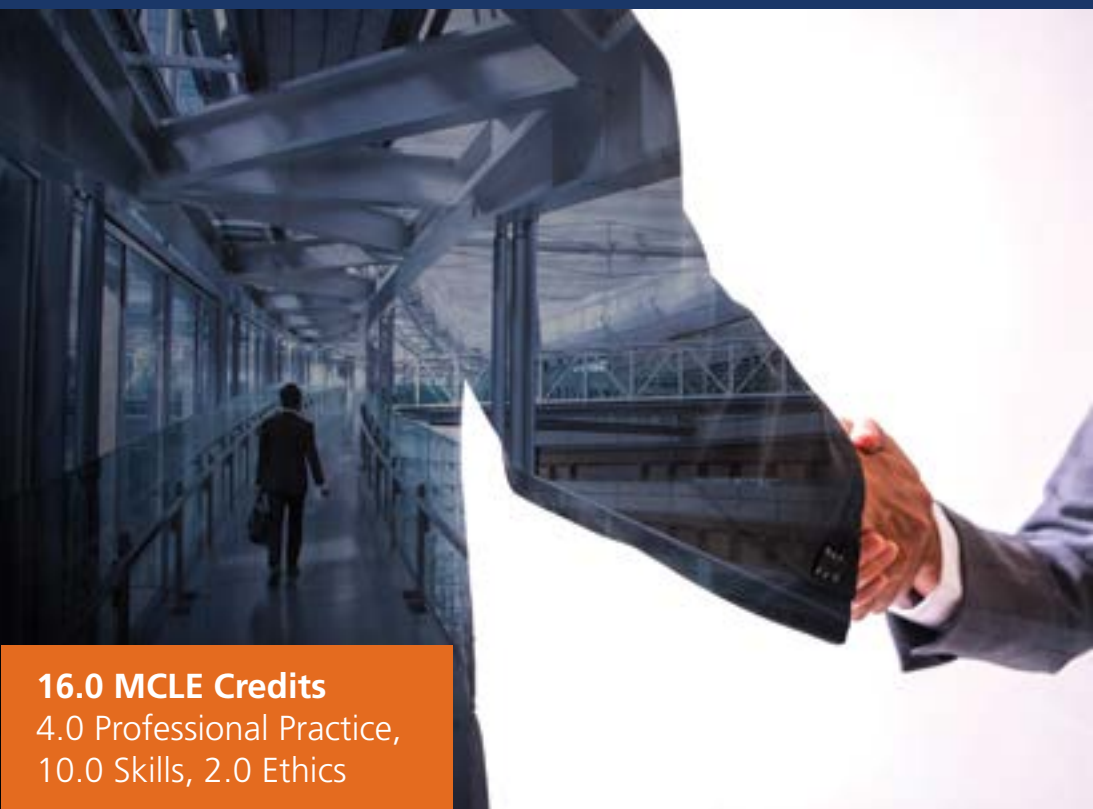




NEW YORK STATE BAR ASSOCIATION

DISPUTE RESOLUTION SECTION



16.0 MCLE Credits

4.0 Professional Practice,
10.0 Skills, 2.0 Ethics

Advanced Commercial Mediation Training

Friday, April 12 and
Monday, April 15, 2019

Co-sponsored by the Dispute Resolution Section,
the Continuing Legal Education Committee,
and the Nassau County Bar Association

Nassau County Bar Association

15th & West Streets
Mineola, NY 11501

www.nysba.org/

AdvancedCommercialMediationTraining2019



OVERVIEW OF THE COURSE:

This program is designed for mediators who have completed — or plan to complete — a minimum of three days of basic mediation training and who desire to enhance their commercial mediation skills. It will focus on identifying the barriers to settlement and the ways to overcome them. In addition to refining and deepening facilitative skills and orientation, the program will address ways of facilitating evaluative analyses or offering evaluative feedback to help the parties reach a resolution. This can include refining the handling of risk and transaction cost analysis, including the use of decision trees, as well as utilizing a variety of impasse breakers. The program will offer approaches to problems that arise when there are multiple parties or when one or more of the defendants has, or may have, insurance coverage with one or more insurance companies as well as ways to overcome impasse. Finally, the program will discuss the ethical issues that arise under various scenarios and how to deal with them.

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.

