C4 Mediating Social, Economic, Political and Environmental Disputes: How Mediators Can Help Save the Planet

Kenneth Cloke, Mediators Beyond Borders, Santa Monica, CA

C5 Interest Arbitration - Coming to an Employer Near You . . .

Stephen Hirschfeld, Curiale Hirschfeld Kraemer LLP, San Francisco, CA; Scott Kronland, Altschuler Berzon, San Francisco, CA; Barry Winograd, Arbitrator and Mediator, Oakland, CA — Co-sponsored by the ABA Labor & Employment Section

C6 Diversity and Assumptions at the Table: A Lunch Date

Lou Gieszl, MACRO, Annapolis, MD; Cheryl Jamison, MACRO, Annapolis, MD

C7 Attorney Negotiation Ethics and the Real World

Art Hinshaw, Sandra Day O'Connor College of Law, Arizona State University, Tempe, AZ; Peter Reilly, William S. Boyd School of Law at the University of Nevada at Las Vegas, Las Vegas, NV; Andrea Schneider, Marquette University Law School, Milwaukee, WI

C8 David and Goliath: Measuring the Impact of the California Dispute Resolution Council on Conflict Resolution in California

Donne Brownsey, Sacramento Advocates, Sacramento, CA; Michelle Katz, Los Angeles, CA; James Madison, Menlo Park, CA; Karen Smith, California Dispute Resolution Council, Los Angeles, CA

C9 Mediating Healthcare Disputes and Conflicts That Arise in Hospital Settings

Tracy Allen, Bodman LLP Partner, Detroit, MI; Deirdre Golden, Wayne State University, Law School, Detroit, MI; Edward B. Goldman, University of Michigan, Dept. of Obstetrics and Gynecology, Ann Arbor, MI; Jerry Roscoe, JAMS, Washington, DC

C10 How Arbitrators Think and What You and They Can Do About It: A Journey Into the Minds of Arbitrators

Victoria A. Cundiff, Paul, Hastings, Janofsky & Walker LLP, New York, NY; Paul Bennett Marrow, Attorney/Arbitrator, Chappaqua, NY; Elizabeth J. Shampnoi, Storch Amini & Munves PC, New York, NY; Elayne Greenberg, St. John's University School of Law, Jamaica, NY

C11 What Can We Learn From the Use of Online Dispute Resolution by Federal Agencies?

Howard Gadlin, Ombudsman, National Institutes of Health, Bethesda, MD; Ethan Katsh, National Center for Technology and Dispute Resolution, Amherst, MA; Miriam Nisbet, Office of Government Information Services, National Archives, Washington, DC; Daniel Rainey, National Mediation Board, Washington, DC

C12 Who Wants to Be a Millionaire? Marketing Your ADR Practice

Peggy Foley Jones, Giffen & Kaminski, LLC, Cleveland, OH; Rodney Max, Upchurch Watson White & Max, Miami, FL; John Notz, Neutral Services, Chicago, IL; Thomas G. Repicky, Thomas Repicky Co., LPA, Chagrin Falls, OH

C13 Dispute System Design: A Comparative Look at Court-ADR in Bhutan, India, Israel and U.S.

Janet Martinez, Gould Negotiation & Mediation Program Stanford Law School, Stanford, CA; Sheila Purcell, San Mateo Superior Court, Redwood City, CA; Hagit Shaked, Art of Conflict Resolution, Palo Alto, CA; Stephanie Smith, Stanford Law School, Stanford, CA

4:30 pm – 6:00 pm

Concurrent Session Series D

D1 "Whiskey is for Drinking and Water is for Fighting" — Does Mediation Work in Large Scale Water Disputes?

Larry Bakken, Hamline University School of Law, St. Paul, MN; Dale Schafer, Center for Collaborative Policy, Cal State, Los Angeles, CA; Jane Smith, Smith & Jensen, LLP, Washington, DC; Susan Trager, SmithTrager LLP, Irvine, CA; Jim Waldo, Gordon Thomas Honeywell LLP, Tacoma, WA

D2 Interdisciplinary ADR Opportunities for Families in Crisis: An Expanded View

Robin Deutsch, Massachusetts General Hospital, Boston, MA; Paula Noe, Family Law Collaborative Solutions, LLC, Dedham, MA; Fred Glassman, Mayer & Glassman, Los Angeles, CA

D3 Gazing Into the Crystal Ball -- What Will Business Conflict Look Like in 25 Years?

Jay Folberg, JAMS/Univ. San Francisco School of Law, San Francisco, CA; Janet Kloenhamer, Firemans Fund Insurance Companies, Novato, CA; Michelle Leetham, Bechtel Group Inc, San Francisco, CA; F. Peter Phillips, Business Conflict Management LLC, Montclair, NJ; Colin Rule, eBay/PayPal, San Jose, CA

D4 Whether, When and How Representation in Mediation Matters

Hal Abramson, Touro Law Center, Central Islip, NY; Jean R. Sternlight, UNLV Boyd School of Law, Las Vegas, NV; Roselle Wissler, Arizona State Univ. O'Connor College of Law, Tempe, AZ

D5 Calm in the Face of the Storm: Spiritual Daily Practice for the Peacemaker

Michael J. Aloji, ACR, Fairmont, WV; Nan Waller Burnett, Mediators Beyond Borders; Dispute Resolution Professionals, Inc., Golden, CO

D6 The Roots of Diversity in the Field of ADR

Marvin Johnson, Center for Alternative Dispute Resolution, Crofton, MD; Maria R. Volpe, John Jay College of Criminal Justice — CUNY, New York, NY

D7 A Mediator Malpractice Primer: Avoid, Protect Or Get Stuck!

