

25TH ANNUAL NORTHWEST DISPUTE RESOLUTION CONFERENCE

SESSION DESCRIPTIONS

Session Series 1: Thursday, March 28, 2019, 10:30 a.m. - 11:45 a.m.

1.1 The Mask

Presenter: Craig Sims, JD, Schroeter Goldmark & Bender, Seattle, WA

A thought-provoking exploration of how bias and assumptions impact our professional and personal relationships.

(1.25 Ethics CLE Credits Approved)

1.2 The Art of Asking Questions

Presenter: Kenneth Cloke, JD, Mediator, Dialogue Facilitator, Conflict Resolution Systems Designer, Author, Trainer, Founder, Center for Dispute Resolution, Santa Monica, CA

Through questions during the thick of discord, we discover how to free ourselves from its all-consuming grip, to gain insight into what got us stuck, to transform the ways we interact with our opponents, to turn criticisms and complaints into openings for improvement, and to evolve to higher levels of skill in conflict resolution. Through skillful questions we begin to move into the heart of conflict where resolution, transformation, and transcendence suddenly, inexplicably, and exquisitely unfold. All dispute resolvers can enhance their skills by asking deeper questions that reveal some new element or facet of the problem that transforms it and makes it resolvable, or that exposes its hidden dynamics and suggests new paths forward.

(1.25 Professional Development CLE Credits Approved)

1.3 Social Determinants of Wellbeing

Presenter: Benjamin Danielson, MD, Clinical Professor and Medical Director, Odessa Brown Children's Clinic, Seattle, WA

Health professionals serving lower income and marginalized communities can be at the intersection of conflicts between families and the healthcare system or with other systems. This session explores some areas of conflict that may not rise to formal legal action, yet suffuse the lives of many families.

(1.25 Law and Legal Procedure CLE Credits Approved)

1.4 Wise Facilitation: How to Respond When Your Personal Identity is Challenged

Presenter: Bob Stains, Mediator, Trainer, Consultant, Former Senior Vice President Public Conversations Project, Watertown, MA, Principal, Bob Stains and Associates Conflict Transformation, Danvers, Massachusetts

How do you respond when someone says, “You can't be legitimate because you're a _____?” What reactions does that set off in you? What do you hold back? What do you say? How do you manage yourself? For most dispute resolution practitioners, the toughest challenges are those directed at us that question things we cannot change: some aspect of our personal identity like gender, sex, age, race, etc. This session explores a “wisdom” approach and focuses on (1) Mindset – cultivating an approach that serves you and your group; (2) Resilience – developing inner resources of reflection and self-awareness that breed calm in the face of fire; and (3) Strategies – understanding and engaging the person raising concerns.

(1.25 Professional Development CLE Credits Approved)

1.5 Emotional Intelligence for Lawyers: Working with the Emotional Dimension in Mediation

Presenter: Stephen Salmeyer, JD, PhD, Mediator, Trainer, Collaborative Law Divorce Coach, Clinical Psychologist, Corte Madera, CA

The interest-based approach to dispute resolution, for all its advantages over the positional/distributive approaches that preceded it, suffers from serious limitations. Rational discussion of parties' interests is insufficient to resolve the kinds of emotionally charged conflicts we frequently see. This session will examine the paradigm shift and skills needed to integrate the intellectual and the emotional, cut through impasse, and get to the deepest levels of resolution.

(1.25 Professional Development CLE Credits Approved)

Session Series 2: Thursday, March 28, 2019, 12:00 p.m. - 1:00 p.m.

2.1 Who Settles the Case and How: A Practical Discussion of the Mediator's and Advocate's Roles and Methods to Help Clients Reach Resolution

Presenter: Chris Soelling, JD, Mediator, Arbitrator, Christopher J. Soelling, PLLC, Seattle, WA

Join mediator/arbitrator Chris Soelling in an interactive discussion of some of the thorny issues surrounding the decision of whether to settle a case or try it to a judge or jury. The client controls settlement, but do they know what they want? Do they know what they need? Is the right settlement for the wrong reasons still the right settlement?

