

**24th ANNUAL NORTHWEST DISPUTE RESOLUTION CONFERENCE  
SESSION DESCRIPTIONS**

**Session Series 1: Thursday, March 22, 2018, 10:30 a.m. - 11:45 a.m.**

**1.1 *Soft Skills for Effective Lawyers: Building Rapport, Resolving Conflict***

*Presenter: Randy Kiser, JD, Author, Principal Analyst, DecisionSet®, Palo Alto, CA*

This session identifies the essential “soft” skills for attorneys and shows how these skills can be enhanced to resolve conflicts, fulfill ethical responsibilities, and increase client satisfaction. It demonstrates how attorneys can fulfill their professional duty to improve the quality of their legal services and presents concrete steps to upgrade listening, rapport-building, problem-solving, and decision-making skills.

*(1.00 Professional Development and .25 Ethics CLE Credits Approved)*

**1.2 *Community Mediation in an Evaluative World***

*Presenters: Whitney Stafford, Keisha Patterson, and Will Henderson, Center for Dialog and Resolution/Resolution Washington, Tacoma, WA; Dan Platter, JD, Puyallup, WA; Lori Buchsbaum, Bermuda Associates*

For every client, conflict, and court there is the right type of mediation. Our mediators are trained along the spectrum from the facilitative model to the attorney-mediators who specialize in the evaluative models. By softening the rigid boundaries between these models, a hybrid model of mediation surfaces which allows for the substantive, psychological, and procedural satisfaction of our clients.

*(1.25 Law and Legal Procedure CLE Credits Approved)*

**1.3 *Global Conflicts and Possibilities for Resolution: A Dialogue***

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

Global crises and conflicts are escalating, increasing the risk of nuclear wars, climate catastrophes, ecological disasters, pandemics, and violence against others. The greatest problems we face today are global. These problems cannot be solved by individual nation-states, but require collaboration and interest-based approaches like mediation, collaborative negotiation, dialogue, and consensus building.

*(1.25 Law and Legal Procedure CLE Credits Approved)*

#### **1.4 Understanding Conflict in Terms of Brain Function**

*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, identity, and the implications for conflict. 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)*

#### **1.5 Implicit Bias: Effects on the Dispute Resolution Process**

*Presenters: Jaya Sharma, JD, MBA, Mediator, Arbitrator, Sharma Mediation and Arbitration, Inc, Madison, WI; Tamia Pervez, JD, Training Coordinator, King County DRC/Resolution Washington, Seattle, WA*

This session will focus on how implicit bias influences the mediation process in various unconscious and subtle ways. Our discussion will include the selection of the mediator by the parties, mediator neutrality during the mediation proceedings, the interpersonal communications among the parties during the mediation, and the effect these biases have on the outcome of the dispute.

*(1.25 Ethics CLE Credits Approved)*

#### **1.6 Dueling Perspectives: A Candid Conversation between a Mediator and a Litigator**

*Presenters: Cortney Young and Steven M. Silva, Fennemore Craig, Reno, NV*

Do you know the real goal of your mediation? Whose goal? Mediation involves divergent experiences and perspectives among all participants, creating difficulties in resolution. This session will help mediators and attorneys understand these divergences so they can create an advantage to fully and successfully utilize the mediation session.

*(1.25 Law and Legal Procedure CLE Credits Approved)*

#### **1.7 Ombuds' ADR Toolkit: Working Together to Support K-12 Students**

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

In this session, we will provide an overview of ADR tools and strategies used within the Washington State Governor's Office of the Education Ombuds to address conflict in the K-12 school system. Through case examples and interactive brainstorming, we will engage participants in leveraging collaborative problem-solving techniques to address both individual and systems-level barriers, particularly in supporting students with disabilities.

*(1.25 Law and Legal Procedure CLE Credits Approved)*

## **Session Series 2: Thursday, March 22, 2018, 12:00 p.m. - 1:00 p.m.**

### **2.1 *Interim Measures in Arbitration – TROs, Preserving Assets, etc.***

*Presenters: Dr. Patricia Galloway, President, CEO, Pegasus Global Holdings, Inc, Seattle, WA; Melvyn Simburg, Arbitrator Mediator, Simburg, Ketter, Sheppard & Purdy, Seattle, WA*

Arbitration is intended to be different and independent from courthouse litigation. But there are times when the courts can play a limited and supportive role in arbitration. Interim measures and security for costs are increasingly important tools for parties in arbitration. This session will discuss when and how to utilize these measures to prevent your arbitration award from becoming a Pyrrhic victory.

