The ADR Section of the Minnesota State Bar Association and Minnesota CLE proudly present . . .

The 13th Annual ADR Institute

It’s the can’t-miss ADR event of the year!

Special Guest Speakers:

Dana Curtis
Elder Mediation Group
Sausalito, California

Douglas E. Noll
Noll Associates
Clovis, California

Plus a special luncheon address by Jeff Anderson on Mediating Clergy Sexual Abuse Cases.

New this year: The ADR Book Club

Participate in facilitated discussions of the latest books on conflict, intuition, negotiation, psychology and law.

Friday, October 29, 2010
Minnesota CLE Conference Center
Seventh Street and Nicollet Mall
Third Floor City Center, Minneapolis
**Schedule**

**8:30 – 8:45 a.m.**
CHECK-IN & CONTINENTAL BREAKFAST

**8:45 – 9:00 a.m.**
Welcome
Madge S. Thorsen, Institute Chair

**9:00 – 10:15 a.m.**
Mediation, Decision-Making, and the Human Brain
In this keynote presentation, you will learn how our brains process conflict and peace, why beliefs are sometimes so stubborn, and why vengeance is a powerful hidden driver of impasse. You will also learn some advanced techniques of working with the brains of parties and counsel to improve decision-making and mediation outcomes.

Douglas E. Noll

**10:15 – 10:30 a.m.**
Breakout Session A
Douglas E. Noll
counsel to improve decision-making and mediation techniques of working with the brains of parties and drivers of impasse. You will also learn some advanced so stubborn, and why vengeance is a powerful hidden process conflict and peace, why beliefs are sometimes in this keynote presentation, you will learn how our brains

**10:30 – 11:45 a.m.**
Breakout Session B
Jeff Anderson
*Mediating Clergy Sexual Abuse Cases*

**11:45 a.m. – 1:00 p.m.**
INSTITUTE LUNCHEON
(Box lunches provided by Minnesota CLE)

**12:15 – 12:45 p.m.**
Special Luncheon Presentation:
Mediating Clergy Sexual Abuse Cases
Jeff Anderson

**1:00 – 1:30 p.m.**
Breakout Session C

**1:30 – 2:15 p.m.**
Panel Discussion:
*The New Minnesota Revised Uniform Arbitration Act*
Join two experienced litigators and arbitrators for an update on what you need to know about The New Minnesota Revised Uniform Arbitration Act – what has changed and what has not.

David A. Allgeyer & Patrick R. Burns

**2:15 – 2:30 p.m.**
Breakout Session A

**2:30 – 3:45 p.m.**
Breakout Session B

**3:45 – 4:15 p.m.**
Breakout Session C

**4:15 – 4:30 p.m.**
Wrap-Up of ADR Book Club

**4:30 – 4:50 p.m.**
Panel Discussion:
*The Invisible Gorilla and Stalling for Time*

**4:45 – 5:00 p.m.**
Panel Discussion:
*The Truth about the Truth*

**5:00 – 5:30 p.m.**
Closing Remarks

**5:30 – 6:15 p.m.**
Social Hour

**5:30 – 6:15 p.m.**
Mediation Basics: Your First Mediations
Have you completed the 30-hour mediation training, but haven’t mediated a case yet? Have you mediated a few cases, but still want a refresher on the basics? Experienced civil, family and organizational mediator, Susan Mainzer, reviews important steps in preparing for mediation, discusses process considerations and principles to keep in mind during mediation, and offers valuable tips for closing the mediation and completing post-mediation paperwork. Most importantly, she will answer your questions about any stage of the mediation process.

Susan Mainzer

**5:30 – 6:15 p.m.**
Arbitration Act Update
Join two experienced litigators and arbitrators for an update on what you need to know about the Minnesota Revised Uniform Arbitration Act – what has changed and what has not.

David A. Allgeyer & Patrick R. Burns

**6:15 – 7:00 p.m.**
Special Luncheon Presentation:
*International Diplomacy and Mediation*

**7:00 – 7:45 p.m.**
Institute Banquet

**7:45 – 8:45 p.m.**
Happy Hour

**8:30 – 9:30 p.m.**
Post-conference Networking Reception

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**SCHEDULE**

**1. The Emerging Practice of Elder Mediation**
It is timely for Elder/Adult Family Mediation’s emergence as a powerfully effective process in enabling families to address the multiple, complex issues encountered as family members transition from independence to dependence. Elder mediation allows conflicted families to make wise decisions about independence (housing, care-giving, health care) and money (gifts, family business succession, estate planning) and to prevent the painful and costly consequences of contested conservatorship proceedings and, later, trust and estate litigation. This program will:

