

## GUEST SPEAKER



### Ken Cloke

Ken Cloke is the Director of the Center for Dispute Resolution in Santa Monica, California and a mediator, arbitrator, facilitator, coach and trainer, specializing in communication, negotiation and resolving complex multi-party disputes. He is an internationally recognized speaker and author of *Mediation: Revenge and the Magic of Forgiveness*; *Mediating Dangerously: The Frontiers of Conflict Resolution*; *The Crossroads of Conflict: A Journey into the Heart of Dispute Resolution*; *Conflict Revolution* and *The Dance of Opposites: Explorations in Mediation*.

## FACULTY

### Michael C. Black

Michael C. Black Law Office, Ltd.  
Saint Paul

### James R. Coben

Mitchell Hamline School of Law  
Saint Paul

### Joseph L. Daly

Mitchell Hamline School of Law  
Minneapolis

### Tanja K. Manrique

Tanja K. Manrique, LLC  
Minneapolis

### Antone M. Melton-Meaux

Work Resolve Mediation  
Minneapolis

### Kristi J. Paulson

PowerHouse Law and Mediation  
Burnsville

### Katie Pratt

The Office of Collaboration and Dispute Resolution  
Saint Paul

### Steven B. Schmidt

Steven B. Schmidt Mediation, LLC  
Minneapolis

### Dan Simon

Simon Mediation  
Minneapolis

### Referee James J. Street

Second Judicial District  
Saint Paul

### Thomas W. Tuft

Tuft, Lach, Jerabek & O'Connell, PLLC  
Maplewood

### Molly N. Tyroler

Tyroler Law and Mediation  
Woodbury

### Attend in person for:

- A refreshing break from your office and screens
- Delicious coffee brewed fresh and served hot all day
- Faculty access: meet and ask questions of faculty
- A tasty lunch, snacks and refreshments
- Opportunities to connect with your friends and colleagues in the ADR community

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The 25th Annual

# ADR Institute

Friday, November 4, 2022  
Attend In Person

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*The ADR Institute:  
Celebrating 25 Years of  
Learning, Engagement  
and Community*

**Friday, November 4, 2022 –  
Attend In Person**

Minnesota CLE Conference Center  
600 Nicollet Mall, Suite 370, Minneapolis

**Can't Attend In Person?** View the online  
replay on Friday, December 2, 2022



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

The 25th Annual

# ADR Institute

The 2022 ADR Institute  
Welcomes



### Ken Cloke

Ken Cloke is the Director of the Center for Dispute Resolution in Santa Monica, California and a mediator, arbitrator,

facilitator, coach and trainer, specializing in communication, negotiation and resolving complex multi-party disputes.

He joins a talented local faculty for insightful presentations on:

- New Developments in Arbitration
- How to De-Escalate Conflict in Your Mediations
- Litigation About Mediation
- How to Facilitate Self-Determination in Mediation

**Plus, an overview of the long-awaited amendments to Minnesota Rule 114!**

## SCHEDULE

8:30 – 9:00 a.m. CHECK-IN & CONTINENTAL BREAKFAST

9:00 – 9:05 a.m. WELCOME & ANNOUNCEMENTS

9:05 – 10:05 a.m.

### Litigation About Mediation: A Case Study in Institutionalization

For 1998, the year of the first ADR Institute, 467 federal and 652 state court decisions are available on Westlaw that mention the word mediation. Fast-forward to last year: the word mediation appears in 4300 federal and 1733 state decisions. Not all of these database “hits” involve situations where federal and state judges actually decided a disputed mediation issue. But roughly fifteen to twenty percent of the time over the last quarter-century, that is exactly what happens. This presentation will explore this litigation history and tease out practical lessons to be learned about the evolution of our field.

– James R. Coben

10:05 – 10:10 a.m. BREAK

10:10 – 11:10 a.m.

### The New Minnesota Rule 114: ADR Ethics and Procedures

#### 1.0 ethics credit applied for

Join two members of the ADR Ethics Board for an overview of the long-awaited amendments to Minnesota Rule 114.

– Kristi J. Paulson  
Referee James J. Street

11:10 – 11:15 a.m. BREAK

11:15 a.m. – 12:15 p.m.

### KEYNOTE PRESENTATION

### The Magic of Mediation: How to Find, Feed, and Foment It

Anyone who has mediated even a few disputes is likely to have experienced the magic of mediation, and would very much like to do so again. But if asked to say exactly where this magic came from, how it happened, what it consisted of, or how they might replicate it, most would be hard pressed to answer. In this context, magic does not mean illusion, trickery, sleight-of-hand, or superstition, but the very real unanticipated transformation and metamorphosis of impasse into resolution. This session will examine some of the sources of magic in mediation and the transformational skills and techniques that allow us to move beyond compromise and conciliation to collaboration and consensus; and beyond settlement to resolution, forgiveness, reconciliation, and prevention.

