The New Frontier
Science of the Mind: Tools for Negotiators

Southern California Mediation Association

20th Annual Conference
Friday November 7th and Saturday November 8th, 2008

Pepperdine University
Straus Institute for Dispute Resolution
24255 Pacific Coast Highway
Malibu, California 90263

SCMA is pleased to invite you to its 20th Annual Mediation Conference that will focus on the new frontier of the science of the mind. Participants will have a rare opportunity to advance their understanding about how the brain directs perception, behavior, emotion and decision making in negotiation settings. You will learn how to apply the latest discoveries from the world of science to the practical and real world of resolving disputes.

We are excited to present some of the leading authorities who have recently made headlines around the world for their discoveries about the brain’s neuroplasticity, mindfulness, solution focusing and sensitivity to fairness. These discoveries offer new insights and powerful tools to predict human behavior that can improve your effectiveness at the bargaining table.

Before the telescope was invented and used by Galileo, people believed that the world was flat. Before the microscope was invented, doctors and their patients believed that leaches would cure anemia and other diseases. As science developed technologies to peer into space as well as into the world of microorganisms and atoms, knowledge advanced so that we can now put a man on the moon and cure and eradicate diseases. We now have the science of the brain to enlighten us about the way the brain and the mind, quietly and often without our conscience awareness, dictate our behavior.

If your personal or business life involves negotiations, persuasion, or changing minds, you can't afford to miss this rare opportunity to acquire the latest scientific knowledge about psychology and human behavior, essential tools for negotiators. We have assembled a faculty of esteemed academics who join with experienced mediators to explore this exciting “New Frontier” of diverse topics that will enhance your negotiating skills.

We believe that this is one of the most unique conferences in mediation history, where science meets practice. Space is limited, so reserve your seat today!

– Myer J. Sankary,
Conference Chair and President-Elect of SCMA

For further information or to SAVE YOUR SPACE contact:
SCMA Office Phone: 1-877-963-3428
Email: scmaoffice@yahoo.com
Visit us at www.scmmediation.org
Southern California Mediation Association invites you to join in 20th Anniversary Dinner
The Luxe Hotel, 11461 Sunset Boulevard, Los Angeles, CA 90049
November 7, 2008
6:00 p.m. – 7:30 p.m. Reception & Buffet Dinner
7:30: Program
Includes: Honoring Past SCMA Presidents
Improv Comedy Show Featuring: Brian Brieter
Facilitated by: Jeff Krivis, Master of Ceremonies: Lee Jay Berman

SCMA’s 20th ANNUAL MEDIATION CONFERENCE - SATURDAY NOVEMBER 8, 2008

8:00 a.m. Registration & Continental Breakfast

8:30 a.m. – 10:30 a.m. MORNING SESSION

8:30 a.m. Introduction & Opening Remarks
◆ Myer Sankary
   SCMA President Elect & Annual Conference Chairperson

8:40 a.m. Welcome & Election Results
◆ Nikki Toth
   SCMA President

8:50 a.m. Welcome
◆ Tom Stipanowich
   Pepperdine, Straus Institute

9:00 a.m. Presentation of Cloke - Millen Award
   Dorothy W. Nelson, Senior Judge of the U.S. Court of Appeals for the Ninth Circuit

9:15 a.m. KEYNOTE ADDRESS and Randolph Lowry Lecturer Award Recipients
   In this program you will learn how you can take control of your reactive brain to allow your reflective mind to negotiate more effectively in resolving disputes and negotiating deals for your clients.
   ◆ Dr. Jeffrey M. Schwartz, Research Psychiatrist, UCLA
   ◆ Stephanie West Allen, Mediator, Educator, Denver
   Moderated by: Bob Ciao, Mediator/Arbitrator, Educator, Author, Pittsburgh, PA

10:30 a.m. MORNING BREAK

AM BREAKOUT SESSIONS: 10:45 a.m. – 12:00 p.m.

