



ASSOCIATION OF ATTORNEY-MEDIATORS

*Advanced Attorney-Mediator Training
and Annual Meeting*

TRUCE OR CONSEQUENCES

*Francis Marion Hotel
387 King Street, Charleston, SC 29403*

FRIDAY - APRIL 26, 2019

12:00-12:30 pm **Conference Check-in and Registration**

12:30-12:45 pm **Welcome & Opening Remarks**

Paul Clote, Houston, TX, AAM National President

Brenda Rachuig, Dallas, TX, AAM Executive Director

John Trimble, Indianapolis, IN, AAM National President-Elect

12:45-1:45 **How Understanding Neuroscience and Stress Can
Improve Your Mediation Skills**

Jill Tanz, Chicago, IL

Neuroscience teaches us that people involved in mediation encounter many events that initiate the physiologic stress response. Ms. Tanz will describe the stress response, its triggers, and how it impacts judgment, decision-making and memory. She will offer specific strategies to minimize the stress response in mediation and present a participatory quiz to illustrate these strategies. Ms. Tanz has collaborated for years with neuroscientist Prof. Martha K. McClintock, University of Chicago; David Lee Shillinglaw Distinguished Service Professor Emerita, Departments of Psychology and Comparative Human Development, The College; Committees on Neurobiology and Evolutionary Biology. This presentation is based on that collaboration.

(1.00 hour)

1:45–3:00 Resuscitation of Mediation: Remediation

Lisbeth Bulmash and Cecilia Morgan, Dallas, TX

Lis and Cecilia will present an interactive program of how the mediator acts as an impasse breaker and as a problem solver during all the stages of the mediation process. We will consider factual scenarios at pre-mediation, during the mediation, at post-mediation and at remediation. The ethical dilemmas that mediators face at these different intervals will be explored. The participants will leave with creative ideas for how to resuscitate a mediation at every stage of the process.

(1.25 hours)

3:00-3:15 Break with snack

3:15-4:15 Your Losing Season - Don't Let Ethical Issues Turn The Tide On You

Hank Jones, Lexington, KY

John Trimble, Indianapolis, IN

Ethical issues can occur with surprising frequency in a busy mediation practice. Some are minor, and the consequence of missing them may be minor. Others can challenge your reputation and future as a mediator. In this interactive panel, two experienced mediators will talk about how to be intentional in your emphasis on good ethics and will offer suggestions to resolve common problems.

(1.00 ethics hour)

4:15-5:30 Deal or No Deal....What to do to Get a Deal Done, When it Looks Like it's Not Going to Happen

Courtenay L. Bass, Dallas, TX

Trey Bergman, Houston, TX

Bob Berliner, Chicago, IL

You've been there before, and you can see it coming: the parties in mediation are heading towards an inevitable impasse. But wait.....maybe there's something that *you* can do, as mediator. Learn some top tips, tools and techniques *you* can use to help the parties get a deal done during your mediations.

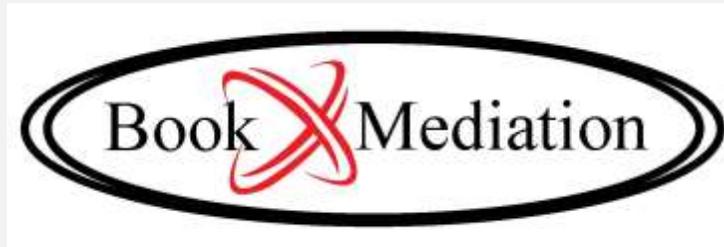
(1.25 hours)

5:30 pm Adjourn to Reception

Bring your folder and nametag on Saturday morning and please sign the Saturday attendance sheet at the registration table for our records.

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5:30–6:30 pm Cocktails in the Foyer – Enjoy time networking with fellow attendees. Spouses are welcome to join us with prepaid registration.
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The Cocktail Reception is co-sponsored by
BookMediation and LewisWagner LLP



www.bookmediation.com

Kathleen Coble will be available during breaks and the cocktail reception.



*John Trimble and his colleagues at LewisWagner LLP welcome you to the
Association of Attorney-Mediators Advanced Attorney Mediator Training.*

www.lewiswagner.com

SATURDAY- APRIL 27, 2019

8:15 am - Continental breakfast provided for conference attendees

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

MEMBER PARTICIPATION IS CRUCIAL. We will be electing two new Board members and welcoming in our new President and President-Elect. *All are invited to attend. (No CLE Credit)*

9:00 - 10:00 We Are Not Psychiatrists, But We Play Them on TV
Brian Hewitt, Indianapolis, IN

Most mediators assist with the resolution of a wide variety of disputes, but every mediated dispute has one thing in common; human participants. The personality of the mediation participants define the mediation process, not the facts and legal issues underlying the dispute. This presentation will explore several key personality traits that drive mediation behavior. If you understand and identify those personality traits, the potential for dispute resolution will skyrocket.