– Ken Cloke

12:15 – 1:15 p.m. LUNCH BREAK (PROVIDED BY MINNESOTA CLE)

12:30 – 12:45 p.m.

### SPECIAL LUNCHEON PRESENTATION

### ADR Spotlight: Meet Katie Pratt, the New Director of the Minnesota Office of Collaboration and Dispute Resolution

## 1:15 – 2:15 p.m. BREAKOUT SESSION A

### 101 Family Law Arbitration: Why, When and How

– Michael C. Black  
Tanja K. Manrique  
Steven B. Schmidt  
Thomas W. Tuft, moderator

### 102 5 Important New Developments in Arbitration Law

– Joseph L. Daly

2:15 – 2:30 p.m. BREAK

2:30 – 3:30 p.m.

### How to De-Escalate Conflict in Your Mediations

Workers’ compensation and personal injury mediator, Molly Tyroler, and employment law mediator, Antone Melton-Meaux, will provide strategies for de-escalating conflict and producing productive interactions with your clients and adversaries, which can lead to enhanced settlement outcomes.

– Antone M. Melton-Meaux  
Molly N. Tyroler

3:30 – 4:00 p.m. RECEPTION BREAK

Celebrate 25 years of the ADR Institute with drinks, treats and conversation with your colleagues in the ADR community!

4:00 – 5:00 p.m.

### Bringin’ Agency Back: How to Facilitate Self-Determination in Mediation

Dan Simon’s new book (with co-author Tara West) challenges mediators to live up to mediation’s unique, but usually unmet, potential to be genuinely empowering. In this presentation, Dan will explain how mediators can give the parties the real experience of being in control while also increasing the likelihood of settlement. He’ll also explain the theoretical basis, as well as the metaphor in the title, of his book *Self-Determination in Mediation: The Art and Science of Mirrors and Lights*.

– Dan Simon

## THANK YOU TO OUR SPONSOR!



## SPECIAL BENEFIT – WATCH AGAIN ACCESS

Ability for Attendees to Watch Recordings of ALL the Institute Presentations for 1 Year Following the Institute

(NOTE: This “Watch Again” feature is reserved for attendees. Any viewing of sessions outside the listed Institute dates and times is not eligible for credit; it is for educational purposes only. The maximum number of credits that may be reported for the Institute itself is 6.0.)

## Course Information

### LIVE IN PERSON

Friday, November 4, 2022  
Minnesota CLE Conference Center  
600 Nicollet Mall, Suite 370  
Third Floor City Center, Minneapolis

### ONLINE REPLAY

Friday, December 2, 2022  
View online at [www.minncle.org](http://www.minncle.org)  
A moderator will be available to answer questions by email.

### HOW TO REGISTER

Registration must be made online at [www.minncle.org](http://www.minncle.org).

### COURSE MATERIALS

#### In-Person Attendees

Course materials will be provided to in-person attendees in hard copy. In-person attendees will also have electronic access to the course materials via their Minnesota CLE accounts.

#### Online Replay Attendees

Online replay attendees will have electronic access to the course materials via their Minnesota CLE accounts.

### CREDITS

Minnesota CLE is applying to the Minnesota State Board of Continuing Legal Education for **6.0 CLE credits, including 1.0 ethics credit**. The maximum number of total credits attendees may report for this seminar is 6.0.

The ADR Institute also qualifies for **6.0 Continuing Education in ADR credits**, which are required by the Minnesota Supreme Court to remain on the state rosters of ADR neutrals.

### SCHOLARSHIPS AVAILABLE

Minnesota CLE maintains a scholarship program for those with a financial need. Contact Grant at [gdavies@minncle.org](mailto:gdavies@minncle.org) or **651-254-2111** for further details or to obtain an application.

### ACCOMMODATION

If you have a disability and need an accommodation in order to attend this seminar, contact Minnesota CLE as soon as possible at **800-759-8840** or [customerservice@minncle.org](mailto:customerservice@minncle.org).

### CANCELLATION POLICY / NO-SHOW POLICY

Paid registrants who cancel before the seminar will receive a refund upon request. Paid registrants who do not cancel and are unable to attend will retain access to the seminar materials through their Minnesota CLE website account. Passholders may purchase the materials at 50% of the full retail price.

### QUESTIONS?

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[www.minncle.org](http://www.minncle.org)  
**800-759-8840**

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### TUITION:

\$295 MSBA member  
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- **Super Passholders** may attend the in-person seminar or the online replay at no charge.
- **In-Person Passholders** may attend the in-person seminar at no charge or the online replay for 50% off.
- **Online Passholders** may attend the in-person seminar for 50% off or the online replay at no charge.

### NEW LAWYER DISCOUNT!

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### SCHOLARSHIPS AVAILABLE

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