PEPPERDINE UNIVERSITY School of Law

A WORLD-CLASS VIEW OF DISPUTE RESOLUTION

The 27th Annual Summer and 2nd Annual East Coast

Professional Skills Programs

- ▶ NINETEEN COURSES
- TWENTY-SEVEN FACULTY
- PARTICIPANTS
 FROM AROUND
 THE WORLD
- TWO-AND-A-HALF
 DAYS OF INTERACTIVE
 DIALOGUE
- ► EIGHTEEN MCLE CREDITS*

LIMITED ENROLLMENT
In cooperation with Mediate.com



THE 2014

PROFESSIONAL SKILLS PROGRAMS 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.

Nineteen Unique Educational Opportunities

Participants should select the process in which they desire expertise (one course), as all 19 programs (11 in Malibu and eight in Baltimore) 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

MALIBU

THURSDAY, JUNE 19

7:30 AM Registration and continental breakfast

8:30 AM Program begins

4:30 PM Evening reception

FRIDAY, JUNE 20

7:30 AM Continental breakfast

8:30 AM Program begins

5:00 PM Adjourn

SATURDAY, JUNE 21

7:30 AM Continental breakfast

8:30 AM Program begins

1:00 PM Adjourn

BALTIMORE

THURSDAY, MARCH 20

7:30 AM Registration and continental breakfast

8:30 AM Program begins

4:30 PM Evening reception

FRIDAY, MARCH 21

7:30 AM Continental breakfast

8:30 AM Program begins

5:00 PM Adjourn

SATURDAY, MARCH 22

7:30 AM Continental breakfast

8:30 AM Program begins

1:00 PM Adjourn

MALIBU JUNE 19-21, 2014

The Professional Skills Program in Dispute Resolution consists of 11 three-day courses addressing distinct dispute resolution processes:

Mediation Workshops

- STAR: A Systematic Approach to Mediation Strategies (page 2)
- Advanced Mediation: Skills and Techniques (page 4)
- Mediator Boot Camp: Surviving in the Trenches (page 5)
- ▶ Mediating Complex Construction Disputes (page 6)
- ▶ Elder-Care Mediation (page 8)
- Conflict Resolution Consulting: Using Mediation to Improve Organizational Communications, Conflict Coaching, Team Building, Leadership, Change, and Systems Design (page 9)
- Family Law Mediation When Time Is Not on Your Side (page 10)

Other Dispute Resolution Workshops

- Using Practical Tools of Mindful Awareness to Improve the Work and Lives of Lawyers, Mediators, Negotiators, Judges, Arbitrators, and Managers (page 11)
- ▶ Apology, Forgiveness, and Reconciliation (page 12)
- ▶ Strategic Negotiation Skills (page 14)
- Preventing Bad Settlement Decisions and Impasse: Using Brain Science,
 Game Theory, Animated Communication, and Micro-Interventions (page 15)

BALTIMORE **MARCH 20–22, 2014**

CO-PARTNER WITH UNIVERSITY OF MARYLAND FRANCIS KING CAREY SCHOOL OF LAW

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

Mediation Workshops

- STAR: A Systematic Approach to Mediation Strategies (page 2)
- ▶ Beyond the Basics: What to Know and Do to Be a More Effective Mediator (page 3)
- Advanced Mediation: Skills and Techniques (page 4)
- Conflict Resolution Consulting: Using Mediation to Improve Organizational Communications, Conflict Coaching, Team Building, Leadership, Change, and Systems Design (page 9)
- Family Law Mediation: When Time Is Not on Your Side (page 10)

Other Dispute Resolution Workshops

- Using Practical Tools of Mindful Awareness to Improve the Work and Lives of Lawyers, Mediators, Negotiators, Judges, Arbitrators, and Managers (page 11)
- Conflict-Management Coaching: Practice and Principles (page 13)
- Strategic Negotiation Skills (page 14)

