

ASSOCIATION OF ATTORNEY- MEDIATORS

Presents its

Advanced Attorney-Mediator Training and CLE Seminar



“Remote but Together”

Friday, September 11, 2020

Live Online Webinar

8:30 - 8:45 am Welcoming Remarks
Jimmy Lawson, AAM National President, Lakeland, TN
Allison Ellis, AAM Executive Director, Dallas, TX
Frank Neuner, AAM National President-elect, St. Louis, MO,
Moderator

8:45 - 9:45 am Facilitation vs. Evaluation....The Fine Lines We Tread
Jerry Diekemper, St. Louis, MO

The disagreements over facilitation versus evaluation have been around for years. In reality, all mediators are evaluators. Of paramount importance, however, are the questions of if, how, and when the mediator should verbalize the evaluations to preserve party self-determination. This presentation aims at providing thoughtful and practical answers.

(1.0 hour)

9:45 - 10:45 am BOUNDARIES! BOUNDARIES!
A Discussion of Ethical Considerations for Mediators
Karen Washington, Dallas, TX

This presentation and discussion will address the ethical rules and guidelines for mediators and attorneys as set forth, for example, by the Uniform Mediation Act, ABA, and AAA. We will discuss where the attorney and mediator roles are parallel and where they diverge. During an interactive sharing time, you will be asked to consider how to recognize and respond when ethical dilemmas present. You will have the opportunity to share ideas for best practices that will build your reputation and status as a reliable mediator.

(1.00 ethics hour)

10:45 - 11:00 am Break

11:00 - 12:00 **Zoom Mediations: the ABCs of this Essential Tool for Today's Mediator**
Frank Neuner, St. Louis, MO

As the world has changed, it has become critical that mediators have the ability to conduct business remotely. Both during the current pandemic and beyond, a robust mediation practice must accommodate the needs or desires of participants to attend by videoconference, rather than in-person. Conducting mediations in this format presents both challenges and opportunities. This presentation will cover the nuts and bolts of conducting a mediation on Zoom (one of the most widely used platforms). It will provide a step-by-step "how to" playbook. We will cover best practices for handling joint sessions, private caucuses, screen sharing, signing agreements, and other practical issues. Whether you have never conducted a video mediation before, or you simply want to improve your comfort level with this format, attend this session and learn to handle remote mediations easily and effectively.

(1.00 hour)

12:00 - 1:00 pm **Lunch Break**

Webinar feed will be muted/no video feed will be shown during the lunch break. If you log out of the webinar, please be sure and log back on for the 1:00pm CT start. To comply with state CLE requirements, afternoon attendance will be tracked via the platform's attendance reporting.

1:00 – 2:30 pm **An Introduction to Early Dispute Resolution: Fairly and Ethically Resolving Disputes 30 Days From Inception**
Michael Hawash, Houston, TX
Peter Silverman, Toledo, OH

In litigation, settlement comes after lawyers engage in months of expensive, adversarial posturing. Through the use of comprehensive practice and ethics protocols, Early Dispute Resolution (EDR) seeks to replace the traditional litigation model with methods to resolve disputes within 30-60 days at a fraction of the cost, while reaching roughly the same resolution as protracted litigation.

(1.50 hours)

2:30 – 2:40 pm **Break**

2:40 – 3:40 pm **Avoid Bias: How to Maintain your Status as an Impartial Mediator During Times of Racial, Cultural and Social Strife**
Lisbeth Bulmash, Dallas, TX
Sharmeen Ladhani, Dallas, TX

As our society copes with the effects of COVID-19 and confronts racial, political, cultural and social discord leading up to the November 2020 Presidential election, mediators might find themselves in tough situations that may challenge their ability to maintain their status as an impartial party. We will address the types of situations a mediator might encounter and discuss techniques and strategies for navigating through these challenges to mitigate impact on mediation.

(1.00 ethics hour and 1.00 elimination of bias hour)

3:40 - 3:50 pm **Closing Remarks**
Frank Neuner, AAM National President-elect, St. Louis, MO

Certificates of Attendance will be sent via email to each attendee after the seminar ends.

Please complete an online evaluation form to provide an understanding of the benefit of today's seminar and also help us continue to meet the needs of our Members. A link to the evaluation form will be emailed to you in a post-event email. You may also click here to access the online evaluation form: [Fall CLE 2020 Evaluation Form](#)

MCLE Information:

Arkansas: 3.5 general hours and 2.0 ethics hours

Arkansas CME: 6.0 hours

Illinois: 5.50 Illinois MCLE general credit hours and 2.0 professional responsibility

Indiana: 5.5 DE general credits, including 2.0 ethics credits

Indiana CME: 5.5 credits

Louisiana: 5.5 total hours of credit, including 1.0 ethics hour and 1.0 professionalism hour

Kansas CLE: applied and pending

Kansas CDRE: applied and pending

Kentucky: applied and pending

Missouri: 6.6 total hours, including 2.4 ethics hours and 1.2 elimination of bias hours

Nevada: applied and pending

North Carolina: applied and pending

Ohio: applied and pending

Tennessee: 3.5 general hours and 2.0 dual hours

Tennessee CME: 3 general hours, 2 mediation ethics hours, 5.5 general mediation issues hours

Texas: 5.5 hours, including 2.0 ethics hours

**Association of Attorney-Mediators
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Speakers and Panelists**

Lisbeth Bulmash has been a mediator for over eighteen years. Lis 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. Before practicing in the state of Texas, Ms. Bulmash had an active mediation practice in Ohio and Michigan. She has been admitted to five bars including Illinois, Michigan, New York, Ohio and Texas. Her disputes have ranged from small cases to cases that are larger and more complex in a variety of areas. Lis is a credentialed mediator and currently serves as a board member of the Texas Mediator Credentialing Association. For the last six years, Lis has been on the ADR Advisory Council for the State Bar of Texas. Lis recently left her private practice of ADR and joined JAMS in their Dallas office.