*(1.00 Law and Legal Procedure CLE Credit Approved)*

### **2.2 *Platinum Listening: Don't Make Them Wait for It***

*Presenters: Marti Kantola Dane, Executive Director, and Andrea Pacheco, Case Developer, Six Rivers DRC, Hood River, OR*

The preliminary conversations with clients provide a rich opportunity to begin the conciliation process. In this session, we present a method of conflict analysis, conducted during intake, which allows the parties to experience the more sophisticated listening methods of mediation. By working with the clients prior to session to evaluate client conflict styles, shift perspectives and identify common interests, we help them shift their mindset from the history of the conflict to the potential for the future. Understand the rationale, watch a demonstration and practice with scenarios from actual case calls.

*(1.00 Professional Development CLE Credit Approved)*

### **2.3 *Interaction Dynamics and Persuasion Strategies in Good-Faith Online Discussions***

*Presenter: Chenhao Tan, PhD, Assistant Professor of Computer Science, University of Colorado Boulder, Boulder, CO*

Changing someone's opinion is arguably one of the most important challenges in mediation. The underlying process proves difficult to study: it is hard to know how someone's opinions are formed and whether and how someone's views shift. We will study the underlying mechanisms using an online community, ChangeMyView.

*(1.00 Professional Development CLE Credit Approved)*

#### **2.4 Cultural Competence: Tools for Courageous Conversations (Passion, Practice, Persistence)**

*Presenter: Ilsa Govan, MA, Facilitator, Co-Founder, Cultures Connecting, Renton, WA*

Too often the way we talk with one another about issues of race and other "isms" reinforces the very systems and biases we are trying to change. This interactive session includes an overview of seven tips for engaging in a way that creates a brave space for deep conversations. Participants will have the opportunity to reflect on what is challenging for them and why. This session provides a foundation for ongoing work, and participants will leave with tools to continue to engage one another and the diverse communities we serve.

*(1.00 Ethics CLE Credit Approved)*

#### **2.5 Community Relations Service: Reaching Between Hate and Harm to Get to Peace**

*Presenter: Carol Russo, Community Relations Service, US Department of Justice, Seattle, WA*

This session will highlight conciliation work performed by the Community Relations Service of the US Department of Justice (CRS). From Charlottesville to Seattle, these highlights will describe: the hate incident; the impact it had on the community; and how CRS utilized its conciliation services to assist communities in addressing the challenge of hate crimes, hate speech, and hate behavior. This session will discuss how conciliation is utilized first to stabilize the community before using conciliation to develop ways to sustain that stability.

*(1.00 Law and Legal Procedure CLE Credit Approved)*

#### **2.6 Neutrality and Activism – Is Mediation the Solution or the Cover for Injustice?**

*Presenter: Dee Knapp, JD, Mediator, Visiting Professor Seattle University School of Law, Founder, Accord and Collaboration Dispute Resolution Services, Seattle, WA*

Does mediation serve the cause of social justice, or can justice only be served when the fight is won? Do we as neutrals contribute to a more just society by our practice of mediation, or must we separate it out and be warriors on the one hand while attempting to be peacemakers on the other? Using examples from inequality in the workplace to the rising polarized rhetoric in

society, this session will challenge participants to examine their role in an increasingly polarized society, and present emerging trends that may address these questions.

*(1.00 Law and Legal Procedure CLE Credit Approved)*

## **2.7 Mediator Resilience**

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

High conflict cases can be taxing, stressful, and downright toxic. This session explores ways in which mediators can increase their capacity to tolerate high levels of emotional stress while still remaining open, present, and effective. Learning this resilience will result in better outcomes and healthier experiences for mediators and clients (and even their lawyers).

*(1.00 Personal Development and Mental Health CLE Credit Approved)*

**Lunch (on your own): Thursday, March 22, 2018, 1:00 p.m. - 2:30 p.m.**

**Lunch Sessions: 1:30 p.m. - 2:15 p.m.**

### ***L1.1 Recent Advances in Neurophysiology, Math, and Physics: Implications for Dispute Resolution***

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

Revolutionary advances are taking place in neurophysiology, cognitive science, epigenetics, mathematics, and physics. These advances, which are transforming our understanding of how conflict works, have important implications for mediators, peacemakers, and conflict resolvers. Non-scientists can benefit from understanding these changes, both as metaphors and as potential sources of creative mediation techniques.

