

13TH ANNUAL

COLORADO ADR CONFERENCE

*Building Stronger Communities
Through Dispute Resolution*

LIVE ONLY: Friday, November 1, 2019

At the **Renaissance Denver Stapleton Hotel** • 3801 Quebec Street • Denver, CO
Submitted for 8 General Credits, Including 2.7 Ethics Credits

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13TH ANNUAL
**COLORADO
ADR
CONFERENCE**

***Building Stronger Communities
Through Dispute Resolution***

Colorado's 13th Annual ADR Conference focuses on "Building Stronger Communities Through Dispute Resolution." Learn new strategies for resolving conflict on a local, national, and global level with an agenda focused on resilience in high-conflict communities, the future of ADR, the business of ADR, and communication skills. This conference will challenge your thinking, expand and improve your skills, and allow you to connect with colleagues.

November 1, 2019

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2.7 Ethics Credits***

Plenary session includes 1.5 Ethics credits. You must attend breakout session #3 in order to claim the additional 1.2 Ethics credits.



At the Renaissance Denver Stapleton Hotel
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AGENDA

7:30 - 8:15 AM – **Registration and Continental Breakfast**

8:25 - 8:30 AM – **Welcome and Opening Remarks**

Presented by Michelle Sylvain, JD, MBA, Chair, CBA ADR Section, Sylvain Law and Mediation Firm, LLC, Eagle, CO

PLENARY PRESENTATIONS

8:30 - 9:30 AM

8 Billion and Rising: ADR in a Global World

This keynote address will explore how current and future global trends will change the practice and profession of Alternative Dispute Resolution. Professor Spain Bradley will discuss key skills and competencies that arbitrators, mediators, negotiators, lawyers, and other ADR professionals should have to prepare for the coming changes and the importance of understanding identity and diversity in a global world.

Presented by Anna Spain Bradley, J.D., Associate Professor, University of Colorado Law School, Assistant Vice Provost for Faculty Development and Diversity, University of Colorado, Boulder, CO

9:30 - 10:45 AM

Mediation Ethics

1.5 Ethics Credits

Ethical issues often arise without warning during mediation. ADR professionals must be able to identify the issues and address them promptly and appropriately. A panel of four experienced mediators will respond to various ethical scenarios. Audience participation is strongly encouraged.

Moderator: Joel Bogen, Conflict Resolution Works!, Denver, CO

Panelists:

- **Trish Elledge, MA**, Elledge Group Mediation, Englewood, CO
- **Robyn McDonald, Esq.**, McDonald Mediation Group, LLC, Littleton, CO
- **Leslie Hoffman**, A Center for Divorce Solutions and Denver Mediation Center, Denver, CO
- **Honorable Vincent R. White (ret.)**, Conflict Resolution and Mediation Services, LLC, Franktown, CO

Presented by the Ethics Committee of the Mediation Association of Colorado:

- **Joel Bogen**, Conflict Resolution Works!, Denver, CO
 - **Susan Demidovich, Esq.**, Attorney/Mediator, Denver, CO
 - **Richard Fullerton**, Constructive Options, Denver, CO
 - **Katherine Head, MSW/Mediator**, Center for Solutions, Denver, CO
-

10:45 - 11:00 AM – **Connect with Your Colleagues** – *Please Visit the Poster Presentations and Your Sponsors!*

11:00 AM - 12:00 PM

BREAKOUT SESSIONS 1-3 – PLEASE CHOOSE A SESSION TO ATTEND

SESSION 1

Navigating Mediation in the Shadow of Bankruptcy

This session will provide an overview of how bankruptcy may affect mediation and mediated agreements, as well as an introduction to the use of bankruptcy mediation in balancing rights of creditors and debtors. Participants will gain knowledge on bankruptcy's effects on mediation, the use of mediation in bankruptcy, and types of disputes that arise from bankruptcy.

Presented by Robertson B. Cohen, Jr., Esq., and Wesley Parks, Esq., Cohen & Cohen, P.C., Denver, CO

SESSION 2

To Arbitrate or Not to Arbitrate – That is the Question

This session will examine threshold considerations for utilizing arbitration, whether as a term of a new contractual relationship or as a mutual agreement among parties seeking to avoid litigation after a dispute arises. Arbitration may or may not be more appropriate for resolution of a particular dispute rather than litigation or mediation. Time, cost, and tribunal expertise will be explored generally as to various practice areas.