Melvin Rubin, Mediation Services, Inc., Coral Gables, FL

D8 Neuroscience, Negotiation and Persuasion: Applications and Implications in Litigation and Dispute Resolution

Craig Bachman, Lane Powell PC, Portland, OR; Richard Birke, Willamette University, Salem, OR

D9 Mediators Beyond Borders and the Rule of Law: Peacebuilding in International Communities

Lynn Cole, Mediators Beyond Borders, Tampa, FL; Virginia Morrison, Mediators Beyond Borders, Pittsburgh, PA; Charles A. Pillsbury, Mediators Beyond Borders, New Haven, CT; Rachel Wohl, MACRO, Annapolis, MD

D10 Lawyers in Asian Arbitration: A Comparative Look at Techniques, Approaches and Trends in Major Jurisdictions

Lijun Cao, Zhong Lun Law Firm, Beijing, China; Sally Harpole, Sally Harpole & Co, Hong Kong, China; Grant Kim, Morrison & Foerster, San Francisco, CA; Tushna Thapliyal, Khaitan & Co, Mumbai, India

D11 Managing Workplace Conflict - Lessons from The World Bank Group

Camilo Azcarate, World Bank, Washington, DC; Nadine Chapman, The World Bank, Washington, DC; Jodi Glasow, World Bank, Washington, DC; Toyo Obayashi, World Bank, Washington, DC

D12 Preparing The Battlefield: How Effective Use of the First Case Management Conference Can Work For Advocates, Arbitrators, Clients and Providers

Dana Levitt, Foley & Lardner LLP, Los Angeles, CA; Jennifer Mangino, Arch Capital Services Inc., Morristown, NJ; Deborah Rothman, Mediator & Arbitrator, Los Angeles, CA

D13 Effective Cross-Cultural Communication in ADR

Baldeep Basraon, University of Oregon, Eugene, OR; Julia Gold, University of Washington-School of Law, Seattle, WA; Paul Ladehoff, University of Missouri-Columbia, Columbia, MO; Sukhsimranjit Singh, Willamette University College of Law Center for Dispute Resolution, Salem, OR

6:00 pm – 8:00 pm**Welcome Reception****Teatro ZinZanni****Pier 29***See details on page 4.***Friday, April 9, 2010****8:30 am – 10:00 am****Arbitration Plenary: Let's Get the Lead Out!**

How Arbitrators, Outside Counsel, Clients and Providers Can Make Business-to-Business Arbitration Faster and Less Expensive
See details on page 5.

Mediation Plenary: The Psychology of Forgiveness

featuring Frederic Luskin, Ph.D., Stanford Forgiveness Project
See details on page 5.

10:15 am – 11:45 am**Concurrent Session Series E****E1 Forgiveness: The Ultimate Tool of Conflict Resolution**

Eileen Barker, Barker Mediation, San Rafael, CA; Dana Curtis, Dana Curtis Mediation, Sausalito, CA; Frederic Luskin, Ph.D., Stanford University Forgiveness Project, Palo Alto, CA; Robert W. Plath, Worldwide Forgiveness Alliance, Mill Valley, CA

E2 Analyze This! and do it Ethically

Michael P. Carbone, ADR Services, Inc., San Francisco, CA; Ruth V. Glick, Burlingame, CA; Marnie Huff, Margaret Huff Mediation, Nashville, TN; Roger Wolf, University of Maryland, Baltimore, MD

E3 Weinstein International Fellows - A Visitor's View of ADR in the U.S.

Badri Bhandari, Nepal; Ximena Bustamante, Ecuador; Tsisana Chamlikashvili, Russia; Jay Folberg, JAMS/ Univ. San Francisco School of Law, San Francisco, CA; Orouba Qarain, Jordan; Judge Srdan Šimac, Croatia; Giulio Zanolli, Italy

E4 Innovating Justice: Lessons Learned from the Field in Dispute Resolution System Design

Timothy Hedeon, Kennesaw State University, Kennesaw, GA; Philip Moses, National Center on Dispute Resolution in Special Education (CADRE), Eugene, OR; Donna Shestowsky, University of California Davis School of Law, Davis, CA

E5 - Stories Mediators Tell

Russell Brunson, Peninsula Conflict Resolution Center, San Mateo, CA; Eric Galton, Lakeside Mediation, Austin, TX; Lela Love, Benjamin N. Cardozo School of Law, New York, NY; Margaret Shaw, JAMS, New York, NY

E6 When They Want to Walk Out: How to Get Beyond the Predictable Impasses of Positional Bargaining in the Settlement of Civil Litigation

J. Anderson Little, Mediation, Inc., Chapel Hill, NC

E7 Yin & Yang, East & West in the Culture of Mediation: Singapore Lessons in Seeing, Understanding and Respecting Cultures

Charles W. Crumpton, Crumpton & Hansen, Honolulu, HI; Hoang Danh Dang, Vietnam Ministry of Justice, International Cooperation Dept., Hanoi, Vietnam; Cornie Ng, Singapore Supreme Court, Singapore; Stephanie Stobbe, University of Winnipeg, Canada

E8 Hate Hurts: Recognizing Hate and Managing Its Effects

Dave Overfelt, Law Offices of S.J. Read, Columbia, MO; Sarah Read, Law Offices of S.J. Read, Columbia, MO