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



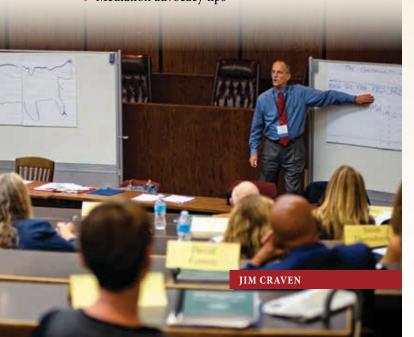
MALIBU & BALTIMORE



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





THOMAS STIPANOWICH (Malibu) is the William H. Webster Chair in Dispute Resolution and professor of law at Pepperdine School of Law. He is also the academic director of the Straus Institute. Stipanowich brings a long and distinguished career as a scholar, teacher, and leader in the field along with wide-ranging experience as a commercial and construction mediator, arbitrator,

federal court special master, and facilitator. From 2001 until mid-2006, he served as CEO of the International Institute for Conflict Prevention & Resolution (CPR Institute). He has authored two of the leading books on commercial arbitration and many articles on ADR. Recently he coauthored a groundbreaking book and materials entitled *Resolving Disputes: Theory, Practice, and Law.*



JIM CRAVEN (Malibu) is a lawyer, mediator, and frequent speaker in the conflict resolution field. He has been practicing law for 36 years and remains of counsel to Evans, Craven & Lackie in Spokane, Washington, which he cofounded in 1978. He has extensive experience in the mediation of complex disputes, having served clients throughout the northwest since 1990. He serves on

the construction, commercial, and mediation panels of the American Arbitration Association, and is a member of the Washington Mediation Association. Craven was a trial lawyer for 25 years before becoming a full-time neutral. His trial practice emphasized complex construction, environmental, commercial, and professional negligence litigation. He received his law degree from Gonzaga University and the LLM in dispute resolution from Pepperdine University. In addition to his dispute resolution practice, Craven consults with business and government on a wide range of issues.



PETER ROBINSON (Baltimore) is codirector 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, the Ventura

Center for Dispute Settlement, Dispute Resolution Services of the LACBA, the Southern California Mediation Association, and the 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 (Baltimore) 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 15 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.

BEYOND THE BASICS: WHAT TO KNOW AND DO TO BE A MORE EFFECTIVE MEDIATOR



Building upon the foundation of what you learned in basic mediation training, this course focuses on understanding and utilizing a wide range of additional mediator techniques and tools. Whether you mediate two or more than 20 times per year, this interactive course enhances the mediator's existing skill set and challenges the mediator to explore new mediation experiences and enhanced learning opportunities. The course focuses on areas of practice often not covered or not covered in depth in most basic mediation trainings such as asymmetric mediation issues, hierarchy of asking questions, hearing what has not been said, the art of conveying offers in mediation, and pre- and postmediation activity. Time will also be spent covering challenging ethical situations and reviewing some of the effective business practices that can benefit ADR practitioners. Through simulations and observations, participants will engage in real-time practice opportunities.

What you will learn:

- What mediation tenets guide your mediation practice
- How to identify and articulate your own mediator philosophy and framework
- The impact of the unconscious decisions that mediators make
- ▶ The role of self-reflective practices
- ▶ Effective preparation of parties before and after mediation
- ▶ How to identify and address ethical situations in real time
- ▶ Enhanced solution-generating techniques
- The strategic use of effective business practices, including data management, online communication, and identifying conflicts of interest

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.



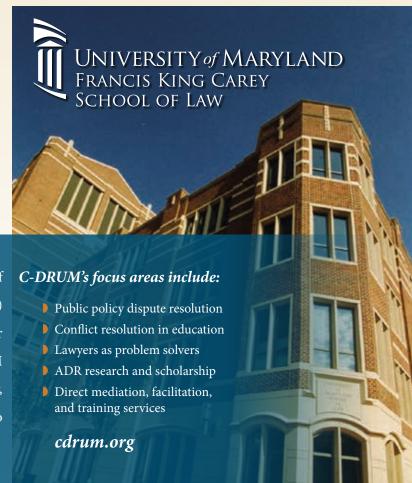
TOBY TREEM GUERIN, is the managing director for the Center for Dispute Resolution at the University of Maryland Carey School of Law and clinical instructor. Guerin has over 10 years experience mediating and facilitating in various venues including government agencies, nonprofit organizations, schools, 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.



MARVIN E. JOHNSON, is a nationally recognized mediator, arbitrator, and trainer and is the founder and executive director of the Center for Alternative Dispute Resolution. He serves on the JAMS panel of resolution experts. Two U.S. presidents, a U.S. secretary of state, a governor of Maryland, and the chief judge of the Maryland Court of Appeals have recognized Marvin Johnson's dispute

resolution expertise by appointing him to various dispute resolution panels and boards. He is a member of the American College of Civil Trial Mediators, the National Bar Association, and the CPR Institute's National Task Force on Diversity. He is a former officer and current member of the ABA's Section of Dispute Resolution, the International Academy of Mediators, and the Society of Professionals in Dispute Resolution/Association for Conflict Resolution.