(1.00 hour)

10:00-10:15 Break - CLE Sign Up sheets will be available.

Please sign the appropriate state MCLE sheet(s) for MCLE credit. We will need your bar number for our records.

10:15-11:15 Underlying Currents Run Deep
John Dowdy, Arlington, TX
Jeff Kilgore, Galveston, TX

John and Jeff will take us through various partnership, probate, and family mediation practices where underlying issues are not always apparent. The audience will participate in the interactive discussion while working through the handouts.

(1.00 hour)

**11:15-12:15 Conflicts are Emotional, Disputes are Factual –
Dealing with Difficult Parties and Counsel**

**Linda Michler, Bethel Park, PA and Outer Banks, NC
Daniel Yamshon, Sacramento, CA**

This presentation is designed to be highly interactive with some limited play-acting scenarios by the presenters. The problems we will address are fairly common but are of the type that have stumped more than one mediator, particularly when the main impediment to settlement is counsel.

(1.00 hour)

12:15 Adjourn – Lunch on your own. Thank you for attending!

**Please return the yellow evaluation forms to the registration table as you leave.
You may recycle the red, green and yellow cards.**

Certificates of Attendance will be available as you exit.

Marketing Segment Attendees will take a short break and return to the meeting room to begin the marketing program at 12:30. A light snack will be provided. **(Lunch will not be served.)** Please evaluate this segment before turning in your yellow evaluation form at the registration table.

Marketing for Mediators

**12:30 – 1:15 pm What’s Your Line? Billboards...TV ads...Radio...
Social Media...Press...Releases...Direct Mail...
Debra Leo, Facilitator, Birmingham, AL,**

How does one make their living at what they love to do? What separates full time mediators from part-time mediators? How do you become the “go to” mediator? Explore these questions in an inter-active discussion of what it means to market your mediation practice.

(No CLE hours requested for marketing)

State MCLE Approvals

Alabama:	7.50 hours including 1.0 ethics hour
Arkansas:	6.5 hours and 1.0 ethics hour
Arkansas CME:	8.50 hours
Colorado:	9.0 hours
Illinois:	7.50 hours, including 1.0 ethics hour
Indiana:	5.5 general, 1.0 ethics and 2.0 NLS credits
Indiana CME:	7.5 CME hours
Kentucky:	7.5 hours
Louisiana:	7.50 hours including 1.0 ethics credit
Mississippi:	7.50 CLE credits including 1.0 ethics
Missouri:	7.8 credits including 1.2 ethics credits
Montana:	6.50 general and 1.00 ethics credit
North Carolina:	<i>Applied/Pending</i>
Pennsylvania:	7.50 credits = 1.00 E 6.50 S
South Carolina:	7.50 credits including 1.00 ethics credits
Tennessee:	6.50 general and 1.00 dual credit
Tennessee CME:	6.50 mediation hours/1.00 mediation ethics
Texas:	7.50 hours of credit including 1.00 ethics

Association of Attorney-Mediators
Advanced Attorney-Mediator Training
Speakers and Panelists - April 26 and 27, 2019



Courtenay Bass is a full-time mediator and a charter member of AAM. She has conducted more than 5000 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 and multiple other organizations. She is a full time mediator with Gilbert Mediation Group in Dallas, TX.



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 has mediated and arbitrated more than \$95 Billion in disputes since 1990. Trey is a past national president of the Association of Attorney-Mediators and a Steve Brutsche' Award recipient. 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, has trained more than 5,000 attorneys, judges and law students to mediate throughout the United States, England, Mexico and Turkey and is a former adjunct professor at South Texas College of Law and Pepperdine Law School teaching classes in mediation and negotiation. Trey is the current Chair of the Texas State Bar ADR Section, currently serves on the Texas State Bar CLE Committee, and has served as Chair of the Texas State Bar MCLE Committee. As President of the Bergman ADR Group in Houston, Texas, Trey now devotes his practice exclusively to serving as a mediator and arbitrator. Trey is a Fellow, Board member and Tutor in the Chartered Institute of Arbitrators, a Fellow and Board member in the College of Commercial Arbitrators, a panelist with ICDR and the American Arbitration Association Large Complex Case Panel, is AV-Preeminent rated by Martindale-Hubbell, 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. Trey is also a certified cave diver, licensed skydiver and licensed sailplane pilot.