*(.75 Professional Development CLE Credit Approved)*

### ***L1.2 Ready, Set, Be Kind! Scavenger Hunts for Conflict Resolution – Part 1 (Part 2 will be presented tomorrow in Lunch Session L2.3)***

*Presenters: Sharon Sutherland, Mediator, Consultant, True North Dispute Management, Delta, BC; Emily Martin, Mediator, Co-Founder and Gamer Designer, Pig and Potato Games, Shoreline, WA; Amanda Semenoff, Mediator, Facilitator, Consultant, Mindful Resolution, New Westminster, BC*

LICRS, the Legendary International Conflict Resolution Scavenger Hunt, has come to the NWDR Conference. Join us to stretch collaborative skills through challenges that demand creativity, strategy, self-awareness, rapid negotiations, quick decision-making, and risk taking. And let's find time for acts of kindness and making the world a little bit sillier.

*(.75 Professional Development CLE Credit Approved)*

### ***L1.3 Phrasing Matters: An Interactive Session on Message Virality Based on Twitter***

*Presenter: Chenhao Tan, PhD, Assistant Professor of Computer Science, University of Colorado Boulder, Boulder, CO*

Although phrasing plays a vital role in communications, researchers have shown that it is difficult for individuals to evaluate its quality. During this lunch session, we will use Twitter to explore the power of phrasing. We will first have interactive quizzes that allow everyone to test their ability in evaluating message virality on Twitter and then present data (based on millions of tweets) on the impact of phrasing the virality of messages.

*(.75 Professional Development CLE Credit Approved)*

## **Session Series 3: Thursday, March 22, 2018, 2:30 p.m. - 3:45 p.m.**

### ***3.1 How to Draft a Custom Dispute Resolution Clause – “Beyond the Basics”***

*Presenters: Lisa C. Brown, Arbitrator, Mediator, Bullard Law, Portland, OR; Hon. Thomas McPhee (Ret.), JAMS, Seattle, WA; Bryan J. Branon, JD, American Arbitration Association, Seattle, WA*

The value of a well-written, customized dispute resolution clause cannot be overstated. It begins the dispute resolution process with the promise of a faster, cheaper, better resolution. This session will include discussion of issues such as whether a litigator should participate in drafting the clause, the pitfalls of including too much, step clauses, time limitations, venue, choice of law, class action waivers, mediator/arbitrator selection, interim remedies, discovery, limitations on remedies, attorneys' fees, and appeals.

*(1.25 Law and Legal Procedure CLE Credit Approved)*

### ***3.2 A School District's Collaborative Restorative Practices Journey: Lessons Learned***

*Presenters: Emily Machin-Mayes, Trainer, Manager, and Moonwater, Executive Director, Whatcom DRC/Resolution Washington, Bellingham, WA; Steve Morse, Director of Teaching and Learning, Bellingham Public Schools, Bellingham, WA*

How can schools and DRCs collaborate to change the discipline system to one that addresses needs and teaches positive behavior? Join a behind the scenes conversation of what it takes to integrate restorative justice practices into school settings, and implications these changes will have on the ADR field.

*(1.25 Law and Legal Procedure CLE Credits Approved)*

### **3.3 Connecting Mediation to Civility, Other and Power**

*Presenters: Rhea Settles, EdD, NCRP, Founder, The Civility Zone, El Cerrito, CA; Kathleen Wareham, Mediator, Facilitator, WAMS, Seattle, WA*

We continue to feel, see, and witness all types of harmful conflict 24/7/12 among a plethora of people – and mediation is fast becoming the alternative dispute resolution method used to address these conflicts. In this session we will learn, reflect, and introspect about power, other, and civility in mediation.

*(1.25 Professional Development CLE Credits Approved)*

### **3.4 What's the Mediator's Ethical Role in Social Justice and Access to Justice?**

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

Let's explore: can mediators promote Procedural "Social Justice," Substantive "Social Justice," and Procedural "Access to Justice" while complying with our ethical constructs? How well do the standards of practice shape our practice? What, if anything, should we change to meet the challenges of diversity and bias?

*(1.25 Ethics CLE Credits Approved)*

### **3.5 Murder, Apology, and Reconciliation: One Town's Tale**

*Presenter: Louis Dekmar, MPA, Chief of Police, LaGrange, GA*

On September 8, 1940, a group of armed white men dragged Austin Callaway, an African-American man, from his jail cell and lynched him. On January 26, 2017, the white police chief for the City of LaGrange apologized for the lynching to the descendants of Mr. Callaway and the black community of LaGrange. In this session, we will discuss the apology and how it helped to launch a rich, vibrant dialogue between the police and the community.