Presented by Martin D. Beier, Esq., and Thomas M. Haskins III, Esq., S&D Law, Denver, CO

continued on next page>

SESSION 3

1.2 Ethics Credits

Building Resiliency While Dealing with Difficult People

Conducting arbitrations and mediations can be demanding when dealing with unreasonable, stressed, traumatized, and difficult people (clients, attorneys, etc.). This presentation will help you understand the neurobiology and neurophysiology of stress, why and how stress is contagious, and how to build resiliency and grit to prevent and/or mitigate compassion fatigue, secondary trauma, and burnout. You will also learn about the Colorado Lawyer Assistance Program (COLAP) and the confidential resources available to you and your colleagues.

Presented by Sarah Myers, Esq., LMFT, LAC, Executive Director, Colorado Lawyer Assistance Program, Denver, CO

12:00 - 1:15 PM

Networking Buffet Lunch – Ticketed Event (Please indicate on the registration form if you plan to attend.)

Remarks from Conference Co-Sponsors

- **The Mediation Association of Colorado**
- **Colorado Bar Association – Alternative Dispute Resolution Section**
- **Office of Dispute Resolution – Celebrating 35 Years!**



1:15 - 2:05 PM

BREAKOUT SESSIONS 4-7 – PLEASE CHOOSE A SESSION TO ATTEND

SESSION 4

Mediating a Business Dissolution

Next to marriage, building a business can be the most important and intimate endeavor in a person's life. Like a divorce, a business dissolution often involves powerful feelings of grief, disappointment, and betrayal, on top of a long list of practical issues. This presentation will discuss the emotional and practical elements of the dissolution of a closely-held business.

Presented by Julie M. Williamson, Esq., AB-Conflict Resolution Services, Denver, CO

SESSION 5

Mediating Cross-Cultural Property Disputes: Case Studies in the Korean Community

Mediation presents a unique opportunity to settle both cross-cultural and intra-cultural property disputes. Challenges arise when perceptions of property law clash between cultures. Through case studies involving Korean-American property disputes, the speakers will discuss how cultural norms and power imbalances affect these disputes.

Presented by Mark Lyda, Esq., RESOLVE, Denver, CO, and Michael Song, Esq., Chief Deputy District Attorney, City and County of Denver, CO

SESSION 6

Building an Effective Online Reputation and Marketing Strategy for Your ADR Practice in 2019 (No CLE Credit)

Award-winning legal marketing professional Meranda M. Vieyra explores the key areas where an ADR practice needs to focus to remain competitive in 2019 and beyond. Even the most personal brand-savvy ADR practitioners aren't marketing experts. In this presentation, we will cover online reputation management, online marketing for ADR practices 101, and getting started with social media. These activities build an ADR brand to help pursue the ideal audience and referral network.

Presented by Meranda M. Vieyra, Denver Legal Marketing LLC, Castle Rock, CO

SESSION 7

Learning to Love Insurance Cases

Many ADR professionals dread mediations involving insurance carriers. In this panel, learn how commercial mediators can stop worrying about mediating cases involving insurance companies by learning about their perspective, legitimate needs, interests, and values.

Presented by Damian J. Arguello, Esq., Colorado Insurance Law Center, Denver, CO, Jennifer Arnett-Roehrich, Esq., Gordon Rees Scully Mansukhani, LLP, Denver, CO, and Jeff Kichaven, Mediator, Los Angeles, CA

2:05 - 2:20 PM – **Networking Break – Connect with Your Colleagues**

2:20 - 3:35 PM

BREAKOUT SESSIONS 8-10 – PLEASE CHOOSE A SESSION TO ATTEND



SESSION 8

Everything You Ever Wanted to Know About Colorado Law on Mediation

What is the statutory and case law framework for Colorado mediations? What are the relevant court rules? When do you have an enforceable mediation settlement? What parts of mediation are confidential? What are some ethical issues and pitfalls? A helpful and practical session!

*Presented by **Steven Choquette, Esq.**, JAMS, Denver, CO*

SESSION 9

The Power of Apology in Resolving Disputes

Often overlooked, apology is a powerful mediation tool. Apology can be communicated without admitting liability. However, inadequate apologies often backfire, and cause impasse in mediation and negotiations. This session will provide valuable information on the benefits of apology, the pitfalls of inadequate apologies, and legal protections for apology in mediation.

*Presented by **C.J. Larkin, Esq., MA**, Dispute Resolution Professionals, Golden, CO, **Miles E. Davies, JD**, Dispute Resolution Professionals, Golden, CO, and **Wesley Parks, Esq.**, Cohen & Cohen, P.C., Denver, CO*

SESSION 10

Three Simple Tools for Mediators to Avoid Coercion, Even Under Challenging Circumstances

When tempers flare and time runs short, it's tempting for mediators to resort to coercive techniques to drive settlement. But these techniques may cause parties to lose trust in the process. We'll practice three simple tools for avoiding the coercion trap even with limited time, high conflict, and other challenging circumstances.