E9 Taming the E-Discovery Beast: How to Cost Effectively Deal with E-Discovery in Employment ADR Cases

John English, American Arbitration Association, San Diego, CA; Fran Griesing, Griesing Law LLC, Philadelphia, PA; Patricia McQuater, Solar Turbines (a Caterpillar Company), San Diego, CA

E10 Advocacy in International Commercial Arbitration: What You Don't Know Will Hurt You (and Your Client)

Darla W. Jackson, Oklahoma City University Law Library, Oklahoma City, OK; SI Strong, University of Missouri School of Law, Columbia, MO; William Wilburn, W.K. Wilburn P.C., Bethesda, MD

E11 The Electronic Information Juggernaut: Taking Aim at ADR

Mark Baker, Fulbright & Jaworski L.L.P., Houston, TX; Robert (Bob) Owen, Fulbright & Jaworski L.L.P., New York, NY; Greg Wood, Fulbright & Jaworski L.L.P., Los Angeles, CA

E12 Back Home Again — The Creation of Statewide Foreclosure Mediation Programs

Patrick Carroll, State of CT Judicial Branch, Hartford, CT; Justin R. Corbett, Indyspute Resolution & Dialogue Center, Indianapolis, IN; Monica A. Fennell, Indiana Pro Bono Commission, Indianapolis, IN; Michael Joe, Legal Aid Center of Southern Nevada, Las Vegas, NV; Roberta Palmer, State of CT Judicial Branch, Wethersfield, CT; Kevin Williams, State of CT Judicial Branch, Hartford, CT

E13 Strategies for Making Peace in Our Schools

Candice Gottlieb-Clark, Mediating Solutions, Los Angeles, CA; Gerald F. Phillips, Los Angeles, CA; Deborah A. Thomas, Private Practice, New Orleans, LA

11:45 pm – 12:45 pm**Lunch on your Own**

12:45 pm – 2:15 pm

Concurrent Session Series F

F1 Do Judges Make the Best or the Worst Mediators?

Gordana Ristin, Appeal Court of Ljubljana, Republic of Slovenia, Ljubljana, Republic of Slovenia; Srđan Simac, High Commercial Court of the Republic of the Croatia, Zagreb, Croatia

F2 Deal or No Deal: Overcoming Multi-Dimensional Barriers to Effective and Efficient Mediation of Disputes

Randall Kiser, DecisionSet, Palo Alto, CA; Don Philbin, San Antonio, TX; Peter Robinson, Straus Institute for Dispute Resolution, Malibu, CA; Fern M. Smith, JAMS, San Francisco, CA

F3 Workshop in Peacemaking - Exploring Common Ground in Worldwide Practices and Rituals

Kathryn Fehrman, California Western School of Law, San Diego, CA; Barbara Filner, National Conflict Resolution Center, San Diego, CA; Mark Mills, Forensic Sciences, Washington, DC

F4 Words Work: Communication and Leadership Skills to help Middle School Aged Children Prevent and Resolve Conflicts

Timothy Hedeem, Kennesaw State University, Kennesaw, GA; Gail Nugent, Cardiff By The Sea, CA

F5 The Top Four Errors to Avoid When Drafting a Reasoned Arbitration Award

John Garman, Manhattan Beach, CA; Kendall Reed, Alternative Resolution Centers, Los Angeles, CA; Ann Robertson, Adammi, LLP, Houston, TX; Murray Smith, Smith Barristers, Vancouver, British Columbia, Canada

F6 The Art and Science of Communicating Across Cultures: Advanced Skills in Negotiation and Communication

Nina Meierding, Negotiation and Mediation Training Services, Bainbridge Island, WA

F7 The Integrated Collaborative Team

Margaret L Anderson, Collaborative Practice Center, Santa Rosa, CA; Randy Cheek, Family Therapist and Collaborative Coach, Petaluma, CA

F8 The Language of Mediating Construction and Commercial Disputes: What the Parties Tell Each Other, What the Parties Tell the Mediator, What the Mediator Tells the Parties — and What Everybody Thinks They Heard

Brian Donnell, LeClair Ryan, Hartford, CT; Steven Kaplan, Michelson, Kane, Royster & Barger, PC, Hartford, CT; Paul Zolan, Rogin Nassau LLC, Hartford, CT

F9 Will Insurance Be There When You Need to Settle? Top Ten Hints for Careful ADR Preparation

Kali Bracey, Jenner & Block, LLP, Washington, DC; Rachel Kronowitz, Gilbert LLP, Washington, DC; Gregory Schopf, Nixon Peabody, LLP, San Francisco, CA; Ray L. Wong, Duane Morris LLP, San Francisco, CA

F10 A Hybrid ADR Process: Judges and Mediators Collaborate

Honorable Samuel Alba, U.S. District Court for the District of Utah, Salt Lake City, UT; Karin S. Hobbs, Bohling Hobbs Professional Mediation, Salt Lake City, UT; Howard Herman, U.S. District Court for the Northern District of California, San Francisco, CA; Michelle Roybal, U.S. District Court for the District of Utah, Salt Lake City, UT

F11 Preventing and Breaking Impasse by Understanding the Symbolic Meaning of Money in Mediations

Victoria Pynchon, Settle It Now Dispute Resolution Services, Beverly Hills, CA; Inga Watkins, Watkins Law and Dispute Resolution, Alexandria, VA

