

Definitive Creative Impasse-Breaking Techniques in Mediation

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ISBN: 1-57969-324-5
Product Number: 41229

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Molly Klapper is a Harvard-trained mediator, with over a decade of successful Alternate Dispute Resolution (ADR) experience in the greater New York metropolitan area. Her practice serves courts, private ADR providers, including the American Arbitration Association, Financial Industry Regulatory Authority, and private clients, and encompasses a broad range of fields, including all aspects of employment law, construction, insurance, securities, partnerships, real estate, and professional malpractice. She is a director of the New Jersey State Bar Association's Dispute Resolution Section, was its program chair, is active on the ADR Day faculty, and now also serves on the Garibaldi Inn of Court program committee, and on New York State Bar Association's Mediation Committee. Her published articles have won prestigious prizes and her book reviews appear in the *New York Law Journal*. She has lectured in the United States and Europe, and co-chaired a full-day CLE Seminar for the New York City Bar. Prior to becoming a full-time mediator, Dr. Klapper was a litigator for one of New York City's largest law firms, taught at Touro Law School, and published two well-received books on *The German Literary Influence on Byron and Shelley*.

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Simeon H. Baum, President of Resolve Mediation Services, Inc. (www.mediators.com), was the first Chair of New York State Bar Association's Dispute Resolution Section. Mr. Baum has mediated more than 900 disputes, including the Studio Daniel Libeskind-Silverstein Properties dispute over architectural fees relating to the redevelopment of the World Trade Center site and Trump's \$1 billion lawsuit over the West Side Hudson River development. He was selected for *New York Magazine's* 2005–2011 "Best Lawyers" and "New York Super Lawyers" listings for ADR, and Best Lawyers' "Lawyer of the Year" for ADR in New York for 2011. He teaches Negotiation Theory & Skills at Benjamin N. Cardozo School of Law and is a frequent speaker and trainer on ADR. For more than a decade he has trained mediators for the Commercial Division of various counties of the New York Supreme Court, and more recently through the NYSBA's Dispute Resolution Section.

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Vivian Berger is the Nash Professor of Law Emerita at Columbia Law School. She has conducted hundreds of mediations and been designated an Advanced Practitioner in employment mediation by the Association for Conflict Resolution. In addition to mediating privately, she is a member of the American Arbitration Association Panel on Employment Mediation and the mediator panels of the U.S. District Courts for the Southern and Eastern Districts of New York, the New Jersey state court system, and the Equal Employment Opportunity Commission. She has also conducted arbitrations and independent workplace investigations, served as special master in a sexual harassment case in federal court and was on the New York State Unified Court System ADR Advisory Committee. She is a member of the ADR Committee of the Association of the Bar of the City of New York and the American Bar Association and New York State Bar Association Dispute Resolution Sections. Prof. Berger co-chairs the Legislation Committee of the NYSBA's Labor and Employment Law Section and is a member of that section's Executive Committee. She is widely published and a frequent speaker on mediation and employment-related topics.

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John DeGroot serves as the court-appointed trustee or receiver to significant corporate and probate estates, including the BearingPoint, Inc. Liquidating Trust and other interests, through Dallas-based John DeGroot Services, LLC. He served at global consulting firm BearingPoint, Inc. and its predecessor, KPMG Consulting, LLC, from 2000 through 2009, first as its Chief Litigation Counsel and later as its Chief Legal Officer and, ultimately, as its President. Mr. DeGroot has served as the lead settlement negotiator for hundreds of cases and has mediated disputes in over 20 states. In addition to his formal duties, he maintains a blog on settlement techniques and negotiation strategies at settlementperspectives.com. Mr. DeGroot received his J.D. from the Duke University School of Law and his B.A. from Mississippi State University; he received his mediation training from Pepperdine University's Straus Institute for Dispute Resolution in 2005.

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Julie Denny spent 15 years in marketing and business development for Dow Jones, McGraw-Hill and the Associated Press and four years with the Alliance for Mediation & Conflict Resolution before founding Resolutions in 1998. She works with individuals and organizations, fostering

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constructive communication. Organizational clients include Draft Worldwide, American Express, Roundabout Theatre, Girl Scouts of the USA, U.S. Air Force and a number of small family-owned businesses. Ms. Denny is an Advanced Practitioner member of the Workplace and Family Sections of the Association for Conflict Resolution, a mediation panelist for the Equal Employment Opportunity Commission, U.S. Postal Service, Transportation Security Authority (TSA) and Key Bridge Foundation ADA program. She is a certified mediator and former Associate of the Institute for the Study of Conflict Transformation. Ms. Denny regularly reviews books on conflict resolution and mediation for *Library Journal*. She has been featured in Court-TV, Bloomberg Network and NY1 segments on mediation.

