



**Association of Attorney-Mediators
Presents its
Advanced Attorney-Mediator Training & Annual Meeting
“Knowledge is Power: Know the Law, Thyself and Others”**

Originally Presented on April 22, 2022

Recorded Sessions Available for Viewing:

Session 1: Mediator Know Thyself

Sam Ardery, Bloomington, IN

We negotiate to get what we want or keep what we have. Mediators are routinely in the middle of disputes where two or more parties disagree about how to divide limited resources of time, performance, or money. It is not just the lawyers and clients that have agendas. We may not be as “neutral” as we claim.

(1.0 hour)

Session 2: Knowing Thyself and Others: a Panel Discussion on Ethical Issues in Mediation

Brent O. E. Clinkscale, Greenville, South Carolina

Jeff Kilgore, Galveston, TX

Homer La Rue, Columbia, MD

Karen Washington, Dallas, TX

In this interactive roundtable discussion, you will get the opportunity to hear how our panel of seasoned mediators deal with various ethical situations and issues in mediations.

(1.00 ethics hour)

Session 3: Knowing the Law: Bioethics Mediation: An Innovative Approach to Resolving Ethical and Legal Conflicts in Clinical Health Care

Victoria M. Kumorowski, Overland Park, KS

This presentation defines the process of bioethics mediation and the evolving discipline of bioethics. It identifies the common focuses of both bioethics and mediation, and it describes the need for bioethics mediation and the unique characteristics of it. Using case examples, it describes the main categories of healthcare conflicts and the main types of bioethical issues raised in clinical cases. It identifies the need for greater use of bioethics mediation as a resource by the courts, and the potential use of bioethics mediation to address advances in reproductive, genetic, and medical technology on a global level.

(1.00 hour)

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Optional Lunchtime Session: You help others, but who helps you? Introducing ADR Notable.

ADR Notable is a case and practice management platform built specifically for dispute resolution practitioners. Its features assist you at every step of the mediation process and makes running a practice and managing cases a breeze. Billing & invoicing, requesting, and storing documents, firm administration, note-taking, automated intake, and an upcoming scheduling solution are just a few ways ADR Notable makes mediation management easy. Come learn more and receive a special offer! (No CLE Credit, Attendance is optional)

Session 4: Knowing the Law: Ethical Obligations and Data Protection for the Dispute Resolution Practitioner

Gary Doernhoefer, Columbus, OH

This program will provide practical tips and tricks to enhance your data protection security using the tools you already have.
(1.0 hour, including ethics)

Session 5: Knowing the Law: Preventing Legal and Financial Problems in Elder/Divorce Mediation with Real Property Taxation, Valuation, Disposition, and Division

Kelly Murray, Franklin, TN

The house is a complicated legal and financial asset in family mediation that requires the substantive knowledge for mediators to foster informed decision making and voluntary agreements. This session advances enhanced house due diligence for accurate valuation, tax evaluation, disposition, and division of real property for permanent property division.
(1.25 hours)

Session 6: Knowing Others: Civil Discourse Strategies for the 21st Century Mediator

Angela Downes, Dallas, TX

Kay Elliott, Fort Worth, TX

This session will examine how mediators can incorporate the tenets associated with civil discourse- empathy, listening, humility and civility and others- to grow their skillset and enhance their practice. Civil discourse- defined as a conversation or discussions where there is a mutual airing of often opposing views without rancor, but with the intention of promoting greater understanding while moving toward solutions.
(1.00 hour, including ethics/civility)



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SPEAKERS AND PANELISTS BIOS



Sam Ardery

Everyone who comes to a mediation has had something happen in their lives that they did not expect to happen. They have usually hired a lawyer to represent them. I help the clients and the lawyers have conversations they were unable or unwilling to have prior to the mediation. The types of cases include multi-party catastrophic injury cases, complex construction litigation, commercial arguments, wide ranging professional liability disputes, and estate and property disagreements.

