

**18th Annual  
Northwest Dispute Resolution Conference**

**Conference Highlights**

For its eighteenth year, the Northwest Dispute Resolution Conference brings together the best and brightest of ADR practitioners and presenters for another outstanding program. Speakers from throughout the country and Canada will discuss:

- All aspects of planning for mediation
- Ethical challenges for mediators and ethical guidelines for the lawyer's role in mediation
- How understanding brain science can help you as a mediator or arbitrator
- Mediation in politics and the politics of mediation
- Intercultural aspects of ADR
- Facilitation processes
- Managing high conflict cases
- Advantages of early mediation
- The art and science of apology
- Avoiding and resolving impasse
- The wisdom of elders - "peacemaking" in Alaska

This year the conference includes a "mediation advocacy track." Sequentially scheduled sessions focus on mediation skills for the lawyer representing clients in mediation, from start to finish - from planning for the mediation through closing the deal and documenting the settlement. Guidance for the advocate to avoid ethical pitfalls and satisfy ethical duties in the mediation process is also included. Those who attend all six sessions will not only come away with valuable insights into how to make mediation successful but with 8.25 hours of CLE credit, including 1.25 hours of Ethics Credit.

**Visit our Conference Website:**  
<http://www.wsba-adr.org/page/northwest-dispute-resolution>

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

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Kathleen Wareham**

**Conference Format**

You may register for both days; for a half-day on Friday, April 29; or for all-day on Saturday, April 30. Registration for either day includes a Friday late afternoon reception. **The early registration deadline is April 15, 2011.**

This conference has been approved for **9.25 CLE Credits** (includes 3.50 CLE Ethics Credits) in Washington.

## CONFERENCE SCHEDULE AT A GLANCE

### Friday, April 29, 2011

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 - 3.4
5:30 - 6:30 p.m.	Reception - Gallagher Law Library

### Saturday, April 30, 2011

7:30 - 8:30 a.m.	Registration
8:30 - 10:00 a.m.	Session Series 4.1 - 4.6
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 - 2:45 p.m.	Session Series 6.1 - 6.6
2:45 - 3:00 p.m.	Break
3:00 - 4:00 p.m.	Session Series 7.1 - 7.6

## BEFORE THE CONFERENCE BEGINS

### WSBA ADR Section Annual Meeting & Members Only Lunch Friday, April 29, 2011 - 11:00 a.m. - 12:15 p.m.

The WSBA ADR Section will hold its annual meeting and present "Challenges & Controversial Issues in Dispute Resolution," a stimulating discussion by Mediation Advocacy Track presenters of pressing, challenging and controversial issues encountered in their individual practices and in the field of conflict resolution. **Kathleen Wareham**, WAMS Mediation & Arbitration Panel member, will moderate.

The Section meeting will be held before the conference on Friday. It is free to Section members. If you are not already a member of the ADR Section, you may join the Section for \$35 on the conference registration form. We invite everyone – lawyers or not – to join the Section.

## SESSION SERIES 1: FRIDAY, APRIL 29, 2011 1:00 – 2:15 p.m.

**1.1 Planning for Mediation\*** *Presenter: Cathy Costantino, Director, ADR Program FDIC; Adjunct Professor, Georgetown University Law School, Washington, D.C.*

This interactive session will cover all aspects of the planning process: initial "designing" of the mediation with the mediator and the other attorneys/parties; framing and theming your case; choosing mediation strategies and tactics; pre-mediation negotiation with opposing counsel and identification of issues; choosing and educating your client; clarifying roles and goals; drafting the mediation statement; and ensuring that your client's story is told effectively. Additional attention will be focused on: managing client expectations regarding process, confidentiality and outcome; identifying strategies to create and claim value; anticipating resistance, impasse and closure issues; preparing for possible cultural considerations; and exploring the use of apology. The material to be presented will be relevant and transferable to all types of mediations, regardless of substance or content.