ADVANCED MEDIATION: Skills and Techniques



MALIBU & BALTIMORE

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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-stage, 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





BRUCE EDWARDS (Malibu) 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.



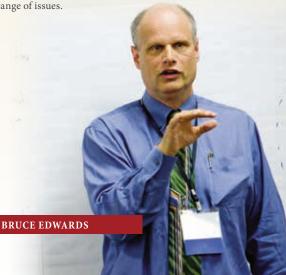
NINA MEIERDING (Baltimore and Malibu) is a former civil attorney, has been a national leader in the field of conflict resolution, training thousands of individuals in businesses, courts, school districts, governmental agencies, medical centers, corporations, and universities throughout the United States and abroad for almost 30 years. She has been an adjunct professor at Pepperdine University

School of Law for over 15 years and at 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).



JIM CRAVEN (Baltimore) is a lawyer, mediator, and frequent speaker in the conflict resolution field. He has been practicing law for 36 years and remains of counsel to Evans, Craven & Lackie in Spokane, Washington, which he cofounded in 1978. He has extensive experience in the mediation of complex disputes, having served clients throughout the northwest since 1990. He serves on the

construction, commercial, and mediation panels of the American Arbitration Association, and is a member of the Washington Mediation Association. Craven was a trial lawyer for 25 years before becoming a full-time neutral. His trial practice emphasized complex construction, environmental, commercial, and professional negligence litigation. He received his law degree from Gonzaga University and the LLM in dispute resolution from Pepperdine University. In addition to his dispute resolution practice, Craven consults with business and government on a wide range of issues.



MEDIATOR BOOT CAMP: SURVIVING IN THE TRENCHES



Mediator Boot Camp is an entirely practical, interactive course designed to bring the commercial mediator to the edge of disaster followed by adept recovery. Surviving as a mediator is dependent on the ability to anticipate, manage, and live through the unexpected mischief of conflict. There are many tools the mediator can deploy to prevent derailment of a negotiation and lost settlement opportunities. The course content is drawn from real-world experiences and designed to build stronger, more agile and effective mediators. The class will address your needs, concerns, and "no matter what" lists so that you leave Mediator Boot Camp more confident in your ability to straddle the minefields in mediation. It is recommended that participants will have mediated at least 25 commercial mediations prior to enrollment.

What you will learn:

- Mediator as traffic cop of the negotiation
- ▶ Trust, timing, and tenacity the three keys to survival
- Taking the offensive on 10 things mediators hate to hear
- Befriending the insurance adjuster
- Finding the nonexistent or vanishing settlement authority
- Reading dynamics accurately
- ▶ Brackets and mediator proposals is there anything new?
- When the uninformed attempt to hijack the process
- Toxic proposals and the suicide bomber
- ▶ Reengineering multiparty mischief



TRACY L. ALLEN is a full-time mediator, arbitrator, and ADR trainer. She teaches and practices internationally, providing conflict management, prevention, and training services worldwide. A former tax and business attorney, Allen mediates and arbitrates complex and highly emotional commercial, business, probate, securities, and employment cases. She is a Distinguished Fellow and

a past president of the International Academy of Mediators. She has written numerous articles and is a contributing author in several books on ADR, with emphasis on mediation and negotiation strategies. She received the State Bar of Michigan ADR Section Distinguished Service Award in 2008 and currently serves on several specialty ADR provider panels nationally and internationally. Allen is an adjunct professor for the Institute for Conflict Management at Lipscomb University and a frequent lecturer for the Institute of Continuing Legal Education at the University of Michigan. Allen is the owner of her Detroit-based resolution firm, Global Resolutions, PLLC.



ERIC R. GALTON is a full-time mediator, arbitrator, and lecturer. Galton's book, *Mediation: A Texas Practice Guide*, received the Center for Public Resources Annual Book Award. He has since authored four more books with his most recent work, *Ripples from Peace Lake*. Galton is a Distinguished Fellow of the International Academy of Mediators and the Texas Academy of Attorney-

Mediators. He is a member of the Texas State Bar ADR Section and has served on the American Bar Association Dispute Resolution Section, and the board of directors for the Texas Association of Mediators. He has practiced law for 30 years, and is currently a partner in the mediation firm Lakeside Mediation and the law firm of Galton, Cunningham & Bourgeois, a purely dispute resolution and mediation firm in Austin, Texas.