After mediating over 4,000 conflicts and trying dozens of jury trials, I have found three qualities often helpful to mediators and clients: they embrace discomfort, they radically listen, and they accept their role, however small or large, in the dispute. As a mediator I want to help people explore possibilities that were difficult to find on their own. You can order a copy of my book *Positively Conflicted Engaging with Courage, Compassion and Wisdom in a Combative World* on Amazon: <https://www.amazon.com/Positively-Conflicted-Engaging-Compassion-Combative-ebook/dp/B08TB79KBR> Sam Ardery is a national mediator, trial lawyer, consultant, speaker, and author. He teaches negotiation at the Indiana University Maurer School of Law. He has trained at the Harvard Program on Negotiation and the Strauss School of Alternative Dispute Resolution at Pepperdine University. You can learn more and sign up for Sam’s blog at his website: <https://www.samardery.com/>

Brent O. E. Clinkscale is an Independent Arbitrator, Mediator and Litigation Consultant. He is the Managing Member of Clinkscale Global ADR. He is a veteran advocate with experience in both trials and arbitrations. He worked for over 25 years as counsel and lead counsel in complex litigation trying numerous cases in both federal and state courts in the United States. Brent’s concentration is in business litigation, including both domestic and international arbitrations, but he has experience across a broad spectrum of civil dispute resolution. He also has significant experience in class action and multi district litigation. Brent is a member of the American Arbitration Association (AAA) Domestic Panel of Commercial, Consumer and Complex case Arbitrators, a member of the International Center for Dispute Resolution (ICDR) International Panel of Commercial and Complex case Arbitrators and a court appointed mediator for the United States District Court for the District of South Carolina by The Honorable Richard M. Gergel. He is President of the Atlanta International Arbitration Society (AtLAS), Vice Chair of the United States Council for International Business (USCIB) Southeastern Arbitration Subcommittee and Chair of the South Carolina Bar International Committee. Brent is also a member of the ABA ROLI Central European and Eurasian Law Initiative (CEELI) Council. He serves as a Coach for the Charleston School of Law Vis Moot Team and the University of South Carolina Law School Vis Moot Team in the Annual Willem C. Vis International Commercial Arbitration Moot Court Competition in Vienna. After completing his undergraduate degree at Duke University and his law degree at Duke University Law School,
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(Continued from previous page – Brent O. E. Clinkscale)

Brent served as Counsel to the Speaker of the House of South Carolina, the Honorable Robert J. Sheheen. He then proceeded to clerk for the late Judge Mathew J. Perry, United States District Judge for the District of South Carolina. After completing his clerkship, Brent joined the law firm of Haynsworth, Marian McKay and Gerard (Now Haynsworth Sinkler Boyd) as an associate. Several years after joining Haynsworth, Brent was made a partner at Haynsworth where he served as lead counsel in insurance defense cases, intellectual property cases, discrimination cases, product liability cases, sports apparel cases and appellate cases. Brent was also the lead counsel representing South Carolina governmental entities. From Haynsworth, Brent moved to Womble Carlyle (now Womble Bond Dickinson) as a partner. At Womble, his practice expanded to include the defense of class actions, domestic and international arbitrations, litigation strategies for European based international corporations, and insurance coverage litigation. Brent was part of a distinguished team of attorneys who represented the Honorable James H. Hodges, Governor of South Carolina, in the South Carolina Reapportionment cases based on the United States census of 2000.



Gary Doernhoefer is a graduate of the University of Chicago School of Law, an experienced general counsel, technology entrepreneur and founder of ADR Notable – the leading technology platform designed specifically for dispute resolution professionals. In 2016, discussions with the faculty at the Moritz College of Law at The Ohio State University initially focusing on expanding the use of alternative dispute resolution for a specific industry shifted to investigating how basic technology could assist dispute resolution practitioners generally. By 2019, ADR Notable completed prototype testing of its concept with over 30 mediators, leading to the development of the first

comprehensive software platform designed specifically for both individual case and practice management for dispute resolution practitioners. ADR Notable launched commercial operations at the end of 2020.

Angela Downes is a professor at UNT Dallas College of Law in Dallas where she is Assistant Director of Experiential Education. Prof. Downes teaches clinical courses, the 40-hour mediation course, as well as domestic violence and the law: an innovative approach to interpersonal violence. Her scholarship focuses on diversity, cultural responsiveness, and issues of interpersonal violence including domestic violence, human trafficking, and child abuse. She is an active member of number boards and organizations. Prof. Downes was recently appointed by the Texas Governor to serve on the Texas Medical Board. Prof. Downes is also an associate Municipal Judge for the City of Glenn Heights, Texas, and a TMCA Board member.





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Kay Elliot is an attorney mediator in Ft. Worth and Dallas, and the coach for the Texas A&M Law School Negotiation, Client Counseling and Representation in Mediation competitions, is a graduate of the University of Oklahoma (J.D. 1964); Southern Methodist University (LL.M. 1984); and the University of Texas at Dallas (M.A., International Business 1990). After five years as an EEOC Hearing Officer, she opened her private practice in 1984 and has mediated and arbitrated over 2500 cases to settlement. She was a founder of the Texas Mediator Trainers Roundtable, served for nine years on the Texas Mediator Credentialing Association board, and is the recipient of the 2018 TMCA Outstanding Credentialed Mediator Award.

