

Artistry in Mediation

**Artistry in Mediation:
Conflict, Improvisation
& Resolution**

**International Academy
of Mediators
Spring Conference**

**Salt Lake City, Utah
March 11-13, 2010**



International Academy of Mediators:
A Fellowship of Pre-eminent
Commercial Mediators
www.iamed.org



*V. Douglas Snow "Capitol Reef" 1997 Oil on canvas, 19' x 15'
Commissioned by the Utah Public Art Program*

Thursday, March 11

This Conference is designed to be highly interactive and creative, with opportunities to practice innovative approaches to mediation. Wear comfortable clothes; ties and nylons are discouraged. On Friday, case managers will join us for a session on the business of mediation and how they add value to our businesses. Join us on Saturday to hear how mediators closed difficult cases and to add your suggestions for future conferences.

Conference Chairs

Bill Bohling and Karin Hobbs

Conference Committee

Susan Hammer, Jeff Jury, Jeffrey Krivis, Renee Levine, Eugene Moscovitch, Jan Frankel Schau

Salt Lake City abounds in natural beauty, art, history and culture. Visitors enjoy the Utah Museum of Fine Arts and the Utah Museum of Natural History, both associated with the University of Utah, as well as a number of performing arts groups, including the world-famous Mormon Tabernacle Choir, the Utah Symphony, and the Utah Opera.

Important Mormon institutions include the Church of Jesus Christ of Latter-day Saints' Museum of Church History and Art and the adjacent Family History Library, which is famous as a center for genealogical research.

Other popular destinations include the Pioneer Memorial Museum; the Utah State Historical Society in the historic Denver and Rio Grande Railroad Station; and the Delta Center, home of the Utah Jazz of the National Basketball Association (NBA).

Around the city, the Wasatch Range provides excellent opportunities for hiking and downhill and cross-country skiing. Seven major ski areas—Alta, Snowbird, Solitude, Brighton, Park City, Deer Valley, and **The Canyons**—are less than an hour's drive from downtown. See inside for information on our discounted ski and stay package.

Weather

The average High for the month of March is 51 degrees, with a Low of 28.

8:30-Noon **IAM Board Meeting**
IAM Members welcome.
Preregistration is required.

1:00 **Welcome**
Teresa Wakeen, *President, International Academy of Mediators, Seattle, WA*

Introduction to Salt Lake City and the Conference

Karin Hobbs and Bill Bohling,
Conference Chairs, Salt Lake City, UT

1:15-2:45 **Improvisation in Mediation Part One: Techniques from the Theatre to Make it Happen!**

Improvisation is part of our daily lives as mediators. What can we learn from jazz musicians? Actors? Are we really winging it or is there a method to our madness? How can we become more aware of it? Watch as actors demonstrate improvisation and learn about their methods.

Facilitator:

Jeffrey Krivis, *Los Angeles, CA*

Actors:

Brian Breiter, *Los Angeles, CA*

Susan Peahl, *Los Angeles, CA*

2:45-3:00 **Break**

3:00-4:30 **Improvisation in Mediation Part Two: Making it Happen!**

How can we fine tune our skills and use them to close deals? What lines do we use? What stories do we tell? How do we gauge what techniques will likely be helpful?

5:00-6:30 **Cocktail Reception**

8:00-9:30 **Optional Event**
See The Mormon Tabernacle Choir rehearse in the Tabernacle on Temple Square. Free. Open to the public.

Please note that speaker substitutions may occur.

