NEW YORK STATE BAR ASSOCIATION

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NYSBA

Dispute Resolution Section and Fordham University School of Law

3 Day Commercial Mediation Training

24 CLE credits

March 12–14, 2013

Fordham University School of Law
140 West 62nd Street, New York, NY 10023

Presented by:

Simeon H. Baum, Esq., litigator, mediator & President, Resolve Mediation Services, Inc. (www.mediators.com)

Stephen A. Hochman, Esq., mediator & arbitrator

NYSBA

AN OVERVIEW OF THE COURSE:

This three-day course will present a thorough examination of mediation principles and techniques. The program faculty will analyze the structure of a typical mediation, highlight ethical issues that may arise in mediation, and explore solutions for generating movement and overcoming impasse.

The program faculty will explore the differences between facilitative and evaluative or directive approaches in mediation, both from a practical and from an ethical perspective, and will discuss the advantages and disadvantages of these styles. The instructors will focus on experiential learning through role plays and dialogue to help prepare you for the real world of commercial mediation.

Topics & Skills:

- Cultivating ideal Mediator orientation, attitude & awareness
- Effective Preparation
- Effective Communication
- Deep Listening Skills
- Effective Openings
- Maximizing Opportunities in Joint Session
- Wise Caucusing
- Power Risk Analysis – art, timing & tact in engaging in evaluative processes
- Impasse Breaking
- Coming to Closure
- Theoretical tools to Grasp the underlying Negotiation
- Mediation Ethics

Registration fee includes continental breakfast, lunch, coffee breaks, and program materials.

$795 for Dispute Resolution Section members and Fordham Law alumni

$845 for NYSBA members

$945 for Non-NYSBA members

The program faculty has presented the same training to mediators for the Commercial Division of the New York Supreme Court and received high accolades for their work.

"Thanks to you, we are confident that these new mediators bring to their role a strong grasp of mediation techniques and genuine understanding of the diverse issues they may confront. They can achieve the best results for the parties if they have a solid foundation in mediation, and that you have provided them."
Hon. Jacqueline W. Silbermann, as Administrative Judge, 1st Judicial District

"[Y]our work on this project was magnificent."
Hon. Stephen G. Crane, as Administrative Judge, 1st Judicial District

PROGRAM DIRECTORS AND PRESENTERS:

SIMEON H. BAUM, ESQ.

Mr. Baum has practiced law in New York City for 30 years as a commercial and general civil litigator, and has served as a neutral since the early 1990s. He is a principal of the firm of Simeon H. Baum, Esq., and President of Resolve Mediation Services, Inc. (www.disputeResolve.com). He is a past chair of the New York State Bar Association's Dispute Resolution Section, and has conducted over 1,000 mediations, including numerous commercial disputes. Mr. Baum has taught, lectured, and written extensively on ADR, including teaching "Fundamentals of ADR" at New York University's School of Continuing and Professional Development, and negotiation, mediation, and processes of dispute resolution at the Benjamin N. Cardozo School of Law.

STEPHEN A. HOCHMAN, ESQ.

Mr. Hochman now practices almost exclusively as a mediator and arbitrator. He is a Neutral with the ADR Program of the Commercial Division, Supreme Court, New York County, and a member of the Commercial Division's ADR Advisory Group. He is also a mediation trainer in the Commercial Division's ADR Program and a Special Master for the Appellate Division, First Department, of the New York State Supreme Court. He is a mediator for the United States District Courts for the Southern and Eastern Districts of New York and the United States Bankruptcy Court, Southern District of New York. Mr. Hochman teaches, lectures, and writes often on mediation and ADR and has been an Adjunct Lecturer at Columbia Law School and the Fordham University School of Law.

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 **24 CREDIT HOURS.** The breakdown is as follows: 6.0 MCLE Credits in Areas of Professional Practice, 12.5 in Skills, 4.0 in Ethics, and 1.5 in Law Practice Management. **THIS PROGRAM IS TRANSITIONAL AND THEREFORE SUITABLE FOR NEWLY ADMITTED ATTORNEYS.**

DISCOUNTS AND SCHOLARSHIPS: New York State Bar Association members and non-members may receive financial aid to attend this program. Under this policy, anyone who requires financial aid may apply in writing, not later than ten working days prior to the program, explaining the basis of his/her hardship, and if approved, can receive a discount or scholarship, depending on the circumstances. For more details, please contact: Adriana Favreau, New York State Bar Association, One Elk Street, Albany, New York 12207.

