

PEPPERDINE UNIVERSITY
School of Law

Announces a Partnership with



UNIVERSITY of MARYLAND
FRANCIS KING CAREY
SCHOOL OF LAW

A WORLD CLASS VIEW OF DISPUTE RESOLUTION PROFESSIONAL SKILLS PROGRAM

- ▶ NINE COURSES
- ▶ SEVENTEEN FACULTY
- ▶ OVER 150 PARTICIPANTS FROM AROUND THE WORLD
- ▶ TWO-AND-A-HALF DAYS OF INTERACTIVE DIALOGUE
- ▶ EIGHTEEN MCLE CREDITS*

LIMITED ENROLLMENT
In cooperation with Mediate.com



BALTIMORE, MARYLAND
MARCH 19-21, 2015

STRAUS INSTITUTE FOR DISPUTE RESOLUTION

Translating Theory Into Practice

MARCH 19-21, 2015

PROFESSIONAL SKILLS PROGRAM IN DISPUTE RESOLUTION

Nationally Recognized Experts

Featuring a panel of nationally recognized experts in dispute resolution, this comprehensive program provides a forum for direct, informal contact with the entire program faculty. As participants from all courses eat meals together and attend plenary sessions, opportunities to share learning experiences with students involved in other dispute resolution courses are readily available.

Nine Unique Educational Opportunities

Participants should select the process in which they desire expertise (one course), as all nine courses will be presented simultaneously. To provide for personalized instruction, enrollment for each course is limited to ensure a close working relationship among the faculty and participants. Course sessions will include lectures, small group discussions, and practice exercises. Faculty and other participants will also provide performance coaching. The synergy of ideas will provide a truly unique learning experience.

PROGRAM SCHEDULE

BALTIMORE, MARYLAND

THURSDAY, MARCH 19, 2015

7:30 AM Registration and
continental breakfast

8:30 AM Program begins

4:30 PM Evening reception

FRIDAY, MARCH 20, 2015

7:30 AM Continental breakfast

8:30 AM Program begins

5:00 PM Adjourn

SATURDAY, MARCH 21, 2015

7:30 AM Continental breakfast

8:30 AM Program begins

1:00 PM Adjourn

BALTIMORE, MARYLAND

MARCH 19-21, 2015

The Professional Skills Program in Dispute Resolution consists of nine three-day courses addressing distinct dispute resolution processes:

Mediation Courses

- ▶ STAR: A Systematic Approach to Mediation Strategies (*page 1*)
- ▶ Advanced Mediation: Skills and Techniques (*page 2*)
- ▶ Public Sector Mediation: Skills and Drills
New Course! (see page 3 for special format and pricing)
- ▶ Conflict Resolution Consulting: Using Mediation to Improve Organizational Communications, Team Building, Leadership, Change, and Systems Design (*page 4*)

Other Dispute Resolution Courses

- ▶ Using Practical Tools of Mindful Awareness to Improve the Work and Lives of Lawyers, Mediators, Negotiators, Judges, Arbitrators, and Managers (*page 5*)
- ▶ Strategic Negotiation Skills (*page 6*)
- ▶ Restorative Practices in an Organizational Setting
New Course! (page 7)
- ▶ Environmental Dispute Resolution *New Course! (page 8)*
- ▶ Preventing Bad Settlement Decisions and Impasse: Using Brain Science, Game Theory, Animated Communication, and Micro-Interventions (*page 9*)

To register or for more information, visit
law.pepperdine.edu/straus
or call Lori Rushford at 310.506.6342.

STAR: A SYSTEMATIC APPROACH TO MEDIATION STRATEGIES

Mediations are dynamic and fluid. Both aspiring neutrals and sophisticated advocates should know the predictable themes and stages of mediation, as well as the variety of styles and techniques used in each stage. Competence in mediation approaches separates the serious professional practitioner from the casual volunteer. This course surveys how successful mediators use a variety of approaches in five fundamental stages of a mediation. The emphasis is on encouraging the exercise of conscious professional judgment and strategic analysis for both mediators and advocates.

What you will learn:

- ▶ Stages of a mediation
- ▶ How to convene and open a mediation
- ▶ Facilitating communication
- ▶ Encouraging problem solving
- ▶ Utilizing the predictability of distributive bargaining
- ▶ Using intangible interests to overcome impasse
- ▶ Facilitating closure
- ▶ Balancing neutrality and fairness
- ▶ Managing emotions
- ▶ Effective case presentation
- ▶ Ethical concerns of mediators and advocates
- ▶ Mediation advocacy tips



PETER ROBINSON is co-director of the Straus Institute for Dispute Resolution and professor of law at Pepperdine University School of Law. He has presented advanced negotiation and mediation skills courses in more than 39 states and foreign countries. He has served on the boards of the Christian Conciliation Service of Los Angeles, Ventura Center for Dispute Settlement, Dispute Resolution Services of the LACBA, Southern California Mediation Association, and California Dispute Resolution Council. He is a Fellow of the International Academy of Mediators, a member of the American College of Civil Trial Mediators, and was recognized as a Southern California *Super Lawyer* in the area of mediation in 2006.