Session 1: Let’s Make A Deal: The Neurobiology of Fairness
Scientists can now see how the brain responds to fairness and cooperation – and how neurochemical changes can affect behavior at the negotiation table. The panel will discuss implications for negotiators.
Speaker: Gahnnaz Tabibnia, UCLA Semel Institute for Neuroscience and Human Behavior
Speaker: Peter Canovele, USC Marshall School of Business
Moderator: Bob Ciao, Mediator, Educator, Author, Pittsburgh, PA

Session 2: Lie Detection Plus: Emotional Truthfulness in Mediation
Learn new secrets for accurately reading emotions and detecting lies and truthfulness in this valuable and insightful program.
Speaker: Clark Freshman, Law Professor, UC Hastings Law School
Moderator: Lisa Korman, Mediator, Adjunct Prof. USC Law School, Mediation Clinic Director
Session 3: Training Negotiators to Use Emotional Intelligence

Effective negotiators must be emotionally intelligent — but to what extent can one be trained to use emotional intelligence? This session will examine the importance of understanding the role that emotions have on participants in conflict and explore specific ways that emotional intelligence can be taught.

Speaker: Peter Reilly, Assoc. Professor, UNLV Boyd School of Law

Moderated by: Max Factor III, Mediator, ADR Services, Los Angeles, Straus Institute, Pepperdine

12:00 p.m. — 1:00 p.m. LUNCH

PM BREAKOUT SESSIONS: 1:00 p.m. – 2:15 p.m.

Session 1: Solution Focused Mediation: Using Concepts from Quantum Mechanics and Neuroscience to Resolve Conflict

This highly engaging program will introduce the concept and applications of solution-focused mediation, and discuss the four basic questions used to manage conflict and develop collaborative relationships.

Speaker: Dr. F.P. Bannink, Mediator, Therapist, Educator, Amsterdam, Holland

Moderator: Joan Kessler, Mediator ADR Services, Los Angeles

Session 2: The Science of Settlement

This session will synthesize studies of behavioral economics, social psychology, and decision making to provide a better understanding of human judgment and decision making.

Speaker: Barry Goldman, Mediator/Arbitrator, Educator, Author, Wayne State Law, Michigan

Moderator: Ralph Williams, Mediator ADR Services, Los Angeles

Session 3 When Negotiations Fail – The Empirical Study That Reveals Serious Mistakes by Negotiators Who Refuse to Settle

The author of an influential study on failed negotiations will present data gleaned from his study of 6,000 court cases. This session will take a critical look at the findings and examine how negotiators can make better decisions armed with this knowledge.

Speaker: Randall Riser, Decision Analyst, Attorney, Palo Alto

Moderator: Sanford Gage, Mediator/Arbitrator, Attorney, Los Angeles

Session 4: Effective Caucus Strategies: Building on the Work of Dr. Murray Bowen

Drawing upon the scientific approach respecting family differentiation developed by psychiatrist Dr. Murray Bowen, this presentation will show how the mediator’s strategic use of caucus can advance conflict resolution beyond the family mediation.

Speaker: Woody Masten, Mediator, Educator, Author, UCLA

Moderator: Dr. Mary Lund, Mediator, Author, Educator, Straus Institute, Pepperdine

2:15 p.m. AFTERNOON BREAK

PM BREAKOUT SESSIONS: 2:30 p.m. – 3:45 p.m.

Session 1: Using Improvisational Techniques and Skills in Mediation

This interactive program takes a dynamic view of the negotiation process by introducing improvisation techniques and skills as an overlay to mediation.

Speakers: Jeff Krivos and Brian Breiter, Mediators, Educators, Straus Institute, Pepperdine

Session 2: The Neuropsychology of Conflict

Exciting advances in neuroscience have led to discoveries and insights that are of profound importance to mediators. This non-technical workshop introduces these discoveries and offers practical tips and techniques that flow from them.

Speaker: Douglas E. Noll, Esq., Mediator, Author, Educator, San Joaquin College of Law, Clovis

Moderator: Lee Jay Berman, Mediator, Los Angeles, Educator, Straus Institute, Pepperdine

Session 3: How to Build a Successful Mediation Practice

Leading mediators and neutral service providers will discuss the secrets of building and maintaining a thriving mediation practice.

Moderator: Maurice Attie, Mediator/Arbitrator, Educator, Los Angeles

CONCLUDING PLENARY SESSION 3:50 p.m. – 4:30 p.m.