**\*Mediation Advocacy Track**

## 1.2 Analytic Mediation: Synthesizing the Best of Mediation Styles

*Presenter: John Bickerman, Bickerman Dispute Resolution, PLLC, Washington, D.C.*

Good mediation requires the ability to diagnose and adapt to the changing needs of the parties and apply the right techniques over the course of the mediation. The best mediators use different styles, and adapt and adjust them as the circumstances demand. The Analytic Mediator uses the style best suited to the dispute at each moment of the process, including techniques in which the mediator engages the parties and their counsel in analysis of the merits of a dispute or their bargaining process. Importantly, analytic mediation requires the mediator to understand and evaluate both risks and benefits in determining when and whether to use certain techniques. The presentation will engage participants in an exploration of how mediators can provide this service to parties who want it - while doing so in a manner consistent with the highest possible quality.

## 1.3 Why Can't They Just Say They're Sorry? - The Art and Science of the Apology

*Presenter: Nina Meierding, Negotiation and Mediation Training Services, Bainbridge Island, WA*

This interactive workshop will explore the many types of apologies (including rapport, transactional, full and partial) as well as the effect of timing, delivery, emotionality and sincerity. We will focus on how different cultures view fairness and truth and the impact of these beliefs on both giving and receiving apologies. With a more complete understanding of the intricacies of an apology we can learn how to help our clients move beyond numbers and seek a greater level of resolution and closure by giving and receiving apologies in a way that is both strategic and sincere.

## 1.4 Is That Ethical? Challenging Negotiation Dilemmas for the Neutral (1.25 Ethics CLE Credits)

*Presenters: Carol Bowser, Conflict Management Strategies Inc., Puyallup, WA; Jeanette Nyden, J. Nyden & Co., Inc., Seattle, WA*

Lying during mediation takes all forms ranging from outright fraud to "tells" such as "to be honest with you. . . ." When parties hire us to be a neutral do they expect us to spot, manage and address lying at the bargaining table? Are those expectations reasonable – ethical even? What do we—as mediators—think our ethical responsibilities are, or ought to be? The speakers will cover a range of negotiation dilemmas from fraud, to bluffing, to little white lies. When do mediators have an obligation to expose lies? How should we handle situations where we think someone is lying to manipulate us?

## SESSION SERIES 2 FRIDAY, APRIL 29, 2011 2:30 – 4:00 p.m.

### 2.1 Don't Miss the Boat: Crafting an Opening Presentation in the Joint Session that will Set the Stage for Settlement\*

*Presenter: Eric Galton, Lakeside Mediation Center, Austin, TX*

Too often lawyers and mediators skip the joint session. Learn why the joint session is important...why an effective joint session can increase the chances for resolution...why not having one may make resolution more difficult...and how to translate your advocacy skills to the mediation environment and dazzle your client. You will hear examples of specific opening presentations that have profoundly and favorably affected the mediation.

**\*Mediation Advocacy Track**

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**SESSION SERIES 2 (CONTINUED)**  
**FRIDAY, APRIL 29, 2011 2:30 – 4:00 p.m.**

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**2.2 Coaching Toward Self-Determination**

*Presenter: Betsy BeMiller, Workplace Resolutions, LLC, Federal Way, WA*  
With limited time and interaction in mediated and facilitated processes, we strive to optimize opportunities to help parties to shift from anger, blame and victimization toward self-determining their futures. Coaching helps parties to clarify interests, work with emotions, recognize wreckage, negotiate productively and establish needs and goals related to closure, relationship and substantive issue resolution. This session focuses on a variety of applications, strategies, techniques and skills to coach parties throughout ADR processes—while staying appropriately “clean.” Our goal is to assist parties toward self-determination—rather than determine what they should say or do.

**2.3 Why Do We Do the Things We Do: Enneagram & MBTI as Tools to Enhance the “Self as Instrument” in Mediation**

*Presenter: Cathy Costantino, Director, ADR Program FDIC; Adjunct Professor, Georgetown University Law School, Washington, D.C.*  
Ever notice that sometimes impasse or closure issues in mediation are really about the people and not the process? Ever wish that someone at the mediation table would just do it your way because it would be faster, more effective or better? This interactive session will look at the how (style preferences) and why (motivation) of what we each bring to the mediation process, through studying and exploring the implications of two tools – the Meyers Briggs Type Indicator and the Enneagram. Whether you are a mediator, advocate, client or program administrator, we all have inherent “preferences” and “worldviews” that inform choices that we make (or don’t make) during mediation. Come learn to embrace the concept of “self as instrument” and explore the gifts and possible burdens that our “how” and “why” preferences offer us.