(1.00 Law and Legal Procedure CLE Credit Approved)

2.2 Perfect Your Cold Calling Skills: Convert Reluctant Mediation Clients to Conflict Coaching Clients

Presenters: Andrea Pacheco, Mediator and Washington Community Program Director, Six Rivers DRC/Resolution Washington, Hood River, OR; Nicolia Mehrling, Mediator and Mediation Coordinator, Six Rivers DRC/Resolution Washington, Hood River, OR

What do you do when you cold-call potential mediation clients who decline to participate in mediation but badly need help resolving their conflicts? This session presents a nine-step process to help you earn the trust of reluctant parties so you can coach them as they work through their conflicts. Conflict coaching, persuasive advertising techniques, and case development come together in the art of the cold call.

(1.00 Professional Development CLE Credit Approved)

2.3 Confronting Systemic Disability Bias: Expanding Possibilities in Individual Conflict Situations

Presenters: Rose Spidell, JD, Education Ombuds, and Carrie Basas, JD, MEd, Director, Washington State Governor's Office of the Education Ombuds, Seattle, WA

Learn how Education Ombuds are leveraging insights and relationships built in individual conflict resolution to engage the broader education community in discussions around eliminating bias and stigma. Explore how public conversations addressing systemic bias can help expand possibilities for resolving individual conflict situations.

(1.00 Ethics CLE Credit Approved)

2.4 Intel Corporation: A Multi-Year Assessment of Our Workplace Mediation Program

Presenters: Patrick Lau, Mediator, Co-Lead, Collaborative Mediation Program, Intel Corporation, Hillsboro, OR; Jodi Maslowski, Mediator, Co-Lead, Collaborative Mediation Program, Intel Corporation, Chandler, AZ

Intel, a Fortune 100 company, is 5 years into implementing an in-house workplace mediation program. A small group of trained and experienced Intel mediators help resolve difficult and challenging workplace conflicts between co-workers, peer managers, team members, and supervisors and subordinates. We will present a multi-year perspective on the program's challenges, successes, and key learnings. We will focus on the benefits of workplace mediation, developing the business case, implementing operational aspects, marketing the program, key workplace mediation techniques, and additional conflict resolution plans for the next few years.

(1.00 Law and Legal Procedure CLE Credit Approved)

2.5 Here Come the Robots: Automating the Systems Science of Influence, Persuasion, and Negotiation

Presenter: Martin Medeiros, JD, Author, Certified Information Privacy Professional/United States (CIPP/US), Founder, Negotiation Strategist Research, Portland, OR

Humans use a form of communication called negotiation to get their needs met. Machines using artificial intelligence are learning to influence and persuade humans to get their creator's needs met. The systems approach to negotiation – mastering negotiation of the strategic, tactical, and operational systems – once mastered can help humans deal with our very persuasive and influential binary friends.

(1.00 Professional Development CLE Credit Approved)

2.6 Conflict as a Driver of Organizational Change

Presenter: Lori Charvat, JD, LLM, Mediator, Coach, Principal, Sandbox Consulting, Vancouver, BC, Canada

Through this session, participants will explore:

- How workplace conflict creates opportunities for change at the intra-personal, relational, and organizational levels;
- The ecology of conflict – in which conflict represents a dynamic negotiation of relationships – from the personal to organizational levels;
- How a transformative approach to conflict invites individual and organizational learning and development;
- How mediators might serve as facilitators of change (and dispute resolution system designers).

(1.00 Law and Legal Procedure CLE Credit Approved)

2.7 The Business of Mediation: What a Retrospective Look has to Teach Us About the Future

Presenter: Bruce Edwards, JD, Mediator, Arbitrator, Co-Founder, Edwards Mediation Academy, JAMS, San Francisco, CA

The business of mediation has evolved over the past twenty-five plus years to include a variety of business models and embrace a diverse profession. What has that experience taught us about pathways to success, and what lessons will guide us into the future?

(1.00 Office Management CLE Credit Approved)

Lunch (On Your Own): Thursday, March 28, 2019, 1:00 - 2:30

Session Series 3: Thursday, March 28, 2019 2:30 p.m. - 3:45 p.m.