ACCOMMODATIONS FOR PERSONS WITH DISABILITIES: NYSBA welcomes participation by individuals with disabilities. NYSBA is committed to complying with all applicable laws that prohibit discrimination against individuals on the basis of disability in the full and equal enjoyment of its goods, services, programs, activities, facilities, privileges, advantages, or accommodations. To request auxiliary aids or services or if you have any questions regarding accessibility, please contact Adriana Favreau at 518.487.5630 or afavreau@nysba.org.

Tuesday, March 12, 2013, Morning Session

4.5 MCLE Credits (3.0 Areas of Professional Practice, 0.5 Ethics, 1.0 Skills)

8:00-8:30 a.m.	**Coffee and Sign-in**
8:30-8:45 a.m.	**Welcome and Introduction to the Commercial Mediation Training** Honorable Sherry Klein Heitler, Administrative Judge for Civil Matters, First Judicial District
8:45-9:35 a.m.	**Commercial Mediation: The Basics** Simeon H. Baum with Stephen A. Hochman *(1.0 MCLE Credit in Areas of Professional Practice)*
9:35-10:25 a.m.	**Theories of Conflict & Dispute Resolution Spectrum** Simeon H. Baum *(1.0 MCLE Credit in Areas of Professional Practice)*
10:25-10:40 a.m.	**BREAK**
10:40-11:30 a.m.	**Defining Mediation, Negotiation Theory, Strategy & Skills** Simeon H. Baum *(1.0 MCLE Credit in Areas of Professional Practice)*
11:30-11:55 a.m.	**Ethics: Defining the Role of the Mediator** Simeon H. Baum with Stephen A. Hochman *(0.5 MCLE Credit in Ethics)*
11:55-12:45 p.m.	**Negotiation Skills** Including Mediator Qualities, Tasks & Functions, Tips from the Tao te Ching Simeon H. Baum with Stephen A. Hochman *(1.0 MCLE Credit in Skills)*
12:45-1:30 p.m.	**LUNCH**

Tuesday, March 12, 2013, Afternoon Session

3.5 MCLE Credits (1.0 Areas of Professional Practice, 0.5 Ethics, 2.0 Skills)

1:30-2:20 p.m.	**Preparing for, and Commencing, the Mediation** Simeon H. Baum with Stephen A. Hochman *(1.0 MCLE Credit in Skills)*
2:20-3:10 p.m.	**Caucuses, Risk Analysis & Closure** Stephen A. Hochman with Simeon H. Baum *(1.0 MCLE Credit in Skills)*
3:10-3:35 p.m.	**Ethics: Ethical Issues that Arise in Caucus** Simeon H. Baum with Stephen A. Hochman *(0.5 MCLE Credit in Ethics)*
3:35-3:45 p.m.	**BREAK**
3:45-4:35 p.m.	**Prosando Mediation Video & Discussion** Simeon H. Baum with Stephen A. Hochman *(1.0 MCLE Credit in Areas of Professional Practice)*
4:35-5:00 p.m.	**Questions and Answers** Simeon H. Baum with Stephen A. Hochman

