

17th Annual
Northwest Dispute Resolution Conference

Conference Highlights

Now in its seventeenth year, the Northwest Dispute Resolution Conference for 2010 offers another outstanding program for those practicing law, mediating, or helping resolve or manage conflict. Conference sessions will cover the most recent developments and trends in dispute resolution. Speakers from throughout the U.S. and Canada will:

- Offer insights on what neuroscience can teach us about conflict resolution and the neurobiology of empathy.
- Take a closer look at how we really mediate. Do we coach? Do we use joint sessions or only caucus? Do we evaluate? Do we use hope or fear? Do we use humor?
- Share techniques to improve visual and aural awareness and provide a framework for understanding the dynamics of mediation in terms of vocal characteristics, gaze behavior and proxemics.
- Explore how mediators can prepare participants for the mediation of very high-stakes, high-profile cases.
- Examine the current state of mediation in the Northwest, via a pre-conference survey and a real-time survey of session attendees.
- Explore how race and culture affect conflict, drawing from case studies in the U.S and abroad.
- Discuss the importance of pre-meeting work with participants in dispute resolution processes and offer personal and procedural approaches to support constructive conversations.
- Take a closer look at the justice rationales of both mediation and adjudication and examine the seven habits that advance the promise of each process and the expectations of the parties.
- Share how experienced journalists and storytellers use interviewing skills to delve deeper into clients' stories, and discuss what mediators and lawyers can learn from other disciplines to improve their interviewing techniques.
- Discuss research on the effect of forgiveness on the mind, body and relationships, and how forgiveness has played a role in high-conflict cases.
- Reveal strategies to create a dynamic marketing plan to build a successful ADR practice.
- Learn what lawyers expect from mediators and vice versa.
- Bring you up to date on the use of new technologies to prepare for mediation, including Online Dispute Resolution (ODR) and learn about ways that technology has generated new sources of conflict.
- Share how to prepare for and moderate a town hall meeting.

Visit our Conference Website:
www.mediate.com/nwadr

Conference Format

You may register for both days; for a half-day on Friday, April 30 or for all-day on Saturday, May 1. Registration for either day includes a Friday late afternoon reception. **The early registration deadline is April 16, 2010.**

This conference has been approved for **9.75 CLE Credits** (includes 1.25 CLE Ethics Credits) in Washington.

CONFERENCE SPONSORS

We would like to thank the following sponsors for their generous support:

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Alternative Dispute Resolution Section

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CONFERENCE SCHEDULE AT A GLANCE

Friday, April 30, 2010

| | |
|-------------------|-------------------------------------|
| 12:30 - 1:00 p.m. | Registration |
| 1:00 - 2:15 p.m. | Session Series 1.1 - 1.4 |
| 2:15 - 2:30 p.m. | Break |
| 2:30 - 4:00 p.m. | Session Series 2.1 - 2.4 |
| 4:00 - 4:15 p.m. | Break |
| 4:15 - 5:30 p.m. | Session Series 3.1 - 3.3 |
| 5:30 - 6:30 p.m. | Conference Reception - Burke Museum |

Saturday, May 1, 2010

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|--------------------|--------------------------|
| 7:30 - 8:30 a.m. | Registration |
| 8:30 - 10:00 a.m. | Session Series 4.1 - 4.3 |
| 10:00 - 10:15 a.m. | Break |
| 10:15 - 11:45 a.m. | Session Series 5.1 - 5.6 |
| 11:45 - 1:15 p.m. | Networking Lunch |
| 1:30 - 3:00 p.m. | Session Series 6.1 - 6.7 |
| 3:00 - 3:15 p.m. | Break |
| 3:15 - 4:30 p.m. | Session Series 7.1 - 7.7 |

BEFORE THE CONFERENCE BEGINS

WSBA ADR Section Annual Meeting & Members Only Lunch Friday, April 30, 2010 - 11:00 a.m. - 12:15 p.m.

The WSBA ADR Section will hold its annual meeting and hear Professor Lela Love speaking about "Challenges for dispute resolution providers/2010: A look at the ways in which mediation and arbitration are diverging from their initial promise and how we might bring them back". The meeting will be held before the conference on Friday. The meeting is free to Section members. If you are not already a member, you may join the Section for \$35 on the conference registration form. Everyone – lawyers or not – is invited to join the Section.

SESSION SERIES I: FRIDAY, APRIL 30, 2010 1:00 – 2:15 p.m.