3.1 Contract Drafting to Minimize and Resolve Disputes When They Arise

Presenters: Patricia D. Galloway, Mediator, Arbitrator, Galloway Arbitration, Inc., Cle Elum, WA; Kimberly Farley, Sound Transit, Seattle, WA; Graehm Wallace, JD, Perkins Coie LLP, Seattle, WA

Parties seldom draft contracts with the expectation that the parties will enter into disputes, but when it happens the contract clauses rarely address shared risk allocation, innovative ways to share risk without having to price that risk in the bid or provide for alternative dispute resolution techniques outside of costly and lengthy litigation. This session will provide perspectives and insights from the owner, arbitrator and legal counsel for drafting contracts to address these issues.

(1.25 Law and Legal Procedure CLE Credits Approved)

3.2 Make An Action Plan! Changing Bias-Based Behaviors

Presenter: Oriana Noël Lewis, Training Manager, DRC/Resolution Washington of Thurston County, Olympia, WA

What bias-behaviors do you exhibit when you mediate? How do they impact your mediations? What behaviors are you willing and wanting to change? In this highly interactive dialogue, we will explore definitions of mediator professionalism, and participants will be encouraged to cultivate self-awareness of their own behaviors. Through discussions with colleagues and with the help of the facilitator, you will work on a plan of action to shift what may be biased behaviors to align more closely with your professional aspirations.

(1.25 Ethics CLE Credits Approved)

3.3 Implementing Restorative Practices through Community/Government Partnerships to Create Alternatives to Youth Detention

Presenters: Polly Davis, Mediator, Facilitator, Trainer, King County Office of Alternative Dispute Resolution, Seattle, WA; Dominique Davis, Founder, Executive Director, Community Passageways, Seattle, WA; Marcus Stubblefield, Criminal Justice Strategy and Policy Section Manager, Uniting for Youth Initiative Program Manager, King County Executive Office, Seattle, WA; Dan Satterberg, JD, Elected King County Prosecuting Attorney, Seattle, WA

Through Community and King County partnerships a crucial shift is happening within the juvenile legal system. There is a commitment to expand the range of community-based alternatives to detention, help young people thrive, keep them from entering the juvenile legal system, divert them from further involvement in the juvenile legal system, and support strong communities.

(1.25 Law and Legal Procedure CLE Credits Approved)

3.4 Trauma: The Role It Plays in Brain Sensitive Dispute Resolution

Presenter: Jennifer Kresge, MA, Mediator, Trainer, Psychotherapist, Founder, Mediation Training and Counseling Services, St Helena, CA

Trauma affects the functioning and the anatomy of the brain. This session will explore the neurobiology of trauma, its effects on functioning and physiology. We will explore: the role of confirmation bias (a significant component of complex trauma) and its effects on decision making, attachment, self-regulation, and perception in the world as it applies to dispute resolution and negotiation strategies.

(1.25 Professional Development CLE Credits Approved)

3.5 Beyond “I Win You Lose:” Better Conversational Outcomes

Presenter: Andrea Luoma, PhD, MA, Facilitator, Coach, Principal, Accommodare Consulting, Port Angeles, WA

Do you ever feel you are just not understood? Do you desire greater interaction and collaboration among individuals, groups, departments or communities? The way you routinely speak may be doing nothing to foster trust, or worse, may be undermining trust and damaging relationships. In this session we will explore the necessity of trust and safety in every conversation. Learn about the three conversational levels and identify the level in which you are entrenched. From this starting point, learn to build or rebuild trust, and how to have more effective conversations for better relationships, teams, and organizations. Gain insight into how your brain and body work for and against you in all interactions.

(1.25 Professional Development CLE Credits Approved)

3.6 Introduction to Liberating Structures: Unleashing the Power of Groups

Presenters: Timothy M. Jaasko-Fisher, Principal, TJF Consulting, Tacoma, WA, Vivien Sharples, Mediator, Trainer, Facilitator, City of Seattle ADR Program, Seattle WA; Richard Gelb, Collaboration Enthusiast, King County, Sustainable Seattle, Seattle, WA

In this session, participants will learn about “Liberating Structures:” practical, easy to use group process tools to increase the effectiveness of individuals engaged in group work. These adaptable microstructures are described in the groundbreaking book “The Surprising Power of Liberating Structures: Simple Rules to Unleash a Culture of Innovation,” by Henri Lipmanowicz and Keith McCandless. Experience and learn several engaging Liberating Structures that you can immediately apply to make your meetings, planning sessions, conflict work, and trainings more inclusive, participatory, creative, innovative, and effective.

