



**CBA ALTERNATIVE
DISPUTE RESOLUTION SECTION**

 **Office of Dispute Resolution**



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Colorado Bar Association CLE



7TH ANNUAL

Colorado ADR Conference



LIVE ONLY: THURSDAY, OCTOBER 31, 2013

At the **Hyatt Regency Denver Tech Center** • 7800 E. Tufts Avenue • Denver, CO 80237



Submitted for 6 General Credits, Including 2 Ethics Credits*

**You must attend the sessions that include an ethics component in order to claim ethics credits*

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Colorado's 7th Annual ADR Conference presents a wide array of topics and techniques for the ADR practitioner. Come to challenge your thinking, expand and improve your skills and connect with colleagues.

Featuring:

- Keynote address by Bernard Mayer, Ph.D.
- Ethics panel
- Civil Unions and ADR
- Multi-generational and cross-cultural considerations
- Sessions on a variety of topics, such as probate, workplace and healthcare mediation
- Hands-on skills, such as dealing with difficult people, preparing for mediation, and moving mediation forward

AND MUCH MORE – REGISTER TODAY!

KEYNOTE SPEAKER - BERNARD MAYER, PH.D.



Bernard Mayer, Ph.D., is Professor at the Werner Institute for Negotiation and Dispute Resolution at Creighton University, a Partner at CDR Associates in Boulder and an internationally-recognized leader in the field of conflict resolution. A skilled mediator, Dr. Mayer has facilitated many complex and highly controversial environmental conflicts, commercial and organizational disputes, planning and development issues, and public decision-making processes. Dr. Mayer has worked with federal, local and state agencies on designing and facilitating intergovernmental dialogue and public participation procedures on land use, water policy, solid waste management, shared infrastructure, wildlife management, environmental protection, Superfund allocation and cleanup issues, municipal financing and taxation policies, transportation, and resource allocation. He has provided consultation, mediation, facilitation and training for many federal, state and local agencies including the U.S. EPA, Minerals Management Service, the Department of the Interior, the Department of Defense, the Army Corps of Engineers, and the Bureau of Indian Affairs, as well as for numerous governmental departments and agencies of the State of Colorado. He has mediated disputes among governmental agencies and corporations about shared infrastructure, and disputes between Native American governments, other governmental entities, and private corporations. Dr. Mayer is internationally recognized as a trainer and an innovative leader in applying mediation and conflict resolution to human service arenas and particularly to disputes between public agencies and involuntary clients. He has taught courses or seminars for the University of Colorado, University of Denver, Harvard University, University of Missouri, Windsor University, Colorado State University, University of Warsaw (Poland), the Budapest College of Economics (Hungary), and many other educational institutions. Dr. Mayer has conducted conflict management training and consultations for the Environmental Protection Agency, the Minerals Management Service, the Department of the Interior, and the Department of Defense, as well as for numerous governmental departments and agencies of the State of Colorado. Mayer has consulted on conflict management procedures and trained mediators, negotiators, and conflict intervenors throughout the United States and Canada, and in Australia, Bulgaria, Poland, Hungary, and New Zealand.

ADR CONFERENCE FOUNDING PARTNERS

- The Mediation Association of Colorado
- Colorado Judicial Department Office of Dispute Resolution
- CBA Alternative Dispute Resolution Section

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CONFERENCE LOCATION



Hyatt Regency Denver Tech Center

7800 E. Tufts Avenue
Denver, CO 80237

CLE CREDITS

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CONFERENCE AGENDA - THURSDAY, OCTOBER 31, 2013

8:15 - 8:45 am Registration & Continental Breakfast

8:45 am Welcome

8:45 - 10:15 am **KEYNOTE PRESENTATION**

The Conflict Paradox: The Dilemmas and Contradictions that Define our Work (and Our Lives)

Presented by **Bernie Mayer**, *Bernie Mayer Consulting, Inc., Kingsville, ON, Canada*

10:15 - 10:35 am **Networking Break**

10:35 - 11:50 am **BREAKOUT SESSIONS 1-5** *(Please select one topic per session – please indicate your selection on the registration page)*