MEDIATING COMPLEX CONSTRUCTION DISPUTES

Construction mediation is a specialized form of mediation. This course examines many of the unique characteristics of the construction mediation process, including preparing for the mediation, the mediator's changing roles with multiple constituencies at various stages in the mediation process, and closing construction-defect mediation settlements. In addition, the course considers how the construction mediation process impacts the court's conception and treatment of the process, including case-management orders and legal theories regarding construction-defect claims, defenses, and damages. While it is expected that most participants will have experience in construction-defect law, the course addresses basic, practical considerations.

What you will learn:

- History and development of the case-management order (CMO)
- ▶ Effective use of the CMO process—practice tips
- ▶ Things to include in the CMO
- Acting as a discovery referee—see the *Foxgate* case
- Identifying factual and legal issues of a construction mediation
- Meeting with plaintiff and developer to determine scope
- Ensuring early establishment of scopes of work for subcontractors
- Establishing a separate track for additional insured issues
- Identifying "peripheral" players and setting up an early mediation
- Use of specific agendas for mediation sessions
- Mediation techniques
- ▶ Full and partial settlements
- ▶ Mediator's role vis-à-vis the court



GEORGE D. CALKINS is with JAMS in Los Angeles, California. As a former senior partner with Cox, Castle & Nicholson, he practiced in the area of construction law with an emphasis on the analysis, investigation, litigation, arbitration, mediation, and settlement of all forms of construction disputes. Calkins has served for 20 years as a construction arbitrator/mediator and presided over thousands of

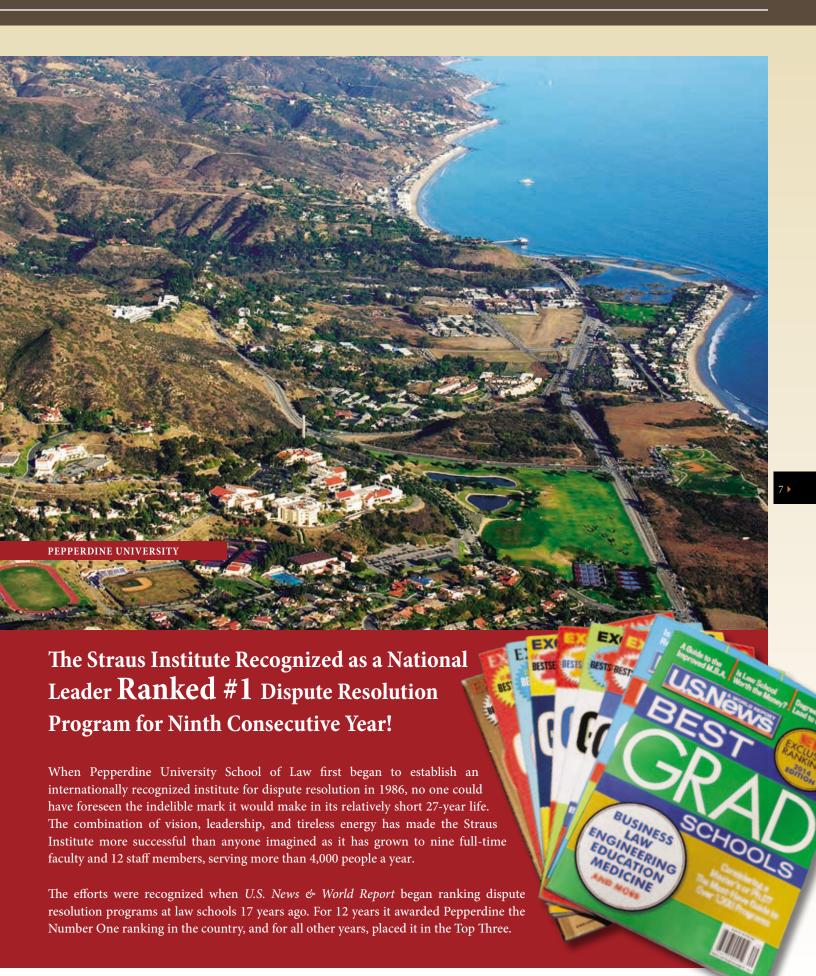
arbitration/mediation proceedings involving diverse construction issues, including service as arbitrator and mediator on the Large, Complex Case Arbitration and Mediation Panels for construction disputes with the American Arbitration Association and the Public Works Arbitration Program.