(1.25 Professional Development CLE Credits Approved)

Session Series 4: Thursday, March 28, 2019, 4:00 p.m. - 5:15 p.m.

4.1 Why Do We Lie? Understanding Motivations for Falsehoods, Fibs, and Downright Fabrications

Presenter: Nina Meierding, MS, JD, Mediator, Trainer, Founder, Negotiation and Mediation Training Services, Bainbridge Island, WA

Whether to protect ourselves or others; whether to enhance our own self-esteem, wealth, or power; whether to keep a secret or take advantage of others; the average person tells some form of a lie multiple times a day. This practical plenary session will focus on why it may be important for conflict resolvers to understand someone's motivation behind a lie, the context in which the lie occurs, and whether we are more likely to be lied to than others.

(1.25 Professional Development CLE Credits Approved)

Session Series 5: Friday, March 29 2019, 9:00 a.m. - 10:00 a.m.

5.1 Making the Case for Civility

Presenter: Craig Sims, JD, Schroeter Goldmark & Bender, Seattle, WA

This session will be a real-life case study exploring the precursors to unthinkable acts of incivility in the legal profession.

(1.00 Ethics CLE Credit Approved)

5.2 Restoring, Rebuilding, and Reconnecting in the Workplace

Presenter: Sue Ann Miglino, DRC/Resolution Washington of Kitsap County, Silverdale, WA

This session will give attendees both process steps and specific key concepts for conducting Multi-Party Restorative Facilitations. This process, which combines mediation skills and the basic tenets of restorative work, deescalates the most contentious of workplace tensions.

(1.00 Law and Legal Procedure CLE Credit Approved)

5.3 Inside-Out: How Conflict Professionals Can Use Self-Reflection to Help Their Clients

Presenter: Gary Friedman, JD, Mediator, Author, Trainer, Co-Director, Center for Understanding in Conflict, Santa Rosa, CA

This session will focus on training participants in ways of accessing their inner lives while working with clients in conflict. We will learn together about connecting with deeper impulses that fuel our commitment to working with people in conflict – such as compassion, the search for greater self-understanding, and mutual understanding. We will also learn about addressing barriers to

our understanding, such as judgment, anger, and the desire for control, and how to recognize and work with those barriers to bring us closer to ourselves and our clients.

(1.00 Professional Development CLE Credit Approved)

5.4 Getting to Sovereignty: Expanding Interest-Based Negotiations With Tribes

Presenter: Robert Harper, JD, MA, Stakeholder Relations Expert Working With Indigenous and Tribal Communities, Executive Director, Seventh Sovereign, Missoula, MT

This session describes an innovative approach to negotiating with Tribes. Expanding the interest-based negotiations approach to include a multi-dimensional sovereignty analysis can unlock doors to unforeseen outcomes. It can also avoid hundred-million-dollar debacles like DAPL, Keystone XL, Trans-Mountain, and the Culverts Decision (a recent decision by the Ninth Circuit US Court of Appeals addressing fish-blocking culverts in Washington State).

(1.00 Law and Legal Procedure CLE Credit Approved)

5.5 Transforming Conflict, Transforming Lives: Re-Writing and Re-Rooting Stories

Presenter: Jennifer Wilboit, Mediator, PhD, Founder, TEALabor stories, Bainbridge Island, WA

Transformative potency lies within conflict, which can provide an opportunity for deeper self-reflection and transition to a more whole, conscious engagement with life and relationships. Participants in this session will share stories as well as learn about, explore, and sample creative, nature-based writing as a tool for professional and personal renewal.

(1.00 Professional Development CLE Credit Approved)

5.6 Now You See It, Now You Don't: Recognizing and Responding to Implicit Bias

Presenter: P.K. Runkles-Pearson, Partner, Miller Nash Graham & Dunn, Portland, OR

Effective alternative dispute resolution often requires understanding how implicit bias impacts relationships and actions, especially in the employment context. We will review the growing number of legal cases making new law about implicit bias and provide smart strategies for strengthening equity and diversity knowledge to mitigate future risks.