F12 The Healthcare Follies: Teachable Moments For Negotiators and Conflict Management Practitioners

Peter S. Adler, The Keystone Center, Keystone, CO; Robert Benjamin, Mediation and Conflict Management Services, Portland, OR

F13 Lie Detection and Deep Truth in Negotiations: Lessons from Science and the Wizards

Clark Freshman, Hastings College of Law, San Francisco, CA; Maureen O'Sullivan, University of San Francisco, San Francisco, CA

**2:15 pm – 2:30 pm
Ice Cream Social**

**2:30 pm – 4:00 pm
Concurrent Session Series G**

G1 Probate ADR: An Idea Whose Time Has Come

Sheila Purcell, San Mateo Superior Court, Redwood City, CA; Thomas Reese, Palo Alto, CA; Stephen Yusem, Arbitrator and Mediator, Plymouth Meeting, PA

G2 Mediating Same-Sex Dissolutions in an Era of Legal Uncertainty

Sandra Blair, Law Offices of Sandra Blair, San Francisco, CA; Frederick Hertz, Law & Mediation Offices of F. Hertz, Oakland, CA; Stefan Spielman, Goldstein, Gellman, Melbostad, Gibson & Harris, San Francisco, CA

G3 Resurrecting The Stalled Mediation — Don't Let The Mediator or Advocate Blow Your Settlement

Cliff Hendler, Dispute Resolution Services, Toronto, Ontario Canada; Karin S. Hobbs, Bohling Hobbs Professional Mediation, Salt Lake City, UT; Michael Young, Alston & Bird, Los Angeles, CA

G4 The Town Hall Meeting: Conflict, Governance, and Free Speech

Hiro Aragaki, Fordham University GBA, New York, NY; Bruce Meyerson, Phoenix, AZ; Douglas NeJaime, Loyola Law School Los Angeles, Los Angeles, CA; Richard Reuben, University of Missouri-Columbia, School of Law, Columbia, MO

G5 Party Participation in Mediation: The Desire to be Heard, Not Just Seen

Claudia L. Bernard, Circuit Mediation Office, Ninth Circuit Court of Appeals, San Francisco, CA; Leonard L. Riskin, Univ. of Florida Levin College of Law, Gainesville, FL; Nancy A. Welsh, Penn State Univ. Dickinson School of Law, Carlisle, PA; Roselle Wissler, Arizona State Univ. O'Connor College of Law, Tempe, AZ

G6 Marketing Plan Workshop

Diana Mercer, Peace Talks Mediation Services, Inc., Playa del Rey, CA

G7 Mediation Ethics and the "Adaptive Unconscious:" Understanding Our "Automatic Selves" and the Implications for Ethical Practice

Jonathan Hyman, Rutgers Law School, Newark, NJ; Ellen Waldman, Thomas Jefferson School of Law, San Diego, CA

G8 Training Mediators in High-Conflict Areas of Central Africa

Renee Bovee, Northwest Solutions, Portland, OR; George Brose, Clark County Common Pleas Court Mediation Center, Springfield, OH

G9 Six Deadly Behaviors to Avoid in Mediating the Complex Multi-Party Case

L. Tyrone Holt, The Holt Group, LLC, Denver, CO; Dave Rudy, Just Accord, Inc., Black Forest, CO; S. Mitchell Kaplan, Gordon & Rees LLP, San Francisco, CA

G10 What Exactly Did the Parties Agree to Arbitrate? Who Decided? And When?

Daniel F. Diffley, Alston & Bird LLP, Atlanta, GA; Mike H Shanlever, Alston & Bird LLP, Atlanta, GA

G11 "Legally Blonde" Meets "The Godfather" — Modern Media Heroes and Heroines Demonstrate How Gender Differences Influence Negotiation Strategies

Amy Mass, Staff Counsel Office — The Hanover Insurance Group, Columbus, OH; Henry "Steve" Stephens, Salmon P. Chase College of Law, Northern Kentucky University, Union, KY

G12 Resolving Construction Disputes in the Recession Tri-fecta (No money, No Insurance and No Customers)

Lee Jay Berman, The Mediation Alliance, Los Angeles, CA; Candace Matson, Sheppard Mullin, Los Angeles, CA; Paul Sandars, III, Lum, Drasco & Positan LLC, Roseville, NJ; John Horn, Los Angeles, CA



4:15 pm – 5:45 pm

Concurrent Session Series H**H1 Alternative Dispute Resolution: A Native American Approach**

Judge Matthew Martin, Specialized Courts ABA Judicial Division, Cherokee, NC; Robert Saunooke, Tribal Courts Council ABA Judicial Division ABA, Miramar, FL

H2 The Future of Family Mediation and Court-Connected Dispute Resolution

Leonard Edwards, Center for Children, Families and the Courts, San Francisco, CA; Bernie Mayer, Creighton University, Omaha, NE; Peter Salem, Association of Family and Conciliation Courts, Madison, WI; Nancy A. Welsh, Penn State Univ. Dickinson School of Law, Carlisle, PA

H3 Negotiating Labor and Employment Disputes in the Shadow of the Employee Free Choice Act: Preparing for Negotiation, Handling Requests for Information, and Overcoming Impasse

Marvin Johnson, Center for Alternative Dispute Resolution, Crofton, MD; James Lawrence, Frost Brown Todd LLC, Cincinnati, OH; John McCrory, Straus Institute for Dispute Resolution, Pepperdine University School of Law, Malibu, CA; Arthur Pearlstein, Creighton University School of Law, Omaha, NE