*(1.25 Professional Development CLE Credits Approved)*

### **3.6 *Alternatives to Voice: Writing as a Means to Understanding***

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

Writing can give individuals insight into self and personal motivations, as well as help to navigate a path to clarity in disputes with others. Writing can also offer understandings about one's notion of "other." In this session we will explore techniques via storytelling and guided writing practices that can be used within alternative mediation settings.

*(1.25 Professional Development CLE Credits Approved)*

### **3.7 *Lessons Learned from the Masters: Settlement Techniques of the Founding Fathers Drafting the Constitution***

*Presenter: Joseph Shaub, JD, Mediator, Psychotherapist, Bellevue, WA*

Perhaps the greatest feat of settlement of intensely held, divergent interests occurred during four sweltering summer months in 1787. Our country's seminal governing document was negotiated and agreed to in a process that would make today's settlement conference of highly polarized parties seem like – well – a tea party. How was our constitution negotiated?

*(1.25 Law and Legal Procedure CLE Credits Approved)*

## **Session Series 4: Thursday, March 22, 2018, 4:00 p.m. - 5:15 p.m.**

### **4.1 *Don't Be the Inadvertent Information Sieve: How Best to Secure Data in Mediation and Arbitration***

*Presenters: Sherman Kahn, JD, Arbitrator, Mediator, Mauriel Kapouytian Woods, New York City, NY; Serena Lee, JD, Regional Vice President, American Arbitration Association, San Francisco, CA*

Most contemporary disputes involve the exchange and use of confidential, electronic, and often proprietary information. Learn practical techniques for protecting this data from inadvertent disclosure from the time of its creation until the satisfaction of judgment.

*(1.25 Law and Legal Procedure CLE Credits Approved)*

### **4.2 *Cultural Diversity, Bias, and Balancing Power in Mediation***

*Presenter: Sarah Augustine, Executive Director, DRC/Resolution Washington of Yakima and Kittitas Counties, Yakima, WA*

A core assumption of the mediation process is mediator neutrality, yet bias is intrinsic to the human experience. This session explores strategies for identifying and neutralizing bias and balancing power through exercising cultural intelligence and mindfulness.

*(1.25 Ethics CLE Credits Approved)*

#### **4.3 *Forgiveness: Why it Matters in Mediation***

*Presenter: Eileen Barker, Mediator, Founder, Forgiveness Training Institute, Petaluma, CA*

Forgiveness gives parties unparalleled opportunities to repair relationships and achieve closure. Yet forgiveness is often overlooked or avoided. This interactive session will examine the role forgiveness can play in dispute resolution, how and when to introduce the topic, and why forgiveness is an important tool for mediators, both professionally and personally.

*(1.25 Professional Development CLE Credits Approved)*

#### **4.4 *Mediation Ethics: Model Standards and Rules of Professional Conduct***

*Presenter: Jeff Bean, JD, Mediator, Facilitator, Founder, Beyond the Courthouse, Seattle, WA*

This session will explore the ethical intersection of the practices of law and mediation through an interactive tour of the Model Standards of Conduct for Mediators and the Rules of Professional Conduct for Attorneys. Clarify your understanding of the roles of both mediators and lawyers representing clients in mediation. Wrestle with dilemmas to see how ethical practices are effective practices. This session is intended for both mediators and representatives.

*(1.25 Ethics CLE Credits Approved)*

#### **4.5 *It's Not all Handcuffs and Car Chases: Enhancing Public Safety through Conflict Resolution***

*Presenters: Polly Davis, Mediator, King County Office of Alternative Dispute Resolution, Seattle, WA; Marcus Stubblefield, Criminal Justice Strategy and Policy Section Manager, King County Executive Office, Seattle, WA, Carmen Best, Interim Chief, Seattle Police Department; Sue Rahr, Executive Director, Washington State Criminal Justice Training Commission*

Policing is more than what you see on television. The vast majority of police work is about providing service to people in need. In this session, members of the Seattle Police Department

will discuss how police officers use their training to resolve conflict, and the role of community policing across Seattle's diverse communities.

*(1.25 Professional Development CLE Credits Approved)*

#### **4.6 Transforming Impasse from Problem into Opportunity**

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

This session explores the ways professionals can unwittingly contribute to impasse by framing impasse as a problem to be fixed, rather than an opportunity to be explored. We will examine the paradigm shift and skills required to decode and work with the encrypted messages hidden in every impasse.

