A World-Class View of Dispute Resolution

Professional Skills Programs

- Eighteen Courses
- Twenty-Seven Faculty
- Over 350 Participants from around the world
- Two-and-a-half days of interactive dialogue
- Eighteen MCLE Credits*

Limited Enrollment
In cooperation with Mediate.com

28th Annual Summer Program

Malibu, California
June 25-27, 2015

1st Annual Fall Program

Nashville, Tennessee
October 29-31, 2015

Co-partner

Lipscomb University

Translating Theory into Practice
The 2015 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.

Eighteen Unique Educational Opportunities
Participants should select the process in which they desire expertise (one course), as all 18 courses (11 in Malibu and seven in Nashville) will be presented simultaneously in each location. 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.
The Professional Skills Program in Dispute Resolution consists of three-day courses addressing distinct dispute resolution processes:

**MALIBU JUNE 25–27, 2015**

**Mediation Workshops**
- STAR: A Systematic Approach to Mediation Strategies (page 2)
- Advanced Mediation: Skills and Techniques (page 3)
- Family Law Mediation: When Time Is Not on Your Side (page 4)
- Mediating Complex Construction Disputes (page 5)
- Elder-Care Mediation (page 6)
- Mediator Boot Camp: Surviving in the Trenches (page 7)
- Conflict Resolution Consulting: Using Mediation to Improve Organizational Communications, Conflict Coaching, Team Building, Leadership, Change, and Systems Design (page 8)

**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 9)
- Strategic Negotiation Skills (page 10)
- Preventing Bad Settlement Decisions and Impasse: Using Brain Science, Game Theory, Animated Communication, and Micro-Interventions (page 11)
- Managing Conflict Within Large Organizations: Public and Private New! (page 14)

**NASHERVILLE OCTOBER 29–31, 2015**

**Co-partner with Lipscomb University**

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- Strategic Negotiation Skills (page 10)
- Congregational Peacemaking: Managing Conflict and Congregational Change New! (page 12)
- Advanced Decision Making for Lawyers and Neutrals New! (page 13)

To register or for more information, visit [law.pepperdine.edu/straus](http://law.pepperdine.edu/straus) or call Lori Rushford at 310.506.6342.
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 (Malibu) 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, and was recognized as a Southern California Super Lawyer in the area of mediation in 2006.

THOMAS STIPANOWICH (Nashville) 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 & Nashville) 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.

DEBORAH THOMPSON EISENBERG (Malibu) 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.
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 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 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).
FAMILY LAW MEDIATION: WHEN TIME IS NOT ON YOUR SIDE

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.
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.
Elder-Care Mediation

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
- Marketing an elder mediation practice

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.
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.
CONFLICT RESOLUTION CONSULTING

MALIBU & NASHVILLE

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 Resolution: 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 Croke 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.).
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.

LEONARD L. RISKIN is the Chesterfield Smith Professor of Law at the University of Florida Levin College of Law and visiting professor, Northwestern University School of Law. He previously served at the University of Missouri as director of the Center for the Study of Dispute Resolution. A practicing mediator, he has taught both dispute resolution and mindfulness around the world. Riskin has a JD from NYU and an LLM from Yale. He has published several books and numerous articles on dispute resolution (some dealing with “grids” of mediator orientations—facilitative-evaluative/broad-narrow), and several articles on the potential contributions of mindfulness to law and mediation practice.

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.
STRATEGIC NEGOTIATION SKILLS

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.
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.
CONGREGATIONAL PEACEMAKING: MANAGING CONFLICT AND CONGREGATIONAL CHANGE

NASHVILLE

Congregations face tremendous challenges in the current cultural and religious environment. Yet it seems the place that should provide peace in the middle of trouble doesn’t manage conflict well in many cases. Most leaders feel inadequate to address the conflict embedded in these complex, adaptive organizations. This course will provide skillsets that will help churches move productively through complexity and challenge.

