

Conference Format

You may register for: both days, for: a half-day on Friday, May 1, or for all-day on Saturday, May 2. Registration for either day includes a Friday late afternoon reception. **The early registration deadline is April 17, 2009.**

This conference has been approved for **9.50 CLE Credits** (includes 1.75 CLE Ethics Credits) in Washington.

16th Annual Northwest Dispute Resolution Conference

Conference Highlights

Now in its sixteenth successful year, the Northwest Dispute Resolution Conference offers another outstanding program for those practicing law, mediating cases, or helping resolve or manage conflict. Conference sessions will cover the most recent developments in dispute resolution and the application of theory to practice. Featuring keynote speakers from around the country, this Conference will:

- Bring you up to speed on the most current techniques for effective facilitation and advocacy in mediation, arbitration, and other forms of dispute resolution and help you determine what forms of mediation to use, including settlement conference, evaluative, facilitative and transformative styles and techniques.
- Help you understand and deal with the often difficult and emotional issues of diversity including religious and other cultural differences.
- Help you learn about the latest negotiation and dispute resolution ethical issues, both as regulated by law and as imposed by good dispute resolution practices.
- Bring you up to date on how an understanding of neuroscience can inform and enhance your dispute resolution practice.
- Give you skills to mediate multiparty and construction disputes.
- Help you develop and maintain present-moment, non-judgmental awareness (mindfulness) and regulate your own emotions as you mediate or represent clients in dispute resolution processes.



Our keynote speaker, **Leonard L. Riskin**, Chesterfield Smith Professor of Law, University of Florida Levin College of Law, Gainesville, will discuss how courts should initiate programs that would encourage mediation participants to formally consider underlying interests and to explicitly decide the most appropriate problem-definition.

Professor Riskin's talk is made possible by a generous contribution from the **Carl G.**

Koch Memorial Fund. The Carl G. Koch Memorial Fund is an endowed fund that was established by a gift through Mr. Koch's estate. The fund brings a broad range of distinguished visiting faculty members and/or lecturers to the law school. The fund is a tribute to Mr. Koch's longstanding service to his community and to the UW School of Law.

Carl Galland Koch is an alumnus of the UW School of Law, graduating in the class of 1940. He was a prominent Seattle attorney and longtime Jewish Community leader. Mr. Koch was a partner in the firm of Karr, Tuttle, Koch, Campbell, Mawer, Morrow & Sax (now Karr Tuttle Campbell). Mr. Koch served as a Seattle Municipal Court judge pro tern, and was a member of the Federal Selective Service Commission as well as being active with the Seattle Municipal League, the Seattle chapter of the American Jewish Committee and the Federated Jewish Fund.

CONFERENCE SPONSORS

We would like to thank the following sponsors for their generous support:

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CONFERENCE SCHEDULE AT A GLANCE

Friday, May 1, 2009

12:30 - 1:00 p.m.	Registration
1:00 - 1:45 p.m.	Plenary Session 1.1 - Leonard Riskin
2:00 - 3:15 p.m.	Concurrent Sessions Series 2.1 - 2.4
3:15 - 3:30 p.m.	Break
3:30 - 5:15 p.m.	Concurrent Sessions Series 3.1 - 3.4
5:30 - 6:30 p.m.	Conference Reception - Burke Museum

Saturday, May 2, 2009

7:30 - 8:30 a.m.	Registration
8:30 - 10:15 a.m.	Concurrent Sessions Series 4.1 - 4.7
10:15 - 10:30 a.m.	Break
10:30 - 12:00 p.m.	Concurrent Sessions Series 5.1 - 5.8
12:00 - 1:30 p.m.	Networking Lunch
1:30 - 3:00 p.m.	Concurrent Sessions Series 6.1 - 6.7
3:00 - 3:15 p.m.	Break
3:15 - 4:15 p.m.	Concurrent Sessions Series 7.1 - 7.8

PLENARY SESSION SERIES I: FRIDAY, MAY 1, 2009 1:00 – 1:45 p.m.

I.1 Is That All There Is?: “The Problem” in Court-Oriented Mediation

Presenter: Leonard L. Riskin, Chesterfield Smith Professor of Law, University of Florida Levin College of Law, Gainesville

A segment of modern mediation pioneers has touted mediation's potential to address the parties' real needs, foster autonomy, and heal relationships. But mediation in court-oriented cases generally has not fulfilled that promise. Instead, most mediations in ordinary civil cases employ essentially the same narrow problem-definition that prevails in litigation and litigation-focused negotiation. Courts should initiate programs that would encourage mediation participants to formally consider underlying interests and to explicitly decide the most appropriate problem-definition. This presentation draws upon Leonard L. Riskin & Nancy A. Welsh, *Is That All There Is?: “The Problem” in Court-Oriented Mediation*, 15 *George Mason Law Review* 863-932 (2008). (This session will be repeated by video replay on Saturday during the lunch break.)

