ABA Section of Dispute Resolution Spring Conference
Hyatt Regency San Francisco

Wednesday, April 19th Conference Events

The conference events on Wednesday include the Symposium on ADR in the Courts for court ADR administrators, judges, neutrals, and researchers. On Wednesday afternoon, there is a seminar on Implicit Bias. Attendance at the Wednesday programs is included in the full conference registration. Those who wish to only attend the Wednesday programs should purchase a one-day Wednesday conference registration. Other Wednesday events include the ABA Law School Representation in Mediation Competition Nationals and the ABA Section of Dispute Resolution Council Meeting. To register and to see a full listing of all Conference events, from Wednesday, April 19th through Saturday, April 22nd, go to www.ambar.org/spring2017.

ABA Registration Open

8:00 am – 5:00 pm

Symposium on ADR in the Courts

Symposium Networking Coffee

8:00 am – 9:00 am

Symposium Opening Plenary

9:00 am - 10:30 am

A Conversation with Judge Jeremy Fogel

Join in a conversation with the Honorable Jeremy D. Fogel, Director of The Federal Judicial Center, as Howard Herman (former Section Chair and ADR Program Director, N.D.Ca.) visits with Judge Fogel about his extensive career and long-standing support of ADR in the courts.

Presenters: The Honorable Jeremy D. Fogel, Howard Herman

CLE Program

Court Symposium Concurrent Programs

10:45 am - 12:00 pm

Case Evaluation in Civil Court Mediations: How to Facilitate an Inherently Evaluative Discussion

Civil court mediations often are characterized by positional bargaining, in which the parties try to achieve the value of their case by old fashion bargaining. When the parties become locked in their positions, it has become common place for civil court mediators to slip into the role of a neutral evaluator to move their clients through the bargaining process. This session explores a more facilitative, and less directive, approach in helping the parties evaluate their case, principally by the use of well framed, and well placed questions instead of the opinions of the mediator. The speaker is the author of the ABA published book, Making Money Talk: How to Mediate the Settlement of Insured Claims.

Presenter: J. Anderson (Andy) Little

CLE Program

Court ADR: What New Research Tells Us About Parties, Neutrals, and Judges

Join us to learn about and discuss the latest research findings on state and federal court ADR. The panelists will present results from four multi-year projects: a multi-court study of litigant preferences for dispute resolution procedures; a comprehensive five-year study of ADR in the Maryland state courts; a study of judges in the Indiana state courts; and a study of ADR in eight federal district courts. Among other topics, the panelists will touch on research methodologies; the latest findings about how litigants evaluate dispute resolution procedures and their ability to identify their court’s ADR offerings; procedural justice issues; and the latest findings about how judges evaluate dispute resolution procedures.

Presenters: Donna Stienstra, Donna Shestowsky, Nick White, Victor D. Quintanilla

CLE Program

Lunch Break

12:00 – 1:30 pm

Lunch-Arounds organized by members and attendees. Check the conference App for lunch options and suggestions.
From Research to Action: Rethinking ADR in the Courts, Part II
In mediation, what skills matter most? This highly interactive session will build on the ground-breaking research in Maryland reported last year to ask (and answer) the question, “What’s next?” Attendees will take a critical look at their own skills and, using movie clips, explore the strategies that we now know empower and enhance the parties’ experiences in ADR. We'll practice these skills and talk about why they matter. Come spend time with two of the Maryland ADR behavior coders (and Jonathan) who observed these cases live and in action. It’ll be fun, informative, and will rock your mediation world!


Best Practices and Lessons Learned: Baltimore’s Rent Court ADR Program
In April 2016, the District Court of Maryland launched the state’s first ADR program dedicated exclusively to Failure to Pay Rent dockets. The ADR program sought to improve the court experience for landlords, agents, and tenants in Baltimore City’s Rent Court by offering same-day mediation as an alternative to otherwise unfacilitated hallway settlements or summary trial. On the eve of the program’s first anniversary, this interactive session will explore the history of the program and lessons learned, as the Chief Judge of the District Court and the Regional ADR Director share program design, challenges, statistics, and best practices.