Wednesday, March 13, 2013, Morning Session

4.5 MCLE Credits (0.5 Areas of Professional Practice, 0.5 Ethics, 3.5 Skills)

8:00-8:30 a.m.	**Coffee and Sign-in**
8:30-8:55 a.m.	**Commencing the Mediation** Simeon H. Baum with Stephen A. Hochman *(0.5 MCLE Credit in Areas of Professional Practice)*
8:55- 9:20 a.m.	**Generating Movement & Impasse Breaking Techniques** Stephen A. Hochman with Simeon H. Baum *(0.5 MCLE Credit in Skills)*
9:20-11:25 a.m.	**Mediation Role Play** Small Groups with Facilitators *(2.5 MCLE Credits in Skills)*
11:25-11:35 a.m.	**BREAK**
11:30-11:55 a.m.	**Impasse Breaking Techniques Revisited, Logrolling** Stephen A. Hochman with Simeon H. Baum *(0.5 MCLE Credit in Skills)*
11:55-12:20 p.m.	**Ethical Dilemmas in Impasse Breaking** Stephen A. Hochman with Simeon H. Baum *(0.5 MCLE Credit in Ethics)*
12:20-12:45 p.m.	**Q & A, General Discussion** Stephen A. Hochman with Simeon H. Baum
12:45-1:30 p.m.	**LUNCH**

Wednesday, March 13, 2013, Afternoon Session

4.0 MCLE Credits (0.5 Areas of Professional Practice, 3.5 Skills)

1:30-1:55 p.m.	**Ten Mistakes Even Good Mediators May Make; Counterpoint to Ten Mistakes** Stephen A. Hochman *(0.5 MCLE Credit in Areas of Professional Practice)*
1:55-4:00 p.m.	**Mediation Role Play** Small Groups with Facilitators *(2.5 MCLE Credits in Skills)*
4:00-4:10 p.m.	**BREAK**
4:10-5:00 p.m.	**Discussion of Role Play; Questions and Answers** Simeon H. Baum with Stephen A. Hochman *(1.0 MCLE Credit in Skills)*

Thursday, March 14, 2013, Morning Session

4.0 MCLE Credits (0.5 Areas of Professional Practice, 1.0 Ethics, 2.5 Skills)

8:00-8:30 a.m.	**Coffee and Sign-in**
8:30-8:55 a.m.	**Attorney's Role in Mediation** Stephen A. Hochman with Simeon H. Baum *(0.5 MCLE Credit in Areas of Professional Practice)*
8:55-9:20 a.m.	**Ethical Issues Related to the Attorney's Role in Mediation** Stephen A. Hochman with Simeon H. Baum *(0.5 MCLE Credit in Ethics)*
9:20-11:25 a.m.	**Mediation Role Play** Small Groups with Facilitators *(2.5 MCLE Credits in Skills)*
11:25-11:35 a.m.	**BREAK**
11:35-12:00 p.m.	**Ethics: Advice to Advocates in Mediation** Simeon H. Baum with Stephen A. Hochman *(0.5 MCLE Credit in Ethics)*
12:00-12:25 p.m.	**Questions and Answers** Simeon H. Baum with Stephen A. Hochman
12:25-1:25 p.m.	**LUNCH**

Thursday, March 14, 2013, Afternoon Session

3.5 MCLE Credits (0.5 in Areas of Professional Practice, 1.5 in Law Practice Management, 1.5 Ethics)

1:25-1:50 p.m.	**ADR in the Commercial Division: Description, Rules, and Objectives** Kevin Egan, Esq., Senior Settlement Coordinator Commercial Division *(0.5 MCLE Credit in Areas of Professional Practice)*
1:50-3:05 p.m.	**Ethics: The New Rules of Professional Conduct and How they Relate to Mediators** Simeon H. Baum with Stephen A. Hochman *(1.5 MCLE Credits in Ethics)*
3:05-3:25 p.m.	**BREAK**
3:20-4:35 p.m.	**Tips and Challenges – Building a Mediation Practice** **Simeon H. Baum with Stephen A. Hochman** *(1.5 MCLE Credits in Law Practice Management)*
4:30-5:00 p.m.	**Questions and Answers** Simeon H. Baum with Stephen A. Hochman

Dispute Resolution Section—Escape the Fray

The flourishing field of Dispute Resolution continues to grow and expand across all areas of legal practice through the various processes of mediation, arbitration, neutral evaluation, negotiation, collaborative law, group facilitation, etc. The Dispute Resolution Section:

- Acts as a forum to address key issues and analyze and promote legislation in areas of concern to practitioners and users of varying dispute resolution processes;
- Provides neutrals and advocates continuing legal education and training to better appreciate, develop and refine skills in these processes;
- Offers an opportunity to consider and comment on ethical issues affecting practice;
- Affords a venue for practitioners, law school faculty and students, and dispute resolution providers to network and exchange ideas;
- Sharpens the skills of recently- trained mediators through our Mentoring program; and
- Furnishes access and information about dispute resolution to other members of the Bar and the public.

