

PRESENTED BY:



Colorado Council of Mediators and Mediation Organizations



Office of Dispute Resolution

- COLORADO BAR ASSOCIATION -



FIRST ANNUAL

# Colorado Statewide ADR Conference

## *Mediation Excellence*



### CONFERENCE HIGHLIGHTS:

- **Mediation and the Three Branches of Government:** Panel discussion with Chief Justice Mary Mullarkey, Colorado State Representative Terrance Carroll, Chair of the House Judiciary Committee, and Governor Bill Ritter (invited).
- **Keynote Luncheon with Kenneth Feinberg**, Special Master of the Federal September 11th Victim Compensation Fund of 2001, sponsored by *Judicial Arbitrator Group, Inc.* Mr. Feinberg is directing distribution of donations to Virginia Tech following the April, 2007, shootings.
- **Sophisticated Presentations in Four Tracks:** Family, Civil/Commercial, and Workplace Mediation, and Community Mediation/Restorative Justice.

**DISCOUNTS  
FOR EARLY  
REGISTRATION!**

See registration form  
inside for details

## LIVE ONLY: SEPTEMBER 28, 2007

At the Renaissance Denver Hotel • 3801 Quebec Street • Denver, CO 80207

***Submitted for 8 general CLE credits, Including 1 ethics credit***

***Register for the Conference online at [www.cobar.org/cle](http://www.cobar.org/cle)***

# Colorado Statewide ADR Conference

## Mediation Excellence

**LIVE ONLY  
IN DENVER!**

**SEPTEMBER 28, 2007**

*Submitted for 8 general credits,  
Including 1 Ethics Credit*

**W**e're proud of this conference. The **Colorado Council of Mediators and Mediation Organizations**, the **Colorado Judicial Department's Office of Dispute Resolution**, and the **Colorado Bar Association's ADR Section** have combined resources and worked together for many months, building a cohesive, strong voice for mediation in Colorado. This conference will serve as 2007's annual conference for CCMO, will complement ODR's annual meeting for its mediators, and is the first annual ADR gathering for the Colorado Bar, whose Continuing Legal Education wing has recently ventured into mediation training. Numerous other organizations have provided support in many forms, contributing cash, hours, ideas, energy, patience, and collaborative spirit.

We hope this conference meets – and exceeds – your expectations, offering opportunities to learn, to network, to challenge, and to inspire.

- **Explore** – with expert guides – Colorado's rich and varied mediation field.
- **Participate** in workshops, discussions, skill-building sessions, and dialogues presented by some of Colorado's top practitioners and theorists.
- **Network** with a wide range of practitioners, judges, nonprofit and governmental representatives, trainers, professors, attorneys, program administrators, and advocates bringing their unique and diverse views about ADR.

### FOUNDING PARTNERS:

- Colorado Council of Mediators and Mediation Organizations
- Colorado Judicial Department Office of Dispute Resolution
- Colorado Bar Association

### SPONSORING ORGANIZATIONS:

- Judicial Arbitrator Group, Inc.
- University of Denver Conflict Resolution Institute

### PARTICIPATING ORGANIZATIONS:

- University of Denver Conflict Resolution Institute
- Federal Mediation and Conciliation Service
- Colorado Judicial Institute
- American Arbitration Association
- Colorado Community Conflict Resolution Association
- Forum on Restorative Community Justice

*Conference support and administration  
provided by CBA-CLE*

### KEYNOTE SPEAKERS:



**KEN FEINBERG** has been appointed by Virginia Tech to direct distribution of \$7 million donated to the school following the campus shootings in April. He also served as Special Master of the Federal September 11th Victim Compensation Fund of 2001, administering all aspects for the program. Mr. Feinberg founded and is managing partner of The Feinberg Group, LLP, in Washington, DC. He has been Court-Appointed Special Settlement Master, mediator and arbitrator in thousands of disputes involving such issues as mass torts, breach of contract, antitrust and civil RICO violations, civil fraud, product liability, insurance coverage, and various commercial and environmental matters.