CONCURRENT SESSIONS SERIES 2 FRIDAY, MAY 1, 2009 2:00 – 3:15 p.m.

2.1 Say What We Mean and Mean What We Say!

Presenter: Sam Imperati, Institute for Conflict Management, Inc., Portland

Forget your self-identified transformative, facilitative, or evaluative mediation approach. Ignore our usual conference “debate” over which one is superior. Let's identify the specific behaviors you actually use and refuse to use. Once identified, let's craft a series of questions to focus our discussion with the parties to ensure that what they want is what we do.

2.2 Persuasive Advocacy for Lawyers and Mediators

Presenter: Christopher J. Soelling, Christopher J. Soelling, PLLC, Seattle

Our brains work in a predictable fashion, sometimes logically and sometimes not. This interactive session will discuss recent research in how we think and decide, including judges and arbitrators. Participants will learn how to apply those discoveries to become more effective in negotiation, mediation, and arbitration.

2.3 The Neurobiology of Agreement: Engineering Consensus

Presenter: Brad Brown, Gary Carlson & Associates, Beaverton

We've all seen that magic moment where paralyzing tension evaporates, and animosity is replaced with understanding. This workshop will look at what happens in our client's brains when parties experience this. We will then “reverse engineer” a mediation session and look at the prerequisites that must exist in a mediation session for this to occur.

2.4 The Language of Conflict

Presenter: Ken Cloke, Center for Dispute Resolution, Santa Monica

The language, syntax, metaphors, and narrative assumptions common to power- and rights-based political speech make it difficult to avoid or de-escalate violence, transform debates into dialogues, and come to grips with the difficult, sometimes painful issues that inform our most important conflict resolution choices. Thus, it is common in conflict to construct stereotypes, moral rationalizations, and false absolutes regarding an opponent in order to justify one's own unconscionable behaviors. Is it possible to bring a more nuanced, meditative, interest-based sensibility to the language of conflict and turn hostile denunciations and debates into appreciative disagreements and dialogues? (This session will be repeated by video replay on Saturday during the lunch break.)

CONCURRENT SESSIONS SERIES 3 FRIDAY, MAY 2, 2009 3:30 – 5:15 p.m.

3.1 War, Negotiation and Leadership Lessons for Mediators

Presenters: Robert Benjamin, Mediation & Conflict Management Services, Portland; Peter Adler, The Keystone Center, Keystone

With institutionalization, the original purpose and role of a third party deal broker has been compromised. Ideology and orthodoxies often constrict creative problem solving in ways that mediators cannot afford. This interactive workshop will press for an outside the box examination of how, paradoxically, mediators might benefit from the study of warfare strategies in pursuing agreement and noting the close similarity between the mediative leader and the activist mediator.

3.2 Ethics for Mediators (1.75 Ethics CLE Credits in Washington)

Presenters: Professors Julia Gold and Alan Kirtley, University of Washington School of Law, Seattle

Use of the mediation process continues to grow and to expand into new areas of practice. Mediation and mediator ethics are evolving as these new developments unfold. This program will begin with a presentation on recent developments in mediator ethics and related topics. Then participants will work in small groups on a set of ethical dilemmas. Finally, the entire audience will discuss the dilemmas and the presenters will offer ideas on how a mediator might respond ethically.

3.3 Empathy, Intelligence, Adaptability: The Science and Practice of Presence

Presenters: Claudia Bernard, Ninth Circuit Court of Appeals, San Francisco; Belinda Griswold, Mediation, Facilitation, Consultation, Seattle

Humans are social animals, hard-wired to respond biologically to emotional connection, cooperation, and feeling understood. We are also hard-wired to avoid unpleasant situations, making it difficult for a mediator to be emotionally present in the often highly charged field of a mediation session. However, this is precisely where the ability to be grounded, present and available is most critical to the mediator. When parties to a mediation feel emotionally connected and understood, they are more flexible, creative, and capable of higher-level thinking. Thus, the abilities to connect, to empathize, and to regulate one's own emotions are key to a mediator's effectiveness. Through discussion of recent research in neuroscience, and through experiential exercises in cultivating presence, we will explore ways to expand our capacities for empathy, emotional connection and attunement.

3.4 Appreciative Inquiry: A Strength-based Approach to Building Cooperative Capacity

Presenter: Ronald Fry, Ph.D., Department of Organizational Behavior, Weatherhead School of Management, Case Western Reserve University, Cleveland

Appreciative Inquiry (AI) is an innovative, strength-based method to build cooperative capacity among multiple stakeholders that is being applied throughout the globe in for-profit, non-profit, multi-sector and community systems. This session will introduce the key principles of cooperative capacity building and human systems change that underlie the AI approach, and offer the participants a direct experience of the AI method in action. Stories of AI in action from varied organizations with video clips will be included, as well as time for personal application to dispute resolution contexts. (This session will be repeated by video replay on Saturday during the lunch break.)