*(1.25 Professional Development CLE Credits Approved)*

#### **4.7 From Emergency Rooms to Public Policy Design – Common Mediation and Facilitation Competencies**

*Presenters: Kevin Harris, Senior Facilitator for Health Policy, The UW/WSU William D. Ruckelshaus Center, Seattle, WA; Paul Charlton, MD, Department of Emergency Medicine, University of Washington School of Medicine, Seattle, WA*

What do an emergency room doctor and a policy wonk have in common? Effective mediation and facilitation competencies cross many settings. This session demonstrates the skill and competency similarities between high stress workplace settings, community mediation, and public policy design and implementation.

*(1.25 Law and Legal Procedure CLE Credits Approved)*

### **Session Series 5: Friday, March 23, 2018, 9:00 a.m. - 10:00 a.m.**

#### **5.1 The Psychology of Negotiation in Mediation: How Mediators Can Help Litigants Identify and Overcome Obstacles to Settlement**

*Presenters: Richard Birke, Executive Director, JAMS Institute, Portland, OR; Hon. William L. Downing (Ret.) and Hon. Kim Prochnau (Ret.), JAMS, Seattle, WA*

This session will explore a variety of psychological principles that may pose obstacles to the mediated resolution of disputes. The panel will identify these principles and obstacles and explore ways in which mediators may assist litigants and their lawyers in overcoming them.

*(1.00 Professional Development CLE Credits Approved)*

## **5.2 What Needs ADDRESSING? Are Cultural Differences the Real Conflict?**

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

Sometimes cultural differences *are* the conflict. A mediator's role is to create the space, time, and process to effectively support disputants to be their most honest and true selves. This session will offer strategies and techniques for ADDRESSING cultural conflicts, using an adaptation of Dr. Pamela Hay's mnemonic device for use during mediations. ADDRESSING is a mnemonic for Age, Disability, Domestic situation, Religious culture, Ethnicity, Social class, Sexual orientation, Indigenous background, National origin, Gender. We will explore tools to build cultural awareness, powerful questions, and a brief practice session.

*(1.00 Ethics CLE Credit Approved)*

## **5.3 The Business of Mediation**

*Presenter: Bruce Edwards, JAMS, San Francisco, CA*

As a pioneer in commercial mediation dating back thirty years, Bruce Edwards has been involved in the business of mediation from the start up phases as a private practitioner (and one of the first creators of the panel approach) through his recent tenure as Chair of the Board of JAMS. Bruce has mentored and supported the practice development of hundreds of aspiring mediators and the development of ADR communities throughout the United States, from India to Africa to Asia and beyond. This seminar will explore the lessons learned from those experiences, including different types of business models and career trajectories, how to establish a successful mediation practice and mediation community, and a look at the road ahead.

*(1.00 Office Management CLE Credit Approved)*

## **5.4 The Clash of Honor Culture and Dignity Culture – Can It Be Mediated?**

*Presenters: Warren Olson and Chuck Branham, Mediators, Retired Educators, Trainers, DRC/Resolution Washington of Kitsap County, Silverdale, WA*

Western traditions for dealing with conflict rely on laws, rational thinking, optimized outcomes, and a focus on problem solving, which are characteristics of "dignity cultures." "Honor cultures" focus more on a person's adherence to his or her honor code, and how to sustain or enhance one's status within their honor circle; conflict can quickly become a personal affront, which is observable in many honor cultures. This dignity culture versus honor dichotomy exists within the American culture with up to 40% of Americans identified as honor culture adherents.

Honor culture adherents predominate in 27 states, Washington included. Mediation is firmly grounded in Western dignity cultures. The mediator may be faced not only with conflict between clients, but also a client who disagrees with the basic premises of dignity culture and mediation. For example, dignity cultures focus on the problem not the person, while in honor cultures the person is the problem. This session will more clearly define the precepts of both cultures, challenges for the mediator, and potential strategies to help the parties. Participants will learn the underlying differences between honor cultures and dignity cultures, which will offer insight into one of the great divides in American culture today.

*(1.00 Professional Development CLE Credit Approved)*

### **5.5 *Are you Encouraging the Unauthorized Practice of Law?***

*Presenter: Sarah Cudahy, JD, Executive Director, Indiana Education Employment Relations Board, Indianapolis, IN*

While generally only attorneys may represent parties in court, parties are often represented by non-attorneys in administrative proceedings. These non-attorney representatives pose unique challenges: Can we let them represent parties? What if they engage in the practice of law? What if the opposing party moves to have them removed? Should they be given any leniency in procedural matters, like a pro se party? This interactive session will outline the practical and ethical considerations for neutrals and administrative agencies who encounter non-attorney representatives. You will be invited to share your accounts of issues involving non-attorney representatives.