Robert W. Berliner, Jr. is a practicing mediator, arbitrator and attorney and is often retained as an expert witness in real estate, legal malpractice and other matters. He has also been a principal in many real estate and other business ventures. He is a member of the AAM Board of Directors and is currently President of the Illinois Chapter of AAM, of which he was also a co-founder. Mr. Berliner founded and leads a program sponsored by that Chapter that provides pro bono mediation services to the Small Claims Court in Will County, Illinois, which has grown from one to over 20 participating mediators since 2010. Mr. Berliner frequently presents continuing legal education and other educational programs on mediation, legal and real estate subjects, and has been an adjunct professor at Stuart Graduate School of Business, Illinois Institute of Technology, where he taught real estate investment. Mr. Berliner began his career with a small Chicago law firm and, after 10 years with that firm, founded his own firm. Thereafter, he became a senior officer and general counsel of Jupiter Industries, Inc., and a partner and general counsel of Jupiter Realty Corporation. Jupiter Industries, Inc., was a diversified conglomerate with revenues of over \$1 billion and interests in construction and engineering, transportation, retailing, insurance, manufacturing and real estate, and Jupiter Realty Corporation was a real estate company with interests in office buildings, shopping centers, apartment buildings and hotels all over the country. Mr. Berliner received an A.B. degree from Harvard College and a J.D. from Harvard Law School. He also served as a Lieutenant in the United States Navy, where he was Supply Officer on a nuclear-powered Polaris missile submarine, and is currently a member of the Naval War College Foundation.



Attorney **Lisbeth Bulmash** is co-founder of Mediators360. She graduated from the University of Michigan with a Bachelors of Arts and from the Boston University School of Law with a Juris Doctorate. Ms. Bulmash has practiced law since 1989. Her experience in litigation has involved work in a variety of settings including a law firm specializing in defense, a law firm representing primarily plaintiffs and in a national property casualty insurance company. These varied legal experiences prepared Ms. Bulmash for her career in Mediation. She has a unique way of anticipating the needs and interests of the parties. Lis Bulmash has been a mediator for more than seventeen (17) years. Before practicing in the state of Texas, Ms. Bulmash had an active mediation practice in Ohio. She has been admitted to five bars including Illinois, Michigan, New York, Ohio and Texas. For over a decade, she has engaged in the practice of mediation. Her disputes have ranged from small cases to cases that are larger and more complex. She mediates all types of cases including but not limited to, civil and commercial cases, probate cases, employment cases as well as eminent domain cases. Ms. Bulmash has a designation of Credentialed Distinguished from the Texas Mediator Credentialing Association. She currently serves as a board member of the TMCA. Lis was Chair of the ADR Section of the Dallas Bar Association in 2017 and has been an active ADR Board Member from 2014-2018. Currently, she sits on the ADR Advisory Council for the State Bar of Texas, where she is beginning her second 3-year term. In addition, Lis is Secretary of the North Dallas Chapter of the AAM. In recent years, Ms. Bulmash has presented CLEs about mediation to many organizations including the City of Dallas, Private Corporations, the Association of Attorney-Mediators, the University of North Texas Law School, the Texas Association of Mediators and the State Bar of Texas to name a few.



John Dowdy was a litigator for over 20 years and has been a mediator and arbitrator for over 24 years. John is a senior lecturer in business law at the University of Texas at Arlington and has also been a lecturer in the Mediation Clinic Course at Texas Wesleyan (Now Texas A&M) School of law, a mentor and field instructor for the law students and has coached their negotiation and mediation teams. John is the three-time winner of the Billy W. Turner Memorial Award (UTA) for excellence in undergraduate teaching, the UTA Provost's Award for Excellence in Teaching, and the UTA College of Business Outstanding Lecturer Award. He maintains an active, mobile mediation practice throughout Texas, specializing in probate, business, and commercial cases as well as maintaining a conventional law

practice in these same areas. He holds a Bachelor's degree from Baylor University and a Juris Doctor from Baylor School of Law. Fort Worth Magazine has named him multiple times as a Tarrant County Top Attorney. John was the AAM National President in 2004-2005.