- Explore the “universe” of elder mediation
- Examine the value-added opportunities for families in elder mediation
- Outline the distinguishing features of elder mediation
- Becoming an elder mediator – finding an elder mediator
- Explore the role of the lawyer in elder mediation

Dana Curtis

**2. Update on ENE Initiatives Statewide**
Family Law attorney Susan Rhode moderates a panel of Minnesota attorneys and judges as they address the use of Early Case Management and Early Neutral Evaluation in family court cases. Learn the basic principles of these programs, how they are being implemented throughout the state and how attorneys can prepare to participate in these new court processes.

Judge Tanja K. Manrique, Sara-Beth Swanson, Judge Sally Tamowski, Thomas W. Tuft & Susan Rhode (moderator)

**3. The New Minnesota Revised Uniform Arbitration Act**
Join two experienced litigators and arbitrators for an update on what you need to know about The New Minnesota Revised Uniform Arbitration Act – what has changed and what has not.

David A. Allgeyer & Patrick R. Burns

**4. Ethics 101: Core Concepts for New Mediators**
1.25 ethics credits (applied for)
From conflicts to confidentiality, join Sharon Press for a review of the ethical concepts and rules of professional responsibility that all mediators must learn and practice.

Sharon Press

**5. ADR Book Club: The Invisible Gorilla and Stalling for Time**
Attendees are asked to read both books so they can actively participate in the discussion.

Join your colleagues for a stimulating discussion of two ADR-related books. In *The Invisible Gorilla*, the authors use a wide assortment of stories and counterintuitive scientific findings to reveal an important truth: Our minds don’t work the way we think they do. We think we see ourselves and the world as they really are, but we’re actually missing a whole lot. In *Stalling for Time*, Gary Noesner, the former head of the FBI’s Crisis Negotiation Unit recounts how his training in negotiation and communication techniques helped defuse hostage situations and many other potentially volatile stand-offs.

Mark McCrea & Madge S. Thorsen

**6. International Diplomacy and Mediation**
Based on his forthcoming book, *Elusive Peace* (Prometheus, 2011), Doug will talk about the failures of international diplomacy and mediation. His stories will make any experienced commercial mediator cringe at the rookie mistakes made time after time by international mediators. Hope for world peace lies in the knowledge and experience developed in the private mediation field over the past 25 years.

Douglas E. Noll

**7. Working with Loss and Grief: Theoretical, Practical, and Personal Implications for Mediators**
All negotiations at some level involve loss or the fear of loss. The reactions of parties and lawyers to losses, whether actual, perceived or anticipated, may significantly interfere with their ability to participate effectively in mediation. This experiential workshop will explore what the psychology of negotiation, neuroscience and grief studies have to teach us about the human response to loss. And we will experiment with various applications of these theories to mediation, as we explore how to help participants overcome these impediments in order to reach resolution.

Dana Curtis

**8. Mediation Basics: Your First Mediations**
Have you completed the 30-hour mediation training, but haven’t mediated a case yet? Have you mediated a few cases, but still want a refresher on the basics? Experienced civil, family and organizational mediator, Susan Mainzer, reviews important steps in preparing for mediation, discusses process considerations and principles to keep in mind during mediation, and offers valuable tips for closing the mediation and completing post-mediation paperwork. Most importantly, she will answer your questions about any stage of the mediation process.

Susan Mainzer

**9. ADR Book Club: Bargaining with the Devil and The Truth About the Truth**
Attendees are asked to read both books so they can actively participate in the discussion.

Join your colleagues for a stimulating discussion of two ADR-related books. In some situations it may make more sense to negotiate rather than fight, but how do you decide? In *Bargaining with the Devil*, Robert Mnookin explores the challenge of making such critical decisions. In *The Truth about the Truth*, Walter Truett Anderson compiles 33 short pieces by postmodern pundits grappling with problems of belief, identity and conflict in a rapidly changing society.

Kenneth H. Fox & Jim Hilbert

**10. Prison of Peace**
In the spring of 2010, Doug Noll and Laurel Kaufier began a project in the largest women’s prison in the world—teaching life inmates without the possibility of parole to be peacemakers. Murderers all, these women are dedicated to transforming their community, and home for life, into a place of peace. Doug will describe the project, the training, and show a documentary featuring some of the women.