What you will learn:

- Biblical guide to peacemaking – a theology
- Spiritual encouragement – the role/place of the “go-between” in balancing neutrality and fairness
- Conflict assessment – issues, positions, and interests
- Problem-solving processes – negotiation, mediation, arbitration, and moving beyond impasse
- Understanding and developing competencies as “conflict leaders/peacemakers” – leadership
- How to manage difficult personalities and hold productive conversations
- Learn to identify transformational opportunities and redesign the “church/family” environment
- Discover how to use conflicts as opportunities for personal growth, organizational learning, strategic change, emotional healing, and transformation/reconciliation “…the mind of Christ”

STEVE JOINER is the dean of the Institutes and managing director for the Institute for Conflict Management at Lipscomb University in Nashville, Tennessee. The Institutes at Lipscomb, along with offering academic master’s degrees at the university, function as a service to businesses, governmental agencies, churches, and nonprofit organizations in leadership and transition in their systemic life. Joiner is also a nationally recognized mediator, trainer and educator in the field of conflict management. Joiner also teaches courses on leadership, negotiation, religious conflict, generationally generated conflict and conflict systems design at the graduate level. Joiner has mediated conflict in over 75 churches and other religious organizations. He serves on the board of directors of Biblijski Institut in Zagreb, Croatia, and the supervisory board of Leadership Tennessee. He is also a visiting professor at Southern Methodist University masters in dispute resolution teaching law students and non-law students in facilitation and generational conflict management.

TIM POWNALL is an assistant director of the Straus Institute. Pownall focuses on the Institute’s international initiatives, faith-based ministries, and cooperative joint-degree programs. He serves as the chair of the board of the Center for Conflict Resolution, a faith-based, nonprofit enterprise that provides dispute resolution services in the Los Angeles County Superior Court. Pownall has provided consulting services in conflict management and training programs in negotiation and dispute resolution skills as a senior associate with Strategic Resolutions Group, LLC. He earned his master’s in dispute resolution from Pepperdine University School of Law and his BA in psychology and religion at Pepperdine University.
Mediators facilitate the participants’ decision-making processes as they work towards resolution. Clients expect that their lawyers are well equipped to make decisions regarding resolution of disputes. Traditional legal education and practice experience insufficiently trains lawyers to excel in judgment and decision making. Extensive research, including studies by the ABA Foundation and Randall Kiser, indicate that legal education inhibits sound decision making. Most lawyers are poor predictors of actual outcomes of trials. There is a science to decision making which is a teachable skill that can be learned and honed. This course gives participants a better understanding of the deciding process and teaches skills to make better decisions whether they are acting as attorneys, mediators, or advisors.

What you will learn:

- Best practices to facilitate holistic decision making
- Successful communication skills and methods
- Psychological attributes of decision bias and error
- Role of identity, ego, credibility, and reputation
- Attributes of effective mediators
- Patterns of behavior and habits that improve decision making
- Myths, mirages, and magic of moving beyond impasse practices

BOB CREO is an internationally recognized mediator and arbitrator, as well as the cofounder of the International Academy of Mediators and Mediators Beyond Borders. His experience spans over 30 years including training business people and lawyers in the areas of mediation advocacy and decision making. Creo has served as a mediator and arbitrator since 1979 and has mediated/arbitrated cases in almost every area of the law. He has also worked with the Senate Select Committee on Ethics and the Office of Fair Employment Practices, as well as for Major League Baseball and the National Football League. He has spent much of his career developing and teaching mediators, arbitrators, and lawyers teaching credit courses at the University of Pittsburgh School of Law, Duquesne University School of Law (where he co-teaches the first law school credit course on attorney judgment and decision making), and Penn State. He has published extensively and currently writes for the International Institute for Conflict Prevention and Resolution (CPR) newsletter. He cocreated the Master Mediators Institute, which, in conjunction with well-known professors, developed courses at Duke and UCLA. Creo also codesigned the dispute resolution system for the Realtors Association of Metropolitan Pittsburgh, numerous medical malpractice claims systems for major hospitals and insurers, and product liability and employment systems for Fortune 500 companies. He has worked internationally in England, Serbia, Italy, Poland, and Ukraine. Creo was also a Fulbright Scholar for the U.S. State Department.

