

Center for Practice

Presents

MAKING MEDIATORS: AN INTENSIVE WORKSHOP FOR ATTORNEYS AND OTHER PROFESSIONALS WHO MEDIATE

In Two Evening & Daytime Sessions

Thursday, February 25, 2010 ■ 5:00 - 8:30 p.m.
Friday, February 26, 2010 ■ 8:30 - 5:00 p.m.

Thursday, March 4, 2010 ■ 5:00 - 8:30 p.m.
Friday, March 5, 2010 ■ 8:30 - 5:00 p.m.

Faculty

MARJORIE CORMAN AARON, ESQ.

*Professor of Clinical Law, and Executive Director of
the Center for Practice*

JAMES K.L. LAWRENCE, ESQ.

*Frost Brown Todd LLC.
Adjunct Faculty in Negotiation*

MAKING MEDIATORS

This intensive workshop is designed for experienced professionals, familiar with mediation as advocates, but with less expertise in the neutral's role.

Your reputation in the professional community might lead to mediation referrals, but strong skills and early successes are essential to establish competence and to build a mediation practice. The neutral's role is tricky: harder than it looks. The mediator must overcome barriers to settlement, break impasse, and handle "dysfunctional" parties. This workshop will prepare participants for tough terrain.

Participants will learn mediator skills and strategies for achieving the credibility and power to maximize the likelihood of settlement. Participants will gain real experience and expertise in two complex mediations by focusing on a variety of specific, challenging mediation scenarios.

Benefits for Lawyers and Clients

Lawyers who represent clients in mediation will gain insight from this inside view, learning how to use a mediator's powers, advocate strategically, avoid damage by an ineffective mediator, turn around an unproductive process, while protecting clients' rights and interests.

Elements of Sophisticated and Successful Mediation Practice

Sophisticated mediators must master certain critical elements of success. Participants will learn how to:

- Build credibility and trust as a neutral
- Establish effective early contact
- Avoid escalation and polarization
- Manage conflict in joint session
- Handle difficult personalities
- Work with high emotions
- Bridge gaps and escape entrenchment
- Help lawyers and parties negotiate
- Deal with tough ethical challenges
- Tailor the process to the case
- Find creative solutions
- Close the deal

AN INNOVATIVE WORKSHOP STRUCTURE

To accommodate professional schedules and carve out sufficient time, the workshop's four session structure includes **two Thursday evenings** and **two Fridays**. To maximize mediator experience, all participants will take on the mediator's role for two substantial legal disputes between "real" (and well-prepared) student lawyers and clients, with debriefing and feedback. Participants gain more mediator "chair time" than in other lengthier mediation workshops.

Past workshop participants have heartily endorsed the value of MAKING MEDIATORS.

A great hands-on workshop that literally puts you in the chair of the mediator. A superb course for those representing parties in mediations as well as for those who want to become mediators.

Ken K. Patel, Esq.
The Procter & Gamble Company

I was particularly impressed with the hands-on approach. Because the workshop is small, all of us were totally emmersed in the training.

Jerry Baldwin, Esq.
Frost Brown Todd

I've attended other famous programs and UC's "Making Mediators" workshop was the best. The UC students did a great job as lawyers and clients, so you get maximum mediator time. The simulations were very real. It's great prep for what you'll encounter as a mediator.

Michael J. Newman, Esq.
Dinsmore & Shohl LLP

Stupendous! This is the mediation seminar for experienced lawyers to attend.

Edward M. O'Connell Jr., Esq.
Buechner Haffer O'Connell Meyers & Healy Co. LPA

"Making Mediators" has made me more effective when representing clients in mediation. I am more attuned to the mediator's role, better able to prepare clients and to explain the dynamics. I have a much better sense of what the mediator is doing (even in the other room), and why.

Terrence M. Donnellon, Esq.
Donnellon Donnellon & Miller

Definitely time well spent!

Rhonda S. Frey
Greenbaum Doll & McDonald PLLC

ABOUT THE FACULTY

MARJORIE CORMAN AARON is a Professor of Clinical Law at the University of Cincinnati College of Law, teaching negotiation, mediation, mediation advocacy, interviewing and counseling, and decision analysis, and is Executive Director of the College's Center for Practice. She has taught as faculty at North Carolina Central's and Hamline University's Dispute Resolution Institutes. Ms. Aaron was formerly Executive Director of the Program on Negotiation at Harvard Law School and has taught negotiation at Harvard Law School and Business School.

Mediating since 1988, Ms. Aaron's mediation work has included commercial contract, business tort, corporate partnership, and employment disputes, construction and real estate-related disputes, as well as personal injury, products liability and professional malpractice disputes. She is a mediator for the CPR Institute for Dispute Resolution, an honorary fellow of the American College of Civil Trial Mediators and was a mediator panelist for the Merrill Lynch Claims Resolution Process. Ms. Aaron previously mediated as a vice president at Endispute (now JAMS) and for the Middlesex Multi-Door Courthouse. A graduate of Princeton University and Harvard Law School, Ms. Aaron practiced litigation at a Boston firm and as county prosecutor.