*Presented by **Jennifer L. Sullivan, Esq.**, Senior Associate Dean for Administration and Program Development, University of Colorado Law School, Boulder, CO*

3:35 - 3:50 PM – **Networking Break** – ***Please Visit the Poster Presentations and Your Sponsors!***

3:50 - 5:05 PM

BREAKOUT SESSIONS 11-13 – PLEASE CHOOSE A SESSION TO ATTEND

SESSION 11

The Promise of Effectively Reaching Agreements with Motivational Interviewing

Motivational Interviewing (MI) is a research-based method of achieving positive behavior change. Doctors, dentists, psychologists, social workers, and probation officers are now commonly trained in MI due to its high effectiveness in helping people positively change their minds and behaviors. Recent scholarship shows that MI is also highly effective in family law mediations. This presentation introduces the basic tools of Motivational Interviewing and helps practitioners understand how to apply these tools to achieve better outcomes with their mediation clients.

*Presented by **Shannon A.R. Allen, Esq.**, Anderson Allen LLC, Littleton, CO*

SESSION 12

Mediating Employment Cases Involving Mental Health Conditions

Mediating employment cases involving mental health conditions ideally focuses on unifying stakeholders around the common goal of the employee getting and staying well, and being productive. This session outlines a comprehensive, proactive approach for engaging counsel, benefits managers, supervisors, and employees around early support, connection, resource deployment, and accommodation.

*Presented by **Honorable Mary McClatchey (ret.)**, WorkSmart Partners, Denver, CO*

SESSION 13

Neighborhoods on the Edge: Building Bridges in Community Conflicts Through Effective Communication

Join this workshop facilitated by Wes Wollenweber, where attendees will learn communication skills, based on this principled negotiation method, and apply them to real life, high-conflict community scenarios. This interactive session will empower attendees to be catalysts in resolving community conflicts by finding common ground through core community values.

*Presented by **Wes P. Wollenweber, Esq.**, Gravely Pearson Wollenweber Freedman, LLC, Lakewood, CO*

5:05 PM – **Adjourn to Cocktail Reception** – ***Sponsored by The Mediation Association of Colorado***

5:15 - 6:30 PM – **Cocktail Reception** at Elevate Lounge Inside the Renaissance Denver Stapleton Hotel

FACULTY

PLANNING COMMITTEE:

Joel Bogen*

Conflict Resolution Works!
Denver, CO

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Attorney/Mediator
Denver, CO

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Mares-Dixon & Associates
Boulder, CO

Wesley Parks, Esq.*

Cohen & Cohen P.C.
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Director
Colorado Office of Dispute Resolution
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Administrator's Office
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Michelle Sylvain, JD, MBA

Chair, CBA ADR Section
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**Also a Faculty Member*

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Gravely Pearson Wollenweber
Freedman, LLC
Lakewood, CO

LIVE CONFERENCE ORDER FORM

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FRIDAY, NOVEMBER 1, 2019

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3801 Quebec Street • Denver, CO 80207

STEP 1: REGISTRATION CATEGORIES (DR110119L)

- CLE Elite Pass Holder:\$179
- CLE Basic Pass Holder:\$179
- New Lawyer Edge Partner:.....\$199
- Students:\$249
- CBA ADR Section, ODR, MAC Members:\$309
- Judicial Employee:\$309
- Nonprofit (Mediation program volunteer or staff):.....\$309
- Government Employee:\$309
- CBA Member:.....\$349
- Other:\$429

STEP 2: SELECT COURSE MATERIALS

- Digital Download via EMAIL sent approx. 24-48 hrs. prior to the seminar
- Printed Book (pick up at conference)

STEP 3: SELECT YOUR BREAKOUT SESSIONS:

Breakout Sessions 1-3 – 11:00 am - 12:00 pm

- Session 1 Session 2 Session 3

Breakout Sessions 4-7 – 1:15 - 2:05 pm

- Session 4 Session 5 Session 6 Session 7

Breakout Sessions 8-10 – 2:20 - 3:35 pm

- Session 8 Session 9 Session 10

Breakout Sessions 11-13 – 3:50 - 5:05 pm

- Session 11 Session 12 Session 13

STEP 4: BUFFET LUNCH

- YES – I will attend the luncheon
 - I require a vegetarian option
 - I require a gluten-free option
- NO – I will not attend the luncheon

TOTAL ENCLOSED \$ _____



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