



This workshop targets senior and Rising counsel whose bread and butter consists of managing complex, multiparty, high-stakes cases. These cases rarely end in trial, but most often in a mediation. Mediation in these cases presents a unique challenge. Among other things, complex cases require careful preparation, a grasp of the principles of negotiation, deep emotional intelligence, and a gambler's instinct for knowing "when to hold 'em and when to fold 'em." As the successful strategies, skills and techniques have been refined over the past quarter-century, counsel have increasingly found value in training with the best mediators in this emerging profession as an adjunct to their own skills.

The International Academy of Mediators (IAM) has an invitation-only membership of 130 of the most successful and experienced mediators in world. The IAM is convening its 2010 Spring Conference in Salt Lake City. IAM has agreed to partner with the Utah State Bar to present to the general public. This just such a training is a unique opportunity for counsel to enhance their effectiveness in the most difficult mediations. Full time successful mediators who are top mediation trainers throughout the country will be in Salt Lake City for this one-time advanced mediation advocacy workshop to teach counsel their most advanced insights, strategies, and techniques.

  
**Utah State Bar**  
645 South 200 East  
Salt Lake City, UT 84111



*V. Douglas Snow "Capitol Reef" 1997  
Oil on canvas, 19' x 15'  
Commissioned by the Utah Public Art Program*

**THE  
INTERNATIONAL  
ACADEMY OF MEDIATORS  
AND  
THE UTAH STATE BAR**

present

**Mastering Complex  
Mediations:**

**Inside Advice to Counsel**

**March 10, 2010  
Noon – 4:45 p.m.  
Sheraton Salt Lake City  
4 Hrs. CLE**

## AGENDA

### **12:00 – 1:15 Negotiation for Attorneys: Beyond the Basics—IAM President, Teresa Wakeen**

The soul of successful mediation is skillful negotiation. This session, taught by IAM's president, and one of the nation's most recognized and respected mediators, drills down below negotiation basics to the delicate skills and techniques employed in bet-the-company, war-and-peace, and other critical negotiations that have helped shape the world. What was once thought to be an art and mystery, now as a result of years of rigorous research and analysis, is open to study and the subject of this session.

### **1:15 – 2:15 Outstanding Advocacy in Complex Mediations—William B. Bohling and Mark Rudy**

Complex, multiparty, high-stakes mediations demand preparation, insight and strategy many orders of magnitude higher than garden-variety auto accident or botched remodeling job mediations. This session focuses on key elements of each stage of these mediations. It addresses process design and preparation, useful opening statements, getting to the zone of possible agreement (ZOPA), making numbers talk, using the mediator, knowing when to hold and when to fold, successful closing, and the devils in the details of a term sheet.

### **2:15 -2:30 Break**

### **2:30 – 3:30 Behind the Curtain and Inside the Other Rooms: Deconstructing the Mediator's Actions—Tracy Allen and Eric Galton**

Two of the nation's best known mediators discuss the inner workings of the mediation process. What happens in each room? Mediations settle on risk not certainty—how do mediators use this reality in each room, while maintaining their integrity and credibility. What is the code they talk? How can you use mediation more effectively by understanding what is really happening?

### **3:30 – 4:45 Don't Let the Mediator or Advocate Blow Your Session: Resurrecting the Stalled Mediation—Mike Young, Cliff Hendler and Karin Hobbs**

Once in mediation, do you just go along for the ride and allow the mediator to call the shots? What if the mediator is simply not getting the job done? Do you just call it in? Or do you work the mediator? Conversely, what should mediators do when they see advocates frustrating the process? Should they step in to coach the party, or allow them to wallow fruitlessly in the name of self-determination? This panel of nationally-recognized experts looks beyond the obvious and explores some of the more unconventional ways in which advocates can use the mediator and the mediation process to further the client's goals.

### **4:45 Reception with the International Academy of Mediators**

## IAM PRESENTERS

**Teresa Wakeen, Seattle WA**—has served exclusively as a professional mediator since 1992. Having successfully mediated over 3,500 disputes nationwide, Ms. Wakeen is known for her integrity, tenacity, ingenuity and ability to bring parties together to settle the most difficult and complex of litigated disputes.

**Mark Rudy, San Francisco, CA**—has been serving as a mediator in employment and business-related matters since July 1988. He has mediated approximately 3,000 matters with a high degree of success.

**William B. Bohling, Salt Lake City, UT**— a mediator since retiring from the bench in 2004, has mediated a wide range of complex multi-party cases including professional malpractice, contract, personal injury, sexual harassment, real property, HOA and construction cases.

**Tracy Allen, Detroit, MI**— is heavily focused in national and international commercial and business disputes. She regularly conducts mediations training throughout the United States.

**Eric Galton, Austin, TX**— is considered by many to be a pioneer and defining force in the field of Alternative Dispute Resolution. Since 1989 he has mediated over 4,400 cases, employing a variety of mediation styles, and consistently maintains a 91% settlement rate.

**Cliff Hendler, Toronto, Canada**— has become known as one of North America's foremost mediators in insurance litigation, legal and medical malpractice, defamation, sexual assault/abuse and workplace and community based conflicts.

**Michael D. Young, Los Angeles, CA**— is a professional mediator with Judicate West in California, as well as a litigation attorney and frequent mediation advocate with the national law firm of Alston & Bird.

**Karin Hobbs, Salt Lake City, UT**—a full-time professional mediator since 1998, has mediated over 3,500 cases. She is known as a proactive mediator with the ability to efficiently resolve complex multi-party cases, diffuse high conflict, and mediate emotionally-charged cases.

**Registration is limited. Please register early.**

Cost: \$250.00 (incl. lunch and IAM reception)

Name: \_\_\_\_\_

Bar #: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Phone/Fax.: \_\_\_\_\_

Email: \_\_\_\_\_

Credit card #: \_\_\_\_\_

Exp. Date: \_\_\_\_\_

To register online go to:

[www.utahbar.org/cle](http://www.utahbar.org/cle).

**Mail registration:** Utah State Bar CLE, 645 South 200 East, Salt Lake City, UT 84111, **Fax: (801) 531-0660**. Registration deadline: March 3, 2010.