

NEW YORK STATE BAR ASSOCIATION



# NYSBA

**Section Chair**

**Abigail J. Pessen, Esq.**  
Dispute Resolution Services

**Program Co-Chairs**

**Daniel F. Kolb, Esq.**  
Davis Polk & Wardwell LLP

**Hui Liu, Esq.**  
Mauriel Kapouytian Woods LLP

## Dispute Resolution Section Fall Meeting

### The Next Iteration of ADR – It's Not Just Alternative Anymore

**Friday, October 28, 2016**

**New York Law School**

Rooms W400 and W401

185 West Broadway (corner of West Broadway and Leonard Street)  
New York, NY 10013-2921

This program provides up to 6.5 MCLE credit hours (5.0 in skills and 1.5 in ethics), this program is transitional and does qualify for newly admitted attorneys.



# PROGRAM AGENDA

## The Next Iteration of ADR – It's Not Just Alternative Anymore

**8:00 AM – 9:00 AM**     **Executive Committee Meeting:** All Attendees Welcome!

**8:30 AM – 9:05 AM**     **Registration | Breakfast**

**9:05 AM – 9:15 AM**     **Welcoming Remarks**

**Abigail J. Pessen, Esq.**, Section Chair

**9:15 AM – 10:15 AM**     **Plenary 1: When Reaching Agreement Is a Matter of Life or Death — Insights from a Hostage Negotiator**

A Crisis Communication Specialist will discuss the specific skills used by law enforcement professionals to move incidents that are described as chaotic and potentially volatile towards peaceful resolutions by using specific communication and de-escalation techniques and discuss how these skills can be adapted to your role in conflict resolution in ADR.

**Moderator:**

**Hui Liu, Esq.**, Mauriel Kapouytian Woods LLP

**Speaker:**

**Jeff Thompson, Ph.D.**, Law Enforcement Detective & Crisis Communication Specialist

**10:15 AM – 10:30 AM**     **NETWORKING BREAK**

**10:30 AM – 11:45 AM**     **Plenary 2: Is Your Neutral Truly Impartial? — Overcoming Implicit Bias**

A discussion of what prompts implicit bias and how to combat it.

**Moderator:**

**Alfreida B. Kenny, Esq.**, The Law Office of Alfreida B. Kenny

**Panelists:**

**Mark H. Alcott, Esq.**, Paul, Weiss, Rifkind, Wharton & Garrison LLP

**Rachel D. Godsil, Esq.**, Seton Hall University School of Law

**Nancy Kramer, Esq.**, JAMS

**11:45 AM – 1:15 PM**     **NETWORKING LUNCH**

**1:15 PM – 2:30 PM**     **Plenary 3: Building a Better Arbitration: Avoiding Pitfalls and Problems**

Experienced advocates and arbitrators will share their recipes for a successful arbitration and trade tips, insights, and “pet peeves.”

**Moderator:**

**Abigail J. Pessen, Esq.**, Dispute Resolution Services

**Panelists:**

**Richard P. Kaye, Esq.**, Ellenoff Grossman & Schole LLP

**Nancy F. Lesser, Esq.**, Pax ADR

**Hon. Timothy K. Lewis, Esq.**, Schnader Harrison Segal & Lewis LLP

**Tracey Salmon-Smith, Esq.**, Bressler Amery & Ross LLP

# PROGRAM AGENDA

2:30 PM – 3:30 PM

**Dual-Track Panels** (choose one)

## **A. Lost in Translation? — Navigating the Cross-Cultural Divide in Mediation**

Experienced cross-border mediation practitioners will share observations on how mediation is practiced in different parts of the world and the importance of cultural assumptions and sensitivity to other issues of cross-cultural competence that may arise in mediation.

**Moderator:**

**Theodore K. Cheng, Esq.**, Fox Horan & Camerini LLP

**Panelists:**

**Jennifer L. Brandt, Esq.**, Law and Mediation Office of Jennifer Brandt

**Sheryl Mintz Goski, Esq.**, Law Offices of Sheryl Mintz Goski

**Richard L. Mattiaccio, Esq.**, Squire Patton Boggs LLP

## **B. Could Your Arbitration be Hacked? — Information Security in the Age of Anonymous**

Practical advice regarding how to keep your arbitration secure in the age of digital data exchange and storage.

**Moderator:**

**Sherman W. Kahn, Esq.**, Mauriel Kapouytian Woods LLP

**Panelists:**

**Erin Gleason Alvarez, Esq.**, AIG

**Stephanie Cohen, Esq.**, Cohen Arbitration

**Suhna N. Pierce, Esq.**, Morrison & Foerster LLP

3:30 PM – 3:45 PM

**NETWORKING BREAK**

3:45 PM – 5:00 PM

## **Plenary 4: Wearing Two Hats as a Neutral and an Attorney**

How to deal with the inconsistent mandates in the ethical codes for lawyers and neutrals.

**Moderator:**

**Daniel F. Kolb, Esq.**, Davis Polk & Wardwell LLP

**Panelists:**

**Steven C. Bennett, Esq.**, Park Jensen Bennett LLP

**Bruce A. Green, Esq.**, Fordham Law School

**Jennifer Lupo, Esq.**, Lupo Law & Mediation PLLC

**Ellen C. Yaroshefsky, Esq.**, Benjamin N. Cardozo School of Law

5:00 PM – 6:30 PM

**NETWORKING COCKTAIL RECEPTION**



## IMPORTANT INFORMATION

**The New York State Bar Association's Section and Meeting Services 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 has been approved for up to **6.5 MCLE credits (1.5 in Ethics and 5.0 in Skills.)** This program qualifies for newly admitted attorneys.

**Discounts and Scholarships:** New York State Bar Association members and non-members may receive financial aid to attend this program. This discount applies to the educational portion of the program only. Under this policy, any member of our Association or non-member who has a genuine basis of his/her hardship, if approved, can receive a discount or scholarship, depending on the circumstances. To apply for a discount or scholarship, please send your request in writing to: Beth Gould, 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 Beth Gould at 518-487-5674 or [bgould@nysba.org](mailto:bgould@nysba.org).



NEW YORK STATE BAR ASSOCIATION  
**SECTION AND MEETING SERVICES DEPARTMENT**

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