She has taught Negotiation, Mediation, Family Mediation, Settlement Advocacy, Advanced ADR, and Client Counseling at Texas A&M (formerly Texas Wesleyan) School of Law for 28 years. Her teams have won regional, national, and international competitions (National ABA Negotiation Champion, International On-Line Negotiation Champion). She is the co-author with Dean Emeritus Frank Elliott of two books: *Simple Dispute Resolution: A Handbook of Settlement Science Solutions* (Knowles, 2008) and the recent edition of the State Bar of Texas Alternative Dispute Resolution Handbook.

Victoria Kumorowski practiced law for fifteen years and earned a Masters Degree of Law in Tax before serving four years as a state trial court judge in Kansas. While serving on the bench, she presided over major civil, criminal, and domestic relations cases. She also earned a Masters Degree in Judicial Studies with a Trial Court Major from the National Judicial College at the University of Nevada at Reno. Although she has maintained her license to practice law in Kansas, Victoria's interest in bioethics later led her to change careers and to become an ordained minister and a board certified chaplain. She earned a Masters in Divinity from Phillips Theological Seminary and a Graduate Certificate in Bioethics from Youngstown State University. She attended courses in Advanced Mediation and in Health Care Dispute Resolution at Capital University School of Law, and a training course in Healthcare Mediation at the University of Pennsylvania. While serving over thirteen years as the director of Spiritual Care and an ethics consultant for a regional healthcare system in Ohio, she wrote a thesis on Bioethics Mediation and earned a Doctor of Ministry in Formational Counseling. Since January 2012, Victoria has taught online courses in Biomedical Ethics, Legal Issues in Healthcare, and Global Issues and Values for Muskingum University in Ohio. Since August 2020, she has also taught Medical Ethics: Decisions Making Under Uncertainty online for Rockhurst University in Kansas City. She recently presented a six-hour CLE on Bioethics Mediation for attorney mediators at Johnson County Community College.





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Professor **Homer C. La Rue** has a MA in Industrial & Labor Relations and a JD from Cornell University. He has a BA from Purdue University. He is Professor of Law at the Howard University School of Law in Washington, D.C. He is the founder and co-director of the Howard Law ADR Program. Professor La Rue also is the founder and director of the Law School's ADR Certificate Program. He also directs an ADR externship program for third-year law students with the World Bank Group's Internal Justice System. Professor La Rue has extensive experience as a preeminent and highly sought-after labor and employment law attorney. For more than 35 years, he has served as an arbitrator and a mediator in numerous complex national and global matters, including labor, employment, and commercial disputes. Professor La Rue is President-Elect of the National Academy of Arbitrators, and the recipient of the 2020 D'Almeberte-Raven Award for outstanding service to the ADR field. The Award is the highest honor given by the ABA Section of Dispute Resolution. La Rue is past Chair of the Council of the Section of Dispute Resolution of the American Bar Association. He is the permanent arbitrator for several collective bargaining agreements. Professor La Rue is a member of the labor-management and employment roster of arbitrators of the American Arbitration Association and the Federal Mediation and Conciliation Service. He is a Fellow in the College of Labor & Employment Lawyers. He also is a Distinguished Fellow in the International Academy of Mediators (IAM) and has served on its Board of Governors. The Peggy Browning Fund's 2015 DC Awards Reception recognized Professor La Rue for his fair and impartial work as a labor-management neutral. Professor La Rue was the 2017-18 Neutral-In-Residence at the School of Industrial and Labor Relations (ILR) at Cornell University. He has published several scholarly [articles], including contributing a chapter in "Evolution of a Field: Personal Histories in Conflict Resolution", eds. Welsh and Gadlin (DRI Press, December 1, 2020). One of his current initiatives, known as the Ray Corollary Initiative (RCI), now a non-profit organization, is designed to address the lack of persons of color and women selected as ADR neutrals, particularly in labor-management disputes.

Jeff Kilgore has always been committed to helping others find a resolution to their problems and disputes. His ability to obtain results has been accomplished in his 35+ years in the areas of civil trial law, family law, criminal defense, personal injury law and as a public defender, mediator, volunteer the with C.I. S. Programs in Galveston Schools, HOST programs, debate coach, and served on the committee for a Public Pool in Galveston, Texas. He is father to three children and grandfather to two college age young ladies. He has also worked as a real estate agent, with Federal Reserve Bank and in the construction industry before becoming a lawyer in 1973.