**Join other conference attendees at a
Reception**

**May 1, 2009 - 5:30 - 6:30 p.m.
Burke Museum**

Reception sponsored by the WSBA ADR Section

**CONCURRENT SESSIONS SERIES 4
SATURDAY, MAY 2, 2009 8:30 – 10:15 a.m.**

4.1 Embarrassment, Entitlement, and Power - The 3 Trolls Under the Bridge in Employment Mediations

Presenter: Carol Bonser, Conflict Management Strategies, Puyallup

Issues of Embarrassment, Entitlement and Power are always present in employment mediations—on both sides of the table. They are visible in high levels of emotion and hinder resolution unless addressed. Each “troll” will be explored and strategies given to recognize and address each.

4.2 Assessment to Design: Preparing to Mediate Multi-Interest, Public Controversies

Presenter: Kay Haaland, Washington State University Extension, Burlington

This interactive workshop covers conflict assessment and process design options when multiple interests are involved in a contentious issue. The focus is on preparing to guide a collaborative negotiation process to resolve a public or community-based controversy such as managing a natural resource, or building low income housing.

4.3 Alternative Dispute Resolution for Complex Cases

Presenters: Eileen M. Lawrence and Christopher L. Hilgenfeld, Davis Grimm Payne & Marra, Seattle

This presentation will focus on the challenges to successful mediation in complex cases. The unique characteristics of complex litigation can require that mediators tap into alternate styles and reevaluate the timing of the mediation and the mediation format. The presentation will include a case study of a class action lawsuit to outline successful and unsuccessful mediation strategies, and will address the effect of fee shifting provisions and penalty statutes, an offer of judgment, and preparation with the parties or representatives before live mediation. Mediation strategies will also be considered in light of the need to resolve liability disputes, end exhaustive discovery battles, allocate fault between multiple parties, or allocate proceeds to multiple plaintiffs.

4.4 From Reactive Brain to Reflective Mind:

A Recommended Journey for Clients - and Mediators

Presenter: Stephanie West Allen, Allen & Nichols Productions, Inc., Denver

What is the difference between the reactive brain and the reflective mind? Why do better resolutions flow from the reflective mind? How do you purposefully (and purposely) shift from one to the other? We will look at these questions as well as questions mediators need to ask themselves before they incorporate neuroscience into their conflict resolution processes.

4.5 Using Audience Interaction to Make Your Mediation Training Stick and Knock Their Socks Off With Your Presentation

Presenters: Michael Fraidenburg, The Cooperation Company, Olympia; Oriana Noël Lewis, Dispute Resolution of Thurston County, Olympia

This workshop will move you from just a presenter to a facilitator of audience self-learning. We will do this by learning principles and techniques to engage your audience before they walk in the door and leave them praising your workshop when they walk out of your session. Topics include: Adult Learning, Planning Interactive Training, How to Facilitate Interaction Activities, and Exercises for the Opening, Body, and Closing of Your Sessions. For more information watch the YouTube video at: <http://www.youtube.com/watch?v=t8qyYroPc6g>.

4.6 Understanding Conflict Resolution Through a “Different” Lens: Lessons from a Cross-Cultural Study of International Nuclear Negotiations

Presenter: Sukhsimranjit Singh, LL.M., Associate Director & Professor of Law, Center for Dispute Resolution, Willamette University - College of Law, Salem

This session will bring an international perspective to understanding the impact of culture in the most commonly used international and domestic dispute resolution processes (negotiation and mediation). This presentation deals with a particular context of bilateral negotiations between India and the U.S on the nuclear issue and will unearth the impact culture plays on nuclear negotiations.

4.7 Who Goes First and How Much

Presenter: Alain B. Burrese, Bennett Law Office, P.C., Missoula

Two important considerations for any negotiation are who goes first and how much the initial offer or counter offer should be. This program examines the differences between going first or last, and how the size of the opening offer or counter offer relates to the negotiation process.

CONCURRENT SESSIONS SERIES 5
SATURDAY, MAY 2, 2009 10:30 a.m. - 12:00 p.m.

5.1 Utilizing the Internet to Offer Most Capable Mediation Services

Presenter: James Melamed, J.D., CEO Mediate.com, Eugene
Most of us are already “online mediators,” at least to some degree. We have web sites, use e-mail, send attachments, and direct participants to valuable web resources. This session will consider how we can most capably utilize the Internet to develop our practices, augment our face to face services and consider where all of this may be heading.

5.2 “Victim” Meets “Villain” in Mediation

Presenter: Betsy BeMiller, Workplace Resolutions, LLC, Federal Way
Facilitating a group intervention can be similar to walking through a minefield. What happens when we establish a mediation where “Victims” finally face their “Villains,” and the “Villains” now feel like “Victims”? This session analyzes mediations in which at least one of the parties felt attacked. In addition, we investigate how mediator bias influences power balancing in mediation. Finally, we explore effective tools to ensure psychological, procedural and substantive satisfaction of all parties in mediation.