DEBORAH THOMPSON EISENBERG is an associate professor of law and faculty director of the Center for Dispute Resolution at the University of Maryland Francis King Carey School of Law. She writes and teaches in the areas of dispute resolution, civil procedure, and employment law, and directs the Mediation Clinic. She provides professional trainings in negotiation and mediation and also serves as a private mediator in employment and civil cases. Prior to academia, Eisenberg practiced civil litigation for more than fifteen years. Her diverse practice included work at a large law firm, a public interest advocacy organization, and a boutique litigation firm where she was a partner representing primarily employees. Eisenberg received her JD from Yale Law School in 1994 and graduated valedictorian of her class at the University of Maryland Baltimore County in 1991.



PETER ROBINSON

ADVANCED MEDIATION: SKILLS AND TECHNIQUES

Advanced mediation is a highly interactive course that moves far beyond introductory lectures and simple role-plays to draw upon the vast mediation work of the highly experienced trainers who have more than 8,000 mediations between them and the wisdom of experienced participants. Much of the course will consist of comparing participants' techniques and approaches to common problems in mediation. The course will be limited in enrollment.

Participants are accepted through application. They must have completed acceptable, basic mediation training, and have significant experience as a mediator.

What you will learn:

- ▶ Review of the STAR approach to mediation
- ▶ Stages in complex mediations
- ▶ Understanding how different techniques apply to early-, mid-stage, and late-stage negotiations
- ▶ Tasks and strategies in resolving difficult cases
- ▶ Activities of experienced mediators in moving beyond impasse
- ▶ Results that experienced mediators seek beyond just a settlement, including the art of the apology
- ▶ The best advice from colleagues in the field who have financially successful practices—including what separates the trained mediator with no cases from the one who is in demand
- ▶ What prominent mediation organizations tell panelists about procedures, practices, and ethical dilemmas
- ▶ How culture and gender impact communication and negotiation



NINA MEIERDING a former civil attorney, has been a national leader in the field of conflict resolution, training thousands of individuals in businesses, courts, school districts, governmental agencies, medical centers, corporations, and universities throughout the United States and abroad for over 25 years. She has been an adjunct professor at Pepperdine University School of Law for over 15 years and Southern Methodist University for over 12 years and has taught at many other universities, as well as the National Judicial College and the California Judicial College. She is a former president of the Academy of Family Mediators and served on the board of directors of the Association for Conflict Resolution and many other organizations. She was the director and senior mediator at the Mediation Center in Ventura, California, from 1985 to 2007 where she mediated over 4,000 disputes and is currently the mediation consultant for the Wisconsin Special Education Mediation System (WSEMS).



BRUCE EDWARDS is one of JAMS/Endispute's most experienced attorney mediators. He has extensive expertise in handling complex, multiparty cases with emphasis on construction, business, environmental, and traumatic personal injury matters. He received his bachelor's degree from the University of California, Davis and his law degree from Hastings College of Law. Edwards cofounded the Bates Edwards Group in 1991 (which merged with JAMS/Endispute in 1994) after a highly successful career as a litigation partner with the San Francisco office of Sedgwick, Detert, Moran & Arnold. He has mediated over 4,000 disputes in 42 states since 1986. Edwards teaches advanced mediation courses in the United States and western Europe.



NINA MEIERDING

PUBLIC SECTOR MEDIATION: SKILLS AND DRILLS

This two-day, Thursday-Friday course is limited to public sector employees and offered at a rate of \$695.

Public Sector Mediation: Skills and Drills is a highly interactive skills-based course designed to enhance the toolkit of the public sector mediator. Whether mediating employment discrimination cases or other policy disputes, public sector mediators share common challenges unique to the civil service environment. This course focuses on skills to address high-conflict personalities and intense emotions, self-represented parties unaccustomed to distributive negotiations, advocates expecting an evaluative mediation model, and unions and enforcement agencies with outside interests. The workshop also addresses issues of authority and agency, as well as the impasses of inertia (the wait for a new administration or policy, budget cycle, or collective bargaining agreement). Designed to bridge the gap between the orthodox mediation models taught (theory) and the realities of public sector mediation (practice), this intensive presents the skills most relevant to public sector mediators via drills and role-plays. The trainers bring their extensive public sector experiences to integrate common ethical challenges and maximize outcomes in public sector mediations.