(1.00 Ethics CLE Credit Approved)

5.7 Managing the “Decay of Truth” in Mediation

Presenters: Sam Imperati, JD, and Devin Howington, PhD, ICMresolutions, Portland, OR

In 2018, the RAND Corporation issued a research report that describe how “Truth Decay” is eroding civil discourse and damaging our democracy. Do we have an obligation to help parties find “the truth” or only mediate “their truth?” We will explore RAND’s thesis, examine our obligations, grapple with impartiality, explore best practices, and learn tools to prevent and manage “Truth Decay.”

(1.00 Professional Development CLE Credit Approved)

Session Series 6: Friday, March 29, 2019, 10:15 a.m. - 11:30 a.m.

6.1 Epic Systems: Changes to Litigation and Arbitration

Presenters: Donna Lurie, JD, Mediator, Arbitrator, Trainer, Founder, Lurie Workplace Solutions, Woodinville, WA; Marc Cote, Frank Freed Subit & Thomas, Seattle, WA; Justo Gonzalez, Stokes Lawrence, Seattle, WA

In May 2018, the US Supreme Court issued a monumental decision in Epic Systems, which changed litigation and arbitration of employment claims. In this session, panel members will discuss the impact of the decision, offer precautions on language and use of mandatory arbitration provisions, and suggest ways to make mandatory arbitration work for all parties. With the use of at least one scenario, we will debate privacy versus confidentiality of arbitration, and discuss strategies for entering into arbitration. Panel members will review lower court reactions to Epic Systems and consider pre-emption of recent changes in Washington State law.

(1.25 Law and Legal Procedure CLE Credits Approved)

6.2 Empowering Our Neighbors: An Ounce of Prevention Against Eviction and Homelessness

Presenters: Kathy Rice, Certified Master Mediator, Director of Operations, Dispute Resolution Center of Snohomish, Island & Skagit Counties, Everett, WA; Sue McCarthy, Certified Mediator, Housing Retention Specialist, Dispute Resolution Center of Snohomish, Island & Skagit Counties, Everett, WA

DRCs can be catalysts for bringing together government (local, county, state), industry (entrepreneurs, regional and statewide groups), and other interested organizations (advocates, shelters, transitional housing, employment services, etc.) to address important issues like homelessness. Come explore our model and see whether it could work for your community’s needs.

(1.25 Law and Legal Procedure CLE Credits Approved)

6.3 Salvage Tough Moments and Respond to Statements that Repel You

Presenter: Bob Stains, Mediator, Trainer, Consultant, Former Senior Vice President Public Conversations Project, Watertown, MA, Principal, Bob Stains and Associates Conflict Transformation, Danvers, Massachusetts

What do you say when someone you care about makes a statement that is repellent to you? Maybe they voted differently than you did. Maybe they made a disparaging remark about you or others. Maybe they're family, so you have to live with them. Maybe they're colleagues and you can't just walk away. What do you do? In this session you will learn the framework and practices of my conversational approach to personally managing conflict: RUA. Recognize, Understand, and Act. This session will help you develop self-awareness, formulate constructive responses that can salvage tough moments, and cultivate your relationships with your clients.

(1.25 Professional Development CLE Credits Approved)

6.4 Implicit Bias and Gender: How Far Have We Come?

Presenter: Barbara Diamond, JD, Trainer, Diamond Law Training, Portland, OR

True or False? In the last half-century, we have made great progress towards overcoming discrimination in the workplace, labor law, and arbitration. This high-energy interactive session will explore how people function in the world of work as well as whether implicit bias may influence how we evaluate witnesses and decide cases. Watch a short documentary film featuring two lawyers who practice in the field of labor law, an arbitrator, and others who talk about ongoing issues of subtle and not so subtle bias. What you will see and hear may surprise you.