5.3 Deal or No Deal? Real Mediation Case Studies

Presenters: Catalina M. Cantu, Esq., King County Risk Management Program, Seattle; Linda M. Gallagher, Senior Deputy Prosecuting Attorney King County Prosecuting Attorney’s Office, Seattle
Join us for an interactive and fun discussion of real mediation case studies and their details. View demonstrative evidence from concluded cases, an interactive sampling of their mediations and learn whether a case settled or went to trial. We will share successful mediation strategies used to resolve personal injury matters.

5.4 Mindfulness for Conflict Resolvers or Mediators

Presenter: Leonard L. Riskin, Chesterfield Smith Professor of Law, University of Florida Levin College of Law, Gainesville
This workshop will introduce participants to skills and concepts through which conflict resolvers can develop and maintain present-moment, non-judgmental awareness (mindfulness), which can help them deal better with stress, improve service to clients, and enhance their own satisfaction. See Leonard L. Riskin, *The Contemplative Lawyer: On the Potential Contributions of Mindfulness Meditation to Law Students, Lawyers, and Their Clients*, 7 Harvard Negotiation Law Review 1-66 (2002)

5.5 Seattle Listens: Bringing Chinese & Tibetans Together for Dialogue

Presenters: Dee Knapp, J.D., Accord & Collaboration Dispute Resolution Services (ACDRS) Seattle; Andrea Cohen, M.A., M.S.W., communications consultant and Certified Compassionate Listening facilitator, Seattle; Spring Cheng, Ph.D., founder of Mystic Trails and “Seattle Listens” project, Redmond
Last year, when violent crackdowns in Tibet grabbed world-wide attention, Seattleites met with Tibetan Lama Tenzin Dhonden. While wondering whether it is possible to feel compassion for the Chinese responsible for such repression, one woman offered another point of view. She began by saying, “I am Chinese...” Thus was born the idea of bringing Seattle Chinese and Tibetans together in dialogue, through a project named “Seattle Listens.”

5.6 Developing Positive Relationships Between Washington Schools, Parents and Students

Presenters: Adie Simmons, Executive Director, Maria Flores, Ombudsman, Jennifer Harris, Legal Analyst and Ombudsman, Office of the Education Ombudsman, Seattle

The Office of the Education Ombudsman, created by the Washington legislature, helps students and families to understand the school system, and to communicate more effectively and resolve conflicts with schools and districts. We will share how parties are translating the outcomes of individual disputes into “systemic gains” for schools and districts.

5.7 Why Forgive? What Research Says About the Physical, Psychological & Relational Benefits of Forgiveness

Presenter: Dr. Darrell Puls, Peacebridge, Kennewick
We have intuitively known that forgiveness is a powerful and healing interaction but we have had to speculate about its benefits. This interactive presentation will explore recent research conclusions that forgiving has far greater physical, psychological, emotional, and relational benefits than has previously been thought possible and gives powerful incentive to helping clients forgive.

5.8 Making Workplace Mediation Work

Presenter: Lani Powell, MHR, Powell Human Resources Consulting, University Place
Conflict in the workplace is unique and complicated. Workplace mediation is particularly susceptible to sabotage and sometimes contains a power imbalance that is intentional in certain areas of decision-making. For this reason, it is often necessary for the mediator and employer to work together to lay the groundwork for success. In this workshop, learn which workplace conflicts are appropriate for mediation and which are not; when and how to effectively involve the employer; how to be sensitive to supervisory authority; and when and how to help the parties understand that their own dynamics contributed to the conflict and how to manage these dynamics in the future.

SATURDAY NETWORKING LUNCHEON
May 2, 2009 12:00 p.m. - 1:30 p.m.
William H. Gates Hall

Enjoy a networking opportunity and a sandwich buffet lunch on Saturday. Meet with friends and colleagues or watch video “replays” of Len Riskin’s *Is That All There Is?: “The Problem” in Court-Oriented Mediation*, Ken Cloke’s *The Language of Conflict* and Ronald Fry’s *Appreciative Inquiry: A Strength-based Approach to Building Cooperative Capacity* during the lunch break.

WSBA ADR Section Member Lunch and Annual Meeting

Members of the WSBA ADR Section will present Stephanie West Allen who will speak about *One Size Does NOT Fit All* during the networking lunch break. We will look at current ideas about what is appropriate for mediation - and what is not. Mediators do not all agree on such questions as the role of mindfulness, the value of transparency, and several other issues debated in the field. Let’s talk about these debates. How and why have they arisen? Do the differences matter?