What you will learn:

- ▶ Closing the deal with inexperienced negotiators
- ▶ Reality testing (with an emphasis on the narrow and more directive) to round out the public sector mediator's toolkit
- ▶ Strategic questioning methods such as t-funneling and directional questions
- ▶ Identifying "ghosts" in the room or uncovering an advocate's unarticulated institutional interests
- ▶ Techniques to use with high-conflict individuals
- ▶ Managing strong emotions

The Center for Dispute Resolution at the University of Maryland Francis King Carey School of Law (C-DRUM) advances the effective resolution of conflict to empower and transform. An integral part of the law school, C-DRUM is a comprehensive dispute resolution center for policy, scholarship, and professional skills development related to problem-solving in law and society.



TOBY TREEM GUERIN is the managing director for the Center for Dispute Resolution at the University of Maryland Carey School of Law and clinical instructor. Guerin has over 10 years experience mediating and facilitating in various venues including government agencies, nonprofit organizations, schools, and court systems. She served as the first chairperson of the Mediator Excellence Council, a mediator quality-assistance initiative in Maryland and formerly directed the agricultural mediation program at the Maryland Department of Agriculture. Guerin has trained hundreds of mediators on topics from beginning to advanced mediation, elicitive feedback, mentoring, and effective communication, among others.



STEPHANIE BELL is an assistant professor of law and assistant director of the Straus Institute for Dispute Resolution. She supervises the Mediation Clinic and teaches Mediation Theory and Practice and Criminal Law. Prior to joining Pepperdine, she served as the manager of the King County Alternative Dispute Resolution Program and Interlocal Conflict Resolution Group, a tri-county labor-management and public policy mediation program in the area around Seattle, Washington. Prior to this she was the alternative dispute resolution coordinator for the City of Seattle where she designed and implemented a labor and employment mediation program for city government. Before joining Straus full-time, Bell served as an adjunct professor at Straus, the Seattle University School of Law, and the University of Washington master of public administration program. Bell earned her BA with honors in American civilization from Brown University, and her JD from the University of Washington School of Law.



UNIVERSITY of MARYLAND
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C-DRUM's focus areas include:

- ▶ Public Policy Dispute Resolution
- ▶ Conflict Resolution in Education
- ▶ Lawyers as Problem-Solvers
- ▶ ADR Research and Scholarship
- ▶ Direct Mediation, Facilitation, and Training Services

www.cdrum.org

CONFLICT RESOLUTION CONSULTING: USING MEDIATION TO IMPROVE ORGANIZATIONAL COMMUNICATIONS, TEAM BUILDING, LEADERSHIP, CHANGE, AND SYSTEMS DESIGN

Every workplace generates chronic conflicts, yet few organizations have rethought the way they work, or used conflict resolution skills and ideas to prevent and transform the sources of chronic conflict, or examined their organizational communications and “conflict cultures” to discover how their conflicts are generated and reduce their reoccurrence.

Fewer still have integrated conflict resolution and coaching, trained leaders as mediators, used conflict-resolution principles to inform their change processes, conducted “conflict audits” to reveal where these streams of conflict originate, or designed complex, multilayered, self-correcting systems to improve their capacity for conflict prevention, resolution, and transformation.

This workshop will provide a framework for mediators who would like to enter the emerging field of conflict resolution consulting, and learn how to integrate mediation with organizational communication, team building, leadership development, change management, and systems design. These skills can help organizations rethink the way they work and use systems-design principles to construct more collaborative, democratic, self-managing organizations and institutions. The workshop will identify new skills in organizational dialogue, leadership, teamwork, and collaborative processes. It will identify theories and techniques that will help participants: shape an organizational context of values, ethics, and integrity; form living, evolving webs of association; develop ubiquitous, linking leadership; build innovative self-managing teams; implement streamlined, open, collaborative processes; create complex self-correcting systems; integrate strategically; and change the way we change.

Participants will also explore: the social, economic, and political sources of chronic conflict; obstacles to individual, interpersonal, and organizational change; diverse methods for overcoming resistance to change; and ways of redesigning workplace cultures, systems, structures, processes, and relationships to encourage conflict resolution. The workshop will be based on *Resolving Conflicts at Work: 10 Strategies for Everyone on the Job* (third edition); *The Art of Waking People Up: Cultivating Awareness and Authenticity at Work*; and *The End of Management and the Rise of Organizational Democracy*, by Kenneth Cloke and Joan Goldsmith; as well as *Mediating Dangerously: The Frontiers of Conflict Resolution*; and *Conflict Revolution: Mediating Evil, War, Injustice, and Terrorism*, by Kenneth Cloke.