Jerome A. Diekemper graduated from St. Louis University School of Law in 1971. Jerry was in private practice representing unions and individual employees in labor and employment matters for 34 years. Since October of 1993, Jerry has mediated over 1700 civil cases of all types, except domestic relations matters. Jerry has been included in every edition of the Best Lawyers in America since 1983. Before becoming a full-time neutral in 2007, Jerry was included in the Top 100 list of Missouri-Kansas lawyers and the Top 50 list of St. Louis lawyers. Jerry is a Fellow in the College of Labor and Employment Lawyers, an Advanced Workplace Practitioner in the Association for Conflict Resolution, and a member of the National Academy of Arbitrators.

Michael Hawash is a partner at Hawash Cicack & Gaston LLP in Houston, Texas. Over a litigation career spanning four decades, Michael represented many of the world's largest corporations and insurance companies while working for Big Law. In 2009, Michael opened his own commercial litigation boutique and slowly but surely found himself shedding trial work in favor of alternative dispute resolution. Today, Michael is a mediator, arbitrator and trained early dispute resolution neutral, committed to helping disputants avoid the time, expense and uncertainties of the courthouse.



Sharmeen Ladhani is a Board Member and Mediator for the Aga Khan Conciliation & Arbitration Board (CAB), the alternative dispute resolution body of the Ismaili Muslim community. CAB provides community mediation services for commercial, matrimonial, and other civil disputes, embraces a holistic approach incorporating a dispute prevention mindset, and fosters a system of healing wounds that result from conflict. Sharmeen serves on the Board of the Dallas Bar Association's ADR Section and on CLE Program Committee of the State Bar of Texas's ADR Section. *(Continued on next page)*

Sharmeen is a Senior Attorney at the IRS Office of Chief Counsel. She represents the IRS in U.S. Tax Court and advises the IRS on high stakes collection matters, civil fraud cases, offshore compliance issues, and preparer and promoter investigations. Sharmeen obtained her law degree from Vanderbilt Law School, where she received the Phillip G. Davidson Award for exemplary leadership in service to the community, served on the Executive Board of the Vanderbilt Journal of Transnational Law, and presided over the Moot Court Board as Chief Justice. Sharmeen graduated from the University of Texas at Austin with highest honors earning a Bachelor of Science in Communication Studies.



Frank Neuner has a full-time mediation practice based in St. Louis, Missouri. He mediates cases in St. Louis and around the country (in-person and remotely). Frank has mediated a wide range of disputes, including workplace conflicts, business-related disputes, securities cases, tort claims, insurance disputes, civil rights controversies, and other types of cases. He has a wealth of experience mediating not only bilateral disputes, but multi-party cases, class actions and collective actions as well. Prior to opening his independent mediation practice, Frank served as St. Louis Office Managing Partner for an AmLaw 200 law firm. His experience over nearly twenty-five years as a business litigator and employment law practitioner allow him to provide valuable insights to parties in mediation. Frank is currently the President-Elect of the national Association of Attorney-Mediators, and he serves as President of the St. Louis Chapter. Frank is also a member of the National Academy of Distinguished Neutrals. Frank received his undergraduate degree from the University of Notre Dame, graduating magna cum laude with a B.B.A. in Finance, and he received his J.D. from the University of Michigan Law School, graduating magna cum laude with Order of the Coif honors.

Peter Silverman is a partner at Shumaker, Loop & Kendrick in Toledo, Ohio. He has been an arbitrator and mediator for over 30 years. For the past 12 years, Peter has worked on developing, speaking and writing about early dispute resolution procedures. Peter is the primary author of the Early Dispute Resolution Practice Protocols promulgated by the EDR Institute, a non-profit corporation organized to promote, educate and train lawyers, mediators and other professionals in the use and benefits of EDR.



Karen Roberts Washington is a highly respected practicing attorney, mediator, arbitrator, professor, and business woman. She earned her J.D. from the University of Texas School of Law and her B.A. from Texas Tech University. She clerked for the 5th Court of Appeals, Dallas, before entering private practice. She was managing member of Thorpe, Hatcher & Washington, PLLC for 25 years, and a shareholder of Godwin, Bowman & Martinez, PC. Ms. Washington has practiced in the U.S. Supreme Court, 5th Circuit Court of Appeals, U.S. District Courts in all Texas divisions, and all levels of Texas courts. Her practice focuses on business, employment and probate matters. She has served on ADR panels for American Arbitration Association, FINRA, and many courts. Ever interested in new challenges,

she is an Adjunct Professor for Texas A & M University School of Law, an Administrative Law Judge, and a Certified Independent Hearing Examiner. Ms. Washington is a Life Member of the Uniform Law Commission, and has chaired and served on many drafting committees. She is a member of the American Law Institute and the William "Mac" Taylor American Inn of Court. She serves the community as President of Altrusa International of Downtown Dallas, Inc.