



ASSOCIATION OF ATTORNEY-MEDIATORS

Advanced Attorney-Mediator Training and Annual Meeting

Portmanteau: Creating New Approaches to Mediation

*Renaissance St. Louis Grand and Suites Hotel
St. Louis, Missouri*

FRIDAY, MARCH 26, 2010

12:00-12:30 Registration

12:30-12:45 Welcome & Opening Remarks

*John Hughes, Fort Worth, AAM National President
Richard Sher, St. Louis AAM Chapter President
Mike Schless, Austin, AAM National President-Elect, Moderator*

12:45-2:15 **The Dayton Peace Accords Meet The War of the Roses**
Ambassador Nancy Ely-Raphel, Washington, D.C.

What do the Dayton Peace Accords have to do with your mediation practice? While there are obvious differences, there are more similarities, including ethical considerations, between negotiating peace treaties and mediating a commercial or family dispute than one might imagine. Ambassador Ely-Raphel is uniquely well suited to broaden our horizons.

2:15-3:15 **The State of the Law of Mediation: A Survey**
John Fleming, Austin, Texas

AAM's newly retained lobbyist is a walking encyclopedia of the law of alternative dispute resolution. His presentation will give you an opportunity to see why we can sleep well at night knowing that John is looking after our best interests.

3:15-3:30 *Break With Refreshments*

3:30-5:00 Who’s Afraid of the Big Bad Joint Session: The Ethical and Constructive Use of Emotion in Mediation

Moderator: *Ron Wiesenthal, St. Louis, Missouri*
Panel: *Tom Blumenthal, St. Louis, Missouri*
 Rebecca Magruder, St. Louis, Missouri

This panel of local talent will give us greater insight into the many constructive uses of the Joint Session in mediation, and the ethical traps that must be avoided. This is a topic of significant interest to mediators who are meeting with growing resistance to joint opening sessions.

5:15 Adjourn to Reception

6:00-8:00 Reception and Dinner

Enjoy time together at the Flamingo Bowl, St. Louis’ retro bowling alley, two blocks from the Renaissance Hotel, within easy walking distance. Appetizers, buffet dinner, unlimited cocktails and beverages, bowling, and time together with colleagues in our own private venue. Prepaid Spouses/Guests invited to attend. Flamingo Bowl, 1117 Washington Avenue, St. Louis, Missouri.

*Please bring your registration folder with you on Saturday morning.
New name tags will be available on Saturday.*

SATURDAY, MARCH 27, 2010

8:15 - Continental breakfast provided

8:30-9:00 AAM Annual Meeting and Election of Directors

We will be electing three new Board members and welcoming in our new President and President-Elect. All are invited to attend.

9:00-9:15 Break

9:15-10:15 Mediation of Business Divorces and Ethical Implications

Moderator *Mitch Margo, St. Louis, Missouri*
Panel: *Leonard Frankel, St. Louis, Missouri*
 Richard P. Sher, St. Louis, Missouri
 Joseph Soraghan, St. Louis, Missouri

What does a corporate or partnership dissolution mediation have in common with a family law mediation? Many mediators either focus on just family law cases, or anything except family law. This distinguished panel will tell us about mediation techniques and ethical issues that are valuable to remember in both settings.

10:15-10:30 *Break - CLE Sign Up sheets will be available. Please sign the appropriate State CLE sheet(s) for proper credit.*

10:30-12:00 **How to Make Each Mediation Unique**
Katheryn M. Dutenhaver, Chicago, Illinois

Ever get the feeling that you could switch on auto-pilot and complete your opening remarks? Professor Dutenhaver will use actual case studies to demonstrate ways to appreciate the unique nature of each mediation, identify potential ethical traps and develop methods to help the parties achieve a resolution.

12:00 **Adjourn – Lunch on your own.**

Enjoy the afternoon in St. Louis sightseeing and touring the many art museums, shops, historical sites, gardens, and galleries in the area.