What you will learn:

- ▶ Analyze the chronic, systemic sources of workplace and organizational conflicts
- ▶ Identify complex workplace and organizational dynamics
- ▶ Understand the roles and skills of conflict consultants
- ▶ Recognize the structures, systems, relationships, processes, and “conflict cultures” that contribute to workplace and organizational conflicts
- ▶ Discover how to conduct “conflict audits”
- ▶ Learn techniques to become more skillful in conflict coaching
- ▶ Design multilayered, complex, self-correcting organizational systems that improve the capacity for conflict prevention, management, and resolution
- ▶ Understand and develop the competencies as “conflict leaders”
- ▶ Improve their ability to mediate workplace and organizational conflict in public- and private-sector organizations, work teams, and family businesses
- ▶ Learn to redesign workplaces and organizations and identify transformational opportunities in conflict
- ▶ Discover how to use conflicts as opportunities for personal growth, organization learning, strategic change, emotional healing, forgiveness, and transformation



KENNETH CLOKE is director of the Center for Dispute Resolution in Santa Monica, California, and a mediator, arbitrator, coach, consultant, and trainer and has mediated hundreds of workplace and organizational disputes. He is the author of *Mediating Dangerously: The Frontiers of Conflict Resolution*; *The Crossroads of Conflict: A Journey into the Heart of Conflict*; and *Conflict Revolution: Mediating Evil, War, Injustice, and Terrorism*. He is also coauthor with Joan Goldsmith of *Thank God It's Monday! 14 Values We Need to Humanize the Way We Work*; *Resolving Personal and Organizational Conflict: Stories of Transformation and Forgiveness*; *The End of Management and the Rise of Organizational Democracy*; *The Art of Waking People Up: Cultivating Awareness and Authenticity at Work*; and *Resolving Conflicts at Work: Ten Strategies for Everyone on the Job* (3rd ed.).



JOAN GOLDSMITH has been a coach, mediator, and organizational consultant with public and corporate sector organizations specializing in leadership development, organizational change, team building, strategic planning, and conflict resolution for the past 40 years. She was a faculty member at Harvard University, founder of Cambridge College, and is currently an adjunct professor in the master's degree program in conflict resolution at Southern Methodist University in Dallas, Texas. She coauthored a best-selling book on leadership, *Learning to Lead: A Workbook on Becoming a Leader* (4th ed.) with Warren Bennis, and is coauthor with Kenneth Cloke of *Thank God It's Monday! 14 Values We Need to Humanize the Way We Work*; *Resolving Personal and Organizational Conflict: Stories of Transformation and Forgiveness*; *The End of Management and the Rise of Organizational Democracy*; *The Art of Waking People Up: Cultivating Awareness and Authenticity at Work*; and *Resolving Conflicts at Work: Ten Strategies for Everyone on the Job* (3rd ed.).

OTHER DISPUTE RESOLUTION WORKSHOPS

USING PRACTICAL TOOLS OF MINDFUL AWARENESS

TO IMPROVE THE WORK AND LIVES OF LAWYERS, MEDIATORS, NEGOTIATORS, JUDGES, ARBITRATORS, AND MANAGERS

Lawyers, judges, mediators, and managers aspire to provide high-quality service and to derive satisfaction in the process, but often face barriers to fulfilling such aspirations. Stress, our fast-paced lives, conflicting demands, self-doubt and other challenges distract us from bringing our whole selves to bear upon our work and our lives, even when we are trying to do so. The added complication of dealing with conflict is associated with its own distracting welter of thoughts, emotions, bodily sensations, and habitual modes of reacting. Mindfulness, a systematic method of paying attention, deliberately, in the moment, without judgment can help us gain awareness of our mental and emotional processes, our habitual reactions, and their manifestations in our mind, body, and breath. Such awareness opens the door to developing ourselves in ways that will enable us to perform better, to develop insights, to improve our well-being and to get more fulfillment from our work.

What you will learn:

- ▶ The Taking STOCK[®] technique, developed by Wohl and Leonard L. Riskin, a practical technique to continually integrate mindfulness into our work and lives. It will be practiced in various negotiation and dispute resolution roles.
- ▶ Jurisight[®] exercises, developed by Rogers, which teach accessible and memorable ways to integrate mindfulness into our work and lives.
- ▶ The science of mindfulness and how mindfulness practices have been associated with changes to the structure and function of the brain.
- ▶ The Taking STOCK technique, which you will practice to integrate and maintain mindfulness in various negotiation and dispute resolution roles



RACHEL WOHL is the director of MACRO, Maryland's Mediation and Conflict Resolution Office. She is a mediator and attorney who successfully designed and implemented a large-scale (700-person) collaborative process that catapulted Maryland to be among the states at the forefront of the conflict resolution field. She cochaired the ABA Dispute Resolution Section's Task Force on Improving Mediation Quality, and is a founding member of the board of directors of Mediators Beyond Borders International. Wohl received the Association for Conflict Resolution's Mary Parker Follett Award for innovation. She has practiced meditation for over 19 years and has taught mindfulness courses at several law schools and in Scotland.