**2.4 Breaking Stubborn Impasses: Making Use Of the Human Tendency to Learn & Grow**

*Presenter: Gordon White, Mediator & Trainer, Victoria, B.C.*  
Applicable to one-on-one work in caucus, between session conversations, as well as pre-mediation, this session will suggest four different angles of inquiry into a disputant’s experience of him or herself: identity, worldview, life direction and acquisitiveness. The presenter will demonstrate the practice, encourage participation, and supply sample questions in a take-home handout. The presentation will be directed to an advanced and intermediate level of mediation, but will also be compelling to anyone with psychological interest in human responses to conflict.

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**SESSION SERIES 3**  
**FRIDAY, APRIL 29, 2011 4:15 – 5:30 p.m.**

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**3.1 Negotiating Tips and Strategies for Effective Mediation\***

*Presenter: Teresa Wakeen, Wakeen & Associates Mediation Services, Seattle, WA*  
Complex negotiations often include multiple parties, great uncertainty, risks of litigation, heightened emotions and seeming irrationality. We will discuss cutting-edge research on negotiation strategies and decision-making in complex mediations; insights into how to avoid blind spots, errors and biases that plague even experienced negotiators; and how to identify and not fall prey to factors such as reactive devaluation, risk aversion, cognitive dissonance, and strategic behavior. We will also discuss how to deal with bargaining strategies such as “insulting” first offers, backward steps and other adversarial tactics; how to work with a difficult opponent; how to negotiate successfully from a position of weakness; how to gain client control when you’ve lost it; and how a lawyer can use the unique power of the mediator and the process to achieve better outcomes for clients.

**\*Mediation Advocacy Track**

**3.2 How to Work More Effectively with Attorneys in Mediation**

*Presenter: Eric Galton, Lakeside Mediation Center, Austin, TX*  
How do you convert the maniac advocate to a friend and helper of the mediation process? Learn what you should always do in front of the advocate’s client and what you should never do. What can you find out about the advocate in advance of the session? Find out how the pre-mediation call to the advocate helps and what it should be about. Learn how to make an unfriendly advocate your marketing agent for the future.

**3.3 Micro-Inequities and Discretionary Effort: Little Things Mean a Lot**

*Presenter: Andre Koen, AM Horizons Training Group, Moundsview, MN*  
This workshop session will explore the impact of the small, annoying things that are not discriminatory but nevertheless have a huge impact on personal and organizational performance. We will take a closer look at what they are, how these micro-inequities get built, and how these can impact people’s ability to give their personal best. The presenter will provide information that analyzes stereotypes and prejudice as well as an understanding of the historical context of present day prejudice and inequities. Participants’ personal actions will be identified to address the micro-inequities.

**3.4 Neuroscience and Settlement: How Brain Science Impacts Your ADR Practice**

*Presenter: Richard Birke, Willamette University College of Law, Salem, OR*  
Neuroscience and neuropsychology have yielded many important insights about the functioning of the human brain, and in turn, the mind. These insights are of enormous importance to anyone involved in advocacy and persuasion, activities that form the core of litigation, negotiation, mediation and arbitration. However, there is precious little organized information about how neuroscience and neuropsychology impact the practicing lawyer. The goal of this presentation is to illuminate the intersection between the study of the brain and the practice of dispute resolution.

**Join other conference attendees at a Reception**  
**Friday, April 29, 2011 - 5:30 - 6:30 p.m.**  
**Gallagher Law Library, UW School of Law**  
**W.H. Gates Hall, Floor LI (Lower Level I)**

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**SESSION SERIES 4**  
**SATURDAY, APRIL 30, 2011 8:30 – 10:00 a.m.**

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**4.1 Techniques for Avoiding and Resolving Impasse\***

*Presenter: Nina Meierding, Negotiation and Mediation Training Services, Bainbridge Island, WA*

This session will initially identify and explore multiple sources of underlying resistance to settlement. We will then focus on customized techniques to move beyond the specific sources of impasse – including anchoring, reframing, risk assessment with BATNAs, WATNAs and MLATNAs, macro and micro questions, situation-specific rules of fairness, unbundling, linkage, high uncertainty avoidance v. situational distrust, strategic use of separate and joint sessions at impasse moments, the art of unilateral concessions and methods for saving face. These techniques apply to all types of mediations – whether family or commercial, multi-party or team bargaining. Come learn about how to move your clients to a durable agreement.