H4 Mudslinging, Manners and Mediators

Michael Geigerman, United States Arbitration and Mediation Midwest, Inc., St. Louis, MO; C J Larkin, Washington University School of Law in St. Louis, St. Louis, MO; James Reeves, James W. Reeves and Associates, St. Louis, MO

H5 The Art and the Practice of Mediation in Hong Kong, China, and Korea

Andrew Wei-Min Lee, Leading Negotiation Institute, Beijing China; Ilhyung Lee, University of Missouri Law School, Columbia, MO; Judith Meyer, Commercial Dispute Solutions, Haverford, PA; Gary Soo, Hong Kong International Arbitration Centre, Hong Kong, China

H6 Preparing Your Arbitration/Mediation Practice for the Coming Economic Recovery

Edward Davidson, Davidson Arbitration, LLC, Smyrna, GA; Dr. Eric Eisenstein, Temple University, Philadelphia, PA; Richard Fincher, Workplace Resolutions, LLC, Phoenix, AZ; Bill Raker, US Federal Credit Union, Minneapolis, MN

H7 Ethical Quandaries in Mediation

Roger M. Deitz, Dispute Resolution, New York, NY; Timothy Hedeem, Kennesaw State University, Kennesaw, GA; Ruth Vance, Valparaiso University School of Law, Valparaiso, IN; Paula M. Young, Appalachian School of Law, Grundy, VA

H8 Neuro-Resolution: Applying New Understandings from the Behavioral Neurosciences in Conflict Resolution Practice

Thomas Lewis, Department of Psychiatry, University of California San Francisco School of Medicine, San Francisco, CA; Pauline Tesler, Collaborative Legal Practice Institute; Tesler, Sandmann & Fishman, Mill Valley, CA

H9 How to Help Clients Make Better Decisions Through Psychological Tools and Systematic Risk Analysis

George Siedel, University of Michigan, Ann Arbor, MI; John Wade, Faculty of Law, Bond University, Gold Coast, Queensland, Australia

H10 Can You Hear Me Now? Mediating By Phone and Making It Work For You

Jessica Carter, Department of Building and Housing, Auckland, New Zealand; Frank Laney, US Court of Appeals 4th Circuit, Cary, NC; Diann Seigle, Carolina Dispute Settlement Services, Raleigh, NC

H11 Some Like It Hot! Tools and Techniques for Effectively Handling Anger in the Mediation Room

Cindy Cook, Adamant Accord, Inc., Adamant, VT; Nicholas Dewar, CirclePoint, San Francisco, CA; John Jostes, Interactive Planning and Management, LLC, Santa Barbara, CA

H12 Reining in Costs and Delays in Commercial and Construction Arbitration

Christi L. Underwood, Christi L. Underwood P.A., Orlando, FL; R. Wayne Thorpe, JAMS, Atlanta, GA; John W. Hinchey, King & Spalding, Atlanta, GA; John Sherrill, Seyfarth Shaw, Atlanta, GA

H13 When Faith and Rights Collide: Resolving Conflicts Involving Faith-Based Institutions

Mark Chopko, Stradley Ronon, Washington, DC; Speed Leas, The Alban Institute, Herndon, VA; Peter Robinson, Straus Institute for Dispute Resolution, Malibu, CA; Joy Thornburg Melton, Hindson & Melton, LLC, Atlanta, GA; David Brenner, Riddell Williams, Seattle, WA

7:00 pm – 10:00 pm

Awards Dinner Gala and A Night at the Mediation Improv!

Ticketed Event. See page 5 for details.

Saturday, April 10, 2010

Legal Educators Colloquium

Co-sponsored by the Association of American Law Schools ADR Section and the Northern California Legal Educators
See Page 13.

Section Committee Meetings

See Page 16.

Regional Training Institute for Community Mediators

Organized by the National Association for Community Mediation
See Page 17.

Legal Educators Colloquium

April 10, 2010

Co-sponsored by the Association of American Law Schools Section on Alternative Dispute Resolution, and the Northern California Legal Educators

9:15 am – 10:45 am Concurrent Sessions

LEC 1 Shake It Up: Teaching the Negotiation Class Creatively

- **Grande Lum**, University of California Hastings Law School, San Francisco, CA
- **Timothy Daynot**, University of California Berkeley Haas School of Business, Berkeley, CA
- **Rochael Soper**, Soper Legal, San Francisco, CA
- **Jessica Notini**, UC Hastings College of the Law, San Francisco, CA

LEC 2 The Changing Landscape of Arbitration: Current Events in the Classroom

- **Andrea Bjorklund**, University of California Davis School of Law, David, CA
- **Jack J. Coe, Jr.**, Pepperdine University School of Law, Malibu, CA
- **Christopher R. Drahozal**, University of Kansas School of Law, Lawrence, KS
- **Sharon Press**, Hamline University School of Law, St. Paul, MN

LEC 3 Teaching the ADR Survey Course: Challenges and Innovations

- **Ronald Aronovsky**, Southwestern Law School, Los Angeles, CA
- **Dwight Golann**, Suffolk Law School, Boston, MA
- **Kimberlee Kovach**, South Texas College of Law, Houston, TX
- **Andrea Schneider**, Marquette Law School, Milwaukee, WI

11:00 am – 12:30 pm Concurrent Sessions

LEC 4 A Web of Learning Opportunities: How ADR Programs Can Weave Together Legal Instruction, Research, and Services to the Community