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The Straus Institute Recognized as a National Leader Ranked #1 Dispute Resolution Program for Tenth Consecutive Year!

When Pepperdine University School of Law first began to establish an internationally recognized institute for dispute resolution in 1986, no one could have foreseen the indelible mark it would make in its relatively short 28-year life. The combination of vision, leadership, and tireless energy has made the Straus Institute more successful than anyone imagined as it has grown to nine full-time faculty and thirteen staff members, serving more than 4,000 people a year.

The efforts were recognized when *U.S. News & World Report* began ranking dispute resolution programs at law schools sixteen years ago. For 12 years it awarded Pepperdine the Number One ranking in the country, and for all other years, placed it in the Top Three.

STRATEGIC NEGOTIATION SKILLS

Strategic Negotiation offers a comprehensive framework for analyzing negotiations and provides practical tools for achieving better negotiation results. It begins with the premise that at every single point in the bargaining, the negotiator must choose among competitive, cooperative, and problem-solving tactics. Drawing upon both empirical research and the experiences of master negotiators, the course identifies the factors the negotiator should consider when making strategic choices in each phase of negotiation—planning, initial orientation, information bargaining, narrowing of differences, and closure. The course will also address the added complexities posed by multiparty negotiation, as well as negotiation counseling and the effects of the culture, gender, and race of the participants on the bargaining process. Role-plays and critiques of video-recorded negotiations will play substantial roles in the learning process.

What you will learn:

- ▶ How to use competitive, cooperative, and problem-solving tactics
- ▶ Selecting the most effective tactics in any bargaining context
- ▶ Differences between bargaining tactics and interpersonal style
- ▶ Planning for negotiation
- ▶ Sources and uses of power—even when there appears to be none
- ▶ Identifying “win-win” opportunities

- ▶ The importance of information bargaining
- ▶ Responding to extremely adversarial opponents
- ▶ Closing the deal
- ▶ The peculiar challenges of multi-party negotiation
- ▶ The roles of gender, race, and culture in negotiation



L. RANDOLPH LOWRY is president of Lipscomb University in Nashville, Tennessee. In 1986 he founded the Straus Institute for Dispute Resolution and was a professor of law at Pepperdine University School of Law until assuming his current position in 2005. He also works as a conflict management consultant to one of the nation's largest hospital companies and for five years has served as board chair for two nonprofit health care organizations. A lawyer, active mediator, consultant, and internationally recognized educator, he is on the faculty at Vermont Law School and City University in Hong Kong.



JOHN LOWRY is the assistant dean of the Lipscomb University College of Business in Nashville, Tennessee, and founder of the college's School of Executive Education. In addition, he serves as assistant professor of management for Lipscomb University's College of Business, where he teaches negotiation and dispute resolution courses. Lowry also serves as vice president for the Strategic Resolutions Group, LLC (SRG). At SRG, he provides negotiation, mediation, and conflict management training for major insurance companies, health care organizations, and legal services providers. Prior to moving to Nashville, Lowry practiced law with Strasburger & Price, LLP in Dallas, Texas. As an attorney, he represented hospitals and health care providers in professional liability and commercial disputes. He has also served as a California State Assembly Fellow and worked in the law department of Tenet Healthcare Corporation.



RESTORATIVE PRACTICES IN AN ORGANIZATIONAL SETTING

Whether in business, education, government, local community, or criminal justice settings, people are more effective decision makers and problem solvers when they function as part of a genuine community. Conflicts are inevitable; yet many organizations primarily respond in a limited, top-down, code-reliant discipline approach that fails to harness the potential for community engagement and long-term cultural shifts to bring about reduced conflict recurrence. Derived from the principles of restorative justice, restorative practices transform conflict management in many organizations. This highly interactive course provides leaders, mediators, educators, and human resource professionals with restorative practices tools designed to develop positive environments, address conflict in a way that strengthens relationships, foster the development of empathy and responsibility, and engage parties in collaborative problem-solving. Participants will gain insight into circle use for community building, decision-making, problem-solving, conflict resolution, and celebrations in a wide variety of settings. Through circle experience followed by reflection and analysis, participants will learn skills for designing and facilitating circles and developing a more restorative culture.