Presenters: Shannon M. Baker, Hon. John P. Morrissey

The State of the State ADR Offices
Offices of dispute resolution in the states’ judiciary, executive branch, and universities have been a primary impetus for the implementation and growth of mediation programs since as early as 1981. In this highly interactive session, the panel and attendees will discuss the characteristics, successes, and challenges of these statewide ADR offices, including the impact of recent fiscal and structural changes and strategies for building, maintaining, and enhancing these offices. The session will include information about a national study of court-connected ADR programs that is being conducted on behalf of the Section of Dispute Resolution.

Presenters: Alan Wiener, Thomas G. Ross, Bryan J. Branon

From Many Statutes and Rules, One Mediation Best Practice Guide
This program will present information about Utah State Courts' new Mediator Best Practice Guide and discussion with colleagues and peers what other courts and jurisdictions are doing in regards to Mediator Best Practices.

Presenters: James R. Holbrook, Royal I. Hansen, Nini Rich, Stacy M. Roberts

When Mediators Listen, People Talk; When ADR Program Administrators Talk, Who Listens?
We do! This is a talking and listening session. A challenges and solutions session. A get-it-off-your-chest and hearing-new-ideas session. You're the subject matter expert in program administration and perhaps a seasoned neutral wondering how to maintain and grow court ADR programs in an era that has seen budget cuts, meanwhile, other programs like problem-solving and specialty courts are receiving tens of millions of dollars in funding. Bring your topics, prepare to share challenges and be receptive to possible solutions and opportunities.

Presenter: Doug Van Epps

Special Masters: A Way of Bringing Alternatives Into Judicial Dispute Resolution
Courts have had substantial success bringing the skills of mediation and conciliating into the courthouse. But it is much rarer for them to use adjudicative ADR to help fashion cases, reduce costs, mitigate burdens on the judiciary, and bring matters to faster resolution. This panel explores whether and how courts could make creative use of special masters to bring alternative dispute resolution into the courthouse.

Presenters: Merril Jay Hirsh, Brittany K.T. Kauffman, Allison O. Skinner, Shira A. Scheindlin

Court Symposium Concurrent Programs
1:30 pm - 2:45 pm

Court Symposium Concurrent Programs
3:00 pm - 4:15 pm

CLE Program

Not for CLE
Additional Wednesday Programs:

ABA Section of Dispute Resolution Implicit Bias Seminar 1:00 – 5:00 pm

1:00 - 2:30 pm

Implicit Bias Fact or Fiction: Effects on Mediator Neutrality and the Mediation Process
Implicit bias may be defined as the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner. One of the cornerstones of mediation is party autonomy in the selection of a mediator to resolve the dispute. Parties are free to select any mediator they desire to resolve conflict the conflict. Another widely held belief which is much touted as an advantage of the mediation process is mediator neutrality. The conflict will be resolved by a third party neutral who will act in a non-biased manner to help the parties to reach settlement. This session will focus on how implicit bias influences the mediation process in various unconscious and subtle ways such as the selection of the mediator by the attorney, the manner in which attorneys treat the mediator, mediator neutrality during the mediation proceedings and the effect these biases have on the outcome of the dispute.

Presenters: Jaya Sharma, Frederick Hertz, Shirish Gupta

CLE Program

2:45 - 4:15 pm

Does Your Commitment to Neutrality Translate Into Better Judgment?
We expect decision makers, including judges and arbitrators, as well as mediators, to be fair and impartial. Neutrals commit to those principles and adhere to ethical standards/codes that demand impartiality. Yet, social science research has shown that even those who are consciously committed to ideals of equality are still likely to hold implicit biases. Moreover, sometimes the belief that we are impartial increases bias. In an interactive setting that will engage the attendees in experiential learning, this program will address why we have to do more to address implicit biases and how we can do so without making matters worse.

Presenters: Theodore K. Cheng, Laura A. Kaster

CLE Program

To register and to see a full listing of all Conference events, from Wednesday, April 19 through Saturday, April 22, go to www.ambar.org/spring2017.