WHAT NEGOTIATORS CAN LEARN FROM THE SCIENCE OF THE MIND

In this concluding session, Moderator Bob Creo will lead a discussion with all of the conference speakers to highlight and synthesize the exciting topics of the day.
REGISTRATION:

Name: 

Phone: 

Email: 

Mailing Address: 

SESSION CHOICE(s): Circle One for Each Session

10:45 a.m. Session Choice: (1) (2) (3)

1:00 p.m. Session Choice: (1) (2) (3) (4)

2:30 p.m. Session Choice: (1) (2) (3)

11/8 Registration Fees:
Early Bird Price - On or Before 10/3/08
Higher registration price after 10/3/08

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11/7 20th Anniversary Dinner/Comedy Show Celebration:
Registration Fee
(All Attendees) $125 $ 95

Payment Method: ___ Check ___ Credit Card

Mail Check Payable to SCMA to:
1430 South Grand Ave., Suite 256, Glendora, CA 91740

Credit Card: ___ Visa ___ MasterCard

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Expiration Date: ________ Code: __________

Signature: 

- Program written materials will be available on CD, included in registration fee
- Printout of CD Program available for additional charge of $35
- 5.75 hours of MCLE credit offered
SCMA’s 20th Annual Mediation Conference
November 7th and 8th, 2008

Speakers, Topics and Descriptions

**Keynote Address: The Science of the Mind and the Brain: New Insights for Negotiators.** Dr. Jeffrey Schwartz is the world’s leading authority on “self-directed neuroplasticity” and a research psychiatrist at UCLA’s School of Medicine specializing in modifying obsessive compulsive behavior. He lectures and teaches throughout the U.S., Asia and Europe and is the author of the bestsellers, “Brain Lock” and “The Mind and the Brain.” Stephanie West Allen is a former San Francisco Lawyer who is a full time trainer, mediator and consultant throughout the U.S. applying neuroscience to negotiating conflict and stress reduction. The program will be moderated by Bob Creo, a mediator and arbitrator who has served over 4,000 days as a neutral since 1979. He is the author of The Master Mediator columns for CPR, and the author of the 1600 page treatise Alternative Dispute Resolution (Geo. Bisel, 2006). He is also co-founder of several important mediator organizations such as Mediators Beyond Borders, Master Mediator Institute, and International Academy of Mediators.

**Let's Make a Deal – The Neurobiology of Fairness.** Golnaz Tabibnia is lead UCLA Researcher on the brain biology of fairness at the Semel Institute for Neuroscience and Human Behavior. Dr. Tabibnia’s recent publications and those of her colleagues suggest that although fairness sensitivity has a biological (including genetic) component, it is not a fixed trait. Fluctuations in mood, diet, and hormones can affect fairness sensitivity as well. Peter Carnevale is Professor in the Department of Management and Organization at the Marshall School of Business, University of Southern California. He teaches negotiation classes to undergraduate, MBA, and PhD students, and in the Marshall Executive Education program. In addition, he serves as the Coordinator of the MOR PhD program. Peter’s research focuses on negotiation, mediation, and decision making in organizations. His latest book, “Methods of Negotiation Research” won the 2008 “Outstanding Book Award” from the International Association for Conflict Management. Joining Tabibnia and Carnevale is Bob Creo, who will act as moderator.

**Lie Detection Plus: Emotional Truthfulness in Mediation.** Clark Freshman is a Professor of Law and Head of Dispute Resolution at UC Hastings. Freshman is a noted expert in body language and facial expressions, having studied with Paul Ekman, noted psychologist. Clark Freshman received his B.A. from Harvard College, his M.A. from University College, Oxford (where he was a Marshall Scholar), and his J.D. from Stanford Law School. He is also a mediator, negotiation trainer, and expert witness on arbitration. This program will be moderated by Lisa Klerman, a highly successful full time mediator and Director of the Mediation Clinic at USC Law School.

**Training Negotiators to Use Emotional Intelligence.** Peter Reilly is Associate Professor of Law and Director of Negotiation Training at UNLV Boyd School of Law where he teaches students how to manage emotions in negotiations. Moderating this session is Max Factor III, one of the leading mediators in Los Angeles. Mr. Factor is a former president of SCMA, was selected as a Super Lawyer in 2008, and is an adjunct professor at the Straus Institute at Pepperdine Law School.