*(.50 Law and Legal Procedure and .50 Ethics CLE Credits Approved)*

### **5.6 *Improvisational Thinking: How It Works, How It Helps***

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

Back by popular demand, Matt will repeat his well-received session from last year's Conference. Matt will lead an interactive workshop in the basics of improvisational theatre training, and how it can apply to conflict resolution. Matt will use several exercises to help participants learn: (1) how to accept the present situation for what it is; (2) how to listen; and (3) how to respond. The exercises are based on tried and true training techniques for improvisational theatre. Matt has a unique talent for intellectualizing the process and for facilitating it experientially. This session will be fun, interactive, safe (enough – if it's too safe it's boring), informative, and practical.

*(1.00 Professional Development CLE Credit Approved)*

### **5.7 *Theatre of Mediation***

*Presenters: Rice Baker Yeboah, Mediator, Co-Founder, Theatre of Mediation, Seattle, WA; Polly Davis, Mediator, King County Office of Alternative Dispute Resolution, Seattle, WA*

Theatre of Mediation combines professional mediators, actors, and students to present role-play mediations based on real cases involving themes of racial conflict in schools, community groups, and public forums. These mediation role-plays explore diverse viewpoints and illustrate how the complex issue of race plays out in both interpersonal conflict, and within the juvenile justice system on a day-to-day level. Role-play mediations are followed by facilitated dialogue between the presenters and the audience.

*(.25 Law and Legal Procedure and .75 Ethics CLE Credits Approved)*

### **Session Series 6: Friday, March 23, 2018, 10:15 a.m. - 11:30 a.m.**

#### **6.1 *Just a Lawyer or “Problem Solver!”: How Litigators Can Differentiate Themselves in the Marketplace With Their ADR Practice***

*Presenters: Kevin McMurdo, JD, Wicker Park Group, Vashon, WA; Craig Beles, JD, LLM, Arbitrator, Mediator, Fulbright Specialist in Peace and International Conflict Resolution, Seattle, WA*

In today’s legal market, sophisticated clients are seeking lawyers who are schooled and experienced in all forms of dispute resolution. This experience ranges from dispute avoidance techniques such as partnering, to negotiation and early mediation, right up through more traditional dispute resolution methods such as arbitration and litigation. In light of evolving social media and increased competition, you must strategically position your practice to gain traction in the marketplace. Learn how to leverage your brand, utilize social media, and attract the right clients.

*(1.25 Office Management CLE Credits Approved)*

#### **6.2 *What Good is Mediator Certification?***

*Presenter: Leslie Ann Grove, Executive Director, Northwest Mediation Center/Resolution Washington, Spokane, WA*

Without licensure, and with minimal state regulation, mediators have no requirement to become “certified” – so why should they if they don’t have to? This session focuses on why mediators might want to become certified, how to get certified, and what certification means for the profession both regionally and nationally.

*(1.25 Professional Development CLE Credits Approved)*

### **6.3 From Parent to Co-Parent to Stepparent: Considerations When Families Restructure**

*Presenters: Karen Bonnell, ARNP, MS, Mediator, Author, Divorce and Co-Parent Coach, Kirkland, WA; Joseph Shaub, JD, Mediator, Psychotherapist, Bellevue, WA*

Divorce is a family matter with legal implications. Preparing divorcing parents to become co-parents in two homes is the first step to a largely inevitable second step – stepfamily. Anticipating this second step of family restructuring can mitigate the trauma/loss and missteps of unaware parents as they do their best to establish “family.”

*(1.25 Law and Legal Procedure CLE Credits Approved)*

### **6.4 The Mediator’s Mind: Understanding How Your Mental Model Affects Your Approach to Difficult Issues/Moments in Mediation**

*Presenters: Bruce Edwards, JAMS, San Francisco, CA; Nina Meierding, JD, MS, Mediator, Trainer, Founder, Negotiation and Training Services, Bainbridge Island, WA*

In this session we will discuss how the foundation of all mediation decisions, “the mediator’s mind,” impacts both process and outcome decisions, and how successful practitioners cultivate and use this knowledge to create a better mediation experience for parties and attorneys. Specific attention will be given to how the mediator's mind can assist in process design, manage implicit bias, improve communication, and overcome impasse. Understanding this proactive approach to achieving more favorable interventions is similar to taking a powerful “vitamin” instead of waiting to treat conflict reactively with “medicine.”