Ms. Aaron has recently presented workshops for General Electric, Procter & Gamble, The New York Stock Exchange, The New Zealand Leadership Development Centre, the Ohio State Supreme Court Commission, Pietragallo, Bosick & Gordon, the Federal Court Mediation Panel for the Western District of Michigan, the Federal Judges of the Southern District of Ohio, and the CPR Institute for Dispute Resolution.

JAMES K.L. LAWRENCE is a partner at Frost Brown Todd LLC, concentrating on labor and employee relations. He has long taught negotiation at the law schools of the University of Cincinnati, The Ohio State University, Xavier University, Antioch University and Otterbein College. Jim has also taught for the Physician Leadership and Management Education Program at Xavier, the Ohio State Dispute Resolution program, the Institute for ADA Mediation, the Collaborative Law Center and CPR Institute for Dispute Resolution. Jim is a 1962 graduate of The Ohio State University and a 1965 graduate of its College of Law.

Mr. Lawrence has mediated disputes for the U.S. District Court for the Southern District of Ohio, the Court of Common Pleas for Hamilton County, Ohio, the Equal Employment Opportunity Commission's Mediation Project and through private referrals. He is a member of the employment disputes panel for the Midwest region of the CPR Institute for Dispute Resolution and for the American Arbitration Association.

MAKING MEDIATORS WORKSHOP

WORKSHOP AGENDA

Thursday Evening

February 25, 2010 ■ 5:00 – 8:30 p.m.

- Introduction: Methods for Making Mediators
- Mediation Theory: The Need for Negotiation in Neutral
- Mediator as Process Architect: A Review of Process Variations
- From the Beginning: Contracting Phase, Ground Rules; Legal Constraints
- Establishing Trust, Credibility and Tone at First Contact: Getting What You Need to Maximize the Likelihood of Success
- Building Negotiation Expertise

Friday

February 26, 2010 ■ 8:30 a.m. – 5:00 p.m.

- Mediation Paradigm–Demonstration
- Exercise: Focus on Joint Session
- Exercise: Focus on Private Caucuses
- Working Lunch: Toolbox; Case Prep
- Reality Mediation #1: Mediate Through Complex Cases with Counsel and Clients, Debriefing and Feedback
- Reflections on Real and Perceived Neutrality; Activism vs Passivism and the Facilitative-Evaluative Debate; Managing Numbers; Finding Settlement

Application has been made for 19 hours of CLE credit (including 1 hour of ethics) in Ohio and Kentucky. Approval is expected.

Thursday Evening

March 4, 2010 ■ 5:00 – 8:30 p.m.

- Techniques for Tackling Tough and Terribly Common Problems
- Psychology and Framing of Loss and Risk
- Emotionality, Escalation and Empathy– Sometimes Business Won’t Listen to Reason–Primer on the Touchy Feely for the Ultra Rational
- Mediator Ethics, Codes Standards, Conflicts and Competence–Issues in a Murky Regulatory Environment

Friday

March 5, 2010 ■ 8:30 a.m. – 5:00 p.m.

- Negotiation from the Middle: Bargaining Subzero to Pie in the Sky; Calling Creativity
- When Counsel are the Problem or the Client is Impossible
- When Impasse Looms: Mediator Evaluation, Mediator’s Proposals and Process Twists
- Working Lunch: Case Prep
- Reality Mediation #2: Mediate Through Complex Cases with Counsel and Clients, Debriefing and Feedback
- Deconstructing Difficulties: Perils and Privileges of Private Caucus; Advising Advocates without Alienating the Client
- The March to Mediation Practice

REGISTRATION INFORMATION

Please mail your payment and completed form to:

Professional Education Series
The University of Cincinnati College of Law
P.O. Box 210040
Cincinnati, OH 45221-0040

Or fax it to: (513) 556-1236

Or email it to: toni.mcguire@uc.edu

RSVP by February 8 for early registration discount!

Registration requires commitment to all program segments.

Application has been made for 19 hours of CLE credit (including 1 hour of ethics) in Ohio and Kentucky. Approval is expected.

Name: _____

Organization: _____

Preferred Mailing Address: _____

Telephone: _____

Fax: _____

E-Mail: _____

Fee Schedule:

- ☐ Making Mediators Workshop \$695
February 25 & 26, 2010 and
March 4 & 5, 2010
- ☐ Early Registrants’ Discount \$630
(by February 8, 2010)

Enclosed is my check for: _____

Please make checks payable to: **University of Cincinnati**

For credit card payment go to www.uc.edu/conferencing/events/cle03.

For additional information regarding the workshop go to www.law.uc.edu/institutes/practice/makingmediators.shtml.