NEW YORK STATE BAR ASSOCIATION

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NYSBA

Elder Law Section

4-Day Basic Mediation Training

New York Peace Institiute
210 Joralemon Street, Room 618
Brooklyn, NY

May 10-11, 2013 & May 17-18, 2013

CLE INFORMATION: The New York State Bar Association's Meetings Department has been certified by the NYS Continuing Legal Education Board as an accredited provider of continuing legal education in the State of New York. Under New York's MCLE rule, this program will provide you with a total of **27.50 CREDIT HOURS**. The breakdown is as follows: 3.0 MCLE Credits in Ethics and Professionalism, and 24.50 in Skills. **THIS PROGRAM IS TRANSITIONAL AND THEREFORE SUITABLE FOR NEWLY ADMITTED ATTORNEYS.**

This training is approved under Part 146 by the New York State Unified Court System's Office of ADR Programs. Please note that final placement on any court roster is at the discretion of the local Administrative Judge and participation in a course that is either approved or pending approval does not guarantee placement on a local court roster.

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SCHEDULE OF EVENTS

Program Details

This 4-day training will provide a theoretical and practical foundation for individuals interested in practicing mediation. During the training participants will examine questions such as: What is mediation? What is the role of a mediator and how does that role differ from the role of an attorney? What skills are needed in order to mediate effectively? Through a mixture of group discussion, hands-on exercises, lecture, and role-play, participants will explore these and other critical questions. Participants will also practice mediating simulated cases and will receive support and feedback from trainers and other experienced mediators.

This program is aimed at eldercare attorneys working in the areas of elder law and trust and estate. Issues such as family disputes, guardianship conflicts, contested estates, end-of-life dilemmas, and conflicts over care plans for the elderly or disabled will be referenced throughout the program, and all mediation simulations will focus on elder law-specific disputes.

The lead trainer, Rebecca Price, is certified by the NYS Unified Court System's Community Dispute Resolution Centers Program to provide Basic Mediation Training, and she will be supported by New York Peace Institute's Training Director, Allison Attenello, and other experienced Peace Institute mediators.

Friday, May 10 | Day One

9:00-10:00 a.m. **Welcome, Overview and Introductions**
- Participants will understand the overarching goals of the training.

10:00-10:10 a.m. **Break**

10:10-11:00 a.m. **Historical Roots of ADR, the Continuum, and Mediation Values**
- Introduce values of facilitative mediation.

11:00-12:00 p.m. **Decision-Making and Conflict Response**
- Participants will begin to develop a sense of the individualized nature of conflict response.

12:00-1:00 p.m. **Lunch (on your own)**

1:00-1:50 p.m. **Introduction to skills and connection between theory and skills**
- Participants will begin to identify mediator interventions.

1:50-2:40 p.m. **Personal Response to Conflict**
- Participants will increase awareness and acceptance of the variety of conflict responses.

2:40-2:55 p.m. **Break**

2:55-3:45 p.m. **Introduction to Interest-based Negotiation**
- Participants will be able to distinguish between interest-based and distributive models of negotiation.

Saturday, May 11 | Day Two

9:00-9:15 a.m. **Welcome, Recap, and Agenda for the Day**

9:15-10:05 a.m. **Introduction to Moral Conflict and Indicators**
- Participants will begin to recognize the indicators of instrumental and non-instrumental conflict.

10:05-10:20 a.m. **Break**

10:20-11:10 a.m. **Building Trust and Communication with Active Listening**
- Participants will begin to develop a deeper understanding of the skills of active listening.

11:10-12:00 p.m. **Reflection (1)**
- Participants will be introduced to the skill of reflection.

12:00-12:45 p.m. **Lunch (on your own)**

12:45-1:35 p.m. **Reflection (2)**
- Participants will practice reflection.

1:35-1:50 p.m. **Break**

1:50-2:40 p.m. **Summary (1)**
- Participants will be introduced to the skill of summary.

2:40-3:20 p.m. **Summary (2)**
- Participants will practice summary.

3:20-5:00 p.m. **Introduction to Cultural Awareness and Mediation**
- Participants will begin to be aware of how differences in parties' cultural identity impact the process

Friday, May 17 | Day Three

9:00-9:15 a.m. **Welcome, Recap and Agenda**

9:15-9:40 a.m. **Opening Statements and CDRC Practices**
- Participants will develop and understanding of the purposes of the opening statement.

9:40-10:55 a.m. **Expanding Information**
- Participants will learn to connect the expansion of information with the goals of interest-based negotiation.

10:55-11:10 a.m. **Break**

11:10-12:25 p.m. **Role Play #1**
- Participants will practice the mediation skills they've learned.

12:25-1:30 p.m. **Lunch (on your own)**

1:30-2:20 p.m. **Identifying Issues, Framing Issues, and Setting the Agenda**
- Participants will learn how to identify issues for mediation and will see the similarities and differences between issue-spotting in litigation and in mediation.

2:20-3:35 p.m. **Role Play #2**
- Participants will practice the mediation skills they've learned.

3:35-3:50 p.m. **Break**

3:50-4:40 p.m. **Model Standards/Ethics**
- Participants will begin to differentiate between attorney ethics and mediator ethics.

SCHEDULE OF EVENTS

Saturday, May 18 | Day Four

9:00-9:15 a.m. **Welcome, Recap and Agenda**

9:15-10:05 a.m. **Movement: Generating Options/ Assessing Options**
- Participants will learn some tools to assist the parties in moving forward.

10:05-10:20 a.m. **Break**

10:20-12:00 p.m. **Role Play #3 and Debrief**
- Participants will experience a mock mediation from opening through agenda setting.

12:00-1:00 p.m. **Lunch (on your own)**

1:00-1:50 p.m. **Agreements and Agreement Writing**
- Participants will learn the fundamentals of agreement writing.

1:50-2:40 p.m. **Caucus**
- Participants will review the mechanics of caucus.

2:40-2:50 p.m. **Break**

2:50-4:05 p.m. **Role Play #4**
- Participants will experience a mock mediation from opening past agenda setting.

4:05-5:05 p.m. **Closing Mediation**
- Participants will learn how and when to end a mediation.

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