I.1 Fact or Fiction: How We Really Mediate*

Presenters: Christopher J. Soelling, Seattle, WA; Teresa A. Wakeen, Seattle, WA
Most mediators have developed a process they are comfortable with. In this highly interactive program, we will highlight common mediation methods. We will dissect different mediation components including: can you "cut to the chase" or do you have to "do the dance"?; the risks and rewards of joint sessions; orchestrating a well-timed mediation; the ethics of coaching - can you coach and if so, how much?; the benefits and dangers of evaluating the case; finessing the inexperienced negotiator at the table; is hope or fear a better motivator?; should mediations be "fun"?; the hidden power of humor; should you get to know them or get down to business? (This session will be repeated by video replay on Saturday during the lunch break.)

**Of particular interest to lawyers - all attendees are welcome!*

I.2 Narrative Light: Working the Drama of Conflict

Presenters: Gary Harper, Burnaby, BC; Carol Bowser, Puyallup, WA; Jory Faibish, Vancouver, B.C.

As a mediator, you routinely encounter parties to a conflict who present very different perspectives on the situation. In some cases, their stories are diametrically opposed. This interactive workshop will provide tools and concepts to help you unpack and work with such confrontational stories. Specifically, you will learn how recognizing the "drama triangle of conflict," externalizing language, and mapping the impact of a conflict can all help you shift parties from confrontation to collaboration.

I.3 Putting the "Art" in Mediation Training

Presenter: René-Marc Mangin, Vancouver, WA

The "art" in mediation is found in the skill of executing actions. Top mediators demonstrate economy of motion so people experience less unnecessary conflict and there is little wasted energy in transactions. They recognize choices and opportunities for action, make decisions more effectively, and can predict the consequences of various choices. This workshop will improve the participants' visual and aural awareness, and provide the audience with a framework for understanding the action-reaction dynamics of the mediation process in terms of vocal characteristics, gaze behavior, movement, and proxemics.

I.4 "Friending" and "Flaming": How Technology Brings Us Together and Pushes Us Apart

Presenter: Keith Cooke, Seattle, WA

Technology has removed many barriers to collaboration. It has introduced new sources of conflict, from e-mail etiquette to cyberbullying. This session will explore emerging trends in technology, how technology applies new rules to old paradigms and its use as a tool in collaboration and dispute resolution.

SESSION SERIES 2 FRIDAY, APRIL 30, 2010 2:30 – 4:00 p.m.

2.1 Cultivating Readiness: Reflective Processes for Positive Participation

Presenter: Robert Stains, Public Conversations Project, Watertown, MA

Preliminary work is often what makes constructive conversations possible among people mired in conflict. *Cultivating Readiness* examines pre-meeting processes that better enable ADR disputants to begin conversations in more positive, forward-looking ways. Workshop participants will gain practical experience with personal and procedural approaches that support preparedness, focus and constructive participation.

2.2 The Current State of Mediation in the Northwest

Presenter: Sam Imperati, JD, Portland, OR

Based upon the results of a pre-conference survey, (<http://www.surveymonkey.com/s/X5CVHFJ>), and "real time" audience discussion, we will answer the following questions: (1) Where are we now? (2) Where do we want to go? (3) How are we going to get there? We will explore the following topics and more: mediator models, user expectations, future trends, and professionalism.

**2010 NW ADR Conference Mediator Survey
Please Complete by April 23, 2010
Results Will Be Discussed in Session 2.2
Survey link: <http://www.surveymonkey.com/s/X5CVHFJ>**

2.3 Justice in Dispute Resolution: 7 Habits of Highly Effective Neutrals*

Presenter: Professor Lela Love, Director, Kukin Program for Conflict Resolution and the Cardozo Mediation Clinic, Benjamin N. Cardozo School of Law, New York

Mediation and adjudication each have their own justice rationale. What traits or habits insure that the neutral serving in a particular process will perform effectively to advance process integrity? This session will explore justice in mediation and arbitration and propose seven targets for neutrals to insure that they are aiming towards fulfilling the promise of the particular process and the expectations of the parties. (This session will be repeated by video replay on Saturday during the lunch break.)

**Of particular interest to lawyers - all attendees are welcome!*

SESSION SERIES 2 (CONTINUED)
FRIDAY, APRIL 30, 2010 2:30 – 4:00 p.m.

