ASSOCIATION OF ATTORNEY-MEDIATORS

**Advanced** Attorney-Mediator Training and Annual Meeting

How to Avoid Being Barbequed in Mediation
(and all that jazz)

*The Intercontinental Hotel, in the Plaza*

Kansas City, Missouri

FRIDAY, APRIL 26, 2013

11:45-12:15 Conference Check-in and Registration

12:15-12:30 Welcome & Opening Remarks
   - Bill Lemons, San Antonio, TX, AAM National President
   - Mike Patterson, Tyler, TX, AAM National President-Elect, Moderator

12:30-1:45 Bar-B-Q&A.....25 Tasty Tips from the first 25 years of Texas Mediations
   - Ross Stoddard, Irving, TX

Each of us, during our careers as a mediator, has the opportunity to learn a lot about what it takes to cook up a good experience of mediation for our mediatees, often occurring in the midst of some mighty hot grilling during the litigation process. Much of it is learned from doing it the “wrong” way, while getting a bit too close to the fire. Join Ross as he serves up a plate-full of beefy mediation tips for you to savor. These timeless lessons have been smoked out while cookin’ away in the mediation smokehouse, garnished with just enough insight so that you can relish the thought behind each one of them. And when we’re done, you can take the leftover nuggets of wisdom “to-go,” so that you can chow-down on ‘em later, when your hunger for learning returns.

*(1.25 hours)*

1:45-2:45 Negotiation/Mediation Ethics
   - John Dewey Watson, Little Rock, AR

An experienced mediator offers insights, techniques and ethical standards in relation to the ethical Rules of Professional Responsibility for attorneys, ABA, AAA, and ACR mediation ethics, and case law using hypothetical situations for discussion.

*(1.00 ethics hour)*

2:45–3:00 Break With Refreshments
3:00-4:00  Restock Your Mediation Toolkit

*Michael Leech, Chicago, IL*

No theory, just tools. This session will identify specific things that helped get cases unstuck that may be useful for your next mediation. We will analyze why each technique worked and in what situations it may work for you. These gambits cover points in the process from the convening stage to the closing stage, but most are designed to deal with situations in which the mediation is just “stuck.” What do you do when the opening demand is three times what the demand was three weeks ago? How do you get multiple plaintiffs to cooperate competing for the same limited insurance coverage? What do you do when a party refuses to move? Many, many more, all drawn from actual cases. This will be an interactive presentation, so bring your best tricks and be ready to share them.

*(1.00 hour)*

4:00-5:15  Improv Insights Into Mediation Skills ---Improving by Improv--ing

*Irv Levinson, Chicago, IL*

Irv Levinson, a litigator, mediator and comedy improv performer, will offer up insights on how we can use classical improv exercises to inform and enrich our mediation skills. Mediation, referred to as "the ultimate improv," provides frequent challenges across the following cognitive and emotive boundaries:

--- Communication Skills
--- Relationship Building and Deconstruction
--- Group Problem Solving
--- Building Trust and Creating Empathy
--- Expressing and Venting Hostility in Constructive Ways
--- Creative Thinking and Brainstorming
--- Responding to the Unexpected
--- Listening Skills

Comedy improv focuses on creating an environment where these very same challenges can be met more readily. This presentation will focus on comparing mediation and improv perspectives and objectives, and the focus of both disciplines on "getting to yes." The program is intended to offer fresh, and sometimes unconventional, insights on how we might actually improve our mediator skills by analyzing basic components and exercises of classical improv training.

**Bring on your ability to think quickly, emote genuinely and react to sudden and surprising circumstances.** This presentation will incorporate interactive participation by audience members (our esteemed mediators) in the improv scenes and the analysis of improv scenes.

*(1.25 hours)*

5:15  Adjourn

*Please bring your folders on Saturday morning. Additional folders will not be available.*

*New nametags will be provided for Saturday. A Saturday attendance sheet will be available in the registration area. Please sign our attendance sheet each day.*
Friday Evening Activities

5:45 – Charter Buses will begin loading at the Intercontinental Hotel entrance. Leaving at 6:00 p.m.