You must be a WSBA ADR Section member to attend this lunch. The cost of joining the Section is \$25. If you wish to join the Section and attend this luncheon, please check off the appropriate box on the registration form.

CONCURRENT SESSIONS SERIES 6
SATURDAY, MAY 2, 2009 1:30 p.m. - 3:00 p.m.

6.1 Minds in Motion

Presenter: Rene-Marc Mangin, Visiting Professor, The Evergreen State College, Olympia

Participants will learn about the nonverbal indicators of thinking styles, their behavioral significance, and how nonverbal mediator behavior influences conflict resolution.

6.2 What Lawyers Expect from Mediators

Presenters: John A. Bender, Rick Lentini, Ryan Swanson & Cleveland, PLLC, Seattle; Fredrick D. Huebner, Esq., Arbitration, Mediation, Neutral Services, Seattle

In this interactive program, experienced commercial litigators and mediators discuss what litigants and their lawyers expect from mediators - from pre-mediation consultations to handling confidences, mediation styles, mediators "tricks of the trade," and post mediation efforts to finalize deals. With audience participation, the speakers will also address handling client management issues from the mediators perspective and what mediators want from lawyers in order to get to yes on all sides.

6.3 How Mindfulness & Loving-Kindness Practice Support Mediator Presence

Presenter: Mary Zinkin, Ph.D., Stress Management Coach and Organizational Development Consultant, Portland

Transforming conflict depends on the ability to be with discomfort, resisting the natural urge to "seek pleasure and avoid pain". Maintaining a compassionate presence to be with strong emotions and intense interactions requires clarity, steadiness, and warmth. This workshop will focus on ways to cultivate those qualities through loving-kindness and mindfulness practices.

6.4 When God Shows up to Mediation

Presenter: The Rev. Jane Emma Newall, Rainbow Cathedral Metropolitan Community Church, Yakima and Yakama Nation

This workshop explores how a client's use of religious language affects mediation, especially in a family mediation. If religion is being used by a client as a power play, is there anything a mediator can do to help to balance the power? Does the mediator's religious bias, if any, come into play? If so, how can a mediator be self-aware of the bias? This workshop will look at research and information gathered from interviews and surveys with mediators about religious issues.

6.5 Mediating with Cultural Awareness

Presenter: Ruth Joy Rondema, Public Service Representative, Portland State University, Portland

Culture plays an integral role in how parties perceive conflict and what outcome they find satisfying. Culture also forms the foundation of our personal values, assumptions, and beliefs. This interactive workshop will help participants explore personal cultural identity orientations and practice implementing intercultural communication tools in the context of mediation.

6.6 The Magical Dance of Apology and Forgiveness

Presenter: Rebecca Hiers, Sunrise Mediation, Pendleton

The whole tone of a dispute can change when one person apologizes, and the other person forgives. Explore the steps that lead to apology; the steps that lead to forgiveness; and the magical dance that can transform the parties when their steps can be synchronized.

6.7 Child-Oriented Pathways through Parenting Plan Dilemmas

Presenters: Annie Doerzi, MA, LMHC, Counseling and Collaborative Consultation, Seattle; Lisa Christensen, MSW, LICSW, Clinical Social Worker, Seattle; Kelly Shanks, M.Ed., LMHC, Mediator, Parenting Plan Evaluation and Counseling Practice, Seattle

The Australian Child-Focused and Child-Inclusive mediation models represent a significant milestone in efforts to help high-conflict families. A growing base of evidence indicates that the use of these models can lead to lasting reductions in parental conflict and sustained improvement in the well-being of affected children. We will explore these elegantly crafted, profoundly child-oriented models and how they can be applied locally in the negotiation of Parenting Plan differences.

CONCURRENT SESSIONS SERIES 7
SATURDAY, MAY 2, 2009 3:15 - 4:15 p.m.

7.1 Back to the Future: Exploring the Trajectory of Mediation

Presenter: Brian Jarrett, LL.M., Ph.D., Conflict Analysis and Dispute Resolution, Salisbury University - Maryland, Salisbury

Brian Jarrett will facilitate a discussion exploring the future of the mediation field. He will first present his 2009 forthcoming paper, *The Future of Mediation: A Sociological Perspective*, which is to be published by the Missouri Journal of Dispute Resolution. Five important themes are explored. This session will also invite participants to share their own views and opinions on the likely trajectory of the mediation field. Participants will be encouraged to offer candid opinions on what they view as helpful, as well as unhelpful, developments in the mediation field.

7.2 Chunking - It's Not Just for Chocolate

Presenter: Joyce Lynn Elder, Emerald Empowerment LLC, Enumclaw

Have you ever stomped on the passenger's nonexistent brake pedal? Ever had a similar experience in conversations, where you feel powerless to change or prevent something? Learn how to gain more "control," efficiency, and effectiveness using discussion and an entertaining exercise.