- **Aimee Gourlay**, Hamline University School of Law, St. Paul, MN
- **Toby Guerin**, University of Maryland School of Law, Baltimore, MD
- **Leigh Maddox**, University of Maryland School of Law, Baltimore, MD
- **Bobbi McAdoo**, Hamline University School of Law, St. Paul, MN

LEC 5 Using Neuroscience in the Negotiation Class — Translating Scientific Theory into Real Practice

- **Jeanine Becker**, Stanford Law School, Palo Alto, CA
- **Richard Birke**, Willamette University, Salem, OR

LEC 6 Teaching Dispute Systems Design through Experiential Learning, Simulations, and Cases

- **Lisa Blomgren Bingham**, Indiana University School of Public and Environmental Affairs, Bloomington, IN
- **Janet K. Martinez**, Stanford Law School, Palo Alto, CA
- **Stephanie Smith**, Stanford Law School, Palo Alto, CA

12:30 pm – 1:45 pm

Legal Educators Luncheon

Ticketed Event — \$60

2:00 pm – 5:00 pm

Legal Educators Colloquium Closing Session

Law Professors' Shoptalk Forum: Revisiting Core Concepts

In this 11th iteration of the Legal Educators' Colloquium, it is difficult not to notice that some of the hot topics from the first LEC are still burning bright. This year's forum promises to be interesting for anyone who teaches in the ADR curriculum. Come ready to participate in an interesting conversation. The two sessions described below will run consecutively with a short intermission between them.

Session 1

This session focuses on the interplay between ADR and substantive law classes. John Lande and Jean Sternlight will lead a discussion based on their most recent ideas to get ADR issues integrated into the substantive law curriculum. Understanding that there are two sides to this coin, Nancy Welsh and Michael Moffitt will lead a discussion about putting substantive law into ADR classes.

- **John Lande**, University of Missouri School of Law, Columbia, MO
- **Michael Moffitt**, University of Oregon School of Law, Eugene, OR
- **Jean Sternlight**, William S. Boyd School of Law, UNLV, Las Vegas, NV
- **Nancy Welsh**, Penn State University, Dickinson School of Law, Carlisle, PA

Session 2

Using selected clips from a videotaped negotiation simulation by two law students, Andrea Schneider and Russell Korobkin will explain their focus and decisions in assessing the students' negotiation approaches, styles, techniques and outcomes. Their ideas will kick off a deeper discussion about the uniformity or variability that exists as we teach and evaluate our students' performance.

- **Dwight Golann**, Suffolk Law School, Boston, MA (moderator)
- **Russell Korobkin**, UCLA School of Law, Los Angeles, CA
- **Andrea Schneider**, Marquette Law School, Milwaukee, WI

Legal Educators Colloquium Planning Committee

- **Mariana Crespo Hernandez**, University of St. Thomas School of Law
- **Toby Guerin**, University of Maryland School of Law
- **Art Hinshaw**, Sandra Day O'Connor College of Law, Arizona State University
- **Sharon Press**, Hamline University School of Law
- **Nancy Welsh**, Penn State University, Dickinson School of Law

Registration

The Legal Educator's Colloquium is included in your Full Conference Registration. The luncheon requires a ticket purchase. You may also select to attend only the Colloquium. See the Registration Form for pricing.

Annual Symposium on Dispute Resolution in the Courts

Wednesday, April 7, 2010 | Hiram W. Johnson State Building
455 Golden Gate Avenue, San Francisco, CA

Co-sponsored by the California Administrative Office of the Courts

Ticketed Event

This annual symposium is planned by court professionals for those who work in and support court dispute resolution programs. All court administrators, ADR program administrators, court neutrals, judges, and researchers will find this program informative and invigorating. The Symposium has a separate registration fee from the Spring Conference.

10:30 am

Registration

11:00 am – 12:15 pm

Opening Plenary:

Finding the Appropriate Problem Definition in Mediation

- **Leonard Riskin**, University of Florida, Levin College of Law, Gainesville, FL
- **Nancy Welsh**, Dickinson School of Law, Pennsylvania State University, Carlisle, PA



Riskin



Welsh

12:30 pm – 1:15 pm

Networking Lunch

1:15 pm – 2:15 pm

Facilitated Group Discussions

Topic A — Federal Court ADR

Topic B — Coping in Tough Financial Times
(focused on state and local issues)

2:30 pm – 4:00 pm

Concurrent Sessions

The Latest Innovations in ADR Programs for Self-Represented Litigants

- **Jennifer Alcantara**, San Francisco Superior Court, San Francisco, CA
- **Julie Bronson**, Los Angeles Superior Court, Los Angeles, CA
- **Jim Hilbert**, Center For Negotiation And Justice, St. Paul, MN
- **Judge Tanja K. Manrique**, 4th Judicial District, Minneapolis, MN
- **Catherine Ward**, Lake And Mendocino Superior Courts, Penngrove, CA

Using Technology to Optimize Court ADR Program Administration and Evaluation

- **Alan Wiener**, Judicial Council of California, Administrative Office of the Courts, Burbank, CA
- **Julie Linkins**, Maryland Mediation and Conflict Resolution Office (MACRO), Annapolis, MD
- **Rachel Wohl**, Maryland Mediation and Conflict Resolution Office (MACRO), Annapolis, MD
- **Milica Novakovic**, Superior Court of California –San Diego County, San Diego, CA
- **Nick White**, MACRO, Annapolis, MD

4:00 pm – 4:15 pm

Break

4:15 pm – 5:45 pm

Concurrent Sessions

Creating or Adapting Standard Court Mediation Forms: You CAN Get the Information You Want!