*(1.25 Professional Development CLE Credits Approved)*

### **6.5 What’s Age Got to Do With It? The Neurobiology of Change**

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

As we grow and change, speculation about who we are changes. Once we reach our 40s and 50s, people begin to ask us about our future. How does this influence our concept of where we are and where we going? How does our brain make sense of it all? This session will explore the concept of Ageism and how our developing and ever changing mind influences who we are, how we do things, and where we will go. We will discover what we can do to create a healthy future using the tools in our toolbox as we inch into our 70s, 80s, and beyond. We will explore health, welfare, and the growth of the most important asset in our toolbox: our brain.

*(1.25 Personal Development and Mental Health CLE Credit)*

## **6.6 *Healing College and School Workplaces from Conflict Wars: Recognizing the Need for Civility Education***

*Presenter: Rhea Settles, EdD, NCRP, Founder, The Civility Zone, El Cerrito, CA*

Colleges and schools are unique and challenging environments in which to work. They can be a space of trauma that wounds spirits and careers, or a space of joy that celebrates diverse gifts and talents. This session explores how civility education can create healthy and professionally safe college and school workplaces.

*(1.25 Professional Development CLE Credits Approved)*

**Lunch (provided): Friday, March 23, 2018, 11:30 a.m. - 1:00 p.m.**

**Lunch Sessions: 11:45 a.m. - 12:45 p.m.**

### ***L2.1 Transcultural Leadership: Building Individual and Institutional Cultural Capacity***

*Presenter: Kevin John Fong, Community Engagement Facilitator, Trainer, Founder, Elemental Partners, San Francisco, CA*

Just as we each have distinct ideas about how to get things done, organizations, communities, and groups also have distinct and habitual ways of perceiving and interacting with others. But when people come together from diverse traditions and cultures, relating and working together can prove to be complex. This session explores how to lead individuals and communities through inclusive actions such as planning, implementation and evaluation, to clarify, align and integrate different perspectives so that they become palpable and shared.

*(1.00 Professional Development CLE Credit Approved)*

### ***L2.2 A Solo Performance of “Act in the Public Heart, A Lawyer’s Journey”***

*Presenter: Franca Baroni, JD, LLM, PhD, Mediator, Actress, Author, Reiki Master, Founder, Public Heart, Seattle, WA*

In this session, Franca Baroni – an accomplished actress, award winning author, and practicing immigration attorney – performs her one-woman play “Act in the Public Heart, A Lawyer’s Journey,” recently performed at the Jewelbox Theater in Seattle. Her performance gives audiences permission to examine the current state of our world through a heart-centered lens. Her play not only explores the interaction between heart and law, but also provides a moving perspective regarding how the power of the heart has the potential to transform our legal and

political systems. Part drama and part comedy, her performance weaves a compelling tale where justice and freedom become an actual experience rather than a fleeting aspiration.

*(1.00 Professional Development CLE Credit Approved)*

**L2.3 *Ready, Set, Be Kind! Scavenger Hunts for Conflict Resolution – Part 2 (Part 1 was Lunch Session L.2 yesterday, from 1:30 p.m. to 2:15 p.m.)***

*Presenters: Sharon Sutherland, Mediator, Consultant, True North Dispute Management, Delta, BC; Emily Martin, Mediator, Co-Founder and Gamer Designer, Pig and Potato Games, Shoreline, WA; Amanda Semenoff, Mediator, Facilitator, Consultant, Mindful Resolution, New Westminister, BC*

Come to the wrap party for the 2018 NWDR's edition of LICRS, the Legendary International Conflict Resolution Scavenger Hunt. We'll be celebrating the creative collaboration that occurred and review highlights. We will also explore how LICRS relates to and enhances our work as conflict resolution professionals.

*(1.00 Professional Development CLE Credit Approved)*

**Session Series 7 – Friday, March 23, 2018, 1:00 p.m. – 2:00 p.m.**

**7.1 *Advocacy in Mediation – Reality or Oxymoron?***

*Presenters: Molly Crowley, Rush, Hannula, Harkins & Kyler, Tacoma, WA; Margo Keller, WAMS, Seattle, WA; Hon. Susan Serko, Pierce County Superior Court, Tacoma, WA; Corrie Yackulic, Corrie Yackulic Law Firm, Seattle, WA*

The overwhelming majority of litigated matters settle before trial. The mediation or settlement conference table, therefore, may be the only place where an attorney will advocate for her client. A panel that includes a full-time mediator, a settlement conference judge, and two experienced trial lawyers, will delve into the distinctive roles both the lawyer and the neutral play, and discuss practical advocacy skills to make the best use of the ADR process.