(1.25 Ethics CLE Credits Approved)

6.5 Civility: An Opportunity to Engage Extremes

Presenters: Page Todd Garcia, Mediator, Trainer, Public Employment Relations Commission (PERC), Olympia, WA; Peggy Holman, MBA, Coach, Co-Founder, Journalism That Matters, Seattle, WA; Ross Reynolds, Master of Communication in Digital Media (MCDM), Executive Producer for Community Engagement, KUOW National Public Radio, Seattle, WA; David E. Smith, PhD, MA, Instructor, Osher Lifelong Learning Institute, University of Washington, Seattle, WA

This session explores the benefits of civility. How do we have conversations with people who may not agree with our ideologies, and how can we guide others to have those conversations? We will share successful stories and not-so-successful stories of dialogue between polarized groups, discuss how the panelists help dialogue participants shield themselves from vilifying the "other," and examine the roles of curiosity, apology, and personal ownership in this type of work. We will also discuss responses to those who think the term civility is used as a weapon rather than a calming salve, especially against those with less power, and how people with less power can effectively respond when on the receiving end of incivility from those with greater power.

(1.25 Professional Development CLE Credits Approved)

6.6 Expanding Your Conflict Engagement Practice by Design

Presenter: Jim Rudd Levy, JD, MA, Mediator, Facilitator, Coach, Levy Conflict Engagement (fka Constructive Conflict Resolution), Seattle, WA

This session provides conflict engagement professionals with perspectives and tools to expand their practices by offering new services in new contexts. Participants will be led through exercises to research market needs, to tap existing strengths, to piece together new services from existing services, and to evaluate iterative newly-designed services.

(1.25 Office Management CLE Credits Approved)

6.7 Straight from the Source: Mediation Do's and Don'ts from the Litigator's Perspective

Presenters: Harold Coleman, Jr. and Michael Powell

AAA-ICDR-AAAMediation.org executives Harold Coleman, Jr. and Michael Powell will provide an overview of seminal findings and take-aways from the ABA Dispute Resolution Section's 2017 task force study and the AAA's 2018 national survey of litigators (and in-house counsel) on what advocates need, value and expect from the mediation process. This also will entail a discussion of specific mediator techniques that litigators find both appealing and unappealing. Litigators and mediators alike shouldn't miss this opportunity to learn straight from the source what users find to work well (and not so well) at mediation!

(1.25 Law & Legal Procedure CLE Credits Approved)

Lunch (boxed lunch provided): Friday, March 29, 2019, 11:30 a.m. - 1:00 p.m.

L.1 The Development of Mediation: A Look Back Over the Last 25 Years

Presenters: Gary Friedman, JD, Mediator, Author, Trainer, Co-Director, Center for Understanding in Conflict, Santa Rosa, CA; Bruce Edwards, JD, Mediator, Arbitrator, Co-Founder Edwards Mediation Academy, JAMS, San Francisco, CA

Twenty-five years ago, the two of us debated whether mediation should be conducted with or without caucusing. In this session, we will not only re-explore that topic, but also examine how our thinking about mediation has developed over the intervening years, and how mediation has evolved as a field. Audience participation is encouraged and welcome.

(1.00 Law and Legal Procedure CLE Credit Approved)

L.2 Public Heart: Theatrical Discovery of Truth in Conflict Resolution

Presenters: Dr. Franca Baroni, Esq., LL.M., Immigration Attorney, Author, Actress & Mediator; Paul Figueroa, Professional Speaker, Trainer & Author.

This highly-interactive session explores theatrical ways to assist parties to discover what has kept them locked into a conflict with themselves and the other. The full sensory experience of role play by the parties in mediation opens up a broader field of information and resolution than the one accessed solely through a mental and linear process.

(1.00 Professional Development CLE Credit Approved)

L.3 What Every Mediator Needs to Know About Psychology

Presenter: Stephen Sulmeyer, JD, PhD, Mediator, Trainer, Collaborative Law Divorce Coach, Clinical Psychologist, Corte Madera, CA

We all know that disputes have something to do with psychology. As lawyers, we tend to shy away from psychological approaches in which we have little training. Unfortunately, our “rational actor” approach to dispute resolution often misfires in the face of heated emotions and strong personalities. Participants in this session will learn basic concepts related to the psychology of conflict and how to apply them in practice.

(1.00 Professional Development CLE Credit Approved)

Session Series 7: Friday, March 29, 2019, 1:00 p.m. - 2:00 p.m.