SESSION 1: Conflicts in Healthcare: Why/What/When

- "Cultural" and Institutional Characteristics of Healthcare Disputes
- Challenges and Limitations in Mediation
- Alternative Approaches - Effective Roles for ADR Professionals

Presented by **Edward A. Dauer, LLB MPH**, *Dean Emeritus, University of Denver Sturm College of Law, Denver, CO*

SESSION 2: Facilitating Large-Group Processes and Disputes: Best Practices

- How Large Group Processes Differ from Mediation
- Common Steps in the Process
- Facilitating Large Groups
- Special Issues and Considerations with Large Groups

Presented by **Joseph P. McMahon, Esq.**, *Joseph P. McMahon Jr. LLC, Denver, CO*

SESSION 3: Meta-Cognition and the Creative Brain: Seven Strategies of Leonardo da Vinci

This presentation encourages Mastery in Practice and creative life-long learning through the cognitive strategies of Leonardo da Vinci:

- to bridge the multi-dimensional understanding of meta-cognition, neuroscience and creative thinking
- apply it...in your own life and in your field of practice

Presented by **Nan Waller-Burnett**, *Dispute Resolution Professionals LLC, Golden, CO*

SESSION 4: Ethics in Mediation

Mediators can encounter ethical issues at any moment in mediation. A panel of distinguished professionals will explore several different hypothetical mediation situations in an interactive session to stimulate thinking about how to deal with those situations.

Moderator:

Joel Bogen, Member, *Ethics Committee, The Mediation Association of Colorado, Denver, CO*

Panelists:

The Honorable Judge Steve C. Briggs (Retired), *Judicial Arbitrator Group, Inc., Denver, CO*

Deborah Doiel, *Office of Dispute Resolution, Mediator, Fort Morgan, CO*

Elaine A. Wohlner, Esq., *JAMS Panelist, Denver, CO*

Kyle W. Timmons, *Mediator, Franktown, CO*

SESSION 5: Connecting Points

- Tapping the Hidden Power of Language & Communication
- Challenge your boundaries and enhance your professional skills using High Impact communication Connecting Points identifies the missing link between attorneys/mediators, and mediator/disputants and lifts ordinary communication to a higher level.

Presented by **Patti Hoff**, *ADR Specialist, Phoenix ADR Services, Grand Junction, CO*

12:00 - 1:15 pm **Networking Lunch – Ticketed Event** *(Please indicate on the registration form if you plan to attend the luncheon)*



continued on next page>

CONFERENCE AGENDA - THURSDAY, OCTOBER 31, 2013

1:15 - 2:05 pm **BREAKOUT SESSIONS 6-10** (Please select one topic per session – please indicate your selection on the registration page)

SESSION 6: So, You're a Mediator... Are You Also a Peacemaker, Maybe a Warrior?

What is in the name? This presentation explores the continuum of mediation styles and what is important about discovering your unique style. Learning from your life journey, to recognize and maximize your strengths builds your brand. Not right or wrong, rather discovering the Power of You!

Presented by **Peggy Evans**, Peggy A. Evans LLC, Highlands Ranch, CO

SESSION 7: Boot Camp: Colorado Law on Mediation

This session is for beginning and experienced mediators alike. We'll explore issues like:

- When can a Court compel parties to mediate, and when can't it?
- When, how, and why is a mediation communication privileged, and when is it not?
- Do you have an enforceable mediated settlement?
- What are some ethical issues to watch for?

.5 Ethics Credits

Presented by **Steven Choquette, Esq.**, Choquette & Hart LLP, Denver, CO

SESSION 8: Mediation Challenges: A Forum to Discuss Domestic Violence, Restraining Orders and Mediation

- Impact of recent legislative changes affecting DV and domestic relations cases
- Tools for identifying presence of DV
- Challenges for the mediator, and tools for doing the mediation
- Role of a victim advocate at mediation

Presented by **Kathleen Schoen, J.D.**, Director, Domestic Violence: Make It Your Business, Colorado Bar Association, Denver, CO, **Linda Redding**, Court Mediation Services, Littleton, CO, **Jeanne Busacca**, Attorney & Mediator, Denver, CO, and **Amanda Milner**, Family Tree Victim Advocate, Wheat Ridge, CO

SESSION 9: How Multi-Generational Issues Impact Conflict in the Workplace

There are at least 4 generations of employees working in today's workplaces. With different family experiences, values, education, interactive and communication styles, and work ethics, conflict in the workplace can be difficult to resolve. Come participate in this active discussion about how generationally diverse workplaces create challenges for employers and ADR providers.