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(Continued from previous page – Jeff Kilgore)

Jeff attended North Texas State University He graduated with honors with a B.B.A. in Finance in 1970. He then received his law degree from the University of Houston in June 1973 and was admitted to the Texas State Bar in April 1973. Since June of 1973, he has tried over 64 cases to a jury verdict .To better serve his clients in Mediation and Arbitration Jeff has also completed a Graduate Certificate in Dispute Resolution at U of H School of Business in 1998 and has continued to take advanced training in mediation and arbitration including the training to become a Chartered Institute of Arbitrator Fellow in International Law. He is married to Mary Russell Kilgore and has three children, Chris, age 36, Adam, age 34, and Kelsey, age18and two grandchildren Tierney age 9 and Aislynn age 6. He shares interests with his family including photography, bicycling, scuba diving, and offshore sailboat cruising and racing and cruising in Galveston Bay to enjoy the bird and wild life. He has received his mediator training through a settlement week mediation course sponsored by the Galveston Bar Association in 1991 and the 40-hour course held at the A.A. White Dispute Resolution Institute located at the University of Houston, School of Business. He has also received Advanced training sponsored by the State Bar of Texas A.D.R. Section, Advanced family Mediation Training through South Texas College of Law, the Association of Attorney Mediators, NASD Regulation, Inc. Texas Association of Mediators, and Association of Attorney Mediators .He has taken special training to mediate CPS cases and criminal cases .In 1998 he received a Graduate Certificate in Dispute resolution completing five graduate courses in Conflict Resolution from the University of Houston School of Business and the Law Center. Jeff has helped train new mediators and advanced courses at the A.A. White Dispute Resolution Institute at the University of Houston, Law Center and at the Texas A&M campus in Galveston, Texas. He has spoken on mediation topics to local Bar Associations and business groups. Jeff has participated in over 2200 mediations as a mediator. Jeff is the Past President of AAM, on the Board ACR Houston , Chairman of Grace Episcopal church Foundation, Past President Galveston Bar Association Past State Bar ADR Secretary and Board member and Past President of the Galveston Mediators Association and Past Chairman of the Galveston County Subsidized Mediation Fund.



As a co-founder of VettingTheHouse.com and DivorceThisHouse.com, Prof. **Kelly Lise Murray**, J.D. graduated Phi Beta Kappa from Stanford and cum laude from Harvard Law School. She is the lead faculty/investigator for the National Family Court Project on Housing and Financial Justice. With an Illinois law license, she has been a Vanderbilt Law School faculty member since 2005, as well as a family mediator (inactive), trained in Collaborative Law (2010 with Chip Rose) and trained in Domestic Violence Mediation (2004 with Nina Meierding).



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Karen Roberts Washington is a highly respected practicing attorney, mediator, arbitrator, professor, and businesswoman. She earned her J.D. from the University of Texas School of Law and her B.A. in Spanish from Texas Tech University. She clerked for the 5th Court of Appeals, Dallas, before entering private practice. Ms. Washington has practiced in the U.S. Supreme Court, 5th Circuit Court of Appeals, U.S. District Courts, and all levels of Texas courts, with a focus on business, employment and probate matters. She has been aV rated by Martindale Hubble for more than 20 years. She is a member of the National Academy of Distinguished Neutrals and is a TMCA Credentialed Distinguished Mediator. She has served on ADR panels for American Arbitration Association, FINRA, REDRESS, NCDS, and many courts. Ever interested in new challenges, she is an Adjunct Professor for Texas A & M University School of Law and Southern Methodist University’s Simmons School of Education and Human Development, and an instructor with the NITA Deposition Skills Course. Ms. Washington is also an Administrative Law Judge, and a Certified Independent Hearing Examiner. Ms. Washington is a member of the American Law Institute, the William "Mac" Taylor American Inn of Court, and the DFW Arbitration Study Group. She serves the legal community as a Life Member of the Uniform Law Commission, the Texas Bar Foundation and the Dallas Bar Foundation; Vice-Chair of the Dallas Bar ADR Section; and Co-Vice Chair of the Bench Bar Committee. She serves the community as Past-President of Altrusa International of Downtown Dallas, Inc. and a Board member of the Altrusa International of Downtown Dallas, Inc. Foundation.