**\*Mediation Advocacy Track**

**SESSION SERIES 4 (CONTINUED)**  
**SATURDAY, APRIL 30, 2011 8:30 – 10:00 a.m.**

**4.2 The Aikido of Facilitation**

*Presenters: Chris Koser, Chris Koser, LLC, Seattle, WA; Tom Melancon, Seattle Federal Executive Board, Seattle, WA*

This session is designed to teach facilitators and trainers how to manage conflict in group situations as well as minimize the possibility that the group will turn on them. It is taught using the principles of Aikido, an Eastern philosophy that, literally translated means “the way of blending (or re-directing) energy.” Participants are taught how to reduce group dysfunction and conflict in the design and conduct of the session, as well as how to manage provocation, their own anxiety and silence. Participants also learn that if they apply the principles of the workshop, they can let go of fears they have about being attacked by a member of the group. Throughout the presentation, we tell a story of a facilitation experience in which a group attacked one of the trainers and analyze and evaluate how that attack was handled.

**4.3 Mediation of Politics and the Politics of Mediation - Part One**  
**Does the Practice of Political Negotiation Sour the Public's Understanding and Acceptance of Negotiation?**

*Presenter: Robert Benjamin, Mediation & Conflict Management Services, Portland, OR*

Judging from the persistent gridlock between Democrats and Republicans, professional conflict management disciplines have made few in-roads in the capital “P” political terrain. They have been noticeably absent and irrelevant, and tended to shy away from political matters. The ‘hard-ball’ negotiation of politics is considered to be completely at odds with the kind of interest based negotiation most mediators profess to practice, however there is more connection and relevance than is apparent at first glance. Ultimately, if mediation and conflict management is to be relevant, then it must be applicable, effective and engaged in the most difficult dispute contexts.

Part Two. Session 5.3, will be presented at 10:15 a.m.

**4.4 What Went Wrong? Learning from Unexpected Results**

*Presenters: Regina Lyons, Counterpoint Resolutions, Seattle, WA; Doug Nathan, conflictmatters, Seattle, WA*

As mediators and conflict resolution professionals, we structure learning conversations, find common ground among competing factions, and help people achieve their intended results. Yet sometimes, our best laid strategies end in, well, less than intended results. In this interactive session, we will explore a model for reflecting on your practice that helps you learn from these difficult moments, glean new insights and achieve new levels of competence and confidence.

**4.5 Beyond Mediation: Applying the Skills of Conflict Resolution to Pro-Active Education on Communication**

*Presenters: Jennifer Winkler, Andrew Kidde, Zoe Henderson, Bellevue Neighborhood Mediation Program, Bellevue, WA*

Dispute resolution centers have an opportunity to do more than provide mediations and mediation training. The skills of conflict resolution can be shared with community members pro-actively to support strong communication. The presenters will share interactive exercises from a new program to provide communication skills to parents and teens.

**4.6 What Focus Groups Can Tell Us About Mediation**

*Presenters: Alan Albadeff, Albadeff & Forbes Mediation Services, Seattle, WA; Courtney Kaylor, McCullough Hill, PS, Seattle, WA; Anne Lucas, Seattle Collaborative Law Training Group, Seattle, WA*

Focus groups sponsored by the KCBA and WSBA ADR Sections met for nearly two years to discuss how to expand and improve the use of mediation. The more than 100 participants consisted of people who regularly use mediation and those who provide mediation services. This program presents some of the insights and recommendations that emerged from these focus groups.