What you will learn:

- ▶ Framework of restorative justice
- ▶ Foundational values and philosophy of a restorative environment
- ▶ Role of the facilitator in community-building and peacemaking circles
- ▶ Structure and preparation for the circle process
- ▶ Ways to redesign workplaces and organizations to transform the conflict environment through adaptive trainings and proactive and reactive practices
- ▶ Practical applications of circle processes such as for consensus decision-making, problem-solving, and community-building
- ▶ Solutions to common challenges in implementing restorative practices



KAY PRANIS teaches and writes about the dialogue process known as “peacemaking circles.” Since her initial exposure in the mid-1990s, Pranis has become a recognized leader in developing the use of peacemaking circles in schools, social services agencies, churches, families, museums, universities, municipal planning entities, and workplaces. She has authored or coauthored several books about circles: *Peacemaking Circles - From Crime to Community*; *The Little Book of Circle Processes - A New/Old Approach to Peacemaking*; *Doing Democracy with Circles - Engaging Communities in Public Planning*; and *Heart of Hope - A Guide for Using Peacemaking Circles to Develop Emotional Literacy, Promote Healing, and Build Healthy Relationships*. Working primarily as a trainer in the peacemaking circle process, Pranis is also a senior associate at the Center for Restorative Justice at Suffolk University in Boston, Massachusetts, as well as an adjunct professor at Simon Fraser University, Eastern Mennonite University, and Southwest Minnesota State University.



BARBARA SUGARMAN GROCHAL is director of School Conflict Resolution Education Programs at the Center for Dispute Resolution at the University of Maryland Carey School of Law. For over 10 years she has supported schools in developing stronger conflict management programs, through training, mediation, coaching, strategic planning, and consulting. She facilitates formal community conferences and circles in schools, workplaces, nonprofit organizations, and homeless shelters. She is a licensed trainer with the International Institute of Restorative Practices.

ENVIRONMENTAL DISPUTE RESOLUTION

How can you manage environmental conflicts to effectively prevent and resolve disputes? What skills do you need to be an effective environmental problem solver?

This course explores the characteristics of environmental disputes, how they arise, and how we choose to resolve them. We will examine a range of processes such as litigation, arbitration, negotiation, mediation, and facilitation and explore strategies to become an effective problem solver. We will look at the advantages and disadvantages of different processes so that you will have the tools to be a strategic mediator and advocate in the most difficult environmental disputes.

In this course, you will practice how to create a problem-solving climate, explore the role of being a process advocate, and gain firsthand experience of the effects of processes on parties. You will have a chance to practice and explore the skills needed to incorporate collaborative practices in typically adversarial interactions.

The workshop is based on the trainers' extensive international and domestic experience working with stakeholders to carve solutions out of extremely contentious disputes and on the lessons of *Land in Conflict: Managing and Resolving Land Use Disputes*.

This course would be helpful to public- and private-sector attorneys, planners, developers, agency program managers, elected officials, judges, legislative counsel and staff, mediators, and group facilitators.

What you will learn:

- ▶ Conduct an environmental conflict assessment
- ▶ Distinguish between conflicts to be managed and disputes to be resolved
- ▶ Design an effective environmental conflict management system that handles “streams” of recurring disputes
- ▶ Use a variety of problem-solving skills in different substantive contexts such as climate change adaptation, water allocation, land-use decisions, and environmental regulation
- ▶ Effectively negotiate complex multiparty and multi-issue environmental disputes
- ▶ Build in effective evaluation, accountability, and feedback mechanisms



SEAN NOLON is a professor at Vermont Law School and serves as the director of the Dispute Resolution Program. He has taught environmental law, international negotiation, and environmental dispute resolution at Yale and Pace Universities, Dartmouth College, and the University of Nevada, Las Vegas. He has trained hundreds of local officials, environmentalists, and developers how to reconcile interests in controversial public policy and land development decisions. He also has extensive experience facilitating, mediating, and consulting in a wide array of complex public policy disputes. As a trial attorney, he coordinated litigation in environmental, land use, commercial, and class action cases. He is the coauthor of *Land in Conflict* and many articles on resolving environmental disputes.



MERRICK HOBEN is director of the Consensus Building Institute in Washington, D.C., and a practitioner associate at the MIT-Harvard Public Disputes Program. Hoben helps stakeholders across diverse organizations and sectors—globally and domestically—to develop and implement more effective agreements. He specializes in helping corporations and their stakeholders engage one another more effectively, designing and guiding voluntary standard setting processes, supporting collaborative resource management efforts, and leading complex strategic planning initiatives. He has extensive experience with mediation, negotiation, and training in Latin America and the Middle East. His bicultural and bilingual Spanish training and mediation experience enable him to work successfully with diverse populations on sensitive resource, human rights, and health issues in Latin America and elsewhere.

PREVENTING BAD SETTLEMENT DECISIONS AND IMPASSE:

USING BRAIN SCIENCE, GAME THEORY, ANIMATED COMMUNICATION, AND MICRO-INTERVENTIONS

The fact patterns of this course will be familiar to the experienced mediator and trial advocate in negotiation: difficult people, heightened emotions, overly confident case assessments, deeply held beliefs, and barriers to rational deals.