Presented by **Scott Baroway, Esq.**, Baroway Law Firm, Lakewood, CO, and **Kathryn Miller, Esq.**, Miller & Steiert, P.C., Littleton, CO

SESSION 10: Untying the knot of civil unions-a practical perspective on resolving these disputes through ADR

- Overview of the nuts and bolts of civil unions
- Discussion of the impact of the U.S. Supreme Court's decision to overturn Section 3 of the Defense of Marriage Act ("DOMA")
- Key aspects to consider when handling disputes regarding dissolution of civil unions, adoption, probate, and tax issues
- Best practices for resolving disputes involving civil unions

Presented by **Marie A. Moses, Esq.**, Lass Moses Ramp LLC, Denver, CO, **John Snow, Esq.**, Hackstaff Law Group LLC, Denver, CO, and **Amy M. Goscha, Esq.**, Hackstaff Law Group LLC, Denver, CO

2:10 - 3:00 pm **BREAKOUT SESSIONS 11-14** (Please select one topic per session – please indicate your selection on the registration page)

SESSION 11: Mediation and Diminished Capacity - Ethical Issues in Elder Law Mediation

- Discussion of Rule 1.14 CRPC
- Concerns with whether or not the senior can mediate
- Who can represent the senior in mediation
- Who must participate in elder law mediation
- Discovering diminished capacity during mediation
- PTSD and TBA concerns

Presented by **Michael Kirtland, Esq.**, Kirtland & Seal LLC, Colorado Springs, CO

SESSION 12: Millennial Mediators: Who are the Next Generation of Mediators

- Who we are; what we offer
- Beginning a career as a young mediator
- Mentoring young mediators
- Marketing as a young mediator
- Prime mediation areas

AT THE HYATT REGENCY DENVER TECH CENTER

Presented by **Benjamin T. Stetler, Esq.**, Attorney/Mediator, Wohl Stetler Lord-Blegen PLLC, Contract Mediator for the State of Colorado Office of Dispute Resolution, Denver, CO, and **Joshua S. Wohl**, Attorney/Mediator, Wohl Stetler Lord-Blegen PLLC, Denver, CO

SESSION 13: Cross Cultural Challenges in Mediation

- Limitations with foreign language: dealing with all the players in the room
- Socio-economic and cultural barriers: avoiding assumptions and pitfalls
- Working with interpreters: transparency versus invisibility
- Preconceived notions of truth and justice
- Who is being heard? Who understands what? Building trust to get to resolution

Presented by **Omar Postigo-Martell**, Well Translated LLC, Longmont, CO, and **Sara Johnson**, ODR Bilingual Mediator and Multicultural Chair of the MAC

SESSION 14: Preparing for Mediation

What can the mediator do during the preparation for mediation phase to improve the chances of success? The "who", "what", "how", and "why" questions can determine your level of success. Who are the represented parties in the mediation? Who are the attorneys? How do you plan for the unplanned? How do you prepare all who are involved, including the inexperienced attorney? Do you know how to schedule the mediation session so that all parties feel that their time is valuable, or structure it so all parties know they will be equally heard? Building your credibility, trust and rapport before the session even begins is a must. This session will address the issues that arise even before the mediation takes place so that you can plan to prepare for success.

Presented by **C. Jean Stewart, Esq.**, Holland & Hart LLP, Denver, CO, and **Kenneth R. Hope**, Hope Mediation, LLC, Denver, CO

3:00 - 3:20 pm Networking Break

3:20 - 4:10 pm **BREAKOUT SESSIONS 15-18** (Please select one topic per session – please indicate your selection on the registration page)

SESSION 15: What's Your Next Move? How to Move Difficult Mediations Toward Resolution

Learn tips, strategies and techniques to help you work through those difficult and awkward moments in difficult mediations and move towards resolution.