**SESSION SERIES 5**  
**SATURDAY, APRIL 30, 2011 10:15 a.m. - 11:45 a.m.**

**5.1 Closing the Deal\***

*John Bickerman, Bickerman Dispute Resolution, PLLC, Washington, DC*  
So now you think you have a deal. The mediator has artfully and gracefully managed to bring your client and the opposing client to an apparent agreement. How do you make it stick? How do you make sure that it will not unravel and, if the parties have to work together in the future, how do you make sure that more disputes will not arise over the substance of this agreement or over new issues? Learn techniques that skilled attorneys and mediators use to make the agreements they reach on the mediation day achievable and durable. Do not be the attorney who reaches an agreement on the day of the mediation and then has to explain to her client later why there is no deal. With interactive techniques you will learn strategies that will allow you to navigate the traps that could make your deal come undone.

**\*Mediation Advocacy Track**

**5.2 Introduction to Narrative: Constructing Stories of Resolution**

*Presenters: Gary Harper, Harper & Associates, Burnaby, BC; Gordon White, Mediator & Trainer, Victoria, BC; Jody Faibish, Justice Institute of BC, Simon Fraser University, Vancouver, BC*

Parties in conflict make sense of their situation through story. Their existing stories often trap them in confrontation and thwart collaboration. This interactive workshop will introduce you to a narrative approach to conflict resolution and provide tools and concepts to help you work with existing stories to construct new stories that will foster understanding and resolution. Specifically, you will learn how the “drama triangle of conflict,” selective memory, and two powerful questions can help you shift parties from confrontation to collaboration.

**5.3 Mediation of Politics and the Politics of Mediation - Part Two**

**Useful Strategies, Techniques and Skills For Mediators to be Gleaned From Political Negotiations**

*Presenter: Robert Benjamin, Mediation & Conflict Management Services, Portland, OR*

Please see Session 4.3 for a description of this presentation. Part One, Session 4.3, will be presented at 8:30 a.m.

**5.4 Awakening Your New Mind - The Five Lobes of the Brain**

*Presenters: Debra Synovec, Mediator, Seattle, WA; Karen Bonnell, Licensed & Board Certified Nurse Practitioner, Seattle, WA*

How can we bring mindfulness to our professional practice? Increasing head - heart - and - gut coherence facilitates creative problem-solving, bringing more connectedness with our clients and team members. Learn powerful approaches to cultivating awareness and empathy, and transforming conflicts through improved awareness and skillful communication.

**5.5 Black Belt Strategies to Break Impasse**

*Presenter: Alain Burrese, Attorney, Mediator, Missoula, MT*

An impasse does not have to stop progress toward an agreement when you know how to break the negotiation impasse. Like a black belt martial artist breaks through boards, this program provides strategies to break through those impasses. Interactive exercises will have participants practicing and sharing their experiences.

**5.6 Growing Your Practice with a Focus on Diverse Clients**

*Presenters: Maria Victoria, Peaceful Agreements, Newcastle, WA; Lourdes Fuentes, Law Office of Lourdes Fuentes, PLLC, Seattle, WA*

In this presentation practitioners will be invited to explore their own unconscious biases, learn about the changing demographics of our communities and embrace the unique challenges that exist when working with a broad and culturally diverse client base. This program is designed to encourage and equip practitioners to further expand their professional services to diverse clients.

**SATURDAY LUNCH**  
**APRIL 30, 2011 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. Meet with friends and colleagues or watch video “replays” of Nina Meierding’s *Why Can’t They Just Say They’re Sorry? - The Art and Science of the Apology*; Cathy Costantino’s *Why Do We Do the Things We Do: Enneagram & MBTI as Tools to Enhance the “Self as Instrument” in Mediation*; or Richard Birke’s *Neuroscience and Settlement: How Brain Science Impacts Your ADR Practice*.

### **6.4 Exploring High Conflict Cases**

*Presenters: Mark Baumann, Mark Baumann Attorney at Law PS, and Angeles Mediation, Port Angeles, WA; Rachel Hardies, MA, BELARI & Peninsula Community Mental Health Center, Port Angeles, WA*  
High conflict cases are not always easy to recognize in advance and present some of the most difficult challenges. Using Bill Eddy’s *High Conflict* approach, we provide a checklist of the behaviors you may typically see. Preventing these behaviors is not possible; managing them is. Through discussion, case studies, and video clips, we will explore strategies that help you manage these cases, reduce stress and complaints, and increase outcome effectiveness.

