

ASSOCIATION OF ATTORNEY- MEDIATORS

Presents its

Advanced Attorney-Mediator Training



Settling Suits **SOUTHFORK Style**

Friday, September 13, 2019

Aloft Hotel Dallas Love Field

2333 West Mockingbird Lane, Dallas, TX 75235

- 8:00 - 8:15 am** **Conference Check-in, Registration and Continental Breakfast**
- 8:15 - 8:30 am** **Welcoming Remarks**
John Trimble, AAM National President, Indianapolis, IN
Brenda Rachuig, AAM Executive Director, Dallas, TX
Jimmy Lawson, AAM National President-elect, Lakeland, TN,
Moderator
- 8:30 - 9:30 am** **Listening Hard, Dealing with Anger (or, Cliff Barnes Throws a Fit)**
Phylis Speedlin, San Antonio, TX

If there's one thing mediators can rely on, it is that a vast majority of cases brought to mediation have a significant emotional component. In this interactive session, we will explore some of a mediator's most important skills—listening hard and managing the inevitable emotions that the parties express, including anger, frustration, and fear. Managing the parties' emotions does not mean minimizing or dismissing them as problems to overcome. Instead, there is value in embracing emotion as part of the process and outcome. With the help of some mediation techniques, you can harness the constructive power of emotions to help the parties reach closure.

(1.00 hour)

9:30 - 10:45 am **The Barrel of Oil is Half-Full, Not Half-Empty - Use and Impact of Mediator's Optimism During the Mediation Process**
(or, Miss Ellie plans a barbeque)
Michael J. Leech, Chicago, IL & Philadelphia, PA
Ross W. Stoddard, III, Las Colinas (Irving), TX

Ever sensed that, as mediator, *your* perspective on the possibility of the parties reaching a settlement actually has impacted whether or not it occurs? During this interactive session, we'll explore a variety of ways in which the mediator's optimism can positively impact the mediation process; and help keep it "alive" and moving towards settlement. Our objective is for you – whether innately an optimist, pessimist or realist – to become better equipped to recognize opportunities to emanate optimism at critical junctures in the mediation process. (.....though if you innately lean more towards pessimism, we understand that you're pretty sure that those opportunities don't exist!).

(1.25 hours)

10:45 - 11:00 am **Break**

11:00 - 12:15 am **Improv Skills for Mediators (or, J.R. Tap Dances Out of a Legal Bind)**
Jenni Dressler, Evanston, IL

Jenni Dressler, a mediator and AAM member, corporate attorney, and Second City-trained improv actor, will enrich and develop your collaborative skillset. Using improv skills and exercises in a fun-filled, interactive hour of demonstration and practice, learn how to interpret nonverbal expression and emotion cues to build a bridge between the needs and interests of your mediation clients. *Jenni will be joined by colleague, **Ron Tolisano**, who currently teaches improv at the Chicago Cultural Center and the Chicago Pubic Library. He is also a regular performer at Playground Theater in Chicago and Lake Street Church in Evanston.*

(1.25 hours)

12:15 - 1:00 pm **Buffet Lunch with speaker**

How to Strike Oil in a New Field: Building Your Mediation Practice
From the Ground Up, (or, a start-up that Jock called Ewing Oil)
Sharon Corsentino, Allen, TX

Sharon Corsentino will discuss her journey over the past three years from being a full-time litigator to a full-time mediator. Sharon will share specifics about building her own mediation business and best practices she has learned through trial and error for those working to build their own dedicated ADR practice.

(No CLE Credit Requested for Lunch)

1:00 - 1:15 pm **Break and Return to the Meeting Room**

1:15 - 2:15 pm Ethics Scenarios (or, J.R. Takes Advantage of Cliff Barnes Again)
Michael Bishop, Indianapolis, IN

This workshop will first explore a survey of ethical rules from various states, the Uniform Mediation Act, the ABA, JAMS, and AAA. Discussion groups will review five ethical scenarios and then participate in an interactive discussion of various solutions to the ethical questions and best practices for future cases.