SELINA SHULTZ is a highly sought mediator and consultant in dispute resolution, who works with individuals and businesses. She has over 17 years of extensive mediation experience. Shultz currently serves as the codirector of CoralBridge Partner’s Conflict Transformation Institute. In addition to her private mediation practice, she served for 13 years as a mediator for the Allegheny County Court of Common Pleas. She is currently on the approved mediator panels for the U.S. District Court for the Western District of Pennsylvania, the EEOC, and the U.S. Bankruptcy Court. She is a popular lecturer and trainer in the area of dispute resolution and has worked with individuals and businesses to provide both basic and advanced trainings in mediation and conflict resolution skills. She is an adjunct professor at Duquesne University Law School, where she co-teaches the first law school credit course on attorney judgment and decision making. She has served as a leader in the field, most recently serving on the boards of both the Pennsylvania Council of Mediators and the Mediation Council of Western Pennsylvania, and helping to launch the Western District of Pennsylvania’s Prisoners Civil Rights Mediation Pilot Program. She obtained her JD in 1993 from the University of Pittsburgh and her LLM in dispute resolution from the Straus Institute at Pepperdine University School of Law.
This course is aimed toward businesses and government agencies that seek to develop or enhance effective conflict-management practices which have been shown to increase worker retention, manage litigation, and maximize productivity. Individuals within organizations have the capacity to leverage a variety of tools to appropriately address internal and external conflicts. Through case studies, participants will learn practical problem-solving tools to mitigate the negative impacts of conflict within businesses and agencies. The course is designed for anyone managing workplace disputes including human resources personnel and general counsel, risk managers and supervisors, and trained neutrals, among others. Participants will learn necessary skills and experience real-time practice opportunities as they simulate various roles in a variety of common organizational situations. At the conclusion of the course, participants will have an expanded set of time and money-saving skills and options to bring back to their business or government agency.

What you will learn:

- Effective conflict management roles for internal staff in business and government settings
- Spectrum of dispute-resolution processes and practices
- Key communication, negotiation, and problem-solving skills
- Common successes and pitfalls of workplace dispute resolution
- Litigation management including when and how to use appropriate dispute resolution
- Proactive and reactive conflict-management practices

PHILLIP ARMSTRONG is senior counsel for ADR and litigation at Georgia-Pacific LLC headquartered in Atlanta, Georgia. He has been with Georgia-Pacific for 31 years, having previously served in numerous positions with the company. Since 1995, he has been in charge of Georgia-Pacific’s nationally recognized ADR program. He has served as chair (2002-2004) of the ADR Section of the Atlanta Bar Association; chair of the Dispute Resolution Section of the State Bar of Georgia; serves as budget officer for the Council of the American Bar Association’s Section of Dispute Resolution; is a member of the Executive Committee for the CPR International Institute for Conflict Prevention and Resolution; and is a member of the Council of Distinguished Advisors for the Straus Institute for Dispute Resolution at Pepperdine University School of Law. He is also an adjunct professor, teaching dispute resolution and litigation management at the law schools of Emory University and Pepperdine, and formerly at Georgia State University.

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.
The Straus Institute Recognized as a National Leader Ranked #1 Dispute Resolution Program for Eleventh 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 13 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 18 years ago. For 14 years it awarded Pepperdine the Number One ranking in the country, and for all other years, placed it in the Top Three.
Locations

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/aboutvisitor-information/malibu/hotels.html

LIPSCOMB UNIVERSITY IN NASHVILLE, TENNESSEE

LIPSCOMB UNIVERSITY INSTITUTE FOR CONFLICT MANAGEMENT AND STRAUS INSTITUTE are pleased to present the first Fall Professional Skills Program in Nashville, Tennessee. Gather around the microphone where Elvis became a legend. Dig into the roots of American music at the Country Music Hall of Fame. From Symphony Hall to Capitol Hill, Nashville offers a host of one-of-a-kind experiences you’ll find genuinely rewarding. Your weekend with the nation’s masters in mediation and negotiation in Music City will also provide you opportunities to enjoy good food, interesting neighborhoods, and more live music than anywhere else. Named 2011 Best Music Scene by Rolling Stone magazine, the city boasts the largest songwriter community in the world and is home to the longest continually running live radio show in history—The Grand Ole Opry.

Nashville International Airport is 15 minutes from the Lipscomb University Campus.
All registrations are accepted on a first-come, first-served basis. Registrations will be accepted as long as space permits.

FEES

Malibu The fee, including meals and materials, is $1,495. Registration received by Friday, May 15, 2015, will be given a $100 discount. Early registration discount does NOT include governmental or nonprofit organizations. A reduced rate of $995 is available for employees of governmental and nonprofit organizations.

Nashville The fee, including meals and materials, is $1,495. Registration received by Friday, September 18, 2015, will be given a $100 discount. Early registration discount does NOT include governmental or nonprofit organizations. A reduced rate of $995 is available for employees of governmental and nonprofit organizations.

Should a paid participant be unable to attend, tuition, less a nonrefundable fee of $300 for Malibu and Nashville will be refunded or a substitute may attend the program.

*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. 1 162-5.

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.

UPCOMING INSTITUTE PROGRAMS

For information on future dispute resolution skills programs 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
310.506.4655 | FAX 310.506.4437
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.