**2.4 Mediation of High Profile - High Stakes Cases:
Improving the Odds of Settlement***

Presenters: Diane McGaba, Kathleen Wareham, Margo Keller, Washington Arbitration & Mediation Service "WAMS", Seattle, WA

Mediated settlement efforts involving newsworthy events and/or very high value claims are seldom "ordinary". This workshop will explore several unique aspects of these high stakes matters and how to better prepare the participants – including the mediator. WAMS mediators will share insights to provide a better understanding of how complex cases can and should be handled differently from the outset. As more of these disputes are brought into mediation, it is essential that mediators and advocates adapt their current mediation practices to maximize the chances of a successful outcome.

**Of particular interest to lawyers - all attendees are welcome!*

SESSION SERIES 3
FRIDAY, APRIL 30, 2010 4:15 – 5:30 p.m.

**3.1 The Artful Interview: Lessons Lawyers and Mediators
Can Learn from Journalists***

Moderator: Kathleen Wareham, WAMS, Seattle, WA; Panel Members: Steve Scher, KUOW radio host, Seattle, WA; Lynda Mapes, Seattle Times reporter, Seattle, WA; Stokeley Towles, Artist, Seattle, WA

Mediators, lawyers and journalists help someone tell their story. This engaging, thoughtful panel of experienced journalists and storytellers will share practice tips and stories to help lawyers and mediators improve their interviewing techniques, delve deep, and learn what they need to learn from a client to be able to help. Topics will include the arts of listening, connecting with the interviewee, preparing for the interview, hearing the underlying story, asking follow up questions, and summarizing, clarifying and retelling for an audience. Participants in this presentation will hear stories, examples and techniques that cross over from the discipline of journalism to law and mediation.

**Of particular interest to lawyers - all attendees are welcome!*

3.2 Forgiveness

Presenter: Frederic Luskin, PhD., Stanford University, Palo Alto, CA

As mediators and lawyers, we work with anger, resentment and even hatred. The negative effects of these emotional states are obvious to us: 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 teach us about forgiveness from his role as Director of the Stanford University Forgiveness Project and author of the best selling *Forgive for Good*. He will discuss his research on the effect of forgiveness on mind, body and relationships. Dr. Luskin will help us understand what forgiveness is, discuss high-conflict cases where forgiveness was implemented and address 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? (This session will be repeated by video replay on Saturday during the lunch break.)

**3.3 An Era of Climate Change, An Era of Conflict?:
The Emerging Role of Dispute Resolution in a
Changing World**

Presenter: Anna Spain, Associate Professor of Law, University of Colorado Law School, Boulder, CO

This session explores climate change as the greatest emerging threat to international peace and security and challenges mediators to think about their contribution in preparing for this future world. Discussing her research and recent experiences at the UN Framework Convention on Climate Change COP 15 in Copenhagen, Professor Spain explains the failings of the existing international dispute resolution system and presents recommendations toward effective reform.

Join other conference attendees at a

Reception

Friday, April 30, 2010 - 5:30 - 6:30 p.m.
Burke Museum

**Reception sponsored by
WSBA Alternative Dispute Resolution Section**

SESSION SERIES 4
SATURDAY, MAY 1, 2010 8:30 – 10:00 a.m.

4.1 Empathy as Brain Science

Presenter: John J. Medina, Affiliate Professor, Bioengineering, University of Washington, Seattle, WA

Is there a cognitive neuroscience of conflict management? There may very well be. Most human conflicts arise as an asymmetrical perception between two types of information: introspective and extrospective. Introspective information is generated from people's intimate acquaintance with their own psychological interiors; they know not only what they communicate, but what they intend to communicate. Extrospective information is generated from the exterior expressions of this knowledge, consisting of verbal and nonverbal communication. Compared to introspective knowledge, extrospective information is impoverished and incomplete. People know when their actions fail to match their inner thoughts and feelings, but this knowledge is not available to others. This natural asymmetry has been shown to be responsible for conflicts ranging from custody battles to labor disputes. An obvious goal in mediation attempts would be to rebalance this asymmetry. In this session, we explore the neurobiology of empathy as a possible balancing behavior. We actively speculate about screening and training exercises capable of bridging the gap, activities designed from the cognitive neurosciences, primarily from research into autistic behaviors.