(1.00 ethics hour)

**2:15 – 3:00 pm Dying for a Laugh -- Lessons Learned from Lawyers and Law Students
in Mental Illness and Substance Abuse (or, Sue Ellen Goes on
Another Bender)**
Brian Tagtmeier, Houston, TX

A look at famous people suffering from mental illness and substance abuse and how it relates to the legal profession and the ethical implications. The statistics dealing with lawyers and law students regarding mental illness and substance abuse are eye-opening. Compared to the normal population, lawyers and law students suffer from these conditions at an alarming rate, and need to be addressed. Mr. Tagtmeier also provides his insights from suffering from depression and alcoholism, and their effect on his practice. The main theme of the discussion is that if you need help, get help. If you know someone who needs help, talk to them. Removing the public stigma associated with mental health and substance abuse issues will save lives.

(.75 ethics hours)

3:00 - 4:00 pm Guardianship Mediation (or, Jock Loses His Marbles)
Misti Carter, College Station, TX
Dyann McCully, Fort Worth, TX

The number of contested guardianships is increasing as the Baby Boomers advance in years. Mediation can be a powerful tool to settle these matters. Misti and Dyann participated in the first Texas Guardianship Mediation Training Course. This presentation discusses guardianship basics and guardianship mediation basics, and includes interactive exercises for audience participation.

(1.00 hour)

4:00 – 4:15 pm Break with refreshments

CLE sign-up sheets will be available at the break. Your bar number is required for state sign-in sheets. *Please sign on each state sheet in which you wish to receive credit.*

Certificates of Attendance will be available at the end of the day.

4:15 - 5:15 pm A Bicycle Built for Two: Opportunities for Mediators in the Collaborative Process (or, Sue Ellen and Pam Team Up to Bring Down the Boys)
Anne Shuttee, Dallas, TX
Larry Maxwell, Dallas, TX

This presentation will give an overview of the collaborative process and when to bring mediators into the process; demonstrating the advantages of collaborative law for mediators and the advantages of mediation for collaborative lawyers; and sharing practice tips for mediators and collaborative lawyers. The presentation will include the results of surveys conducted by experienced mediator/collaborative lawyers regarding their use of mediators in collaborative cases.

(1.00 hour)

5:15 pm Adjourn

Certificates of Attendance will be available at the end of the day.

5:15-6:15 pm Networking Reception

Please join us for networking and recapping the day with mediator colleagues. Refreshments will be served in the foyer outside of our meeting room. Complimentary with paid registration.

MCLE Credits:

CLE sign-up sheets will be available at the afternoon break. Your bar number will be necessary for the state sign-in sheets. Please sign on each state sheet in which you wish to receive credit.

**Association of Attorney-Mediators
Advanced Attorney-Mediator Training
September 13, 2019
Dallas, Texas
Speakers and Panelists**



Michael Bishop, named as an *Indiana Super Lawyer* in the area of litigation beginning in 2004, Michael Bishop concentrates his practice in the areas of mediation, arbitration, and probate and trust litigation. He is recognized by *Best Lawyers in America* in Alternate Dispute Resolution and Arbitration and Trust and Estate Litigation since 2006. In 2008, he was selected as a Member of the *American Arbitration Association National Roster of Neutrals*. Michael has an **AV Peer Rating** from *Martindale-Hubbell*. Michael received his Juris Doctorate from Indiana University Robert H. McKinney School of Law in 1980. Following graduation, he served as Law Clerk to the Honorable James E. Noland, United

States District Court, Southern District of Indiana. Michael is a **Fellow** of the International Academy of Mediators, **Fellow** of the *American College of Civil Trial Mediators*, and **Fellow** of the *National Academy of Distinguished Neutrals*. Mr. Bishop is a member of the faculty of the *Indiana Trial Advocacy College* and is the Chair of the annual *Advanced Civil Mediator Training* course in Indiana. Michael was a founding member of the IBA Settlement Week in 1986. He served as Chair of the ISBA ADR Section, was a member of the Board of Directors for Indiana Continuing Legal Education Forum, and is Past President to the Board of Directors for the Indiana Bar Foundation. Michael received the “**Excellence in Continuing Legal Education Award**” from ICLEF, its highest award of achievement for commitment to continuing legal education. Michael is also past President of the Sagamore American Inn of Court, where he continues to serve as one of the founding Benchers of the Inn.