5:45-10:45  **Time for Barbeque and Seeing the City** – Board the charter buses with your colleagues and guests (buses leave the Intercontinental at 6:00 p.m.), and travel to our private dining venue for the city’s popular barbeque – Jack Stack’s in their private party location at 13645 Holmes Road, Kansas City, Missouri. We will enjoy time with each other over cocktails, jazz and barbeque, followed by a round trip drop off in various night spots around Kansas City, or stay on board the bus for transportation back to the hotel for an early evening of relaxation. The buses will return to make a night spot passenger pick-up at 10:30 p.m. to transport everyone to the host hotel by 11:00 p.m.

SATURDAY, APRIL 27, 2013

8:15 - **Continental breakfast provided for attendees**

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

*MEMBER PARTICIPATION AND INPUT IS CRUCIAL.* We will be electing three new Board members and welcoming in our new President and President-Elect. All are invited to attend.

(No CLE Credit Requested)

9:30-10:15  **How To Deal With Bullies Without Becoming One**

*Stevann Wilson, Austin, TX, Moderator; Charla Beall, Olathe, KS; Suzanne Duvall, Dallas, TX*

How do you control aggressive participants without being a bully? What do you do when there's an imbalanced situation like employer/employee or overbearing spouse in a family law case? Should you as a mediator do anything?

(*.75 hours*)

10:15-10:30  **Break - CLE Sign Up sheets will be available. Please sign the appropriate State CLE sheet(s) for proper credit. We will need your bar number for our records.***

10:30-11:30  **“You can hang the meat so high" - Use of Analogy to Illustrate and Inform**

*Louis Selig, Houston, TX*

Analogies are among the most useful means of helping litigants understand and accept complex, abstract, or unfamiliar concepts, especially persuasion, proof, and risk. Here are one mediator's, delivered in the contexts and with the purposes for which they are useful. Please share your favorites.

(*1.00 hour*)
11:30-12:30  Let’s Hear It!  Ethical Problem Solving  

_Dean Kilgore_, Austin, TX, Moderator;  _Jerry Palmer_, Topeka, KS;  
_Dudley Smith_, Overland Park, KS;  _Bruce Waugh_, Overland Park, KS

This diverse panel of experienced mediators will work through your recent ethical dilemmas and difficult predicaments on a host of topics provided to them by you, the audience, in advance. Topics will include ethical impasse breaking techniques, ethics of assisted negotiation, ethics of compelling closure and a myriad of other hot topics.

_(1.00 ethics hour)_

12:45   Adjourn – Lunch on your own. Thank you for attending!

_Please return the evaluation forms to the registration table if you are not attending the marketing segment. You may also recycle the red, green and yellow cards at the registration table._

_Certificates of Attendance will be available as you exit._

_BUT WAIT…THERE’S MORE!!!!!!_

12:30-1:30  **BONUS SEGMENT** – PRE-ORDERED AND PRE-PAID Boxed Lunches will be awaiting those that pre-registered for this segment. Boxed lunches MUST be ordered at registration.

**MARKETING YOUR MEDIATION PRACTICE**

_Courtenay Bass_, Dallas, TX;  _Trey Bergman_, Houston, TX;  _Ron Wiesenthal_, St. Louis, MO

An opportunity to brainstorm, share ideas, learn tips, and share papers with each other regarding marketing your mediation practice. Bring your ideas and papers.

_(No CLE Hours Requested)_

_Please turn in your evaluation forms after this segment._

Thank you for attending!

_MCLE and CME Approval_

_CLE Sign Up sheets will be available on Saturday morning. Please sign the appropriate State CLE sheet(s) for proper credit. We will need your bar number for our records. If you need paperwork for filing in a state not preapproved, please see Brenda. CLE applications have been made in the states below and approval will be shown as received._

Arkansas  Mississippi
Indiana     Missouri
Illinois    Oklahoma
Kansas
 Kansas CME: 8 hours  Texas: 7.25 hours including 2.00 ethics
Kentucky
Louisiana
Courtenay Bass is a full-time mediator and a charter member of AAM. She has conducted approximately 4,000 mediations. Courtenay was the 2004 recipient of AAM’s Brutsché Award. She has been on the faculty of many mediator training programs in the U.S. and in New Zealand and Buenos Aires, Argentina, including the ABA Institute on Jury Persuasion, the faculty of the Texas College for Advanced Judicial Studies (Mediation Program for Judiciary), and various Dallas Bar Association and National Institute of Trial Advocacy mediation and ADR training programs. Courtenay also taught mediation with both the American Academy of Attorney Mediators and the Attorney Mediators Institute. She has been honored multiple times as a Texas Lawyer Super Lawyer, as well as by D Magazine and Best Lawyers in America.

