

THE UNIVERSITY OF CALGARY - FACULTY OF LAW
IN COOPERATION WITH THE STRAUS INSTITUTE
OF PEPPERDINE UNIVERSITY LAW SCHOOL
PRESENTS:

Mediating the Litigated Case

with

- Professor Peter Robinson,
Managing Director of
The Straus Institute
- Jim Craven, Commercial
Mediator and Attorney

and

Adjunct Professors of the
University of Calgary,
Faculty of Law:

- Judge Heather Lamoureux
- Elaine Seifert, QC

May 9 - May 14, 2011

9:00 am - 4:00 p.m.

The University of
Calgary, Faculty of Law

Pepperdine University School of Law's Straus Institute for Dispute Resolution has been ranked the number one dispute resolution program by *U.S. News and World Report* for the sixth consecutive year.

Peter Robinson has served as co-directors of the institute since 2006. Robinson, who serves as managing director and professor of law, maintains a long and diverse career in dispute resolution. He has presented advanced negotiation and mediation skills courses in more than 30 states and in Argentina, Canada, England, Holland, Hong Kong, India, Israel, Japan, Jordan, and Mexico.

Register Now!

From 2005 to 2010, this program has been offered in the United States and has usually sold out in advance entirely through web site registrations. Register early as **class size is limited to 30 registrants.**

This is a sophisticated six day program for experienced litigators and senior in-house counsel, and other practitioners. Professionals can study the mediation of litigated cases to either become a mediator or to be a better advocate.

The recent surge in popularity of Alternative Dispute Resolution (ADR) processes combined with significant changes to the Rules of Court in Alberta has created a demand for intensive training in mediation processes. Lawyers are using mediation with increasing frequency to settle complex litigation. As courts now require parties to attempt resolution through ADR processes, there is a growing need for trained professionals who, in addition to evaluation skills can facilitate complex negotiations between parties to achieve innovative solutions. This course addresses all of those needs for experienced litigators.

Now lawyers and other established professionals can use their expertise to break into a new area of practice with tremendous possibilities. **The Mediating the Litigated Case** program offers a unique opportunity to learn about the mediation process in a format geared specifically toward civil litigation cases. Taught by experienced lawyers, who have made the transition from litigation to mediation practice, course participants will learn the essential skills required to serve as mediators.

The program will focus on the various stages of the process, identifying and working with different negotiation styles, and facilitating problem solving regardless of whether the case involves contractual, tort, personal injury, employment, partnership, or securities issues.

In addition to providing mediation skills training, the program will deal with issues specific to the adversarial setting including managing the lawyer, the parameters of confidentiality, and concerns about discovery. It will also focus on issues of particular concern to lawyer-mediators including the proscription against dual representation, providing legal advice, conflicts of interest, drafting mediation agreements, and other ethical issues.

Program Topics and Schedule

Day 1

- Dispute Resolution Continuum
- STAR Approach to Mediation
- Mediator's Stylistic Grid
- Five Stages of Generic Mediation
- Mixed Motive Exchange in Consensus Processes
- The Predictability of Distributive Bargaining
- Facilitating Distributive Bargaining

Day 2

- The Integrative Approach to Negotiation
- Focusing on "Interests" Not Issues
- Creativity in Negotiation
- Facilitating Integrative Bargaining
- Mediator Timing in Facilitating Negotiation
- Settlement Conference Mediation Model
- Interest Based Mediation Model

Day 3

- The Mediator's Job of Providing Structure
- What to Include in an Opening Statement
- Protocol for Disputants
- How to Reframe and Narrow Issues
- Communication Facilitation Techniques
- Effective Use of Caucus
- Validation

Day 4

- Techniques to Facilitate Closing the Deal
- How to Present Risks and Costs
- Ethics and Bullying
- Mediator Timing When Facilitating Closure
- Effective Agreement Drafting
- Convening
- Agreement to Mediate
- Confidentiality

Day 5

- Emotions in Mediation
- Bias Awareness
- Multi-Party/Multi-Issue Mediation
- Lawyer Advocates in Mediation
- Faculty Demonstrations
- Fairness and Neutrality

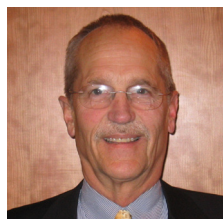
Day 6

- Ethical Standards
- Med/Arb and Arb/Med
- Power Imbalances
- Discovery Concerns

The Faculty



Peter Robinson is Managing Director of the Straus Institute for Dispute Resolution and Associate Professor at Pepperdine University School of Law. He has presented advanced negotiation and mediation skills courses in more than 39 states and foreign countries. He is a fellow of the International Academy of Mediators and a member of the American College of Civil Trial Mediators.



Jim Craven is a lawyer, mediator and frequent speaker in the conflict resolution field and has trained mediators throughout the world. He is of counsel to the Spokane, Washington law firm of

The Faculty

Evans, Craven & Lackie which he co-founded in 1978. Mr. Craven has extensive experience in the mediation of complex commercial and construction disputes, having served as a mediator since 1990.



Judge Heather A. Lamoureux is a Judge in the Provincial Court of Alberta, Criminal Division. She holds an LL.M from Pepperdine University, Los Angeles, California, with a field of speciality in

mediation and arbitration and an LL.B (with distinction) from the University of Alberta.

Judge Lamoureux is currently an Assistant Adjunct Professor at the Faculty of Law at the University of Calgary.

Judge Lamoureux is the co-author of the book "Resolving Conflict and Improving Communication: A Guide for Healthcare Professionals."



Elaine Seifert, Q.C. is a lawyer and specialist in dispute resolution. Elaine has an LL.B from Dalhousie University and an LL.M from Pepperdine University with an emphasis on Alternate Dispute Resolution. Elaine also presents negotiation, mediation, arbitration, and collaborative law.

Elaine is an Adjunct Professor at the Faculty of Medicine and Faculty of Law, University of Calgary.

For more information, contact
Program Coordinators

The Honorable Judge Heather Lamoureux
heather.lamoureux@albertacourts.ca

Elaine Seifert, QC
eseifert@dispute-resolution.ca

Registration for Mediating the Litigated Case - May 9 - 14, 2011 University of Calgary

Name: _____

Firm: _____

Address: _____

City _____ Prov. _____ Postal Code _____

Fax: _____

E-mail: _____

Registration fee: \$2300.00 including GST

Payment:

- Cheque - cheque payable to:
University of Calgary
Faculty of Law, MFH 4369
2500 University Drive NW
Calgary, AB T2N 1N4
- Credit card: Visa or Mastercard (circle one)

_____ expiry date
Card number

Signature: _____

Cancellation Policy:

The University of Calgary reserves the right to cancel this program 45 days in advance, in the event of low enrolment. Full refunds will be provided in this event.