Rewarding Opportunities

NYSBA's Dispute Resolution Section offers members many excellent opportunities to enhance their knowledge and expertise and to become active participants in shaping the future of the Section and this expanding field. Events featuring outstanding speakers and leaders in the field inform members in examining and evaluating critical developments. Actively meeting and working with colleagues in the field provides members with a forum to input and refine their ideas and thoughts about the complex issues affecting practitioners.The Dispute Resolution Section addresses such issues and communicates about them with the profession as a whole.

Participation Made Easy

There are a variety of ways for Section members to participate as actively as they choose. Members may join and work on a committee to shape the future of the field, may read and contribute to our publication the New York Dispute Resolution Lawyer or our newsletter, and may attend our CLE workshops and hear speakers at our various committee meetings. The Section's Executive Committee encourages Section members to participate in all its activities and welcomes attendance at its meetings.

Become a Voice for the Association

The Dispute Resolution Section addresses the major professional issues that affect practitioners, formulates positions and advocates where appropriate, including within the New York State Bar Association. Membership in the New York State Bar Association's Dispute Resolution Section is a valuable way for you to keep up-to-date on the developing issues and concerns that face the ever-changing legal profession. We welcome and encourage your participation and input. Online Resources such as Lois Law case alerts (a NYSBA membership benefit), a listing of relevant links, access to Section news and events, a searchable member data base, current publications and articles of interest to the field are available at the Dispute Resolution Section area of the NYSBA website, **www.nysba.org/drs.**

Fordham University School of Law ADR & Conflict Resolution Program

Fordham's Conflict Resolution & ADR Program offers a curriculum that balances theory and casework with real-world practice, reflecting the breadth and span of alternative dispute resolution practice within the legal and business communities. The Program provides students with unique opportunities to study the field of ADR through the renowned clinics and courses offered in negotiation, mediation, arbitration and international conflict resolution taught by leading academics in the field and experienced ADR practitioners. It also sponsors annual symposia on critical issues in domestic and international dispute resolution. Finally, the Program provides students with the opportunity to engage in public service through teaching mediation skills in the community. For more information, **www.law.fordham.edu/adr.**

NEW YORK STATE BAR ASSOCIATION

MEETING REGISTRATION FORM

Name _____

Attorney Nickname _____

Firm _____

Address _____

City _____ State _____ Zip _____

Phone (_____) _____ Fax (_____) _____

Email _____

FULL THREE DAY PROGRAM

Tuesday, March 12 - 8:30 a.m. - 5:00 p.m.
Wednesday, March 13 - 8:30 a.m. - 5:00 p.m.
Thursday, March 14 - 8:30 a.m. - 5:00 p.m.

Dispute Resolution Section Member and Fordham Alumni Fee:	$795.00	_____
Non DR Section Member Fee:	$845.00	_____
Non NYSBA Member Fee:	$945.00	_____

PAYMENT INFORMATION

❑ Check or money order enclosed in the amount of $ _____
(Make checks payable to New York State Bar Association.)

❑ Charge $ _____ to ❑ American Express ❑ Discover

❑ MasterCard ❑ Visa Expiration _____

Card Number _____

Authorized Signature _____

Dispute Resolution Section & Fordham University School of Law

Commercial Mediation Training
March 12 – 14, 2013

Fordham University
School of Law
140 West 62nd Street
New York City

Registration fee includes:

Continental breakfast, lunch, coffee breaks and program materials for all three days of the conference.

Cancellation Notice:

Notice of cancellation must be received by March 2, 2013 in order to obtain a refund for registration fees.

Fax or mail this form with registration fee(s) to:

Adriana Favreau
Meetings Representative
New York State Bar Association
One Elk Street
Albany, New York 12207
Phone: 518.487.5630
Fax: 518.487.5564

Detach here