We will explore the neuropsychology behind these defining characteristics and the mediator micro-interventions that can turn them from impasse ingredients to the seeds of a successful deal. We will explore modern brain science—not only as a way to explain what is going on at the table, but in developing tools that mediators can use to meet participants where they are and communicate with them effectively. We'll tie communications theory in as we animate game theory as an interactive way to continually reassess and communicate developing outcome scenarios.

Most mediators operate on instinct, intuition, and experience. This session will elevate your practice. You'll learn enough of the theoretical underpinnings of neuropsychology to gain clarity, understanding, and a driving purpose to kick your game up a notch. And you'll get to immediately practice effective tools that will help you implement that theory in the working laboratory that is this advanced course.

You'll walk out not only with a new appreciation for how the mind processes negotiations, but how participants can intervene in the moment to increase the odds of a successful round—on the Monday after the course.

What you will learn:

- ▶ Basics of neuropsychology and brain science
- ▶ Dealing with difficult people
- ▶ You can't separate the people from the problem—we're emotional beings—even in commercial cases
- ▶ How to deal with deeply held beliefs—matters of principle (not principal)
- ▶ Introduction to game theory
- ▶ A look at decision-tree analysis
- ▶ Communication theory—the “power of pictures” since the Kennedy-Nixon Debate and the video game culture
- ▶ How to deal with issues at a micro level so they do not risk impasse



DON PHILBIN is an AV-rated attorney-mediator, negotiation consultant and trainer, and arbitrator. He has resolved disputes and crafted deals for more than two decades as a business litigator, general counsel, and president of technology-related companies. Philbin holds a master of laws degree from Pepperdine's top-ranked Straus Institute for Dispute Resolution, where he is an adjunct professor at Pepperdine. He has trained and published at Harvard University's Program on Negotiation and is an elected Fellow of the International Academy of Mediators and the American Academy of Civil Trial Mediators. Philbin is chair of the ABA Dispute Resolution Section's Negotiation Committee, and he is listed in *The Best Lawyers in America*, *Texas Super Lawyers*, and *U.S. News & World Report's* “Best Law Firm” survey.



DOUGLAS E. NOLL, AV-rated, is listed in *The Best Lawyers in America* and is a Northern California Super Lawyer. Noll holds an MA in peacemaking and conflict studies from Fresno Pacific University and is an adjunct law professor at San Joaquin College of Law. He is a Distinguished Fellow of International Academy of Mediators and American College of Civil Trial Mediators and is certified by the International Mediation Institute. His books include *Elusive Peace: How Modern Diplomatic Strategies Could Better Resolve World Conflicts*; *Sex, Politics, and Religion at the Office: The New Competitive Advantage*; and *Peacemaking: Practicing at the Intersection of Law and Human Conflict*.



LOCATIONS

UNIVERSITY OF MARYLAND FRANCIS KING CAREY SCHOOL OF LAW, BALTIMORE, MARYLAND – MARCH 19-21, 2015



THE CENTER FOR DISPUTE RESOLUTION AT THE UNIVERSITY OF MARYLAND FRANCIS KING CAREY SCHOOL OF LAW AND STRAUS INSTITUTE FOR DISPUTE RESOLUTION are pleased to present the East Coast Professional Skills Program in Baltimore, Maryland. Located in the heart of the Mid-Atlantic, participants can enjoy all that Charm City has to offer, from the world famous National Aquarium and Inner Harbor, to historical sites like Ft. McHenry and Edgar Allan Poe's grave (located right at the law school), to multiple art museums. Baltimore is conveniently located less than an hour from Washington, D.C. For more information about C-DRUM, visit www.cdrum.org.

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PEPPERDINE UNIVERSITY IN MALIBU, CALIFORNIA – JUNE 25-27, 2015



THE STRAUS INSTITUTE IS A PART OF PEPPERDINE UNIVERSITY SCHOOL OF LAW, which is located in Malibu, California. While the magnificent vistas provides a beautiful setting for study and contemplation, Pepperdine is only 12 miles from the energy and night life of Santa Monica and 25 miles from downtown Los Angeles.

Straus offers training in various cities and states, as well as the Malibu Campus. For upcoming training programs and conferences visit straus.pepperdine.edu

REGISTRATION 2015 COURSES IN DISPUTE RESOLUTION

All registrations are accepted on a first-come, first-served basis. Registrations will be accepted as long as space permits.