HON. WILLIAM A. DREIER

Judge William A. Dreier, a member of the firm, heads the Norris McLaughlin & Marcus worldwide products liability practice, as well as supervising litigation, mediation, and arbitration. He served 25 years in the New Jersey State Judiciary, where he was a judge of the Appellate Division from 1983 through 1998, and Presiding Judge from 1994 to 1998. He also served in the Chancery Division and the Law Division of the Superior Court from 1973 to 1983, and is the author of approximately 380 published legal opinions, as well as several books and over 45 published articles. As an arbitrator and mediator, Judge Dreier has been chosen as a member of the New Jersey Panel of Distinguished Neutrals, International Institute for Conflict Prevention and Resolution (CPR), and the AAA National Panels of Mediators and Commercial, Complex Cases, Class Actions, and Wireless Telecommunications Arbitrators, and has served as an International Chamber of Commerce (ICC) and International Centre for Dispute Resolution (ICDR) Arbitrator. He is a Certified Mediator for the U.S. District Court, District of New Jersey, and a member of the International Mediation Institute, the New Jersey Association of Professional Mediators, and has been elected to the College of Commercial Arbitrators. He was chosen as the recipient of the New Jersey Bar Association Dispute Resolution Section's ADR Practitioner of the Year award for 2010.

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Dwight Golann is Professor of Law at Suffolk University in Boston and an active mediator of legal disputes. He has led seminars for courts, the American Bar Association, the European Union, the Peoples' Republic of China, and law firms in the United States and Europe. Professor

Golann is the author of *Mediating Legal Disputes* (ABA) and a DVD, *The Skills of a Legal Mediator*, and is co-author of *Resolving Disputes* (Aspen). He also authored the European Union's ebook on advocacy, *How to Borrow a Mediator's Powers*. Professor Golann was formerly a private litigator and served as Chief of the Trial Division of the Attorney General of Massachusetts and is an Honorary Member of the American College of Civil Mediators. He can be reached at dgolann@suffolk.edu or golannadr.com.

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Elayne E. Greenberg is Director of the Hugh L. Carey Center for Dispute Resolution at St. John's University School of Law. She is a mediator and conflict management consultant who has developed programs, educated, trained, written and lectured internationally on the subject of mediation, hybrid dispute resolution process, dispute resolution ethics and advocacy in mediation. Professor Greenberg's deep involvement in the field is evidenced by the innovative dispute resolution programs that she has developed and implemented including ABI-St. John's Bankruptcy Mediation Training (forthcoming in December 2011) and the Ghana Mediation Training (summer 2011). Her mediation training is the very first mediation training to be approved in New York State under Part 146 by the New York State Unified Court System's Office of ADR. Professor Greenberg has helped shape the development of ADR by serving on several Dispute Resolution Boards including serving as the Chair of the New York State Bar Committee on ADR. She has been recognized by *Best Lawyers in America* as among the top New York lawyers in the field of Alternative Dispute Resolution every year since 2005.

STEPHEN A. HOCHMAN, ESQ.

Mr. Hochman practiced law for over 40 years, specializing in corporate, commercial and securities law. He was a founding partner in the firm now known as Kramer, Levin, Naftalis & Frankel. Prior to 1968, he was a partner in Kramer, Nessen & Hochman and an associate at Proskauer, Rose, Goetz & Mendelsohn, where he began the practice of law following his graduation from Cornell Law School in 1959. Mr. Hochman has mediated over 350 commercial and other types of disputes, including class actions and financial, employment, insurance, real estate and partnership disputes, approximately 98% of which have settled. Mr. Hochman now practices almost exclusively as a mediator and arbitrator and writes, consults and lectures frequently on ADR subjects. For over a decade he has trained mediators for the Commercial Division in New York County and

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Jonathan M. Hyman is Professor of Law and Alfred C. Clapp Public Interest Scholar at Rutgers Law School in Newark, New Jersey. Specializing in litigation and alternative dispute resolution, he has served as administrative director of the Rutgers Constitutional Litigation Clinic and as co-director of the Rutgers Certificate Program in Conflict Management, and teaches both the introductory ADR course and a mediation clinic. He has written extensively on mediation, including "Four Ways of Looking at a Lawsuit: How Lawyers Can Use the Cognitive Frameworks of Mediation," 34 *Washington University Journal of Law and Policy* 11 (2010) and "If Portia Were a Mediator: An Inquiry into Justice in Mediation," 9 *Clinical Law Review* 157 (2002) (with Lela Love). He is an arbitrator and mediator, and in 2007 was named the Professor James B. Boskey ADR Practitioner of the Year by the Dispute Resolution Section of the New Jersey State Bar Association.

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Laura A. Kaster, Esq. is an arbitrator and mediator working in the greater New York metropolitan area (www.AppropriateDisputeSolutions.com). She is the Chair of the New Jersey State Bar Association Dispute Resolution Section, and co-editor of the New York State Bar Association's *Dispute Resolution Lawyer*. She has published widely on topics relating to both arbitration and mediation. She is a member of the executive committee of the Marie Garibaldi Inn of Court devoted exclusively to ADR. She teaches dispute resolution processes at Seton Hall Law School. Before establishing her practice as a neutral, she was chief litigation counsel for AT&T and handled all of its patent and intellectual property matters as well as complex litigation and class actions. Prior to her work at AT&T, she was a partner at the national law firm Jenner & Block. She has presented at the American Bar Association annual Dispute Resolution meetings, Practising Law Institute, NJSBA and for corporations and law firms.