7.3 Resolving Investment Disputes

Presenters: Fredrick D. Huebner, Esq., Arbitration, Mediation, Neutral Services, Seattle; Lawrence R. Cook, Esq., Cable, Langenbach, Kinerk & Bauer, LLP, Seattle; Michael R. Scott, Esq., Hillis Clark Martin & Peterson P.S., Seattle

America is experiencing the worst economic crisis in 75 years. The result will be a wave of litigation and arbitration claims against investment advisers, securities brokers, banks, trustees, and corporate managements for losses in retirement, investment and trust accounts and retirement plans. This seminar identifies the types of claims that will be brought, the underlying legal basis for those claims, and practical strategies for resolving those claims before trial.

7.4 Mindful Mediation: Managing the Stress in the Room for Improved Results

Presenter: Doug Nathan, conflictmatters, Bainbridge Island

Stress shows up in every mediation in myriad ways - in the mediator, in clients, in the relational environment you construct together - whether or not you are aware of it. In this workshop we will explore what stress is, how it impacts mediation, and how you can more clearly see and respond to it. With increased awareness, you can more intentionally minimize distress and maximize positive stress to achieve desired goals of the mediation.

CONCURRENT SESSIONS SERIES 7 (CONTINUED) SATURDAY, MAY 2, 2009 3:15 - 4:15 p.m.

7.5 Listening with the Eyes - Watching with the Ears

Presenter: John Perkins, Ph.D., Keep the Change, Seattle

Noticing when all channels (words, gesture and speech patterns) confirm, enhance or even nullify one another helps you anticipate shifts in a negotiation. Intentionally employing these same channels yourself leaves your listener feeling deeply understood. Come have fun learning and practicing these enhanced listening - and speaking - skills.

7.6 When Race IS the Issue: Exploring Mediation Techniques that Address Issues of Race and Cultural Diversity

Presenters: Michael Chin, Attorney & Mediator, Washington State Human Rights Commission, Seattle; Charlie Cox, Manager, Seattle Public Utilities & Mayor's Race & Social Justice Initiative Core Team, Seattle; Marcella Fleming Reed, Attorney & Consultant, MFR Law Group PLLC, Mill Creek; Marilyn Endriss, Mediator & Consultant, Sound Conflict Solutions LLC, Edmonds

Cultural competency in mediation is becoming an important skill for mediators to recognize and embrace the underlying cultural dynamics that are created in a cross-cultural environment. Current intervention programs must re-evaluate existing mediation models and practices to address the cultural issues that may not surface in a traditional mediation process. This session will present a conceptual framework for understanding culture, power dynamics established in traditional mediation processes and exploring culturally-appropriate mediation models as a means to provide practical strategies for valuing diversity, managing the cultural diversity, and negotiating effectively across cultures.

7.7 What's Your One Minute Conflict Resolution Elevator Speech?

Presenter: Richard Trimble, Trimble Mediation, Seattle

You have an "elevator speech" for your business, but can you just as quickly deliver your principles for resolving conflict? This mediator is taking his message to the streets, literally. He is 4,000 miles into a 12,000 mile bicycle ride around the continental United States delivering his conflict resolution toolkit. You'll briefly hear a couple of highlights from the trip then settle down to developing your own elevator speech which synthesizes your most important principles to be conveyed in the space of a brief encounter. This is an exercise that will cause you to reflect, prioritize and refine your own fundamental truths.

7.8 Research Findings on Breaches of Confidentiality

Presenters: T. Noble Foster, Assistant Professor of Business Law, and Selden Prentice, mediator, and Adjunct Instructor in Business Law, Albers School of Business & Economics, Seattle University, Seattle

In an article in the Harvard Negotiation Law Review by James Coben and Peter Thompson, entitled *Disputing Irony: A Systematic Look at Litigation About Mediation*, 11 Harv. Neg. L. Rev. 42 (2006) the authors researched 1,223 state and federal court mediation decisions. They concluded that courts frequently consider evidence of mediation communications. The presenters surveyed approximately 30 mediators in the Seattle area to determine how frequently mediators have observed breaches of confidentiality, whether in court or out of court. Our survey also asked whether mediators would support a law similar to that found in Florida, which provides for sanctions in the event confidentiality is breached. This session will include a summary of Coben and Thompson's research, the Florida law, and the presenters' own survey and its results.

PROGRAM INFORMATION

Location: All sessions will be held at William H. Gates Hall, University of Washington School of Law, located near the northwest corner of the University of Washington Seattle campus near the intersection of 15th Avenue NE and NE 43rd Street.

Parking: Is available in pay lots near or on the campus in designated campus parking lots/garages. Directions to campus parking lots assigned for this conference will be sent to you with your registration confirmation letter along with a campus map.