Charla Beall, JD, MBA, has been involved in the field of dispute resolution since the 1990’s. She is a Kansas Approved Mediator in Parent/Adolescent, Core, Domestic, and Civil Mediation; and a Kansas Approved Core Mediation Trainer. Ms. Beall is also a mediator and due process hearing officer for special education disputes. Ms. Beall is on the roster of FINRA arbitrators, and the list of neutrals posted by the US District Court of the District of Kansas. Her mediation practice includes traditional as well as alternative settings, small/large group mediations. As a trainer, Ms. Beall has presented numerous continuing legal and mediation education programs in topics including: confidentiality, the mediation caucus, trust and apologies, interpreter issues, communication challenges for hard of hearing and visually impaired, decision making processes, stages of conflict, procrastination styles, and ethics.

Trey Bergman, J.D. has practiced complex commercial litigation since 1980 at all levels of state and federal court, is Board Certified in Civil Trial law by the Texas Board of Legal Specialization and is a Credentialed Distinguished Mediator by the TMCA. Trey has mediated and arbitrated more than $5 Billion in disputes since 1990 and has trained thousands of attorneys and judges in mediation across the United States, in England, Mexico and Turkey. He is a past national president of the Association of Attorney-Mediators. Trey is a frequent speaker and author for the State Bar of Texas, American Bar Association and numerous national and local bar associations and organizations throughout Texas and the nation and is a former adjunct professor at South Texas College of Law and Pepperdine Law School teaching classes in mediation and negotiation. As President of the Bergman ADR Group in Houston, Texas, Trey now devotes his practice exclusively to serving as a mediator, arbitrator, and settlement counsel. Trey is an American Arbitration Association Large Complex Case Panelist, is a panelist with Construction Dispute Resolution Services, is Martindale-Hubbell AV rated, has been named “Texas Super Lawyer” by Texas Monthly Magazine every year since its inception in 2003 and has been voted #1 Best Individual Mediator/Arbitrator in Houston by U.S. News-Best Lawyers Survey for 2011 and 2012.
Suzanne Mann Duvall is licensed in the state and federal courts of Texas, California and the United States Supreme Court. With more than 1200 hours of basic and advanced training in mediation, arbitration and negotiation, she has mediated more than 2500 cases to resolution. She is a faculty member, trainer and lecturer for numerous dispute resolution and educational organizations. Ms. Duvall is recipient of the first annual American Arbitration Association Brutsche’ Award of Professional Excellence in Dispute Resolution and the first annual Tom Eisner Mediator of the Year Award for services to the courts and citizens of Tarrant County. She has received an Association of Attorney Mediators Pro Bono Service Award, the Louis Weber Outstanding Mediator of the Year Award, and the Susanne C. Adams Award and Frank G. Evans Award for Outstanding Leadership in the field of ADR. Ms. Duvall has been named "Super Lawyer" by Texas Monthly for 2003-2012 and in Texas Law & Politics magazine, as well as Texas Best Lawyers, 2009 & 2013. The Oak Cliff Lion's Club has also named her Humanitarian of the Year. Suzanne is the Immediate Past-President of AAM.

Dean M. Kilgore is an experienced attorney-mediator practicing in Austin, Texas. He devotes his time exclusively to mediation and arbitration, and generally handles complex matters involving construction, insurance and commercial disputes, as well as significant tort cases. Kilgore has mediated and arbitrated in excess of 1,400 matters since establishing his ADR practice in 1995; he typically conducts 100 or more mediations per year. Kilgore practiced general civil litigation for 20 years prior to 1995. He is a regular speaker at CLE conferences, especially involving multi-party construction disputes.