\$530 for Dispute Resolution Section Members or Nassau County Bar Association

\$580 for NYSBA Members

\$680 for Non-NYSBA Members

This 2-day Advanced Commercial Mediation Training is approved under Part 146 of the Rules of the Chief Administrative Judge.

Transitional, this program is suitable for newly admitted attorneys

Nassau County Bar Association

15th & West Streets, Mineola, NY 11501

Friday, April 12 | Morning Session

4.5 MCLE Credits	(4.5 Skills)
8:00 a.m. – 8:30 a.m.	Registration & Continental Breakfast
8:30 a.m. – 8:45 a.m.	Welcome and Introduction to the Commercial Mediation Training
8:45 a.m. – 10:00 a.m.	Convening & Contracting a Commercial Mediation Choosing Processes, Setting Tone, Disclosing style, Expectations Simeon H. Baum with Stephen A. Hochman <i>(1.5 MCLE Credit in Skills)</i>
10:00 a.m. – 10:10 a.m.	Break
10:10 a.m. – 11:00 a.m.	Teaching and Training Core Attributes and Skills of the Commercial Mediator Simeon H. Baum <i>(1.0 MCLE Credit in Skills)</i>
11:00 a.m. – 12:40 p.m.	Role Play: Focusing on a Commercial Scenario Small Groups with Facilitators <i>(2.0 MCLE Credit in Skills)</i>
12:40 p.m. – 1:20 p.m.	Lunch

Friday, April 12 | Afternoon Session

3.5 MCLE Credits	(2.5 Areas of Professional Practice, 1.0 Ethics)
1:20 p.m. – 2:35 p.m.	Evaluation: (Whether, When & How) Simeon H. Baum and Stephen A. Hochman <i>(1.5 MCLE in Areas of Professional Practice)</i>
2:35 p.m. – 3:25 p.m.	Forum: Unique Commercial Matters, Joint Sessions, Caucuses, and Risk Analysis Simeon H. Baum and Stephen A. Hochman <i>(1.0 MCLE in Areas of Professional Practice)</i>
3:25 p.m. – 3:40 p.m.	Break
3:40 p.m. – 4:30 p.m.	Ethics: Mediation Theory and the Role of the Mediator Simeon H. Baum and Stephen A. Hochman <i>(1.0 MCLE Credit in Ethics)</i>
4:30 p.m. – 5:00 p.m.	Q & A

Monday, April 15 | Morning Session

3.5 MCLE Credits	(3.5 Skills)
8:00 a.m.	Continental Breakfast
8:30 a.m. – 8:45 a.m.	Introductory Remarks; Summary and Overview
8:45 a.m. – 9:15 a.m.	Decision Tree Analysis in Mediation and Use of Risk Management Software Simeon H. Baum and Stephen A. Hochman <i>(.5 MCLE in Skills)</i>
9:15 a.m. – 9:40 a.m.	Risk Analysis Exercise Simeon H. Baum and Stephen A. Hochman <i>(.5 MCLE in Skills)</i>
9:40 a.m. – 10:05 a.m.	Lawyers Advocacy - Coaching Counsel

Simeon H. Baum and Stephen A. Hochman
(.5 MCLE in Skills)

10:05 a.m. – 10:20 a.m.

Break

10:20 a.m. – 12:00 p.m.

Role Play: Focusing on a Commercial Scenario
Small Groups with Facilitators
(2.0 MCLE in Skills)

12:00 p.m. – 12:45 p.m.

Lunch

Monday, April 15 | Afternoon Session

4.5 MCLE Credits

(1.5 Areas of Professional Practice,
2.0 Skills, 1.0 Ethics)

12:45 p.m. – 2:00 p.m.

Mediator's Proposal | Whether, When & How
Simeon H. Baum and Stephen A. Hochman
(1.5 MCLE in Areas of Professional Practice)

2:00 p.m. – 2:10 p.m.

Break

2:10 p.m. – 3:25 p.m.

**Forum – Impasse Breaking: The Art of Diplomacy
– Handling Challenges in Personalities, Bargaining
Style, Strategies, Commitment Level, Inter- Party
Dynamics, and Messages**
Simeon H. Baum and Stephen A. Hochman
(1.5 MCLE in Skills)

3:25 p.m. – 3:50 p.m.

Mediator Self Care
Simeon H. Baum and Stephen A. Hochman
(.5 MCLE in Skills)

3:50 p.m. – 4:00 p.m.

Break

4:00 p.m. – 5:00 p.m.