VICTORIA GERRARD CHANEY was confirmed to the California Court of Appeal, Second District, Division One on July 1, 2009, following her nomination by Governor Arnold Schwarzenegger. She had served 19 years on the bench as a trial judge. Justice Chaney was appointed by Governor George Deukmejian to the Los Angeles Municipal Court in 1990 and elevated to the Los Angeles Superior

Court by Governor Pete Wilson in 1994. She presided over criminal cases in Compton, a civil docket at the Mosk Courthouse, and, from 2000 until her elevation, class actions and complex litigation at the Central Civil West Courthouse in the court's complex litigation division. Before appointment to the bench, Justice Chaney was an associate with Dryden, Harrington & Swartz and then served 11 years in the Los Angeles City Attorney's Office, assigned in her last 10 as an associate city attorney in the office's civil liability division. Prior to attending law school, Justice Chaney worked as a registered nurse at the LAC-USC and Cedars-Sinai Medical Centers.

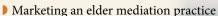




This training focuses on adult guardianship and family caregiver mediation. Learn the differences between other types of mediation and elder mediation. In this training, we will focus on the mediator's responsibility toward inclusion of the older person's voice in the mediation and techniques for working in multiparty family mediations. At the conclusion of the training, you will be prepared to organize and perform elder mediations. This training is meant as an advanced training for those who have already taken basic mediation training, and an introduction to elder mediation for those who have not.

What you will learn:

- Differences between elder mediation and other types of mediation
- Guardianship/conservatorship law and practice
- Capacity and disability issues
- ▶ Red flags for elder abuse
- Multiparty mediation and family dynamics
- Working with attorneys, court representatives, GALs and institutional representatives
- ▶ Ethical standards for elder mediators
- Mental and physical effects of aging, disabilities, and accommodation in mediation
- Pre-mediation interviews and screening for appropriateness of mediation





ZENA ZUMETA is internationally known as both a mediator and trainer of mediators. She is president of the Mediation Training & Consultation Institute, Zena Zumeta Mediation Services, and The Collaborative Workplace in Ann Arbor, Michigan. She received her juris doctor from the University of Michigan Law School. Zumeta is a former board member and president of the Academy of Family

Mediators (now merged into the Association for Conflict Resolution), past president of the Michigan Council for Family and Divorce Mediation, and past regional vice president of the Society of Professionals in Dispute Resolution. Zumeta is the recipient of the National Education Association/Saturn Corporation Award for Union-Management Collaboration; the John Haynes Distinguished Mediator Award from ACR; the Family Mediation Council-Michigan Lifetime Achievement in Mediation Award; and the Kumba Award from the National Conference on Minorities in ADR.



SUSAN BUTTERWICK provides training in adult guardianship/ probate and caregiver mediation nationally for community centers, court programs, and other organizations. She served as directing attorney for a national demonstration project on adult-guardianship and caregiver mediation and coauthored an evaluation of adultguardianship mediation in four states. She is a coauthor of the

Association for Conflict Resolution's (ACR) elder-mediation training objectives. She is a Michigan State Court Administrative Office-approved trainer for civil court mediation and provides advanced trainings in child-welfare mediation and family mediation. She is adjunct professor of law at the Wayne State University Law School, Wayne State's master of arts in dispute resolution program, and the University of Detroit Mercy Law School, where she teaches civil mediation.



CONFLICT RESOLUTION CONSULTING



MALIBU & BALTIMORE



NOTE: For the Malibu program only this course will also cover conflict coaching.

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, coaching, team building, leadership development, change management, and conflict resolution 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 ethics, values, 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.

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"
- Design multilayered, complex, self-correcting organizational systems that improve the capacity for conflict prevention, management, and resolution
- Understand and develop 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, MA, HLD (Doctor of Humane Letters), has been a coach, mediator, and organizational consultant with publicand 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.).

FAMILY LAW MEDIATION: WHEN TIME IS NOT ON YOUR SIDE



MALIBU & BALTIMORE



- *Approved for 16 hours of continuing education units for psychologists. Pepperdine University is approved by the American Psychological Association to sponsor continuing education for psychologists. Pepperdine maintains responsibility for the program and its content.
- *Approved for 18 hours of specialized credits for Certified Family Law Specialists (California)
- *Approved for 8 hours of Children's Counsel Credits per CRC 5.242(d) (California)

This highly interactive, interdisciplinary training (taught by a judge and a psychologist) is designed for judicial officers, private counsel, staff attorneys in courts, custody evaluators, and others who wish to learn and improve their skills in mediating family law conflicts. Special emphasis is placed on resolving disputes when there is limited time and when there are limited resources available. After exploring an overview of core models and principles of mediation and successful techniques, participants will learn a range of specific dispute resolution strategies available through mediating. Interspersed within discussion and role-plays are presentations of critical child-development research, essential perspectives on the psychology and dynamics of divorce, the ways in which high levels of conflict and emotions in family law cases present special problems, and hidden opportunities for dispute resolution, as well as other practical information.