Douglas E. Noll
Douglas E. Noll
Douglas E. Noll, Esq., is a full-time peacemaker and mediator specializing in difficult and intractable conflicts. In addition to being a lawyer, Mr. Noll holds a masters degree in Peacemaking and Conflict Studies. He has mediated and arbitrated over 1,200 cases, including a large number of construction, construction defect, and real estate matters involving tens of millions of dollars. He will present the keynote address on Mediation, Decision-Making, and the Human Brain and teach breakout sessions on International Diplomacy and Mediation and Prison of Peace.

Dana Curtis
Dana Curtis, Esq., has been a full-time mediator for nearly twenty years. Her experience and interest in mediating with elders and adult families led her to create Elder Mediation Group in 2008 to provide mediation services and training in elder-related matters. She is co-author of Elder Mediation: A Guide for Practicing Mediators, to be published by theABA in late 2010. She will present breakout sessions on The Emerging Practice of Elder Mediation and Working with Loss and Grief: Theoretical, Practical and Personal Implications for Mediators.

11. Blind Mediation
Learn the history of blind mediations, how they work, the strengths and weaknesses of this mediation method, how it can be a help to settling complex or multi-party cases or when positional bargaining or precedential deals are an issue, and what is required for a successful “blind mediation.”
John Harens

12. Stuck in the Middle with You: Strategies for Breaking Deadlocks Across Practice Areas
A panel of experienced mediators will discuss the sources of impasse in business, personal injury, employment and family mediations and share their best tips for resolving them.
Carolyn Chalmers, Daniel A. Gislason, Roger L. Kramer & Janeen Massaros (moderator)

13. ADR Book Club: Predictably Irrational and How We Decide
Attendees are asked to read both books so they can actively participate in the discussion. When we make decisions we think we’re in control and making rational choices. But are we? Entertaining and surprising, Predictably Irrational unmasks the subtle, but powerful tricks that our minds play on us. How We Decide explores the cognitive struggle between the brain’s executive rational centers and its more intuitive regions. These books could change the way you think about thinking.
Aimee Gourlay & Leslie Sinner McEvoy

3:45 – 4:00 p.m.
Reception Break
Enjoy complimentary drinks and hors d’oeuvres while you mingle with your colleagues.

4:00 – 4:30 p.m.
2010 Mediation Update
A review of the past year’s most important developments in the law of mediation.
Richard L. Hendrickson & Jessica Kuchta-Miller

4:30 – 5:00 p.m.
2010 Arbitration Update
A review of the past year’s most important developments in the law of arbitration.
Joseph L. Daly

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Pass # ____________________________

**PLEASE “✓” INSTITUTE BREAKOUT CHOICES:**

SESSION A: #1 #2 #3 #4 #5

SESSION B: #6 #7 #8 #9

SESSION C: #10 #11 #12 #13

**NEW LAWYER DISCOUNT!**
Deduct $60 from the fee if you were first admitted to the bar after October 29, 2007!

**SCHOLARSHIPS AND GROUP DISCOUNTS ARE AVAILABLE!**
Please contact Tim Morrow at Minnesota CLE – 651-227-8266 or 800-759-8840 for details.

**PROGRAM MATERIALS**
I cannot attend. Please send me:

___ copy(ies) of the Institute manual at $90 each. (available 11/13/10)

Cost of book(s).......................... $________

Shipping/Handling ......................... $________

Subtotal ..................................... $________

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**COST OF ITEM(S) $ 6 H**

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**CREDITS**
Minnesota CLE has applied to the State Board of CLE for a total of 6.0 CLE credits, including 1.25 ethics credit for breakout session #4. Attendees of breakout session #4 will claim 1.25 ethics and 4.75 standard credits. The maximum number of total credits you may report for the ADR Institute is 6.0.

Application also has been made to the Supreme Court Office of Continuing Education for 6.0 Continuing Education in ADR credits as required by the Minnesota Supreme Court to remain on the state roster of ADR neutrals.

**CANCELLATION/NO-SHOW POLICY**
Paid registrants who cancel their registration at least 72 hours before the program will receive a full credit on their account; if fewer than 72 hours, a $25 administrative fee will be deducted. Paid registrants who fail to attend will receive the written materials. Passholders may purchase the materials at 50% of the full retail price.

**ACCOMMODATION**
If you have a disability and need an accommodation in order to attend, contact Minnesota CLE at 651-227-8266 or 800-759-8840 for details.

**QUESTIONS?**
Please call Minnesota CLE at 651-227-8266 or 800-759-8840. Or, visit us online at www.minncle.org.

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