Friday, March 12

- 8:30 **Breakfast**
- 9:00-10:30 **Always Be Closing**
Unfortunately, our most frequent measure of personal and professional success, realistically, inescapably and necessarily, will always be tied to the very practical question of “did we get the case settled?” This session explores the many facets of bringing about this concrete result, starting with our first contact with the parties and ending with their complete extraction from the pending litigation. In the process, we will examine many of the subtle and direct techniques available to us in maintaining our focus, staying on course, and ultimately achieving this objective.
Presenters:
Teresa Wakeen, *Seattle, WA*
Eugene Moscovitch, *Santa Monica, CA*
- 10:30-11:30 **A Hybrid ADR Process: A Judge and a Mediator Collaborate**
This session will discuss an innovative court-annexed ADR process which combines the federal judicial settlement process with a private mediation. Can a judge and a mediator collaborate on resolving a complex multi-party case? Can the court and/or an advocate initiate such a process to assist the judiciary in bringing effective case management—and possibly settlement—to a protracted, discovery-laden litigation?
Presenters:
Magistrate Judge Samuel Alba, *District of Utah*
Magistrate Judge John Leo Wagner, *(former) San Juan Capistrano, CA*
Karin Hobbs, *Salt Lake City, UT*
Michelle Roybal, *ADR Administrator for the U.S. District Court, District of Utah*
- 11:30-1:00 **Lunch: Bagley’s Utah Survival Guide**
Pat Bagley, *Cartoonist, Salt Lake Tribune*, will provide a humorous background on Utah culture with a slide presentation of his illustrations.
- 1:00-2:15 **Motivational Interviewing Part One: 8 Strategies for Motivating Clients**
Motivational Interviewing (MI), primarily used in therapeutic and healthcare arenas, applies to professionals who play a role in empowering others to make decisions or to reach agreements. This MI workshop will focus on the concept of ambivalence and the conditions necessary for movement to occur. The philosophy and spirit of MI will be discussed, highlighting similarities to the process of mediation, and eight specific techniques and strategies for building motivation will be presented and modeled using a member of the audience. Finally, the application and ethics of using MI techniques in mediation will also be explored
Presenters:
Dr. Kelly Lundberg, *Salt Lake City, UT*
Clifford Hender, *Toronto, ON*
- 2:15-2:30 **Break**
- 2:30-4:00 **Motivational Interviewing Part Two: Applying Motivational Interviewing to Commercial Mediation**
We will break into small groups to practice techniques and debrief.
- 4:00-5:00 **Convening Mediation: 20 Years of Lessons from Case Managers**
Converse with professional case managers who represent and manage the mediator’s practice. How do they manage multi-party cases, get both sides to the table, finesse demanding counsel, explain specialized fee arrangements, and address last minute cancellations?
Moderator:
Mariam Zadeh, *Los Angeles, CA*
Case Managers:
Heather Reed, *First Mediation Corporation*
Rosemarie Chiusano Drohan, *Judicate West*
Lucie Barron, *ADR Services*
Mary Anne Airmont, *Bohling Hobbs*
Sabrina Olivarez, *Teresa Wakeen & Associates Mediation Services*
- 7:00 **Reception and Banquet**
Red Butte Gardens & Arboretum

Saturday, March 13

8:30 **Breakfast**

9:00-10:30 **Remarkable Closings:
Insights from Our Stories**

We all have our favorite stories of dramatic and amazing closings. The panelists will begin the session describing challenging mediations and the remarkable closings. Bring your stories of amazing closings and provide your insights as to how to close the most difficult cases.

Moderator:

Bill Bohling, Salt Lake City, UT

Panelists:

Eleanor Barr, Los Angeles, CA

Mark Rudy, San Francisco, CA

Tony Willis, London, England

Jerry Weiss, Cleveland, OH

10:30-Noon **What We Learned and Where Do We
Go From Here?**

Open mike discussion.

Moderator:

Jim Readey, President-Elect,
Columbus, OH

Post **Post Conference Activities
Saturday/Sunday Optional Events
Ski, Shop and Socialize in Park City**

Join us at *The Canyons* for an informal evening and day in the mountains. Ski, visit the Olympic ski jumping site, or shop in quaint Park City or at the Outlet Mall. Layered clothing recommended.



“Ski N’ Stay” at The Canyons Resort (An International Academy of Mediators Exclusive)

IAM Conference attendees may take advantage of a special Post-Conference Ski N’ Stay Package at The Canyons Resort March 13-14, 2010. IAM guests registering for this discounted package will enjoy:

- Accommodations in the AAA four-diamond-rated Grand Summit Hotel, located steps from The Flight of the Canyons gondola. Free High Speed Internet Access.
- 20% discount on lift tickets
- \$50.00 resort gift card (one-time) for use in retail shops, dining, spa or mountain activities

Pricing per room/per night is as follows:

Studio	\$287.00
Guest Room	\$324.00
Deluxe	\$348.00
One Bedroom Suite	\$516.00
Two Bedroom Suite	\$665.00
Three Bedroom Suite	\$762.00

To book, please call 1-888-CANYONS and inform your vacation specialist that you are a participant in the IAM conference and would like to reserve this special package!
Reservations must be made directly with the Canyons Resort at 1-888-CANYONS.

Reservations are based on availability at the time of the request and may not be combined with any other offer.

On The Cover

“Capitol Reef” by V. Douglas Snow Commissioned by the Utah Public Art Program

V. Douglas Snow created this mural of “conflict resolution” after hiking in Utah’s Capitol Reef area. The artist experienced a sudden thunderstorm (conflict) and, after it had passed, the emergence of the intense sun and heat forcing steam to rise from the wet sandstone (resolution.).

Said Snow: “An apocalyptic thunderstorm saturating the slick rock sandstone followed by intense heat from the summer sun brings about a magical moment. Vaporous clouds rise from the cliffs and domes of Southern Utah’s desert country, providing a powerful and poetic experience of hope and renewal.”

This controversial mural currently hangs in the Utah Supreme Court. In 1997, when the new courthouse was built, some of the justices of the Utah Supreme Court were surprised to see this \$80,000 285 square-foot abstract mural of red, blue and white tones. Some describe the painting as a marvelous “geography of hope” while others criticized it as completely inappropriate for courtroom decorum, distracting for attorneys arguing before the court and inappropriate for the highest court of the state responsible for interpreting the Utah constitution. In October, 2001, the court began covering the painting with a black curtain during oral argument.

The painting was commissioned by an arts committee headed by then Chief Justice Michael D. Zimmerman.