Misti Hill Carter, J.D., Ph.D., is an Attorney-Mediator at Hill Carter Law in College Station, Texas. She earned her law degree from the University of Texas, graduating with honors. Ms. Carter earned both her B.B.A. in Accounting (summa cum laude) and her Ph.D. in Communication Studies from Texas A&M University. Prior to opening her mediation practice, Ms. Carter taught courses on communication and legal issues at the Texas A&M College of Medicine, where she continues to lecture. Ms. Carter has completed mediation training in family law and guardianship. She is a Credentialed Mediator by the Texas Mediator Credentialing Association and a member of the Association of Attorney-Mediators, the Texas State Bar, and the Texas Guardianship Association.





Sharon Corsentino is an attorney-mediator with a full-time mediation practice in the Dallas-Ft. Worth metroplex. In addition to her mediation practice, Sharon has taught the 40-hour civil mediation and 24-hour family law mediation courses at the University of North Texas and El Centro College and regularly gives presentations about alternative dispute resolution for local legal organizations. She has written articles on various legal topics for the Dallas Bar Association and the State Bar of Texas

Family Law Section. Currently, Sharon is the secretary of the ADR Section of the Dallas Bar Association. Prior to starting her mediation practice, Sharon practiced law primarily in the areas of family law, probate, and estate planning. Sharon has a Bachelor of Arts degree in German from the University of Texas at Austin and a *Juris Doctorate* from Washington University in St. Louis. Sharon was previously named a Texas Rising Star by *Texas Monthly Magazine* and *Super Lawyers Magazine* in 2012 and 2013. Since 2014, she has been selected annually as a Texas Super Lawyer by *Texas Monthly Magazine* and *Super Lawyers Magazine*. Additionally, Sharon was selected in 2018 and 2019 as one of the “Best Lawyers in Dallas” in the field of Alternative Dispute Resolution by *D Magazine*.

Jenni Dressler is a retired corporate and securities attorney, and volunteer mediator in Chicago. She offers pro bono mediation services for civil litigants and juvenile offenders in Cook County, and in private mediations through the Center for Conflict Resolution. A graduate of the Second City Improv Program, Jenni has developed and offered experiential training and development workshops for professionals using improv exercises to enhance their communication, creativity, and conflict management skills. Jenni received her B.A. (1989) and J.D. (1992) from the University of Wisconsin, and her LL.M. in taxation (1997) from DePaul University.



Michael Leech is a full-time attorney-mediator and arbitrator. Mike is a past AAM President and recipient of AAM’s Steve Brutsche’ Award. He has conducted hundreds of civil case mediations involving employment and commercial disputes. He has offices in Philadelphia and in Chicago, where he practiced in employment law and commercial litigation for over 30 years and was a partner at Hinshaw & Culbertson. Mike co-authored the legal treatise *Holloway & Leech, Employment Termination: Rights & Remedies* (BNA 1985; 2d ed. 1992; Supp. 2002).

He’s a distinguished fellow in the International Academy of Mediators and a fellow of the College of Labor & Employment Lawyers. He is a member of the American Law Institute. Mike received his B.A. (1973) and J.D. (1976) from the University of Virginia.

Lawrence R. Maxwell, Jr. is collaborative lawyer, mediator and arbitrator in Dallas, Texas. Larry is a charter member and past-president of the Association of Attorney-Mediators. He was a co-founder of the [Global Collaborative Law Council](#), served as President for several years, and recently retired as Executive Director. Larry has authored numerous articles and has made presentations on collaborative law nationally and internationally. He may be reached at lmaxwell@adr-attorney.com. For more information: <https://texasdisputeresolution.com/>.



R. Dyann McCully, J.D., is a Partner at The Blum Firm in Fort Worth, Texas. She received her J.D. from Southern Methodist University School of Law, graduating with high honors, and her B.F.A. in Radio-TV-Film from Texas Christian University graduating summa cum laude. Ms. McCully is board certified in Estate Planning and Probate Law and is a National Registered Guardian, a Texas Registered Guardian, and a Certified Mediator. Prior to joining The Blum Firm she was a shareholder with Bakutis, McCully & Sawyer, P.C. for over 21 years. Thomson Reuters has consistently recognized Ms. McCully as a Texas Super Lawyer and Fort Worth, Texas magazine has recognized her as one of Tarrant County's Top Attorneys in Probate, Estates and Trusts. Ms. McCully specializes in guardianships, probate litigation, estate planning, and administration of decedent's estates and guardianship estates, and serves as mediator for probate and guardianship matters.