### **6.5 Setting the Stage with a Powerful Mediator Opening Statement**

*Presenter: C. Kevin Coonrod, Attorney, Small Claims Court Mediation Program Coordinator, King County Dispute Resolution Center, Seattle, WA*  
Too often, our clients arrive for their mediation confused by a foreign process known as “mediation,” or intimidated by the thought of dealing with significant and sometimes extremely personal conflict. This session, designed for beginning to intermediate mediators, will explore the importance of a well-delivered Mediator Opening Statement in setting the stage for a smoothly conducted facilitative mediation.

### **6.6 Ombudsing, Is the Time Right Now?**

*Moderator: Gayle Murdock, Mediator, Seattle, WA; Susan L. Neff, Ombudsman, University of Washington, Seattle; Jon Stier, Senior Deputy Ombudsman, King County Ombudsman’s Office, Seattle; David Talbot, Ombudsman, The Coca-Cola Company, Seattle*  
An Ombuds panel will discuss the formation of an ombudsmen’s office. The discussion will highlight the challenges within various organizations, as well as issues facing the profession. Session participants will be encouraged to engage in a discussion of the value added and latent need(s) addressed by the ombuds function in existing organizations, and considerations when determining an organization’s readiness for an ombuds office.

## **SESSION SERIES 7** **SATURDAY, APRIL 30, 2011 3:00 - 4:00 p.m.**

## **SESSION SERIES 6** **SATURDAY, APRIL 30, 2011 1:30 p.m. - 2:45 p.m.**

### **6.1 Mediation Ethics: How the RPCs Guide the Lawyer’s Role in Mediation\* (1.25 Ethics CLE Credits)**

*Kathleen Wareham, WAMS (Washington Arbitration and Mediation Service), Seattle, WA*

This session focuses on the ethical duties lawyers have when representing their clients in settlement negotiations and mediation. The material draws on Washington’s Rules of Professional Conduct and the comments to the Rules, The A.B.A. Model Rules and comments, the A.B.A. Section of Litigation’s “Ethical Guidelines for Settlement Negotiations” and the Uniform Mediation Act, identifying the many helpful nuggets of advice for the lawyer as advocate, negotiator and advisor. Participants will better understand their ethical duties and roles and see how mediation supports the lawyer’s complex role of serving as both advocate and advisor, while helping the client negotiate and abiding by the client’s settlement decisions. Participants will be reminded how the ethical duties are satisfied and ethical pitfalls avoided by better understanding the ethical rules and standards relevant in the settlement negotiation and mediation process.

**\*Mediation Advocacy Track**

### **6.2 Unconscious Cultural Privileging in Mediation**

*Presenters: Sharon Sutherland, University of British Columbia School of Law, Vancouver, BC; Julie Daum, Child Protection Mediation Practicum Program, Vancouver, BC*

For the past four years, Julie and Sharon have worked in various roles in BC’s Child Protection Mediation Project. One important goal of the project was to support either the use of traditional aboriginal dispute resolution models or the development of new models of conflict resolution that respected traditional aboriginal values. Julie and Sharon will share their personal reflections on the challenges that have been overcome and those that continue to create barriers, including the concern that the project could, without great vigilance by all parties, become a tool for “polite assimilation” rather than true cross-cultural dialogue.

### **6.3 The Joy of Teaching Conflict Resolution: Engaging the Learner**

*Presenter: Gary Harper, Harper & Associates, Burnaby, BC*

Participants will experience four exercises, each dealing with an aspect of conflict resolution. Some exercises will involve specifically designed “conflict skill cards” and “conflict style cards.” We will then debrief each exercise from both a participant and a trainer perspective.

### **7.1 Presentation Excellence: Moving Beyond PowerPoint**

*Presenters: Dave Yewman, Strategic Communications Specialist, Vancouver, WA; Bill McGann, Third Side Mediation, Vancouver, WA*

Mediators give presentations when promoting mediation to the public, providing trainings and promoting their services. In each case, their effectiveness can be dramatically improved by changing presentation formulation and delivery. We will provide extensive examples of how to prevent “death by PowerPoint” and ensure audience engagement and retention of your message.