Brian Hewitt is a highly respected trust and estate litigator who has practiced in Indiana for more than three decades, describing himself as a “specialized generalist” because of his diverse areas of expertise. Named to the distinguished list of Indiana Super Lawyers every year since 2009, Brian has represented financial institutions and other fiduciaries in some of the state’s most high-profile cases, including the estates of Indianapolis Colts owner Robert Irsay and commercial property mogul Melvin Simon. BRIAN IS AN ACCOMPLISHED LITIGATOR, BUT HIS FIRST AND GREATEST LOVE IS MEDIATION. He relishes the

opportunity to resolve a complex legal situation in just a single day—and to help the people involved avoid expensive, messy, and emotionally draining litigation. Brian’s colleagues will tell you that he has an unbelievable gift for understanding people’s needs and charting a course that allows both sides to leave mediation feeling satisfied. His track record will tell you the same: he has settled nearly 1,000 trust and estate cases and hundreds of real estate, commercial, and professional malpractice cases, with a success rate of more than 90 percent. Brian is a frequent speaker and author on important topics related to trust and estate mediation and litigation, giving regular presentations to the American College of Trust and Estate Counsel, the Indiana State Bar Association, and the Indiana Continuing Legal Education Forum. As a recognized expert in the field of trust and estate law, he is regularly asked to consult or testify as an expert witness in cases involving trusts, estates, commercial law, malpractice, and civil procedure. Outside the office, Brian writes music for voice and guitar and is an avid supporter of the Indianapolis Children’s Choir, where two of his children sang for many years. He and his wife, Veronica, are active members of Resurrection Lutheran Church.



Ernest "Hank" Jones, II, primary area of practice, since admission to the Bar in May of 1974, has been insurance defense litigation. He has represented insurers and insured in over 90 of Kentucky's 120 counties and tried cases in more than 60 of Kentucky's counties. Additionally, Hank is certified by the Kentucky Administrative Office of the Courts as a mediator and has been mediating cases in the above areas of practice since 1999. Hank is a frequent lecturer for CLE programs sponsored by the Kentucky Bar Association, the Kentucky Defense Counsel and the National Business Institute, on topics such as insurance coverage, declaratory judgment actions, voir dire strategy, trial tactics and mediation best practices. Most notably,

Hank was named Lexington's 2014 Insurance Law "Lawyer of the Year" by Best Lawyers of America. He is the Best Lawyer in America and a Kentucky Super Lawyer in the areas of Insurance Law and Personal Injury Defense. Hank achieved an AV "Preeminent" rating from Martindale-Hubbell and is a Litigation Counsel of America Fellow.



Jeff Kilgore was a trial lawyer when he decided the disputants could benefit greatly from crafting their own settlement with the help of their attorneys. He started focusing on mediation and arbitration in 1998 and has continued to grow his practice and training by participating in seminars and courses on a regular basis. He also has taught mediation courses at the University of Houston AA White Dispute Resolution Center and has chaired and co-chaired mediation trainings in advanced family mediation. He has completed over 1900 mediations in contracts disputes, construction, insurance issues, property law disputes, securities, probate and family law matters. His primary office is in

Galveston, Texas and he works out of the Greenway Mediation Center, Houston, when requested. Jeff is married to Mary Kilgore and has three children Chris, Adam and Kelsey, and grandchildren, Tierney and Aislynn. He enjoys sailing, boating, nature photography, and cooking for friends and family, instead of grilling opponents in court. He has been in law practice 45 years in April 2018. Jeff has been a member of AAM since 1999 and is a past board member and immediate past president of AAM (2017-2018).



Debra Leo's subject matter expertise includes conflict resolution, harassment, accommodation, and other specialized workforce issues. Her experience in the employment law arena spans over 40 years. Ms. Leo built and managed EEOC's mediation program for the states of Alabama, Mississippi and northwest Florida. She offers in-depth knowledge of laws, regulations and trends that affect the workplace. Having had the opportunity to examine and analyze a wide array of personnel practices, policies and systems, she brings a vast knowledge of best practices and common pitfalls that affect a wide range of businesses, institutions and industries. With over 20 years of mediation experience, she has resolved over 2,500 disputes with a resolution rate exceeding 90%. Ms. Leo has lectured and trained extensively on employment issues and conflict resolution skills and techniques. As well as designing and delivering training for EEOC, FBI, Department of Labor, FMCS, and other federal agencies, she has designed and delivered training for private employers, corporations, institutions and entities. Ms. Leo offers services in mediation, arbitration, training and consulting. Debra currently serves as Immediate Past President for the Association Attorney-Mediators.