Ethics: Remaining Ethical Issues
Simeon H. Baum and Stephen A. Hochman
(1.0 MCLE in Ethics)

For over 20 years, the program faculty has presented the same training to mediators for the Commercial Division of the New York State Supreme Court fulfilling three days of Commercial Mediation Training approved under Part 146 of the Rules of the Chief Administrative Judge. The trainers have 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. Silberman**, as Administrative Judge, 1st Judicial District

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

Past attendees have noted:

"Wealth of experience. Very practical advice!"

"Great context and presenters."

"The facilitators are very generous with their time and sharing of knowledge."

Section Chair:
Deborah Masucci, Esq.

Program Chairs:
Hon. Marilyn K. Genoa
Jess Bunshaft, Esq.

PROGRAM PRESENTERS:

SIMEON H. BAUM, ESQ.

Mr. Baum is a 30+ year litigator and President of Resolve Mediation Services, Inc. (www.mediators.com), serving as mediator, arbitrator and neutral evaluator in over 1,000 disputes since 1992. His mediations include the highly publicized Studio Daniel Libeskind-Silverstein Properties dispute over architectural fees for redevelopment of the World Trade Center site, and Trump's \$1 billion suit over the West Side Hudson River development. He served as founding Chair of NYSBA's Dispute Resolution Section. He was Chair of the Federal Bar Association's ADR Section, is past President of the FBA's SDNY Chapter, and served on the FBA's national Board of Directors. He has served on ADR Advisory Groups to the New York Court system and trained their Commercial Division mediators for the last 20 years. In 2011, 2014, and 2018, Best Lawyers selected Mr. Baum as New York's ADR "Lawyer of the Year." He teaches on the ADR faculty at Benjamin N. Cardozo School of Law and is a frequent speaker and trainer on ADR.

STEPHEN A. HOCHMAN, ESQ.

Mr. Hochman, a founding partner in the firm now known as Kramer, Levin, Naftalis & Frankel, practiced law for over 40 years, specializing in corporate, commercial and securities law. He has successfully mediated over 400 commercial and other types of disputes, including class actions and financial, employment, insurance, real estate, partnership and bankruptcy disputes, approximately 98% of which have settled. Mr. Hochman now practices exclusively as a mediator and arbitrator and writes, consults and lectures frequently on ADR subjects. Over the last 20 years, Mr. Hochman, together with Mr. Baum, has trained the mediators in New York County and various other downstate counties. He also served on the boards and investment committees of various non-profit corporations, including several hospitals and a captive insurance company.

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 **16 credit hours**. The breakdown is as follows: 4.0 MCLE Credits in Areas of Professional Practice, 10.0 in Skills, and 2.0 in Ethics. **This program is transitional and therefore is 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: Holly Hirsch, 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 Cindy O'Brien at cobrien@nysba.org.

NEW YORK STATE BAR ASSOCIATION
CONTINUING LEGAL EDUCATION
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NYSBA Law Practice Management

Whether you're a solo practitioner or a managing partner at a national law firm, you'll find law practice management resources to meet your day-to-day practice needs. Checklists, best practices, publications, and continuing legal education programs provide up-to-date information and practical tips to help you better manage your law practice.

Starting a Practice | Managing Your Practice | Protecting Your Practice | Technology and Your Practice
Marketing Your Practice | Escrow Accounts, IOLA, Ethics | Selling Your Practice and Retirement | Planning Ahead

www.nysba.org/LPM

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Friday, April 12 and
Monday, April 15, 2019

Nassau County Bar Association
15th & West Streets
Mineola, NY 11501

16 Total MCLE Credits

Transitional, this program is
suitable for young lawyers

\$530 for Dispute Resolution Section
Members or Nassau County Bar
Association

\$580 for NYSBA Members

\$680 for Non-NYSBA Members

4 WAYS TO REGISTER

Call **1.800.582.2452** (U.S. and Canada) or
518.463.3724 in Albany & surrounding
area

Mail New York State Bar Association
Member Resource Center
One Elk Street
Albany, NY 12207

Fax **518.463.5993**
Download an order form online at
www.nysba.org/CLEOrderForm

Online www.nysba.org/CLE
[www.nysba.org/
AdvancedCommercial
MediationTraining2019](http://www.nysba.org/AdvancedCommercialMediationTraining2019)

Please Note

- Registrations cancelled less than three days from the program date will be assessed a \$25.00 cancellation fee.

Source Code: CL4582