### **7.2 The Wisdom of Elders: Peace-Making in Alaska**

*Presenter: Brian Jarrett, Justice Department, University of Alaska, Fairbanks, AK*

In Alaska elders are celebrated as the mediators and peace-makers in the communities in which they live. This presentation reports on themes emerging from a series of interviews with Elder Peace-makers and themes common to their practices. It will conclude by mapping out the interesting connections between traditional peace-making and modern dispute-systems design.

### **7.3 Early Mediation: How It Works and Why**

*Presenters: Hon. Paris Kallas, Judicial Dispute Resolution, Seattle, WA; Tom Dreiling, Attorney at Law, Seattle, WA*

When civil cases settle early the parties and the court system benefit. These benefits are lessened when the case settles close to trial. This presentation will address the keys to successful early mediation, with specific case examples, and will discuss King County Superior Court’s recent Early Mediation Pilot Project.

**7.4 Representational Imbalances in Mediation: Ethical Challenges for Mediators (1.0 Ethics CLE Credit)**

*Presenters: Michele Sales, Alisa Bacon-Sullivan, WAMS, Seattle, WA; Elizabeth Smith, Law Office of Kenneth R. Searce, Seattle, WA*

This topic deals with situations in which the mediation advocates are of significantly different experience levels (including *pro se* participants) and/or unfamiliar with the practice area of the subject matter which leads to unequal bargaining ability. The panel will provide various perspectives on the extent to which a less experienced party or attorney can reasonably expect to be “mentored” by the mediator, ADR agency or opposing counsel.

**7.5 Reframing the Dynamics in ADR, TED**

*Presenter: David Emerald Wolmendorff, Bainbridge Leadership Center, Bainbridge, Island, WA*

ADR is often rooted in a problem-focused, anxiety-based, and reactive life orientation in which relationship dynamics reflect the “Dreaded Drama Triangle” roles of Victim, Persecutor, and Rescuer. There is an alternative! Explore the DDT “antidote” roles of TED\* (\*The Empowerment Dynamic) and its outcome-focused, desire-driven approach to making “shifts happen.”

**7.6 One Finger Cannot Lift a Pebble: ADR’s Role in Resolving Tribal Contract Disputes**

*Presenters: Serena Lee, American Arbitration Association, Seattle, WA; Gabriel Galanda, Galanda Broadman, Seattle, WA; Michael O’Connell, Stoel Rives, Seattle, WA*

As the Hopi saying in the title observes, cooperation is crucial when parties in conflict seek resolution. This session will provide findings on the following questions: What role can ADR play to resolve tribal contract disputes? Who can serve as a mediator or arbitrator for such disputes? What do neutrals need to know about enforcement of settlements and awards?

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**PROGRAM INFORMATION**

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**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. **Receive a \$20 discount by downloading the course materials prior to the conference INSTEAD of receiving the course materials notebook when you check in at the conference.** 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.

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**PROGRAM INFORMATION (continued)**

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**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 8, 2011**, 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@uw.edu](mailto:uwcle@uw.edu)). Applicants will be notified about scholarship awards **by April 15, 2011**. Please note: scholarships do not include the conference materials notebook. The materials may be downloaded in advance of the conference.

**Refunds/Cancellations:** Requests for refund must be submitted in writing and postmarked or e-mailed by April 15, 2011 (UW CLE Office, Box 353020, Seattle, WA 98195-3020; [uwcle@uw.edu](mailto:uwcle@uw.edu)). All refunds are subject to a \$30 handling fee. Refunds are not available after April 15, 2011, but a substitute may attend if UW CLE is notified in writing prior to the program.

**Conference Materials Only:** If you are unable to attend the conference, you may order the conference materials by sending an e-mail to UW CLE at [uwcle@u.washington.edu](mailto: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 and specify your choice of a hard copy materials notebook or a download of the materials. The cost of the conference materials notebook is \$69 (includes tax, handling and shipping). The cost of a download of the materials is \$50.