Linda Michler received her law degree from Duquesne University School of Law. She is a former practicing attorney who now does only mediations, early neutral evaluations, consulting and arbitrations for cases and claims involving business and financial matters including real estate, employment, lending, shareholder, franchise, and healthcare disputes. She also has experience with government contracts, franchise disputes, product liability, professional malpractice, commercial/business matters, and bankruptcy disputes. The principal of Professional Dispute Resolution, she has over 25 years' experience on ADR matters, serving as an arbitrator, mediator, and early neutral evaluator/consultant. She serves as a mediator for several organizations, including FINRA, the BBB, the W.D. of PA (district and bankruptcy courts). In addition to once maintaining an active private law practice, she has served as Assistant District Counsel, Special AUSA with the US Small Business Administration, taught legal courses at Robert Morris University, Duquesne University, Community College of Allegheny County and has been a presenter for several CLE providers including the National Business Institute, and the Allegheny County and Washington County Bar Associations. She has been in-house counsel for a global data and risk management software company. Ms. Michler is currently admitted to practice in all Pennsylvania, North Carolina and New York Courts, and the following federal courts: W.D. Pa., E.D. Pa., M.D. Pa., E.D. N.C., Court of Appeals for the Third Circuit, and Supreme Court. She is a frequent presenter, having spoken before the ABA, FBA, National Business Institute and numerous other organizations.



Cecilia H. Morgan has been associated with JAMS since March, 1994, and has mediated, arbitrated and/or facilitated over 3,000 cases in over 30 states involving matters in all areas of the law. Named one of Texas' Best Alternative Dispute Resolution Lawyers (*Best Lawyers in America*) in 2008-2018, one of Texas' Best Lawyers in Arbitration and Mediation (*Best Lawyers in America*) in 2019, a Texas Super Lawyer in 2012-2018, D Magazine's Best Lawyers in Dallas, 2013-2018, she is a Life Fellow for the Texas Bar Foundation and a Life Patron Fellow for the Dallas Bar Association Foundation. She was the State Bar of Texas' 2010 recipient of the Justice Frank Evans Award for Outstanding Contribution to Texas ADR. She served as an officer and director at both national and local levels of the Association of Attorney-Mediators, is a former national chair for the Legislation Committee of the American Bar Association Section of Dispute Resolution, is a former Chair of the State Bar of Texas ADR Section Council and is a TMCA Credentialed Distinguished Mediator. She served as Chair of the Dallas Bar Association's Labor & Employment Law Section in 2011, is a Fellow of the College of Labor and Employment Lawyers and was an Adjunct Professor for Texas Tech University School of Law from 2013 until 2017.



Jill S. Tanz is a commercial mediator with years of experience as a mediator, law professor and trainer. She has lectured extensively on mediation and neuroscience and incorporates best practices developed from this expertise into her mediation practice. She has a blog, [Mediation Myth Busters](#), about neuroscience and mediation. She has mediated more than 500 cases in real estate, condominium, partnership, probate and family disputes. Jill earned a BA, Summa Cum Laude, from Lafayette College and a JD from the University of Chicago.



John C. Trimble is a partner in the Indianapolis law firm of Lewis Wagner, LLP. In a 37 year career John has been admitted in State and Federal Court in more than 30 jurisdictions where he has litigated complex and catastrophic tort, insurance coverage, and business litigation. He began his career as a mediator in 1988, and through the years has mediated cases of all sizes and complexities. John lectures and writes on mediation for law schools and bar association groups and as part of his practice serves as a negotiation consultant. In 2014 he was invited by the Federal Judicial Center to teach mediation and settlement technique at the U.S Magistrate Workshops. John is the President-elect of the Association of Attorney-Mediators.



Daniel Yamshon is a mediator and arbitrator on the American Arbitration Association's construction, commercial and large, complex case panels as well as the Financial Industry Regulatory Authority. He has been a mediator for the Resolution Trust Corporation and the Defense Department Office of Hearings and Appeals. He is a fellow of the Chartered Institute of Arbitrators in London and is the former International Subcommittee Chair of the California Bar Association ADR Committee. Daniel sits on the ABA ADR Section's Ethics and International committees and on the International Law Section's Arbitration Committee. He holds a post-grad certificate in International Arbitration from Columbia Law School and a Diploma, (the UK & European equivalent of a Master's Degree) in International Arbitration from the Chartered Institute of Arbitrators. Daniel speaks regularly on ADR topics at ABA and California Bar annual meetings. He has published approximately thirty articles relating to law and ADR in trade, industry and legal journals ranging from Barron's National Business and Financial Weekly to the Harvard Negotiation Law Review. Daniel authored the chapter *Drafting the ADR Clause* in the ABA Construction Industry Forum's book Construction ADR and a chapter in Alternative Dispute Resolution and Peace-building in Africa, published by Cambridge Scholars. He is the lead trainer for the Center for African Peace and Conflict Resolution, has worked on ADR matters in twelve countries on five continents, and has been the lead on programs funded by the US State Department, the US Institute for Peace, the ABA, and the Eurasia Foundation.