- **Heather Anderson**, Judicial Council of California — Administrative Office of the Courts, San Francisco, CA
- **Susan M. Yates**, Resolution Systems Institute, Chicago, IL

All Criminal Mediation Is Not Created Equal: A Continuum – Restorative Justice to Case Management Mediation

- **Maureen Laffin**, University of Idaho College of Law, Moscow, ID
- **Mary Ellen Reimund**, Central Washington University, Ellensburg, WA

6:00 pm – 7:30 pm

Reception at the Ninth Circuit Court of Appeals

The Symposium is a ticketed event.

Location: Hiram W. Johnson State Building, 455 Golden Gate Avenue, San Francisco, CA. Registration and materials for the Court Symposium will be distributed at the State Building.

Civil Collaborative Law Symposium: Bringing Healing to Law and Medicine in Adverse Medical Events

April 7, 2010 | Hyatt Regency Embarcadero | San Francisco, CA

Co-sponsored by
ABA Tort Trial and Insurance Practice Section
ABA Health Law Section

Symposium Chair:
Kathleen Clark, PhD, JD, MAM, Servant Lawyering, Pleasant Hill, CA

This symposium aims to create an environment for interested professionals to come together to share ideas, rethink processes and practices, and enhance learning regarding collaborative practices, focusing on health care/adverse medical events; collaboration across professions; and exploration of other arenas and successes in the use of collaborative law practices.

8:30 am

Opening Plenary:

Sandy Coletta, James Woods, and Mark Decof are proof of the transformative power of collaborative dialogue, disclosure, sincere apology, and compensation after medical error. Mr. Woods and Ms. Coletta agreed to settle a medical malpractice suit brought after Mr. Woods' younger 49-year old brother died at Kent Hospital. Ms. Coletta reached out to James Woods and Mark Decof, asking to meet face to face with Mr. Woods over dinner after previous efforts to settle had failed. With Mr. Woods' and his family's support, the hospital has committed to create The Michael J. Woods Institute at Kent Hospital to focus on redesigning healthcare systems using a human centered approach to improve clinical outcomes. The moving video news clip features Ms. Coletta and Mr. Woods in their own words: <http://tinyurl.com/woodslawsuit>.



Coletta



Woods



Decof

Panelists:

- **Sandra Coletta**, MBA, CEO, Kent Hospital, Warwick, Rhode Island
- **Mark Decof**, Woods Family Attorney, Decof & Decof, Providence, Rhode Island
- **Actor James Woods**

10:00 am

Collaborative Law/Practices in Adverse Medical Event Situations

Panelists:

- **Mark Graber**, MD, Chief of Medicine, VA Medical Center, Northpoint, NY
- **June Riley**, Executive Director of Physicians Reimbursement Fund, San Francisco, CA
- **Kathleen Clark**, Attorney, Founder/ CEO, Servant Lawyering, Pleasant Hill, CA
- **Ila Rothschild**, Special Counsel to the Joint Commission, Chicago, IL

Program Sponsors

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- Collaborative Council of the Redwood Empire
- Global Collaborative Law Council
- Law Office of Ruth L. Rickard
- ServantLawyering.com
- Physicians Reimbursement Fund, Inc.
- Collaborative Workforce Associates

11:30am

Civil Collaborative Law and its Successes in Other Arenas: Probate and Estates, Business Disputes (including family-owned businesses), and Employment Disputes

Panelists

- **William M. Andrews**, Attorney, Santa Rosa, CA
- **Jeanne Fahey**, Attorney, Collaborative Workforce Associates, Oakland, CA
- **Michael Zeytoonian**, Partner, Hutchings, Barsamian, Cross, Mandlecorn & Zeytoonian, LLP, Wellesley, MA (invited)

12:30 pm

Keynote Luncheon

Kathy Bryan, JD, President & CEO, International Institute for Conflict Prevention and Resolution (CPR Institute), New York, NY, and author of *Why Should Businesses Hire Settlement Counsel?* (borrowing collaborative law techniques to settle cases).



Bryan

2:00 pm

Hypothetical Case and Small Group Breakouts:

Following a demonstration, participants will work in small groups to resolve a hypothetical case with an adverse medical event factual situation. The group facilitators will coach on use of collaborative law to reach resolution.

Facilitators:

- **Sherrie R. Abney**, Law Offices of Sherrie R. Abney, Carrollton, TX
- **Kathleen Clark**, Servant Lawyering, Pleasant Hill, CA
- **Larry Maxwell**, Mediator, Arbitrator and Collaborative Law Practitioner, Dallas, TX
- **Ruth L. Rickard**, Law Office of Ruth L. Rickard, Dallas, TX
- **Claire G. Spector**, Attorney, Collaborative Practice Center, Santa Rosa, CA

Registration

Registration: \$125 for attendees of the ABA Dispute Resolution Section Spring Conference; \$195 all others. Registration includes program materials, light breakfast, and the luncheon.

Auxiliary Meetings

Conference participants are welcome to attend these meetings unless noted otherwise.