**Continuing Legal Education Credits:** 9.25 CLE credits (including 1.25 Ethics credits for Session 1.4 *Is That Ethical*; 1.25 Ethics credits for Session 6.1 *Mediation Ethics* and 1.0 Ethics Credit for Session 7.4 *Representational Imbalances*) are approved in Washington. For assistance regarding CLE credit in other states, contact UW CLE at (206) 543-0059 or 800-253-8648.

**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](http://www.universityinnseattle.com); the Watertown Hotel, 4242 Roosevelt Way NE, Seattle (206-826-4242 or 866-944-4242) [www.watertownseattle.com](http://www.watertownseattle.com); and the Hotel Deca, 4507 Brooklyn Avenue NE, Seattle (206-634-2000 or 800-899-0251) [www.hoteldeca.com](http://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](http://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 **April 1, 2011**. 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.

**18th Annual Northwest Dispute Resolution Conference Registration Form (IID29)**  
**Early Registration Deadline - April 15, 2011**

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 <http://www.wsba-adr.org/page/north-west-dispute-resolution>

**Friday, April 29, 2011**

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

- 1.1 Planning for Mediation\*
- 1.2 Analytic Mediation
- 1.3 Art & Science of the Apology
- 1.4 Is That Ethical?

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

- 2.1 Don't Miss the Boat!
- 2.2 Coaching Toward Self-Determination
- 2.3 Enneagram & MBTI as Tools
- 2.4 Breaking Stubborn Impasse

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

- 3.1 Negotiating Tips & Strategies\*
- 3.2 How to Work with Attorneys
- 3.3 Micro-Inequities & Discretionary Effort
- 3.4 Neuroscience & Settlement

**\*Mediation Advocacy Track - all attendees are welcome!**

**Saturday, April 30, 2011**

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

- 4.1 Techniques for Avoiding Impasse\*
- 4.2 Aikido of Facilitation
- 4.3 Mediation in Politics (Part 1)
- 4.4 What Went Wrong?
- 4.5 Beyond Mediation
- 4.6 Focus Groups and Mediation

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

- 5.1 Closing the Deal\*
- 5.2 Constructing Stories of Mediation
- 5.3 Mediation in Politics (Part 2)
- 5.4 Awakening Your New Mind
- 5.5 Black Belt Strategies to Break Impasse
- 5.6 Focus on Diverse Clients

**Series 6 - 1:30 - 2:45 p.m.**

- 6.1 Mediation Ethics\*
- 6.2 Unconscious Cultural Privileging
- 6.3 Joy of Teaching Conflict Resolution
- 6.4 Exploring High Conflict Cases
- 6.5 Setting the Stage with Opening Statement
- 6.6 Ombudsing, Is the Time Right Now?

**Series 7 - 3:00 - 4:00 p.m.**

- 7.1 Presentation Excellence
- 7.2 Wisdom of Elders
- 7.3 Early Mediation - Why It Works & Why
- 7.4 Representational Imbalances
- 7.5 Reframing Dynamics in ADR, TED
- 7.6 One Finger Can't Lift a Pebble

**REGISTRATION FEES**

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

- Both Friday & Saturday, 4/29-4/30/11 ....\$255\*  
(paid by 4/15/11)
- Both Friday & Saturday, 4/29-4/30/11 ....\$300\*  
(paid after 4/15/11)
- Only Friday, 4/29/11.....\$115  
(paid by 4/15/11)
- Only Friday, 4/29/11.....\$140  
(paid after 4/15/11)
- Only Saturday, 4/30/11.....\$200\*  
(paid by 4/15/11)
- Only Saturday, 4/30/11.....\$240\*  
(paid after 4/15/11)
- Join WSBA ADR Section.....\$35
- If you wish to download the conference materials in advance instead of receiving the materials notebook, please subtract \$20 from your registration fee. .... - \$20

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

**Method of Payment:**

- Check Enclosed # \_\_\_\_\_
- Made payable to: **University of Washington**
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\*includes Saturday luncheon

**Register Online At:**

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**18th Annual  
Northwest Dispute Resolution Conference  
April 29 - 30, 2011**

**The University of Washington School of Law  
Alternative Dispute Resolution Section of the Washington State Bar Association  
Alternative Dispute Resolution Section of the King County Bar Association  
Washington Mediation Association  
Resolution Washington  
Present**