Please return the Evaluation Form to the registration table before leaving the seminar.

BUT WAIT...THERE'S MORE!!!!

12:15-1:15 ***BONUS SEGMENT:***

MARKETING YOUR MEDIATION PRACTICE

Moderator: **John Rothman, Tulsa, Oklahoma**

An opportunity to brainstorm, share ideas, learn tips, and share papers from each other regarding marketing your mediation practice. Bring your ideas and papers. Deli lunches will be available to attendees. CLE credit will be given *only* in those states allowing credit for marketing topics. (Texas does not allow credit for marketing topics.)

Please return the Evaluation Form to the registration table before leaving the seminar.

MCLE credit has been applied for in Arkansas, Illinois, Kansas, Kentucky, Louisiana, Oklahoma, Mississippi, Missouri, Tennessee, and Texas. Texas CLE has approved 6.5 hours including 2.5 hours ethics credit.

**Association of Attorney-Mediators
Advanced Attorney-Mediator Training
March 26 and 27, 2010 - Speakers**

Tom Blumenthal is a principal in the law firm of Paule, Camazine & Blumenthal, P.C. in St. Louis, Missouri. He concentrates in the areas of civil and constitutional litigation and alternate dispute resolution. He has been arbitrating and mediating cases since the mid-90s, is on the Arbitration and Mediation Panels of the American Arbitration Association, frequently teaches AAA courses in Mediation and has lectured at national AAA Neutrals Conferences on and Best Practices in Complex Arbitration. He currently is an Adjunct Professor of Law at Washington University School of Law, teaching the school's course in Arbitration Theory and Practice. Tom mediates commercial, intellectual property and employment cases on a regular basis.

Nancy Ely-Raphel has most recently served as Vice President and Managing Director of Save the Children. Prior to that appointment she was the Counselor on International Law in the U.S. Department of State. Ambassador Ely-Raphel served as Senior Adviser to the Secretary of State and Director of the Office to Monitor and Combat Trafficking in Persons where she established that office and led the State Department's efforts to develop and implement policy to combat trafficking in persons until January 2003. From 1998 until 2001 she served as the United States Ambassador to Slovenia. Prior to her service in Slovenia, she served as the Coordinator for the Balkans where she was a principal player in formulating programs to implement the Dayton Peace Accords. Ambassador Ely-Raphel is currently active on the United States Committee for the United Nations Development Board (UNDP/USA) Board of Directors; the Washington Institute of Foreign Affairs Board of Directors; the University of San Diego School of Law Board of Visitors; the Washington Library Board of Trustees; the Global Heritage Fund Diplomatic Council; and the Genocide Prevention Task Force.

Professor Katheryn M. Dutenhaver, Esq. has been a full-time law professor at DePaul University College of Law for thirty-five years and director of the DePaul Center for Dispute Resolution since 1996, teaching property, mediation, dispute resolution among other courses. In addition to litigation and transactional legal experience she has mediated over 500 cases, designed corporate dispute resolution systems, facilitated large

group conflict and served as a consultant. She has mediated inter-corporate disputes with large complex legal claim as well as disputes involving individuals. At DePaul University College of Law, Professor Dutenhaver has served as Acting Dean and Associate Dean and is the Director of the DePaul Interfaith Family Mediation Project. She earned a BA degree from North Central College in 1960, a JD from DePaul University College of Law in 1972 and an MA in Divinity from the University of Chicago in 2007.

John C. Fleming practices banking, financial services, regulatory and administrative law, governmental relations, commercial litigation and dispute resolution with the firm of Hays & Owens. He served four years as General Counsel to the Texas Department of Savings and Mortgage and is an adjunct professor at the University of Texas School of Law. Mr. Fleming is Vice-Chair of the Regulatory and Compliance Committee of the Texas Mortgage Bankers Association, and is a nominee to become a new director of the Texas Association of Bank Counsel. The American Arbitration Association honored him with the 2008 President's Award for Leadership in Conflict. Mr. Fleming is a past Chair of the State Bar of Texas ADR Section.