*(1.00 Law and Legal Procedure CLE Credit Approved)*

**7.2 *7 Ways to Create New Conversations about Conflict Resolution***

*Presenters: Sharon Sutherland, Mediator, Consultant, True North Dispute Management, Delta, BC; Emily Martin, Mediator, Co-Founder and Gamer Designer, Pig and Potato Games, Shoreline, WA;*

Explore ways to broaden conflict resolution skill building opportunities. Mediators can be creative problem solvers, especially when they work in teams. From zombies to card games, Kickstarter to Comic-Con, hear and share new ways for mediators to promote conflict resolution, both inside and outside the legal world.

*(1.00 Professional Development CLE Credit Approved)*

### **7.3 How to Succeed with High Conflict Parties in Mediation**

*Presenters: Michelle Corsi and Monte Bersante, WAMS, Seattle, WA*

In this session we will explore the psychology of parties participating in mediation and strategies to effectively mediate. Through interactive discussion and hypotheticals, we will discuss how to identify, connect, and succeed with high conflict parties, high emotions, and other psychological factors that might be present and represent a barrier to negotiation.

*(1.00 Professional Development CLE Credit Approved)*

### **7.4 Apology: When and How to Give, How to Receive, How to Coach**

*Presenter: Melvyn Simburg, Arbitrator, Mediator, Simburg, Ketter, Sheppard & Purdy, Seattle, WA*

Participants in this session will learn contexts that allow for an effective apology. We will address the content required in various types of disputes and how to accept an apology. You will learn how to coach this tool, how to avoid the word “apology,” and the role nonverbal communication plays.

*(1.00 Professional Development CLE Credit Approved)*

### **7.5 Conflict Intervention Service: Reducing Homelessness in San Francisco and Beyond**

*Presenters: Roger Moss, Mediation Counsel, Conflict Intervention Service; Simon Boehme, Mediator, MA, Founder, Dupro Services, San Francisco; Carole Conn, Director, Public Service Programs, San Francisco Bar Association’s Alternative Dispute Resolution Services*

The Conflict Intervention Service in Affordable Housing (CIS) is a groundbreaking program that prevents evictions that lead to homelessness in San Francisco. Started early last year, CIS has gained national reputation for swift, compassionate, unconventional approaches to conflict resolution, delivered by its interdisciplinary team. CIS is now collaborating with key stakeholders to develop similar services in other communities challenged by the housing crisis. Join us for an interactive conversation and to learn how you can help bring CIS to Seattle and beyond.

*(1.00 Law and Legal Procedure CLE Credit Approved)*

## **7.6     *ADR and the Informal Justice System in Afghanistan***

*Presenters: Mohammad Qadamshah, LLM, Balkh University, School of Law, Mazar-I-Sharif, Afghanistan; Haroun Rahimi, LLM, Herat University, Private Law Department, Law and Political Science, Herat, Afghanistan; Najibullah Hakimi, LLM, Balkh University, School of Law, Mazar-I-Sharif, Afghanistan; Abdul Mahir Hazem, LLM, Albironi University, Law and Political Science, Kohistan, Afghanistan*

This panel of professors, representing three regions in Afghanistan, will discuss current ADR practice and informal justice in Afghanistan. Specifically, this session will address: (1) ADR practice in the pre-trial phase of the dispute resolution process; (2) arbitration in family issues; (3) ADR in resolving commercial disputes; and (4) informal justice at village levels in Afghanistan. Each of the four presenters earned an LLM degree from University of Washington School of Law; each is currently a PhD student/candidate at the UW Law School under the sponsorship of the Legal Education Support Program-Afghanistan (LESPA).

*(1.00 Law and Legal Procedure CLE Credit Approved)*

## **Session Series 8 – Friday, March 23, 2018, 2:15 p.m. – 3:30 p.m.**

### **8.1     *The Power of Listening: Techniques to Create Constructive Conversations***

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

This plenary session explores how to attain multiple goals in listening. These listening goals include but are not limited to: empathy and rapport, gaining information about both process and substance, uncovering cognitive dissonance and inconsistencies, and assessing whether you are being asked for advice or an opinion. We will discuss five proactive lessons for attentive listening and strategize regarding when to use normalization or the uniqueness axiom when validating participants. We will discuss how to customize our environment, body language and timing for maximized listening in difficult conversations, including situations where high emotion is present.

*(1.25 Professional Development CLE Credits Approved)*