**4.2 Mediating Identity: Understanding Race and Culture
in Conflict Resolution**

Presenter: Anna Spain, Associate Professor of Law, University of Colorado Law School, Boulder, CO

This interactive session will explore how race and culture, as components of identity, affect conflict and the practice of conflict resolution. Drawing from case studies from the U.S. and abroad, this session will engage participants in an exploration of their own racial and cultural identity and how it influences their work as conflict resolution professionals. (This session will be repeated by video replay on Saturday during the lunch break.)

4.3 Controlling the Discovery Monster in Arbitration*

*Moderator: Serena K. Lee, American Arbitration Association, Seattle, WA;
Presenters: Dick Manning, Esq., Brenda Molner, Esq., Dr. Patricia D. Gal-
loway, AAA Arbitrators; Seattle, WA*

Parties and arbitrators often complain that "creeping legalism" has eroded the time/cost savings promised in arbitration. Uncontrolled discovery is a main culprit for derailing an efficient arbitration. This program provides innovative methods and best practices in effectively and efficiently presenting evidence in arbitration. This session is suitable for advocates and arbitrators interested in controlling the discovery process. The panel includes arbitrators who also serve as advocates or as expert witnesses in arbitrations.

**Of particular interest to lawyers - all attendees are welcome!*

SESSION SERIES 5
SATURDAY, MAY 1, 2010 10:15 a.m. - 11:45 a.m.

5.1 How to Create a Marketing Plan for Your ADR Practice

Presenter: Elizabeth Ferris, Ferris Consulting, Milwaukee, WI

You can build a practice that attracts desirable clients, is profitable and fulfilling. This workshop is for ADR professionals who want to gain control of their practice and achieve accelerated growth. The first step is to create a marketing plan that provides focus, direction and accountability. This workshop will provide specific strategies for building a successful ADR practice. You will discover what a plan is, its three essential components and why you need one; explore what is working for ADR practitioners around the world and how to apply what works to your practice; learn how to separate yourself from the pack, define what you do and how to communicate it; identify your ideal client and referral-sources; and create your own action-oriented plan to grow your practice.

5.2 Culture and Justice Concepts: A Mediator's Tool

Presenter: Terry Harris, Vancouver, B.C.

In this workshop you will learn about a practical working tool to base inquiry and develop confidence in intervening in cultural laden circumstances. Drawing on research on different cultural conceptions of procedural and substantive fairness we will develop a high/low context tool, and apply it to the "live" decisions mediators need to make. Level: intermediate or advanced.

5.3 The Justice Factor

Presenter: Susan Sharpe, Adjunct Professor, School of Criminology, Simon Fraser University, Vancouver, B.C.

Does justice have a role in a mediator's effectiveness? In a mediator's ethics? In a mediator's practice? If so, what is the role? This session invites participants to reflect on justice as an implicit factor in their work and to consider what it might mean to make that factor more explicit.

5.4 Improving Mediation Preparation and Using Technology to Help Tell the Story*

Presenters: Don Logerwell, Seattle, WA and Reno, NV; Jean Magladry, Bellevue, WA

Successful mediation begins with preparation, and preparation for mediation is not the same as trial preparation. The presenters in this session will draw from their years of experience as trial lawyers and as mediators to describe the benefits of thoughtful preparation. Topics will include what the mediator needs to know, what the opposing parties need to know, what the client needs to see and experience from the mediation presentation or submission to the mediator, how to present the information, and how to use technology to help tell the client's story and demonstrate what the trier of fact will see if the case does not resolve in mediation.

**Of particular interest to lawyers - all attendees are welcome!*

5.5 Parity of Esteem

Presenter: John Perkins, Ph.D., Seattle, WA

Over 20 years ago, efforts to resolve the conflict in Northern Ireland promoted "Parity of Esteem" to the level of state policy. Mediation implicitly uses this idea. This lively and thought-provoking session explores the history of the idea, debates about its meaning, and its utility in our personal and professional lives.

5.6 Mediators' Caucus - Learning From Each Other to Solve Our Toughest Cases

Michael Fraidenburg, Olympia, WA; Oriana Noël Lewis, DRC of Thurston County, Olympia, WA

In this interactive workshop, participants will identify challenges and fears they encounter in mediations and then work together to identify solutions. Bring two things to this session. First, your list of difficult moments encountered in the mediation room, and second your 'on the job' learning to share how to deal with these tough cases. This will be an interactive, participant-centered presentation. Participants will then self-select the topics from the brainstorm to discuss in breakout discussion groups. We will end with a plenary where each group reports its findings about solutions.