What you will learn:

- ▶ An overview of core mediation principles
- Mediating as an attorney, therapist, judicial officer, facilitator, or judge pro tem
- Managing implicit power imbalances
- ▶ The psychology and dynamics of high-conflict divorce
- Specific mediation models appropriate to your jurisdiction
- ▶ The anatomy of custody disputes
- ▶ Gate-keeping, attachment, and alienation
- Mediating personal property, custody, and visitation issues
- Getting past the obstacles to stipulations
- Mediating cases involving domestic violence
- Special problems: self-represented litigants, the present economy, and parents who hardly know one another
- Canons, ethics, obligations, and red flags



THE HONORABLE IRWIN JOSEPH, serves as a Superior Court commissioner in Santa Clara County, after more than 11 years of bench experience that has included family, civil, and criminal assignments. During his six years in the Family Law Department, he has heard dissolution, custody, support, paternity, and domestic violence matters. He created the Judicial Mediation Program and

the Early Neutral Evaluation Program for the Santa Cruz County Family Court. He has mediated thousands of conflicts since 1995. He was a faculty member of the Center for Judicial Education and Research (CJER) and the National Council of Juvenile and Family Court Judges (NCJFCJ) and a member of the *Elkins* Family Law Task Force. He is a graduate of La Verne University School of Law and UCLA. He cocreated this class in 2009 for those who wish to improve mediation skills in this difficult and contentious area of the law.



DONALD T. SAPOSNEK, PhD, is a practicing clinical-child psychologist and child custody mediator, and a family therapist for over 40 years, and a national and international trainer of mediation and child development. He also is author of the classic book, *Mediating Child Custody Disputes: A Strategic Approach*, and coauthor of *Splitting America: How Politicians, Super PACS, and the*

News Media Mirror High-Conflict Divorce. He has mediated over 5,000 custody disputes since 1977, managed the Santa Cruz County Family Court Services for 17 years, and has published extensively in the professional literature on mediation, child custody, and child psychology. He has been teaching on the psychology faculty at the University of California, Santa Cruz since 1977, is editor of the Academy of Professional Family Mediators' The Professional Family Mediator, and serves on the editorial boards of numerous publishers and several international journals on conflict resolution.

OTHER DISPUTE RESOLUTION WORKSHOPS

USING PRACTICAL TOOLS OF MINDFUL AWARENESS

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



MALIBU & BALTIMORE

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:

- Mindfulness meditation, a highly-refined, systematic method of moment-to-moment nonjudgmental awareness, which develops both calmness of mind and body and deep insight into an array of mental and physical conditions.
- ▶ 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.



SCOTT ROGERS is founder and director of the University of Miami School of Law's Mindfulness in Law Program where he teaches Mindful Ethics, Mindfulness in Law, and Mindful Leadership. Rogers is creator of Jurisight*, one of the first programs in the country to integrate mindfulness and the law and broke ground offering CLE programs that introduced neuroscience

research along with contemplative practices in the legal context. A nationally recognized leader in the field of mindfulness, he has shared mindfulness with thousands of legal professionals including lawyers, law faculty, law students, mediators, and judges. He collaborates with cognitive neuroscientist, Amishi Jha, exploring the enduring brain changes that may accompany mindfulness training. Rogers is author of *The Six-Minute Solution: A Mindfulness Primer for Lawyers; Mindfulness for Law Students*; and *Mindful Parenting.* He has spoken at law and scientific conferences, appeared on television and National Public Radio, and been interviewed in newspapers and magazines for his work on mindfulness.



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.



OTHER DISPUTE RESOLUTION WORKSHOPS -

APOLOGY, FORGIVENESS, AND RECONCILIATION

MALIBU

This class will examine each of the themes of apology, forgiveness, and reconciliation. A spectrum of definitions and meanings of each theme will be explored. A variety of approaches on how to implement each theme will be discussed. The material will be addressed from the context of governing our own lives, providing professional advice to another as an advocate, and serving as a mediator. Class material will include religious and nonreligious perspectives on these themes.