Michael Leech is the co-founder and President of the Illinois Chapter of AAM, and one of the “Top 100 Illinois Super Lawyers®” for 2011, 2012 and 2013. He was listed by Lawdragon.com as one of the “Top 500 Litigators in America” in 2005. Mike is a distinguished fellow of the International Academy of Mediators and also a member of the American Law Institute. He has conducted over 275 mediations during the past 15 years. He is a fellow in the College of Labor & Employment Lawyers and the American Bar Foundation. His publications include the legal treatise Holloway & Leech, Employment Termination: Rights & Remedies (1985; 2d ed. 1995; Supp. 2002) and a lengthy chapter on “Partners & Minority Shareholders” for Illinois Institute for Continuing Legal Education. Mike currently serves as AAM’s Treasurer.

Irving B. Levinson concentrates his practice in the mediation and arbitration of business and corporate disputes, including commercial litigation, real estate disputes, securities and other corporate litigation, intellectual property and products liability disputes. Irv has been speaking and writing on mediation and arbitration topics for more than twenty years. He has moderated two day programs for Corporate Legal Times on litigation and ADR strategies, spoken multiple times to the bar associations, and also spoken to the Cook County Mediation Monthly Lecture Series on Effective Mediation Practices and "E-Discovery Mediations----Avoiding The Perfect Storm." In his thirty plus years of litigation practice, he has mediated dozens of large, complex commercial mediations in several venues throughout the United States, and several mediations involving multinational parties and cross-cultural stakeholders. He has taught Trial Advocacy as an Adjunct Professor of Law at Northwestern University Law Center, and he is teaching Business and Corporate Mediation at the DePaul University School of Law. He is also the Executive Director of Corporate and Business Mediation Outreach at the DePaul Center for Dispute Resolution. Irv founded and headed the Corporate Counsel Roundtable Forum at Bell Boyd & Lloyd, and moderated several programs in that Forum on mediation and arbitration issues. He is a mediation and arbitration panel member of ADR Systems of America, and a member of Association of Attorney Mediators.
Jerry R. Palmer, is an attorney mediator exclusively practicing mediation in the areas of Topeka, KS, the Kansas City Metropolitan area and the Eastern half of Kansas. He has conducted over 1,300 mediations including a variety of Contract based cases; commercial, business breakups and construction related claims. Also he has mediated Tort cases; Personal injury, vehicular, premises, products and professional liability, wrongful death and statutory. He had an active trial practice from 1966 to 2010 before devoting full time to mediation and is a Fellow of both the American College of Trial Lawyers and of the International Academy of Trial Lawyers while being Certified by the National Board of Trial Advocacy in Civil Trial Advocacy and recertified every 5 years from 1980 to date. He is a Distinguished Fellow of the International Academy of Mediators and Fellow of the American College of Civil Trial Mediators. He is licensed to practice Law in the State of KS and MO and their federal courts.

Louis Selig is a full-time AV rated attorney-mediator who, since his training in 1987, has conducted in excess of 3,000 mediations in Louisiana, Texas and many other states. He has also conducted basic and advanced mediator training, and has spoken at seminars both here and abroad. Before becoming a mediator, Louis litigated maritime and land-based injury and death cases.

E. Dudley Smith is a member of AAM who practices in Overland Park, Kansas. He mediates in Kansas and Missouri. His mediation experience includes contract, business and partnership disputes, medical malpractice and personal injury cases, condemnation proceedings, civil rights, and probate/trust disputes. The experience he brings to mediation includes over 45 years of civil litigation and trial experience in areas such as professional liability of hospitals, physicians and nurses, certified public accountants, lawyers, pharmacists, realtors, and home inspectors; and, in cases involving contracts, business issues, product liability, personal injury, employment, construction, home health agencies, electrical injuries, fire losses, and insurance coverage. He has represented professionals before administrative law boards in Kansas and Missouri. He is licensed to practice law in Kansas and Missouri, is approved as a core and civil mediator by the Kansas Supreme Court, and is on the Missouri Rule 17 List of Dispute Resolution Neutrals. He has a BA in mathematics and JD from the University of Kansas. He is Of Counsel to the firm of Fisher, Patterson, Sayler & Smith, LLP, which has offices in Topeka and Overland Park, Kansas.