J. ANDERSON LITTLE, ESQ.

J. Anderson (Andy) Little is a mediator and mediation trainer in North Carolina who is credited with leading that state's efforts to incorporate mediation into its courts. He later chaired the Dispute Resolution Commission, the agency charged with certifying and regulating mediators for

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Julia Morelli has extensive experience as a mediator, manager and consultant. As President of Holistic Solutions, Inc. (HSI) she provides mediation, facilitation, and organizational development services; and training in dispute resolution, diversity, communication, and stress management. HSI's client list includes government agencies, corporations, associations and nonprofit organizations. She is Director of Operations for the George Mason University Instructional Foundation, Inc., serves as a trainer and workplace coach for GMU's Department of Human Resources, and conducts individual and group mediations through the VA Department of Employment Dispute Resolution.

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Daniel Rainey is Chief of Staff for the National Mediation Board, the federal agency charged with labor-management mediation in the airline and railroad industries. He is past Chair of the Online Dispute Resolution Section of the Association for Conflict Resolution, and he is currently a member of the editorial board of *Conflict Resolution Quarterly*. He is also a member of the ABA Section of Dispute Resolution, and Co-Chair of their ODR interest group. He is a fellow of the National Center for Technology and Dispute Resolution, and an adjunct faculty member in the graduate dispute resolution programs at Creighton University and Southern Methodist University.

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Ruth D. Raisfeld has over 30 years' experience providing ADR services (including mediation, arbitration, workplace investigations, and training) to law firms, corporations, and neutral panels. Ms. Raisfeld is knowledgeable regarding in all aspects of employment claims of wrongful termination, employment discrimination, sexual harassment, breach of employment contract and other commercial matters. Her clients include

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Terri Roth Reicher maintains an active commercial mediation and arbitration practice in New Jersey. She has taught Health Law at the Thomas Jefferson University School of Medicine, Dispute Resolution Processes at Seton Hall University School of Law, and Legal Environments of Business at the Cotsakos School of Business, William Paterson University. She is a frequent trainer and lecturer in the ADR community. Currently Ms. Reicher serves as Programming Chair of the Garibaldi Inn of Court for the study of ADR, is an officer in the New Jersey State Bar Association Dispute Resolution Section and an active member in the New Jersey Association of Professional Mediators. She received her B.S., *magna cum laude*, from the Wharton School of the University of Pennsylvania, and her J.D. from Vanderbilt University. She was law clerk to the Honorable Ray Brock, Tennessee Supreme Court, and the Honorable Gilbert Merrit of the U.S. Court of Appeals for the Sixth Circuit. Additionally, she earned an LL.M. in Health and Hospital Law from the Seton Hall University School of Law.

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James F. Ring is a partner in the Boston law firm of Chu, Ring & Hazel LLP. He is also a principal of Fair Outcomes, Inc., a company founded by a small group of game theorists, computer scientists, and practicing attorneys that provides parties involved in disputes or difficult negotiations with access to game-theoretic bargaining mechanisms. Mr. Ring has been practicing law since 1983, primarily working for business clients and serving as lead trial counsel in a variety of multi-million dollar business cases. He has also been deeply involved in the design and development of

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IRENE C. WARSHAUER, ESQ.

Irene C. Warshauer has extensive experience arbitrating and mediating business/commercial, contract, securities, employment and product liability disputes. She is an arbitrator and mediator for the American Arbitration Association, International Centre for Dispute Resolution, International Institute for Conflict Prevention and Resolution (CPR), Financial Industry Regulatory Authority (FINRA), and state and federal courts. Ms. Warshauer is a Fellow of the College of Commercial Arbitrators and an International Mediation Institute (IMI) certified mediator. A graduate of the University of Michigan and Columbia Law School, she has written numerous articles and lectured extensively on mediation and arbitration. She demonstrates a Mediation in Action in the CPR videotape and has facilitated mediation training for the New York State Supreme Court, the U.S. Bankruptcy Court, the Nassau County Bar Association and elsewhere.

HON. BARBARA BYRD WECKER

Barbara Byrd Wecker, a retired Judge of the New Jersey Superior Court Appellate Division, has served as a private mediator and arbitrator since 2007. She is Of Counsel to the law firm Greenberg Dauber Epstein & Tucker, PC, in Newark, New Jersey, where she chairs the Alternate Dispute Resolution Department. She is a member of the American Arbitration Association's national panels of mediators and commercial and complex case arbitrators and a New Jersey court-approved mediator under Rule 1:40. In 21 years on the bench, Judge Wecker handled commercial, employment-related, professional negligence, product liability, healthcare, insurance coverage and family matters and has mediated cases in those fields since. She is a member of the New Jersey Supreme Court Committee on Complementary Dispute Resolution, the Garibaldi American Inn of Court for Alternate Dispute Resolution and the Sections on Dispute Resolution of the American and New Jersey State Bar Associations. She is a graduate of Cornell University and Rutgers Law School (Newark, NJ) and has a Master's degree in Counseling from the University of Missouri and a Master of Laws from the University of Virginia School of Law.