PETER ROBINSON (Baltimore) is codirector 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, the Ventura Center for Dispute Settlement,

Dispute Resolution Services of the LACBA, the Southern California Mediation Association, and the 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.

What you will learn:

- A variety of meanings of apology and forgiveness
- Components of apology, forgiveness, and reconciliation
- Psychological needs addressed by apology and forgiveness
- Attorneys recognizing risks and benefits of client apologies
- ▶ Techniques for mediators to encourage apology or forgiveness
- Ethical issues arising from mediators encouraging apology



LEE TAFT is a pioneer in the movement to transform cultural and legal responses to conflict. His scholarship focuses on the interrelationship between accountability and healing in mediation and litigation contexts. His essays have been published in the country's leading scholarly journals such as the Yale Law Journal, the Michigan Law Review, and the Harvard Health Policy Review. His

unique mediation protocols—based on 20 years experience as a plaintiff's litigator and a Harvard education in religion and ethics—integrate forgiveness theory with praxis so that the conflict is resolved and the party's relationship is restored.



CONFLICT-MANAGEMENT COACHING: PRACTICE AND PRINCIPLES

BALTIMORE

Conflict-management coaching, also known as conflict coaching, is a specialized niche in the field of coaching and conflict management. It is an individualized technique that has grown exponentially in the last 15 years, becoming an additional tool for an increasing number of ADR practitioners and coaches. In this specialized process, a trained coach assists people on a one-on-one basis to reach goals that are focused on strengthening their conflict competence. Specific objectives may include effectively managing a specific dispute, being proactive to prevent the unnecessary escalation of conflict, initiating and responding to challenging conversations, and preparing for mediation, collaborative law, and other processes. Conflict-management coaching may be applied in a wide range of personal and professional contexts—whenever people seek or are referred for individual assistance to improve the way they react and interact when in conflict.

What you will learn:

- ▶ The theory, principles, and methods specific to the CINERGY* model of conflict-management coaching
- Basic working knowledge and experience of this coaching model as a coach, "client," and observer
- ▶ An understanding of the types of skills required to conduct this process
- ▶ Knowledge of the range of contexts and applications of this technique
- Suggested documents and information about the logistics of providing conflict-management coaching



CINNIE NOBLE, is a former social worker, lawyer, and mediator. Noble has studied and practiced in the field of conflict management for over 20 years. She has undergraduate degrees in law and social work and a master of laws in alternate dispute resolution. Noble is a member of the Academy of Advanced Practitioners (Association for Conflict Resolution) and is a professional certified coach

(International Coach Federation). Noble is a pioneer of conflict-management coaching, also known as conflict coaching, having created the CINERGY* model in 1999. She and her associates provide this form of coaching and related training around the world. She cohosts the Conflict Management Coaching Community of Practice for the International Coach Federation and chairs the Conflict Coaching Committee for the Association for Conflict Resolution. The most recent of her published books is *Conflict Management Coaching: The CINERGY™ Model* (October 2011). She has published numerous articles on conflict-management coaching and regularly speaks internationally on this subject.



JANIE NEFF, is certified by the International Coach Federation as a professional certified coach and by the Coaches Training Institute as a certified professional co-active coach. She has advanced training as an organization and relationship systems coach and is a volunteer transformative mediator for the Central Susquehanna Valley Mediation Center in Pennsylvania. Neff has extensive experiences as

a business owner and entrepreneur and has been in private practice as a personal and professional development coach since 2002. She is highly talented in relationship building and empowering people to achieve their goals, coaching individuals in a range of contexts, and teams within organizations. Neff is a graduate of CINERGY*s introductory and advanced conflict-management coaching workshops. She is an accredited CINERGY* trainer and in addition to conducting the introductory program, she teaches certified coaches in the "Coaches Leader Through Conflict" workshops.



OTHER DISPUTE RESOLUTION WORKSHOPS -

STRATEGIC NEGOTIATION SKILLS



MALIBU & BALTIMORE



Lawyers, managers, and other professionals can learn the latest negotiation theories and techniques in this interactive, practical, and entertaining course. Strategic negotiation skills evolved from extensive work with more than 40,000 lawyers and managers in 40 states. Building on the empirical data from the fields of business, communication, and psychology, the course utilizes sophisticated simulations and case studies to create a conceptual road map for negotiation strategy.