Leonard J. Frankel's areas of expertise include mediation, arbitration, special master, and parent coordinator. A 1965 graduate of the Washington University School of Law, Frankel is also an adjunct professor at the Washington University School of Law. Frankel lectures on mediation and has served on the university's mediation training faculty. He also serves on the Advisory Committee for the U.S. District Court on mediation. He is a member of the Association of Attorney-Mediators and the Association of Missouri Mediators. Frankel's mediation experience includes employment law, personal injury, contract law, statutory remedies, and family law. He co-authored "Why Cases Settle, Why Cases Don't Settle," which appeared in the St. Louis Bar Journal in winter 2005. Frankel is also listed in The Best Lawyers in America for his expertise in alternative dispute resolution, has been selected to Martindale-Hubbell Bar Register of Preeminent Lawyers and named a "Missouri & Kansas Super Lawyer" by Law & Politics magazine.

Speakers – Page 2

Rebecca T. Magruder, M.S.W., J.D. focuses her private practice on mediation, collaborative law, and other non-adversarial methods for resolving family law disputes. Rebecca is an Advanced Practitioner member of the Family Section of the Association for Conflict Resolution. Rebecca trains and mentors new mediators, presents advanced workshops on conflict resolution and family law matters to professional and corporate organizations, and is an adjunct assistant professor at St. Louis University School of Law where she directs the mediation clinic and teaches Applied Mediation. Ms. Magruder has been listed in *Best Lawyers in America* since 2007 under the areas of family law mediation and collaborative family law.

Mitchell A. Margo, is an attorney with a full-time law practice located in St. Louis, Missouri. He is a state and federally certified mediator and an AAA certified arbitrator. He is a Principal with Curtis, Heinz, Garrett & O'Keefe, P.C., and his practice is concentrated in the areas of alternative dispute resolution, business transactions, trust and estate litigation, sports law, securities arbitrations and complex litigation. He has been practicing law in Missouri since 1983. Mitch currently is Chairman of the St. Louis County Civil Service Commission.

John Rothman is the Legal Director of Oklahoma Mediation/Arbitration Service, a national provider of private mediation and arbitration proceedings. He is a graduate of Harvard University (B.A. 1977) and Boston University School of Law (J.D. 1981). He has personally conducted over 3,500 mediation and arbitration proceedings and is also the author of *A Lawyer's Practical Guide to Mediation*.

Richard Sher is currently the managing member of the St. Louis law firm of Devereux Murphy LLC, where he maintains a broad practice in civil trial matters and alternative dispute resolution. Mr. Sher has handled and tried cases across the country for a wide spectrum of clients, ranging from publicly held companies and government agencies to small businesses and individuals. Mr. Sher regularly serves as a neutral and represents clients in mediation and other alternative dispute resolution processes. He has served as mediator in over 1000 cases and as arbitrator in 100-150 cases. Mr. Sher is a frequent writer and lecturer on litigation issues and alternative dispute resolution.

Joe Soraghan practices corporate and securities law in St. Louis, Missouri, both transactional and litigation. He has been a mediator since 1994 and an arbitrator since 1990. He is a mediator and arbitrator for the American Arbitration Association and the Financial Industry Regulatory Authority. He represents both customers and brokers in mediations and arbitrations. Joe is an adjunct professor at Washington University School of Law, teaching Securities Law Litigation and Arbitration. He received the Financial Services Champion Award, Region VII, from the US Small Business Administration in 2005, and is the author of several articles in national and state law journals on securities law, and entrepreneurial and small business finance.

Ron Wiesenthal is a fulltime mediator and the owner of the St. Louis Mediation Center, LLC. He mediates disputes in the areas of employment, corporate law, real estate, commercial matters, probate and personal injury. Wiesenthal has been a mediator since 1991 and is licensed to practice law in Missouri and Texas.