Bus Service: It is easy to take the bus to William H. Gates Hall. Check the bus routes serving the University District. The building is located on campus between 15th Avenue NE and Memorial Way, near the intersection of 15th Avenue NE and NE 43rd Street, just south of the Burke Museum. Metro Rider Information: 206-553-3000; Metro Online: <http://transit.metrokc.gov>.

Registration Fees: Two-day registration includes all sessions and course materials for both days and events. Registration for Friday-only includes all Friday sessions, course materials for both days and reception. Saturday-only registration includes the Friday reception, all Saturday sessions, Saturday lunch and course materials for both days. Registration fees are listed on the registration form. Please note: Lunch is not included on Friday. There are many restaurants near the campus. You may also bring your own lunch.

Group Discount: A discount of 20% is available for groups of five or more from one organization. Discounts only apply when registrations and payment for **groups of five or more people from one organization are made at the same time**. Call for more information about group rates.

Scholarships: A limited number of financial scholarships are available, based primarily on financial need. Send an application form **by April 10, 2009**, to the UW CLE Office, Box 353020, Seattle, WA 98195-3020. Contact the UW CLE Office for criteria and application form. Applicants will be notified about scholarship awards **by April 17, 2009**.

Refunds/Cancellations: Requests for refund must be submitted in writing and postmarked by April 17, 2009. All refunds are subject to a \$30 handling fee. Refunds are not available after April 17, 2009, but a substitute may attend if UW CLE is notified in writing prior to the program.

Conference Materials Only: You may order the conference materials by mailing in the registration form with a check for \$89.00.

Continuing Legal Education Credits: 9.50 CLE credits (including 1.75 Ethics credits) are approved in Washington. For assistance regarding CLE credit in other states, contact UW CLE at (206) 543-0059. Some sessions may not be accredited.

Accommodations for Disabilities: If you have a disability that may impact your participation in this seminar, please notify the CLE Department. We cannot ensure the availability of appropriate accommodation without prior sufficient notification of need.

Lodging: A block of rooms has been reserved at the University Inn, 4140 Roosevelt Way NE, Seattle (206-632-5055 or 800-733-3855) www.university-innseattle.com, the Watertown Hotel, 4242 Roosevelt Way NE, Seattle (206-826-4242 or 866-944-4242) www.watertownseattle.com, and the Hotel Deca, 4507 Brooklyn Avenue NE, Seattle (206-634-2000 or 800-899-0251) www.hoteldeca.com. These hotels are 3-4 blocks (about a 10 minute walk) from William H. Gates Hall. A block of rooms has also been reserved at the Silver Cloud Inn, 5036 25th Avenue NE, Seattle (206-526-5200 or 800-205-6940) www.silvercloud.com. All of these hotels have a shuttle van that can provide transportation to-and-from the hotel and William H. Gates Hall. Conference participants may call these hotels to reserve a room at special rates until **March 30, 2009**. After this date, rooms will be available on a space-available basis. Please identify yourself as being with the Dispute Resolution Conference when making reservations at any of these hotels.

16th Annual Northwest Dispute Resolution Conference Registration Form (09E01)
Early Registration Deadline - April 17, 2009

Mr./Ms.		
First Name	M.I	Last Name
Bar Number & State, if any		Year Admitted
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SESSION PREFERENCES

Please indicate which sessions you are most likely to attend. This will assist us in assigning rooms.

Session titles are abbreviated below. For complete details, please refer to the descriptions in this brochure or at www.mediate.com/nwadr.

Friday, May 1 2009

Series 1 - 1:00 - 1:45 p.m.

- 1.1 Problem in Court-Oriented Mediation

Series 2 - 2:00 - 3:15 p.m.

- 2.1 Say What We Mean
 2.2 Persuasive Advocacy
 2.3 Neurobiology of Agreement
 2.4 Language of Conflict

Series 3 - 4:30 - 5:45 p.m.

- 3.1 War, Negotiation & Leadership Lessons
 3.2 Ethics for Mediators
 3.3 Science & Practice of Presence
 3.4 Appreciative Inquiry

Saturday, May 2, 2009

Series 4 - 8:30 - 10:15 a.m.

- 4.1 Embarrassment, Entitlement & Power
 4.2 Mediate Multi-Interest Controversies
 4.3 ADR for Complex Cases
 4.4 Reactive Brain to Reflective Mind
 4.5 Using Audience Interaction
 4.6 International Nuclear Negotiations
 4.7 Who Goes First & How Much

Saturday, May 2, 2009

Series 5 - 10:15 a.m. - 12:00 p.m.

- 5.1 Utilizing the Internet for Mediation
 5.2 Victim Meets Villain in Mediation
 5.3 Deal or No Deal? Case Studies
 5.4 Mindfulness for Mediators
 5.5 Bringing Chinese & Tibetans Together
 5.6 Positive Relationships in WA Schools
 5.7 Why Forgive?
 5.8 Making Workplace Mediation Work

Series 6 - 1:30 - 3:00 p.m.