Name _____
First name as you would like it to appear on name tag

Organization _____

Position _____

Mailing address _____

City _____ State _____ Zip _____

E-mail _____

Business phone () _____

I WOULD LIKE TO ATTEND THE FOLLOWING COURSE:
(Please choose only one course)

BALTIMORE

- STAR: A Systematic Approach to Mediation Strategies
- Advanced Mediation: Skills and Techniques
- Public Sector Mediation: Skills and Drills
Special Thursday/Friday Format
- Conflict Resolution Consulting : Using Mediation to Improve Organizational Communications, Team Building, Leadership, Change, and Systems Design
- Using Practical Tools of Mindful Awareness to Improve the Work and Lives of Lawyers, Mediators, Negotiators, Judges, Arbitrators, and Managers
- Strategic Negotiation Skills
- Restorative Practices in an Organizational Setting
- Environmental Dispute Resolution
- Preventing Bad Settlement Decisions and Impasse

*Include a \$1,295 or \$1,195 early registration fee with this form.
Governmental, nonprofit, and MPME rate is \$895.*

Check here for vegetarian lunches.

Special dietary needs: _____

Checks should be payable to: PEPPERDINE UNIVERSITY (Please note: if a check refund is needed, participants must submit a W-9 form to the University.)

Enclosed is my check in the amount of \$ _____

Credit cards are the preferred method of payment.

Please charge \$ _____ to my VISA MasterCard

Card # _____ Exp. _____

Name on card _____

Signature _____ Date _____

FEES

The fee, including meals and materials, is \$1,295. **Registration received by Friday, February 6, 2015, will be given a \$100 discount. Early registration discount does NOT include governmental or nonprofit organizations.** A reduced rate of \$895 is available for employees of governmental, nonprofit organizations, and members of the Maryland Program for Mediator Excellence (MPME).

FEES FOR PUBLIC SECTOR MEDIATION COURSE

This two-day, Thursday/Friday course is limited to public sector employees and offered at a rate of \$695.

Should a paid participant be unable to attend, tuition, less a nonrefundable fee of \$200, will be refunded or a substitute may attend the program. When canceling, we require 48 hours of notice prior to the program start date or there will be an additional \$50 food service fee deducted for a total nonrefundable refund of \$250. PAYMENT IS EXPECTED AT THE TIME OF REGISTRATION EITHER BY CHECK OR CREDIT CARD (Visa or MasterCard preferred). *PLEASE NOTE: There is a \$50 administrative fee for transferring to another program.*

*MCLE

These activities are approved for 18 hours of MCLE credit by the State Bar of California. Pepperdine University certifies that this activity conforms to the standards for approved education activities prescribed by the rules and regulations of the State Bar of California governing MCLE. Straus programs have been accepted for MCLE credit across the nation.

TAX DEDUCTION OF FEES


Education expenses (enrollment fees, course materials, and travel costs) may be deductible if they improve or maintain professional skills. Treas. Reg. Sec. I 162-5.

GUARANTEE

All programs of the Straus Institute for Dispute Resolution are offered with a complete guarantee of satisfaction. If a participant completes the entire program and is satisfied with the course content or performance of the faculty, the tuition fee will be refunded.

UPCOMING INSTITUTE PROGRAMS

For information on future dispute resolution skills programs or for additional information on the content, faculty, or registration for this program, call **Lori Rushford** at 310.506.6342 or e-mail lori.rushford@pepperdine.edu.

TO REGISTER AND PAY ONLINE 
straus.pepperdine.edu
Click on the tab "Training and Conferences"



Submit to:
Straus Institute for Dispute Resolution
Pepperdine University School of Law
24255 Pacific Coast Highway
Malibu, California 90263

PEPPERDINE UNIVERSITY

School of Law

STRAUS INSTITUTE FOR DISPUTE RESOLUTION

Translating Theory Into Practice

ACADEMIC PROGRAMS

Translating theory into practice has been the mission of the Straus Institute since it was established 28 years ago.

At Pepperdine, theory and scholarship are not the end, but the beginning. The end is equipping lawyers, judges, and other professionals with real-world skills to resolve real-world conflicts. We offer three academic programs:

LLM in Dispute Resolution

Master of Dispute Resolution

Certificate in Dispute Resolution

Thirty-six courses and 25 faculty from around the world
TRANSLATE THEORY INTO PRACTICE.

For additional information on academic program content, faculty, or application, contact Sarah Gonzales at 310.506.7454 or e-mail sarah.gonzales@pepperdine.edu.

straus.pepperdine.edu

UPCOMING
STRAUS EVENTS

MEDIATING THE LITIGATED CASE
IRVINE AND WEST LOS ANGELES,
CALIFORNIA
FEBRUARY 5-7 & 19-21, 2015

28TH ANNUAL PROFESSIONAL
SKILLS PROGRAM
MALIBU, CALIFORNIA
JUNE 25-27, 2015

LONDON/GENEVA
STUDY TOUR
MAY 18-29, 2015

MEDIATING THE LITIGATED CASE
MALIBU, CALIFORNIA
AUGUST 3-8, 2015

MEDIATING THE LITIGATED CASE
WASHINGTON, D.C.
SEPTEMBER 2015