7.1 Wrestling With Bad Faith

Presenters: Thomas V. Harris, JD, Mediator, Washington Arbitration & Mediation Service; Judge Bruce W. Hilyer (Ret.), Mediator, Arbitrator, Hilyer Dispute Resolution, Seattle, WA

In this session, intended primarily for attorney advocates representing clients in litigated matters, Tom Harris and Judge Hilyer will analyze the various statutes, regulations, and judicial precedents that govern insurance bad faith issues in Washington and explore how they have evolved over the years.

(1.00 Law and Legal Procedure CLE Credit Approved)

7.2 Safety Versus Freedom: The Underlying Interests of Parent-Teen Mediation

Presenters: Luke Wiesner, Mediator, Trainer, Mediation Program Manager, and Emily Machin-Mayes, Mediator, Trainer, Parent-Teen Program Co-Manager, Whatcom DRC/Resolution Washington, Bellingham, WA

This interactive session focuses on parent-teen mediation skill building and program development. Explore how family development and dynamics impact the challenges parents and teens face in the

age of social media. Discuss program specific skills, case examples, and strategies to expand your parent-teen practice.

(1.00 Professional Development CLE Credit Approved)

7.3 Evolving the Mediation Process through the Lens of the Participants

Michelle Corsi, JD, Mediator, Arbitrator, WAMS, Seattle, WA; Monte Bersante, JD, Mediator, Arbitrator, WAMS, Tacoma, WA

Participants in this session will explore cultural diversity in mediation through the prism of gender, religion, politics, ethnicity, culture, age, ethics, and civility. Participants will learn how focusing on their unique “life experiences” can lead to effective strategies in the mediation process. Through interactive discussion, we will explore how to turn each participant’s life experience into a successful mediation strategy.

(1.00 Ethics CLE Credit Approved)

7.4 A Comparison of Public Workplace Conflict Resolution Approaches in Ireland and New Zealand

Presenters: Deirdre Curran, PhD, National University of Ireland Galway, Galway, Ireland, and Alec Coakley, PhD, both with the Kennedy Institute Workplace Mediation Research Group, Kennedy Institute for Conflict Intervention, Maynooth University, Maynooth, Ireland

Conflict is inherent in employment relationships with consequences for social relations and business performance. Countries evolve systems of conflict resolution that adapt to variations in context. This session focuses on a work-in-progress research project and compares public mediation provisions across Ireland and New Zealand. The research findings aim to inform policy and practice and to lay the groundwork for other international comparisons.

(1.00 Law and Legal Procedure CLE Credit Approved)

7.5 The Chemical Cocktail in Every Conversation

Presenter: Andrea Luoma, PhD, MA, Facilitator, Coach, Principal, Accommodare Consulting, Port Angeles, WA

With every conversation and interaction – verbal or non-verbal, conscious or unconscious, intentional or unintentional – you either pull others toward you or push them away. Conversations are more than mere words and literally activate chemical reactions in you and your listener. Learn to upregulate and downregulate another person’s emotions. You know about emotional intelligence. Now learn how to co-regulate another’s emotions simply by the ways you connect and interact with that person. Learn the chemical neuro-reactions taking place during all conversations. Develop

awareness that *your* words are not heard – even by the best listener – and you need a different approach. Learn to create an optimum chemical reaction in your listener during every moment of every conversation.

(1.00 Professional Development CLE Credit Approved)

7.6 Turn Your Last Week into a Great Story

Presenter: Matt Smith, Improvisation and Communications Specialist, Facilitator, Trainer, Fundraising Auctioneer, Seattle, WA

Most of us tell stories to teach, convince, impress, or to get a laugh, or whatever. We have often told the stories before, and as such, they are static. In this session we will take simple recent events in our lives and explore them from several angles before we tell them as stories. Your storytelling will go from static to dynamic. Good storytellers do not recite stories, they live them. You will be amazed what you can find if you look, and ask others what they see.

(1.00 Professional Development CLE Credit Approved)

Session Series 8: Friday, March 29, 2019, 2:15 p.m. - 3:30 p.m.

8.1 The Changing Mediation Table: How Does the Mediation Environment of 2019 Differ From Years Past?

Presenter: Bruce Edwards, JD, Mediator, Arbitrator, Co-Founder Edwards Mediation Academy, JAMS, San Francisco, CA

Mediation is often described as a “fluid process,” meaning a dynamic process that changes moment to moment. This session explores how mediation itself has changed over the past several decades, and what lessons can be drawn from those changes that will assist our profession in navigating in this new environment.