SATURDAY LUNCH

Sponsored by ADR Roundtable (adrroundtable.com)

May 1, 2010 11:45 a.m. - 1:15 p.m.

William H. Gates Hall

General Conference Networking Lunch

Enjoy a networking opportunity and a sandwich buffet lunch on Saturday! Meet with friends and colleagues or watch video "replays" of Lela Love's *Justice in Dispute Resolution: 7 Habits of Highly Effective Neutrals*, Teresa Wakeen and Chris Soelling's *Fact or Fiction: How We Really Mediate*, Fred Luskin's *Forgiveness*, and Anna Spain's *Mediating Identity: Understanding Race and Culture in Conflict Resolution* during the lunch break.

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The State of ADR

This program is jointly presented by Washington Mediation Association (WMA) and Resolution Washington

Get your lunch from the sandwich buffet and then join us for a discussion of recent trends and opportunities in the field of ADR in Washington State. We will also announce the WMA Mediator of the Year Award for outstanding service in the community and the advancement of ADR.

SESSION SERIES 6
SATURDAY, MAY 1, 2010 1:30 p.m. - 3:00 p.m.

6.1 Staying Together is Hard to Do: What Keeps People from Doing What Needs to Be Done?

Presenter: Lunell Haught, PhD, CMC, Spokane, WA

People who understand and foster an emotionally mature workplace keep their cool when dealing with a challenging employee. Because they understand both themselves and their employees they can build processes and systems to motivate, instill accountability, engage in active two-way feedback, make reasonable accommodations for personal issues, and most important, not let problems escalate. These people have learned to have tough talks (difficult conversations) and take timely corrective action. This program will help mediators identify their own and their client's barriers to having tough talks so they can have a strong foundation for mediation.

6.2 Understanding Conflict Resolution Through a “Different” Lens: Lessons from Post 9/11 Minority v. State Negotiations and International Nuclear Negotiations

Presenter: Sukhsimranjit Singh, Professor, Center for Conflict Resolution, Willamette University School of Law, Salem, OR

This session will bring an international perspective to understanding the impact of culture in the most commonly used international and domestic dispute resolution processes (negotiation and mediation). The presentation will deal with two kinds of negotiations - bilateral nuclear negotiations and state v. minority disputes. The impact of religious minority culture in the most commonly used American dispute resolution processes will be viewed in the context of bilateral negotiations between the United States government and an American religious minority.

6.3 Name That Resolution Deadlock

Presenters: Betsy BeMiller, Federal Way, WA; Sue Ann Allen and Duncan Autrey, DRC of King County, Seattle, WA

As mediators, we have all experienced moments when the parties are “back tracking,” or the negotiation discussion is deteriorating. It is great when we can progress and intervene to help the parties move forward. This session helps mediators develop tools for “in the moment” recognition of what specifically is blocking progress. Using two disputing role-players in active conflict, we stop the process to “name the deadlock” and pair identified blocks with one or more strategies to assist the parties to move forward. Besides being fun and challenging, participants will leave with specific deadlock identifiers and additional tools for linking identified blocks with effective interventions.

6.4 What Lawyers Expect from Mediators and Vice Versa*

Presenters: John A. Bender and Rick Lentini, Ryan Swanson & Cleveland, PLLC, Seattle, WA; Fredrick D. Huebner, Esq., Seattle, WA

Experienced commercial litigators and mediators will cover the efficacy of pre-mediation conferences with lawyers, including interviewing lawyers regarding their case, their clients, and expectations of a mediation. Ethics and disclosure issues and getting permission for having substantive discussions pre- and post-mediation will be discussed. The speakers will also focus on addressing and handling overzealous representation in the mediation context.

**Of particular interest to lawyers - all attendees are welcome!*

6.5 Web 2.0 Marketing for Dispute Resolution Professionals

Moderator: Jeff Bean, Beyond the Courthouse Mediation, Seattle, WA

Presenters: Lara Feltin, Co-founder, Biznik, Seattle, WA; Josh King and Conrad Saam, Arvo, Seattle, WA

Social media experts lead you in an interactive and dynamic workshop exploring the Web 2.0 world. Discover how to use social media to develop your core web-presence and complement traditional marketing. Presenters will demonstrate the most useful directories and networks. Watch the pros take apart popular social media myths. Understand the thorny ethical issues. You will leave this workshop knowing how to strategically engage these tools to be found by your markets, establish your reputation and build relationships.