What you will learn:

- Characteristics of distributive and integrative bargaining
- ▶ Three styles of negotiations
- Recognition and management of mixed-motive exchange
- ▶ Techniques of competitive and collaborative negotiation
- Interplay between style and strategy
- ▶ The strength of alternatives in negotiation
- Negotiation tactics and how to counter them
- ▶ Sources and uses of power
- Avoiding conflict aftermath
- Evaluation of negotiation success



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 Baltimore 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.



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



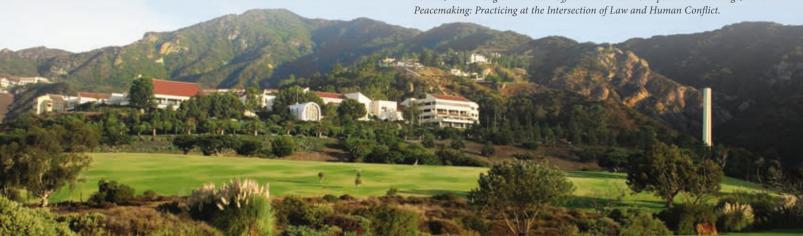
DON PHILBIN is an AV-rated attorney-mediator, negotiation consultant and trainer, and arbitrator. He has resolved disputes and crafted deals for more than two decades as a business litigator, general counsel, and president of technology-related companies. Philbin holds a master of laws degree from Pepperdine's 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.



PEPPERDINE UNIVERSITY IN MALIBU, CALIFORNIA



THE STRAUS INSTITUTE IS A PART OF PEPPERDINE UNIVERSITY SCHOOL OF LAW, which is located in Malibu, California. While the magnificent vistas provide 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.

MALIBU ACCOMMODATIONS

Participants should make their own hotel arrangements. A hotel list is sent with the confirmation letter and is available online at: law.pepperdine.edu/about visitor-information/malibu/hotels.html

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UNIVERISTY OF MARYLAND FRANCIS KING CAREY SCHOOL OF LAW, BALTIMORE, MARYLAND



THE CENTER FOR DISPUTE RESOLUTION AT THE 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 cdrum.org.

REGISTRATION 2014 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 ()Fax()
I WOULD LIKE TO ATTEND THE FOLLOWING COURSE: (Please choose only one course - per location)	
BALTIMORE MA	LIBU
0 0	STAR: A Systematic Approach to Mediation Strategies
0	Beyond the Basics: What to Know and Do to Be a More Effective Mediator
0 0	Advanced Mediation: Skills and Techniques
0	Mediator Boot Camp
0	Mediating Complex Construction Disputes
٥	Elder-Care Mediation
0 0	Conflict Resolution Consulting
0 0	Family Law Mediation - When Time Is Not on Your Side
ه ه	Using Practical Tools of Mindful Awareness to Improve the Work and Lives of Lawyers, Mediators, Negotiators, Judges, Arbitrators, and Managers
0	Apology, Forgiveness, and Reconciliation
٥	Conflict-Management Coaching: Practice and Principles
0 0	Strategic Negotiation Skills
٥	Preventing Bad Settlement Decisions and Impasse Using Brain Science
Include a \$1,295 or \$1,195 early registration fee with this form (\$895 for governmental and nonprofit).	
☐ Chicken lunches are served. 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, May 9, 2014, for Malibu, and February 7, 2014, for Baltimore, 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 and nonprofit organizations and members of the Maryland Program for Mediator Excellence (MPME). 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. 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. 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.

*MCLE

These activities 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 dissatisfied with the course content or performance of the faculty, the tuition fee will be refunded.

EAST COAST PROFESSIONAL SKILLS PROGRAM

Straus is pleased to partner with University of Maryland Francis King Carey School of Law in presenting the second annual Professional Skills Program in Baltimore, Maryland.

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

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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 27 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 WEST LOS ANGELES AND IRVINE, CALIFORNIA JANUARY 23–25 AND FEBRUARY 6–8, 2014

Hong Kong/Beijing Study Tour June 2–13, 2014

MEDIATING THE LITIGATED CASE MALIBU, CALIFORNIA AUGUST 4–9, 2014

MEDIATING THE LITIGATED CASE WASHINGTON, D.C. SEPTEMBER 11-13 AND 15-17, 2014

Innovation and Business-Related Conflicts Malibu, California September 19, 2014

SOUTHERN CALIFORNIA MEDIATION ASSOCIATION CONFERENCE COSPONSORED BY STRAUS INSTITUTE MALIBU, CALIFORNIA NOVEMBER 8, 2014

MEDIATING THE LITIGATED CASE WEST LOS ANGELES AND IRVINE, CALIFORNIA JANUARY/FEBRUARY 2015