Wednesday, April 7th

1:00 pm – 5:00 pm ABA DR Section International Committee Meeting

The International Committee welcomes all interested individuals to attend this meeting. Discussion topics include the International Committee's updated mission and goals, including a new structure of around geographical regions and topics of interest. At this meeting Professor Hal Abramson of Touro Law School in New York will present a special talk for

the Committee on *How to Mediate and Negotiate Effectively in Any Country or Culture*, based on his forthcoming book "*Mediation Representation, Advocating as a Problem-Solver.*"

1:00 pm – 6:00 pm

California Dispute Resolution Council: The Voice of ADR in California

Open Board Meeting featuring accomplished industry lobbyist, **Donne Brownsey**.

1:00 pm – 5:00 pm

ABA DR Section Council Meeting

Business meeting. Section Members may observe.

Thursday, April 8th

11:45 am – 1:00 pm

National, State, and Local Bar ADR Leaders Luncheon

By invitation only. Co-hosted by the ABA Dispute Resolution Section and the State Bar of California Standing Committee on ADR.

Friday, April 9th

7:30 am – 8:30 am

ABA DR Section Ethics Committee Meeting

7:30 am – 8:30 am

ABA DR Section Mediation Committee Meeting

7:30 am – 8:30 am

ABA DR Section Arbitration Committee Meeting

7:30 am – 8:30 am

ABA DR Section Court ADR Committee Meeting

11:45 am – 12:45 pm

ABA DR Section Forum on Diversity in the Profession/ Diversity Committee Meeting

11th Annual National Representation in Mediation Competition

Law students from across the country compete in regional rounds of the Representation in Mediation Competition for the opportunity to advance to the National Finals, which will be held on April 7th and 8th in conjunction with the Conference. In this competition law student teams demonstrate their understanding of advocacy in a mediation context as they play the roles of attorneys and clients in a mediation session.

The ABA wishes to extend its appreciation to the nine law schools that are hosting regional competitions of the 2009-2010 Representation in Mediation Competition:

Roger Williams University School of Law
Seton Hall University School of Law
Georgetown University Law Center
Washington and Lee University School of Law
University of North Carolina School of Law
Faulkner University Jones School of Law
Washington University School of Law
Texas Wesleyan School of Law
Phoenix School of Law
University of Oregon School of Law

Conference attendees are welcome to observe or to volunteer to serve as a judge or mediator for the National Representation in Mediation Competition. For more information see



<http://www.abanet.org/dispute/mediationcomp.html>.



Saturday, April 10th

8:00 am – 9:00 am

ABA DR Section ADR in Law Schools Committee Meeting

8:00 am – 9:00 am

ABA DR Section Collaborative Law Committee Meeting

8:00 am – 9:00 am

Northern California Legal Educators Meeting

9:00 am – 5:00 pm

National Association for Community Mediation Regional Training Institute

NAFCM Regional Training Institute is geared toward running a successful community mediation program. Elements of the training include workshops on evaluation; fund development; volunteer partnerships; and case management. The program will conclude with a NAFCM membership meeting. For more information or to register for this Regional Training Institute visit www.nafcm.org. The ABA Dispute Resolution Section is pleased to support community mediation programs and we welcome full-time community mediators to contact us about special Spring Conference registration pricing.

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KNOW BEFORE YOU GO!! THE CONFERENCE WILL BE HELD AT THE HYATT REGENCY SAN FRANCISCO AT THE EMBARCADERO. PLEASE MAKE A NOTE OF THE LOCATION BECAUSE THERE IS MORE THAN ONE HYATT IN SAN FRANCISCO!



Housing and Travel Information

Hotel

Hyatt Regency San Francisco – Embarcadero
5 Embarcadero Center, San Francisco, CA 94111
1-888-421-1442

The conference room rate is \$229.
Check-in: 3:00 p.m. Check-out: Noon

To make reservations at the Hyatt Regency San Francisco – Embarcadero, attendees may call 1-888-421-1442 and refer to the ABA Section of Dispute Resolution 2010 Annual ADR Conference or use the following website: <https://resweb.passkey.com/go/ABA1>.

The cut-off for the special ABA rate is **Tuesday, March 16, 2010**.

Hyatt Cancellation Policy: Individuals with guaranteed reservations must cancel their reservations 24 hours prior to the scheduled day of arrival to avoid a one-night cancellation charge.

Travel

United Airlines:
Contact United at 800-521-4041 and refer to discount code 578IG
American Airlines:
Contact AA at 800-433-1790 and refer to discount code A1210SS

Car Rentals

Hertz discount for ABA Members: 800-654-2230 and mention the ABA/Hertz reference number CDP13000. You must show your ABA member ID card at the rental counter.

Registration

Register early and save!! The Early-Bird Discount expires on March 8, 2010.

For fastest confirmation service please register online at www.abanet.org/dispute.

Please include a valid email address on your registration form. Conference updates and special announcements will be sent to registrants via email.

Cancellations must be received in writing by March 26, 2010 to receive a refund less a \$50 processing fee. Substitutions are accepted.

Questions? If you have questions about registration please call 202-662-1680.



Tuition Scholarships

A limited number of financial need-based scholarships are available. The scholarship application may be found on the conference website www.abanet.org/dispute/conference/2010/home.html. The deadline for scholarship applications is March 8, 2010.

Exhibit and Advertising Opportunities

Market your books, products, and services to over 1,000 dispute resolution professionals at the Spring Conference. A limited number of exhibit display tables are available. For exhibit and advertising information contact RaShonda Rosier at 202-662-1689 or rosierr@staff.abanet.org.



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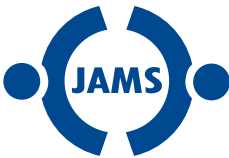
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