6.6 Triangulating Our Professional Development: Learning from Adjacent Practices

Presenter: Nancy White, Seattle, WA

It is easy to dive deep into one's own area of specialization to increase proficiency. But all around us are adjacent practices and professions that can stimulate our learning, give us a new perspective to reflect upon our own work, our learning, and inspire us during those “plateaus” that we encounter along our paths. By triangulating with other adjacent practices and networks of professionals, we can grow our own professions. Join Nancy White on a short learning journey of stories, pictures and practical suggestions on how to take advantage of triangulation to enrich your own profession.

6.7 You Want Me to Do What? Moderating a Town Hall Meeting

Presenters: Kay Haaland, WSU Extension, Burlington, WA; Moomwater and Calban Ring, Whatcom County DRC, Bellingham, WA

Moderating a potentially contentious public meeting is not for the light-hearted, however, it is certainly within the realm of possibilities for skilled mediators and facilitators. Preparation, program design, and security are just some of the topics covered in this interactive “how to” workshop that includes a video case study: Sanctuary City—A Community Discussion, in Bellingham, Washington, June 8, 2009.

SESSION SERIES 7

SATURDAY, MAY 1, 2010 3:15 - 4:30 p.m.

7.1 Artificial Intelligence Application in Online Dispute Resolution: The UMCourt Project

Presenters: Francisco António Carneiro Pacheco de Andrade and Paulo Jorge Freitas de Oliveira Novais, Professors, University of Minho School of Law, Braga, Portugal

An alternative way of solving disputes arising out of electronic contracting is ODR – Online Dispute Resolution. ODR moves alternative dispute resolution from a physical to a virtual place. It allows the parties a simple and efficient way to deal with disputes, thus saving time and money. UMCourt is a project being developed at the University of Minho, Braga, Portugal. It is an agent-based system, therefore flexible, dynamic and expandable, that not only provides help in the management and access of information by the parties, but also produces a range of possible outcomes and provides a better notion of the possible consequences and opportunities that the conflict may bring to the parties.

7.2 The Indispensable Tool of Systems Thinking for the Dispute Resolution Professional

Presenter: Joseph Shaulb, Seattle, WA

Human interaction and conflict (and its management and resolution) cannot be fully appreciated without a basic understanding of systems thinking - how humans act, and react, in predictable patterns. Concepts of the triangle (the inevitable tendency of people in conflict to draw in a third person, and its implications, homeostasis (the tendency of systems to maintain their present state) and complementarity (people being both attracted and repelled by the opposite tendencies in others) will be among the topics explored.

SESSION SERIES 7 (CONTINUED) SATURDAY, MAY 1, 2010 3:15 - 4:30 p.m.

7.3 Post-Disaster Civic Engagement and Community Building

Presenters: Claire Lyons, ADR Advisor, FEMA, Seattle, WA; Benjamin Alexander, Community Planner, FEMA Long-Term Community Recovery, Springfield, MO

Project managers put together teams to accomplish their goals. In the case of FEMA's Long-Term Community Recovery Program, a team of diverse professionals work together to engage communities in a post-disaster visioning and planning process to achieve long-term recovery. The project manager and a member of FEMA's ADR cadre will speak about the program and how ADR professionals can add value to project teams and goals. We will share case studies that show how ADR principles were applied in the context of community engagement and post-disaster recovery. There will be time for questions and answers.

7.4 Ethics in Mediation Agreements: Roles & Timing*

Presenters: Catalina M. Cantu, Esq., King County Risk Management Program, Seattle, WA; Linda M. Gallagher, Senior Deputy Prosecuting Attorney King County Prosecuting Attorney's Office, Seattle, WA

Join us for an interactive and fun discussion on practical tools and techniques for drafting agreements and related ethical issues. We will have a mediation role play for participants to identify when agreements are made by the parties, ethical interpretations by the mediators, who writes agreements, where they write them and how to handle pre-written agreements brought by one or more of the parties. Level: intermediate.

**Of particular interest to lawyers - all attendees are welcome!*

7.5 The Dance of Mediation - Swing & Everything

Presenter: Laura Brogden, M.Ed., Port Angeles, WA

Come prepared to learn a few dance steps and learn something about mediation! Swing dance can teach us about the process of mediation, the importance of leading and following, and how little the words have to do with communication. No partners necessary. Suitable for all dance and mediation levels. This will be a light-hearted, innovative, kinesthetic way to examine our practice as mediators.