**Solution Focused Mediation: Using Concepts from Quantum Mechanics and Neuroscience to Resolve Conflict.** Dr. F. P. Bannink is a Clinical Psychologist and Master of Dispute Resolution in Amsterdam, Holland. Dr. Bannink is the author of numerous books and articles which have rarely been presented in the United States. She is a clinical psychologist, mediator and educator. Dr. Bannink is also the founder of the new International Solution Focused Conflict Management Network. Visit http://www.fpbaninink.com/engels/website1.html. Joan Kessler, a highly rated educator and mediator with ADR Services, will serve as the moderator.
Speakers, Topics and Descriptions Continued:

*The Science of Settlement.* **Barry Goldman** is author of the book, “The Science of Settlement: Ideas for Negotiators”, published in 2008 by the ALI-ABA. He is an Adjunct Professor at Wayne State University Law School, and holds a Master’s Degree in Philosophy as well as a J.D. Degree. He will be joined by **Ralph Williams**, a highly regarded and busy mediator of complex cases with ADR Services, who will moderate the session.

*When Settlement Negotiations Fail: The Empirical Study That Reveals Serious Mistakes by Negotiators Who Refuse to Settle.* **Randall Kiser** is the author of the authoritative article: “Let’s Not Make a Deal: An Empirical Study of Decision Making in Unsuccessful Negotiations” published in the Cornell Law School’s Journal of Empirical Legal Studies. Kiser is the principal analyst at Decision Set, and CEO of Juridiq, Inc., a litigation analytics firm. The study was reported by NY Times on Aug 8, 2008, “Study Finds Settling is Better Than Going to Trial.” His study finds that plaintiffs make errors more often than defendants with serious consequences. Moderating the program will be **Sanford Gage**, one of the leading trial attorneys in California, and now full time mediator.

*Effective Caucus Strategies: Building on the Work of Dr. Murray Bowen.* **Forrest (Woody) Mosten** is an adjunct Professor at UCLA and a leading mediator with a national presence. He is a former keynote presenter for SCMA and a well-regarded trainer throughout the U.S. and abroad. Moderating will be **Dr. Mary Lund**, mediator and evaluator who trains judges and family professionals throughout the world. After receiving her Ph.D. in clinical psychology from U.C.L.A., Dr. Lund conducted postdoctoral research at the University of Cambridge, England on children and divorce.

*Using Improvisation Techniques and Skills in Mediation.* **Jeffrey Krivis** is a pioneer of California mediation and author of “Improvisational Negotiation.” He is an adjunct professor of mediation at the Straus Institute of Dispute Resolution, Pepperdine Law School. He is past president of SCMA and the International Academy of Mediators. Jeffrey successfully brings academic insights into the real world of conflict resolution. Joining him in the presentation is **Brian Breiter**, an improvisational actor, mediator and trial lawyer who teaches Improvisational Negotiation with Jeffrey at Pepperdine.

*The Neuropsychology of Conflict—How the Brain Works in Mediation.* **Douglas E. Noll** is a full time peacemaker and mediator, specializing in difficult, complex, and intractable conflicts. He is an adjunct professor of law and has a Masters Degree in Peacemaking and Conflict Studies. He is an author of the books Sex, Politics & Religion at the Office: The New Competitive Advantage (Aubery Press 2006), with John Boogaert, and Peacemaking: Practicing at the Intersection of Law and Human Conflict (Cascadia 2002). He has also written numerous articles on peacemaking, restorative justice, conflict resolution and mediation, and is a mediator trainer, lecturer and continuing education panelist. This session will be moderated by highly popular educator, mediator and adjunct professor at the Straus Institute Dispute Resolution Center, **Lee Jay Berman**.

*How to Build a Successful Mediation Practice.* Leading attorney and mediator **Maurice Attie** has assembled a panel of highly respected mediators and ADR service providers, including representatives from AAA, ADR Services, AMC Center, IVAMS, JAMS, Judicate West and 1st Resolution Services.

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