Presented by **Dennis Dougherty**, Commissioner, Federal Mediation and Conciliation Service, Denver, CO

SESSION 16: How to Negotiate with Difficult People

- Understanding YOU
- Difficult Others: The What and Why of it All
- What is Being Communicated to You and BY You
- Transforming Tension into Trust
- Creative Negotiating: the Art of Listening

Moderator:

Julie McCurdy Williamson, JMW Resolutions, LLC, Denver, CO

Panelists:

Trish Elledge, President, Elledge Group, Inc., Englewood, CO

Steven B. Epstein, Esq., Litvak Litvak Mehrstens & Epstein, PC, Denver, Park Meadows, Aspen, CO

SESSION 17: Parenting Coordination: Strategic Interventions with High Conflict Parents

High conflict parents usually need specialized interventions in order to benefit from alternative dispute resolution services. This workshop will explore how to maintain momentum and progress with difficult clients, including the selective use of individual meetings or caucuses, and how to use other experts, such as the parties' attorneys or therapists, to move the process along and increase the parties' parenting capacities.

Presented by **Christine A. Coates, J.D.**, Dispute Resolution Professional Inc., Boulder, CO and **Betsy Barbour Duvall, LCSW, BCD**, Denver, CO

SESSION 18: Moving Forward with Probate Mediations

Court's mediation referral considerations, likely issues to mediate, post-mediation problems observed, helpful hints for qualifications, training, and working with the court.

Presented by **The Honorable Judge Elizabeth D. Leith**, Denver Probate Court, Denver, CO, and **The Honorable Judge Stephen M. Munsinger**, District Court Chief Judge, 1st Judicial District, Golden, CO

CONFERENCE PLANNING COMMITTEE MEMBERS • FACULTY

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**The Honorable Judge
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Denver, CO

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District Court Chief Judge
1st Judicial District
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Denver, CO

Elaine A. Wohlner, Esq.
JAMS Panelist
Denver, CO

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LIVE CONFERENCE ORDER FORM

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STEP 1: REGISTRATION CATEGORIES

- Students:\$139
- Founder (CBA DR Section, ODR, MAC Members):\$169
- Judicial Employee:\$169
- Nonprofit (Mediation program volunteer or staff):\$169
- Member (CBA, SHRM, Government Employee):\$189
- Other:\$209
- CLE ELITE PASS HOLDER:\$79**

STEP 2: SELECT COURSE MATERIALS

- Downloadable Course Materials (emailed to you 24 hrs. prior to conference)
- Materials on Flash Drive (pick up at conference)
- Printed Book (pick up at conference)

STEP 3: SELECT YOUR BREAKOUT SESSION TOPICS:

- | | | | | | |
|------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
| 10:35 - 11:50 am | <input type="checkbox"/> 1 | <input type="checkbox"/> 2 | <input type="checkbox"/> 3 | <input type="checkbox"/> 4 | <input type="checkbox"/> 5 |
| 1:15 - 2:05 pm | <input type="checkbox"/> 6 | <input type="checkbox"/> 7 | <input type="checkbox"/> 8 | <input type="checkbox"/> 9 | <input type="checkbox"/> 10 |
| 2:10 - 3:00 pm | <input type="checkbox"/> 11 | <input type="checkbox"/> 12 | <input type="checkbox"/> 13 | <input type="checkbox"/> 14 | |
| 3:20 - 4:10 pm | <input type="checkbox"/> 15 | <input type="checkbox"/> 16 | <input type="checkbox"/> 17 | <input type="checkbox"/> 18 | |

STEP 4: LUNCH – TICKETED EVENT

- YES – I will attend the luncheon
 - I require a vegetarian option
- NO – I will not attend the luncheon

TOTAL ENCLOSED \$ _____


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Conference fees reflect the organizers' desire to make the Conference accessible to all of Colorado's ADR practitioners, including volunteers, students, and practitioners in rural Colorado, recognizing their contributions by keeping cases out of court and helping individuals and communities.

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