7.6 Mediation Intake: Creating an Assessment That Works

Presenters: Brooke Gilder and Ilene Stark, DRC of King County, Seattle, WA
DRC of King County has a rigorous mediation intake process that helps staff process a high volume of calls daily and determine the appropriateness of these cases for mediation. In this interactive program we will review the intake process, including the types of questions we use to delve into "red flag" issues, as well as how we determine that both parties are acting in good faith. We will review various models and discuss intake case studies from the DRC.

7.7 Does "Your Story" Influence Your Role as Mediator?

Presenters: Stephen Ruffo, Port Townsend, WA; Greg Abell, Bainbridge Island, WA

This I Believe, originally a 1950's radio series hosted by Edward R. Murrow, is an essay-writing exercise that has been used in coffee houses, writer's groups, diversity training, and prisons. Our purpose in using *This I Believe* as an exercise is to increase awareness of how our own personal stories influence our lives. We will use these stories to lead a discussion about our philosophies, core values and beliefs and how they influence us at the mediation table.

PROGRAM INFORMATION

Location: All sessions will be held at William H. Gates Hall, University of Washington School of Law, located in the northwest corner of the University of Washington Seattle campus near the intersection of 15th Avenue NE and NE 43rd Street.

Parking: Parking is available in pay lots near or on the campus in designated campus parking lots/garages. Directions to campus parking lots assigned for this conference will be sent to you with your registration confirmation letter, along with a campus map.

Bus Service: It is easy to take the bus to William H. Gates Hall. Check the bus routes serving the University District. The building is located on campus between 15th Avenue NE and Memorial Way, near the intersection of 15th Avenue NE and NE 43rd Street, just south of the Burke Museum. Metro Rider Information: 206-553-3000; Metro Online: <http://transit.metrokc.gov>.

Registration Fees: Two-day registration includes all sessions and course materials for both days and events. Registration for Friday-only includes all Friday sessions, course materials for both days and reception. Saturday-only registration includes the Friday reception, all Saturday sessions, Saturday lunch and course materials for both days. Registration fees are listed on the registration form. Please note: Lunch is not included on Friday except for WSBA ADR Section members attending the meeting. There are many restaurants near the campus. You may also bring your own lunch.

Group Discount: A discount of 20% is available for groups of five or more from one organization. Discounts only apply when registrations and payment for groups of five or more people from one organization are made at the same time. Call for more information about group rates (206-543-0059 or 800-253-8648).

Scholarships: A limited number of financial scholarships are available, based primarily on financial need. Send an application form by **April 9, 2010**, to the UW CLE Office, Box 353020, Seattle, WA 98195-3020. Contact the UW CLE Office for criteria and application form (206-543-0059 or 800-253-8648, uwcle@u.washington.edu). Applicants will be notified about scholarship awards by **April 16, 2010**.

Refunds/Cancellations: Requests for refund must be submitted in writing and postmarked or e-mailed by April 16, 2010 (UW CLE Office, Box 353020, Seattle, WA 98195-3020; uwcle@u.washington.edu). All refunds are subject to a \$30 handling fee. Refunds are not available after April 16, 2010, but a substitute may attend if UW CLE is notified in writing prior to the program.

Conference Materials Only: You may order the conference materials by sending an e-mail to UW CLE at uwcle@u.washington.edu or by calling UW CLE at 206-543-0059 or 800-253-8648. Please indicate that you wish to order the conference materials. Cost of the conference materials is \$89.00.

Continuing Legal Education Credits: 9.75 CLE credits (including 1.25 Ethics credits for Session 7.4 Ethics in Mediation Agreements: Roles & Timing) are approved in Washington. For assistance regarding CLE credit in other states, contact UW CLE at (206) 543-0059 or 800-253-8648. **Some sessions may not be accredited.**

Accommodations for Disabilities: If you have a disability that may impact your participation in this seminar, please notify the UW CLE (206-543-0059 or 800-253-8648). We cannot ensure the availability of appropriate accommodation without prior sufficient notification of need.