Anne Shuttee is a mediator and collaborative lawyer in Dallas, Texas. She is a member of the Association of Attorney-Mediators and the Texas Association of Mediators, and has been credentialed as an Advanced Mediator by the Texas Mediator Credentialing Association. She is also an officer of the Global Collaborative Law Counsel and has spoken at numerous trainings on the civil collaborative law process. She may be reached at anne.shuttee@shutteelaw.com. For more information, check her website at www@shutteelaw.com.



Phylis J. Speedlin counsels clients in two primary areas: alternative dispute resolution - including arbitration, mediation and private judging - and appellate strategy. She delivers exceptional value by virtue of her experience as a judge, appellate advocate, and trial lawyer. An attorney for more than 36 years, Justice Speedlin served as a jurist for 13 years, ten years as a justice on the Texas Fourth Court of Appeals and three years as a Bexar County trial judge. During her tenure on the Fourth Court, Justice Speedlin authored more than 1,300 opinions covering a wide variety of issues, including personal injury, property rights, insurance law, medical malpractice, family law, employment law, probate, oil and gas, construction law and criminal law. Originally raised in Ohio, Justice Speedlin moved to San Antonio in 1970 during her service with the United States Army Nurse Corp. She completed her undergraduate education in nursing at Incarnate Word College and obtained a masters degree in health care administration from Trinity University in San Antonio. She received her law degree with distinction from St. Mary's University School of Law. Since 2013, Justice Speedlin has mediated over 500 cases, and serves on the Commercial, Construction, Employment, Health Care, Judicial and Consumer panels for the American Arbitration Association. Qualified under the Civil Practice and Remedies Code to try lawsuits as a Private Judge, upon agreement of the parties and referral by the trial court.

Ross W. Stoddard, III is an attorney-mediator with a full-time mediation practice, based in Las Colinas in Irving, Texas. Since 1989, he has conducted 5,000+ mediations involving \$28+ billion in aggregate claims. Ross also served as faculty for the Effective Negotiations (12 yrs) and Global Business Environments (4 yrs) courses in the SMU Executive MBA Program, and for 45+ mediation training programs offered through various bar/ADR associations. He authored the chapter on the use of ADR in tort disputes in *The Litigator's Handbook*, published by the ABA Section of Litigation. Ross was a founding director and officer of AAM and the American Academy of Attorney-Mediators, Inc., and served on the Council of the State Bar of Texas ADR Section. Prior to becoming a mediator, his experience as a lawyer was in a broad range of negotiations, disputes and transactions, primarily in business and contract matters. Ross earned a JD from University of Texas School of Law following a BBA from Southern Methodist University. He served in the USAF JAG Corps for four years after law school.



Brian Tagtmeier, Mediator/Arbitrator, has mediated 1500+ claims and arbitrated 75+claims, including matters regarding commercial and residential construction, insurance coverage and bad faith litigation, professional liability (med mal, attorney malpractice), intellectual property, collection matters, lien and bond claims, sexual harassment, FSLA claims, wrongful termination, personal injury, property damage, maritime personal injury and property damage, breach of contract, fraud, libel and slander, securities claims, DTPA, custody battles and divorces. His legal background involves civil litigation practice in Construction, Insurance Coverage, Commercial Matters, Personal Injury and Employment Matters. Since 1992, Brian has tried to verdict 70+ cases in state and federal court, as well as commercial arbitration, with 50+ cases as first chair. Appellate experience in First, Fourth, Fifth, Seventh, Thirteenth and Fourteenth Court of Appeals, Texas Supreme Court and U.S. Fifth Circuit. Brian currently has a general litigation practice focusing on construction, real estate, insurance coverage, employment and other similar matters. Brian earned his law degree at the University of Texas and currently resides and practices in Houston. He has taught ADR courses at the University of Houston, (A. A. White), the Harris County DRC, and Montgomery County DRC. He received the 2008 Houston Bar Foundation Outstanding Contribution Award for the Harris County Dispute Resolution Center, Top Volunteer Mediator Houston Bar Journal, May 2008; Honored as a "Local Hero" for volunteer work with pro bono family law mediations; H Texas Magazine, June 2010 - One of Houston's Top Lawyers – Mediation; H Texas Magazine, June 2007 and 2016; One of Houston's Top Lawyers - Construction Law; Houstonia Magazine 2018 – One of Houston's Top Lawyers – Mediation; 2017 – One of Houston's Top Lawyers – Construction.