- 6.1 Minds in Motion
 6.2 What Lawyers Expect from Mediators
 6.3 Mindfulness & Loving-Kindness Practice
 6.4 When God Shows up to Mediation
 6.5 Mediating with Cultural Awareness
 6.6 Magical Dance of Apology & Forgiveness
 6.7 Child-Oriented Pathways - Parenting Plans

Series 7 - 3:15 - 4:15 p.m.

- 7.1 Exploring the Trajectory of Mediation
 7.2 Chunking - It's Not Just for Chocolate
 7.3 Resolving Investment Disputes
 7.4 Mindful Mediation
 7.5 Listening with Eyes, Watching with Ears
 7.6 Cross-Cultural Mediation Skills
 7.7 One Minute Elevator Speech
 7.8 Breaches of Confidentiality Research

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- Only Saturday, 5/2/09.....\$190*
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- Only Saturday, 5/2/09.....\$230*
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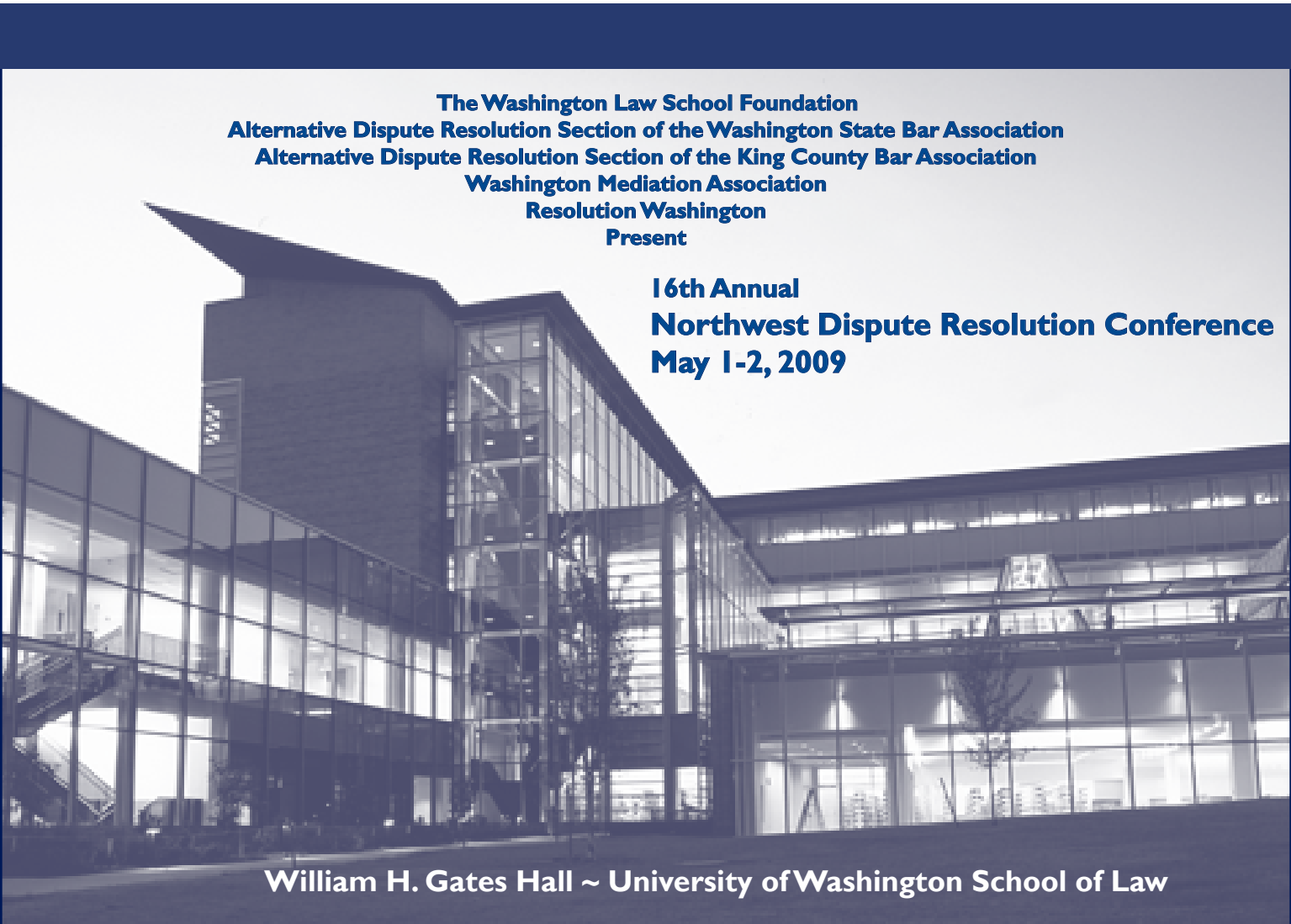
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