Lodging: A block of rooms has been reserved at the University Inn, 4140 Roosevelt Way NE, Seattle (206-632-5055 or 800-733-3855), website: www.universityinnseattle.com; the Watertown Hotel, 4242 Roosevelt Way NE, Seattle (206-826-4242 or 866-944-4242) www.watertownseattle.com; and the Hotel Deca, 4507 Brooklyn Avenue NE, Seattle (206-634-2000 or 800-899-0251) www.hoteldeca.com. These hotels are 3-4 blocks (about a 10 minute walk) from William H. Gates Hall. A block of rooms has also been reserved at the Silver Cloud Inn, 5036 25th Avenue NE, Seattle (206-526-5200 or 800-205-6940) www.silvercloud.com. All of these hotels have a shuttle van that can provide transportation to-and-from the hotel and William H. Gates Hall. Conference participants may call these hotels to reserve a room at special rates until **March 29, 2010**. After this date, rooms will be available on a space-available basis. Please identify yourself as being with the Dispute Resolution Conference when making reservations at any of these hotels.

17th Annual Northwest Dispute Resolution Conference Registration Form (10D30)
Early Registration Deadline - April 16, 2010

Mr./Ms. _____

| | | |
|----------------------------|-------|-------------------------|
| First Name | M.I | Last Name |
| Bar Number & State, if any | | Year Admitted |
| Firm/Organization | | |
| Address | | |
| City | State | Zip/Postal Code |
| Telephone Number | Fax | Internet/E-Mail Address |

Please complete the following:
Please indicate your profession/field: _____

SESSION PREFERENCES

Please indicate which sessions you are most likely to attend. This will assist us in assigning rooms.

Session titles are abbreviated below. For complete details, please refer to the descriptions in this brochure or at www.mediate.com/nwadr.

Friday, April 30, 2010

Series 1 - 1:00 - 2:15 p.m.

- 1.1 **Fact or Fiction, How We Mediate***
- 1.2 Narrative Light - Drama of Conflict
- 1.3 Putting the "Art" in Mediation Training
- 1.4 "Friending" & "Flaming"

Series 2 - 2:30 - 4:00 p.m.

- 2.1 Cultivating Readiness
- 2.2 Current State of Mediation in NW
- 2.3 **7 Habits of Effective Neutrals***
- 2.4 **Mediating High Profile Cases***

Series 3 - 4:15 - 5:30 p.m.

- 3.1 **The Artful Interview***
- 3.2 Forgiveness
- 3.3 Era of Climate Change & Conflict

***Of particular interest to lawyers - all attendees are welcome!**

Saturday, May 1, 2010

Series 4 - 8:30 - 10:00 a.m.

- 4.1 Empathy as Brain Science
- 4.2 Mediating Identity - Race & Culture
- 4.3 **Controlling the Discovery Monster***

Series 5 - 10:15 a.m. - 11:45 a.m.

- 5.1 How to Create a Marketing Plan for ADR
- 5.2 Culture and Justice Concepts
- 5.3 The Justice Factor
- 5.4 **Improving Mediation Preparation***
- 5.5 Parity of Esteem
- 5.6 Mediators' Caucus

Series 6 - 1:30 - 3:00 p.m.

- 6.1 Staying Together is Hard to Do
- 6.2 Conflict Resolution Thru a Different Lens
- 6.3 Name That Resolution Deadlock
- 6.4 **What Lawyers Expect from Mediators***
- 6.5 Web 2.0 Marketing for DR Professionals
- 6.6 Triangulating Professional Development
- 6.7 You Want Me to Do What?

Series 7 - 3:15 - 4:30 p.m.

- 7.1 Artificial Intelligence in ODR
- 7.2 Tool of Systems Thinking
- 7.3 Post-Disaster Civic Engagement
- 7.4 **Ethics in Mediation Agreements***
- 7.5 The Dance of Mediation
- 7.6 Mediation Intake
- 7.7 "Your Story" Influence on Mediator Role

REGISTRATION FEES

**Call About Our Group Rates:
206-543-0059 or 800-253-8648**

- Both Friday & Saturday, 4/30-5/1/10.....\$245*
(paid **by** 4/16/10)
- Both Friday & Saturday, 4/30-5/1/10.....\$290*
(paid **after** 4/16/10)
- Only Friday, 4/30/10.....\$105
(paid **by** 4/16/10)
- Only Friday, 4/30/10.....\$130
(paid **after** 4/16/10)
- Only Saturday, 5/1/10.....\$190*
(paid **by** 4/16/10)
- Only Saturday, 5/1/10.....\$230*
(paid **after** 4/16/10)
- Join WSBA ADR Section.....\$35

Total fees enclosed (U.S. Funds) \$ _____

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**Register Online At:
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