(1.25 Law and Legal Procedure CLE Credits Approved)

8.2 Civility-Based Conduct Programs in the Workplace

Presenter: Rhea Settles, EdD, Master Negotiation Conflict Resolution and Peacebuilding (M NCRP), Founder, The Civility Zone, El Cerrito, CA

The workplace is a unique and challenging environment that can either wound spirits and kill careers, or promote joy by celebrating diverse contributions and action-based inclusivity. We continue to feel, see, and witness challenging workplaces, which are often caused by employee on employee mistreatment. This session will encourage learning, reflection, and contemplation about the need for civility-based conduct programs in the workplace.

(1.25 Law and Legal Procedure CLE Credits Approved)

8.3 Using Liberating Structures to Make Sense of Complex Experiences and Events

Presenters: Timothy M. Jaasko-Fisher, Principal, TJF Consulting, Tacoma, WA, *Vivien Sharples*, Mediator, Trainer, Facilitator, City of Seattle ADR Program, Seattle WA; Richard Gelb, Collaboration Enthusiast, King County, Sustainable Seattle, Seattle, WA

“Liberating Structures” are practical, easy to use group process tools that facilitators use to increase the effectiveness of individuals engaged in group work. These adaptable microstructures are described in the groundbreaking book “The Surprising Power of Liberating Structures: Simple Rules to Unleash a Culture of Innovation,” by Henri Lipmanowicz and Keith McCandless, and were introduced yesterday in Session 3.6. As a demonstration of how to use Liberating Structures, this session will apply a string of Liberating Structures to bring alive the learnings from this two day conference. You will see how these tools can help you make sense of any complex event, experience, or environment in interactive, inclusive, and innovative ways. Attendance at yesterday’s Session 3.6 is not required.

(1.25 Professional Development CLE Credits Approved)

8.4 Ombuds, Coach, Mediator: Shapeshifting to Resolve Housing Conflicts

Presenters: Roger Moss, Bainbridge Island WA, JD, Mediator, Mediation Counsel and Program Administrator, Scott Goering, JD, Mediator, Associate Mediation Counsel, Patricia Draves, Mediator, Mediation Administrator, all with the Conflict Intervention Service, San Francisco Bar Association, San Francisco, CA

Join us for an immersive session in the dynamic, no rules, interdisciplinary, compassion-driven practices of *Conflict Intervention Service*, a groundbreaking program that prevents homelessness while showing participants how to create thriving tenant-landlord relationships.

(1.25 Law and Legal Procedure CLE Credits Approved)

8.5 The Neural Encoding Function as a Basis of Conflict Experience

Presenter: Tim Hicks, MA, Mediator, Facilitator, Founder, *Connexus Conflict Management*, Eugene, OR

In this session, we will discuss the brain’s essential neural function of encoding perceptual experience that is the basis of learning, memory, cognition, and identity. We will consider the implications of neural encoding, and what it means in practical terms for our conflict resolution work. Knowledge of the embodied underpinnings of human behavior helps us understand the dynamics of perception, communication, relationship, meaning-making, and provides guidance for our practice interventions.

(1.25 Professional Development CLE Credits Approved)

8.6 Politics, Dialogue, and the Evolution of Democracy: How to Discuss Race, Abortion, Immigration, Gun Control, Climate Change, Same Sex Marriage, and Other Hot Topics

Presenter: Kenneth Cloke, JD, Mediator, Dialogue Facilitator, Conflict Resolution Systems Designer, Author, Trainer, Founder, Center for Dispute Resolution, Santa Monica, CA

We are in the midst of a political crisis, filled with hostility, hatred, and personal attacks. Half the country won't talk to the other half. We don't know how to talk with each other about political ideas and beliefs or how to discuss our disagreements in ways that might lead to learning, win/win outcomes, increased empathy, mutual understanding, and joint problem solving. How do we talk to each other about difficult and dangerous issues? What is an interest-based form of political discourse? Are we slipping into fascism, and if we are, what do we do about it as mediators? How do we exercise our responsibility as citizens without losing what we've learned as mediators and conflict resolvers? So many questions, so few answers.

(1.25 Professional Development CLE Credits Approved)