Ross W. Stoddard, III is an attorney-mediator with a full-time mediation practice, based in Las Colinas in Irving, Texas. He conducts approximately 200 mediations per year, at the request of counsel and parties, as well as federal and state judges. Since 1989, Ross has conducted over 3,500 mediations involving $20+ billion in aggregate claims, in litigation and pre-litigation matters, and business negotiations. Ross teaches Effective Negotiations - Strategies, Tactics and Ethics in the SMU Executive MBA Program. He conducts advanced mediation training through the American Academy of Attorney-Mediators, Inc. (“The Academy”) and other bar/ADR associations. Ross authored the chapter on the use of ADR in tort disputes in The Litigator’s Handbook, published by the ABA Section of Litigation. Prior to becoming a mediator, his experience as a lawyer was in a broad range of transactions and litigations, primarily in business and contract matters. Ross also served as Chairman of Focus Financial Consultants, Inc. and in the USAF JAG Corps. Ross served as a founding director and officer of the Association of Attorney-Mediators and The Academy, and has served on the Council of the State Bar of Texas ADR Section. He previously served as a trustee of the Texas Center for Legal Ethics and Professionalism. Ross received a BBA with honors from SMU in 1972 and a JD from the University of Texas School of Law in 1975. Ross became trained as a mediator in 1989, and has completed 500+ hours of additional training in mediation and negotiation.
John Dewey Watson attended Ouachita Baptist University, after which he served in the United States Marine Corps and was commissioned a Second Lieutenant. After resigning his regular commission he remained in the Marine Reserves and retired as a Colonel. Dewey attended law school at the University of Arkansas at Fayetteville where he was Dean of Delta Theta Phi Law Fraternity and a member of the National Moot Court Team. After law school he clerked for Justice Lyle Brown after which he joined the firm of Friday, Eldredge & Clark where he remained for thirty-nine years as a trial lawyer, mediator, and arbitrator. He currently serves as Hearing Officer for the Arkansas Contractors Licensing Board, as a mediator for ADR, Inc., and as an arbitrator and mediator for the American Arbitration Association. He has served as an arbitrator on the Large Complex Panel, the National Panel of Construction Arbitrators, and the International Centre for Dispute Resolution panels of the American Arbitration Association. Dewey is an Adjunct Professor for the University of Arkansas School of Law where he teaches a mediation skills course. Dewey is a contributing author for several textbooks on the subject of construction law. He has received the President's Award and CLE Award from the Arkansas Bar Association and the President's Award and Sid McMath Award from the Pulaski County Bar Association. He is rated “A” “V” by Martindale Hubbell and is listed in the Best Lawyers in America and Mid-South Super Lawyers.

Bruce Waugh earned a B.S. in architecture (1974) at K.U. and his law degree from UMKC (1977). He has been a civil litigator for 35 years, focusing primarily on construction, surety, and design professional claims. He completed the Kansas Bar Association Civil Practice Mediation Training in 1996. Since then, he has successfully resolved hundreds of disputes. He is a Fellow in the American College of Civil Trial Mediators. His mediation practice includes disputes regarding construction, architecture and engineering, business relationships, lenders and borrowers, employment and ERISA, insurance claims, and a variety of other civil matters.

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.

Stevann Wilson has over 20 years civil litigation experience. She has special mediation experience in sexual assault, sexual harassment, employment discrimination, personal injury and legal and medical malpractice. Stevann is a member of the AAA Panel of Mediators and the AAA Panel of Arbitrators. Other affiliations for Stevann include that she is an Arbitrator and Mediator for the Western District of Texas; a Member of the State Bar College; a Fellow with the Texas Bar Foundation; was the Founding President, Central Texas Chapter of the Association of Attorney-Mediators. Stevann is a Member and Past President of the National Board of Directors, Association of Attorney-Mediators. She has an "AV" rating from Martindale-Hubbell.