### MARY MULLARKEY

Chief Justice, Colorado Supreme Court

### TERRANCE CARROLL

Colorado House Judiciary Committee Chair

### BILL RITTER (invited)

Governor of Colorado



8:00 am	Registration and Continental Breakfast
8:30 am	Welcome
8:45 am	<b>OPENING PANEL: Mediation and the Three Branches of Government</b> A panel discussion with high-level representatives from the three branches of Colorado state government. <i>Moderator: Cynthia Savage, Director, Colorado Judicial Department Office of Dispute Resolution</i> <i>Faculty: Chief Justice Mary Mullarkey, House Judiciary Committee Chair Terrance Carroll, Governor Bill Ritter (invited)</i>
9:45 am	Break & Networking
9:55 am	<b>SESSION I</b> <b>WORKPLACE TRACK: Union and Non-Union Mediation</b> The skills and knowledge base needed by the mediator as well as the opportunities available to move from conflict mediation to preventative mediation. <i>Faculty: Christel Jorgensen and Kent Enwright</i>
	<b>FAMILY TRACK: What You Don't Know Can Scare You: Working with Experts to Make Settlement Safe</b> Fear of the unknown is often a major roadblock to settlement. This seminar will discuss how experts can assist the parties in reaching knowing and informed decisions. <i>Faculty: Jane Irvine, Helen Shreves, and Judge Angela Arkin</i>
	<b>COMMUNITY MEDIATION AND RESTORATIVE JUSTICE TRACK: A Bird's Eye View</b> Overview: Definitions, philosophy, programs, research findings, and implications for the future. <i>Moderator: Thomas Quinn</i> <i>Faculty: Gina Bata, Alice Price, Jack Ruszczyk, Beverly Title</i>
	<b>CIVIL/COMMERCIAL TRACK: How the Marketplace Defines Mediation Excellence</b> The American Bar Association Dispute Resolution Section's Task Force on Improving Mediation Quality has been holding focus groups around the country to ask repeat users of commercial mediation about their experiences, opinions, and ideas. The Task Force has found that many commercial litigators and business people who repeatedly use mediation have a nuanced understanding of the process and have definite expectations about what they want from mediators and from mediation. This session will discuss the task force's findings and how the marketplace's definition of quality may not match the mediation community's definition. <i>Faculty: Gina Viola Brown</i>
11:10 am	Break & Networking
11:20 am	<b>PLENARY SESSION: Ethics Panel</b> A panel of ADR professionals from each of the four program tracks – Family, Workplace, and Civil/Commercial Mediation, and Community Mediation and Restorative Justice – will discuss and answer questions from the audience about current ethical issues affecting both lawyer and non-lawyer mediators, including the recent CBA Ethics Opinion on collaborative law, pertinent aspects of the Ethics 2000 Model Rules and the 2005 Model Standards of Conduct for Mediators, and other issues that mediators face on a daily basis. <i>Moderator: O. Russel Murray</i> <i>Panel Members: Alexander Rothrock, Ann Gushurst, Kent Enwright, Christel Jorgensen, and Ann Terry</i>
12:30 pm	<b>Luncheon and Presenter - Sponsored by JUDICIAL ARBITER GROUP, INC.</b> Kenneth R. Feinberg, Special Master of the Federal September 11th Victim Compensation Fund of 2001
2:15 pm	<b>SESSION II</b> <b>WORKPLACE TRACK: In the Eye of the Beholder: The Importance of Client Assumptions about Conflict</b> This presentation will examine the wide range of unspoken assumptions at the table, and their relationship to conflict and the willingness to take responsibility. <i>Faculty: Myra Isenhardt and Michael Spangle</i>
	<b>FAMILY TRACK: Mediation: A Port in the Storm of High Conflict?</b> This highly interactive session will address the following questions: What client behaviors are associated with the term <i>high conflict</i> ? Which mediation interventions are effective with these behaviors and which are not? When is mediation-arbitration a useful approach? <i>Faculty: Arnold Swartz and Baine O'Reilly</i>
	<b>COMMUNITY MEDIATION AND RESTORATIVE JUSTICE TRACK: Colorado Programs and Services</b> Organization and program development: The view from the ground. What they do, how they do it, what works, what obstacles had to be overcome and/or still exist, what more they could do if ... <i>Moderator: Jean Stracy</i> <i>Faculty: Randy Compton, Jeremy Simons, Alice Price, Peggy Evans, Bernadette Felix, Araceli Rascon, and Paul Barru</i>
	<b>CIVIL/COMMERCIAL TRACK: Conflict Processes of 2007: Is This as Good as it Gets? Why Has Dispute Resolution Failed to Reach its Potential?</b> This discussion workshop will use participatory dialogue to address several key questions about the current state of civil ADR. In the past 20 years, ADR and conflict processes have become a constant and visible topic – yet has the conflict field meaningfully progressed or is it on a plateau? Has ADR become a stale, dispensed “service”? The discussion will focus on: (1) the current state of conflict processes, (2) some sources for new and additional thinking on conflict approaches, and (3) considerations of how we could integrate new thinking and interventions into our approaches to addressing conflict. <i>Faculty: Joseph McMahon</i>



**3:30 pm Break & Networking****3:45 pm SESSION III****WORKPLACE TRACK: Advanced Problem-Solving Using the Perspectives Wheel**

An introduction to a powerful problem-solving tool and its application in mediation.

*Faculty: Robin Amadei*

**FAMILY TRACK: Maximizing the Magic of Family Mediation: The Effective Use of Parenting Coordinators, Decision-Makers, and Child and Family Investigators**

Learn how to analyze any mediation situation, enhance the quality of your family mediations, apply cutting-edge techniques to ensure success (Joan's 8 Steps to Successful Mediation), compare and contrast mediation with other professional roles (PCs, DMs, CFs), review statutes, guidelines and directives that govern these roles, and – through examples and hypotheticals – learn about common pitfalls with these roles and how to avoid them.

*Faculty: Alicia Davis, Gina Weitzenkorn, and Joan McWilliams*

**COMMUNITY MEDIATION AND RESTORATIVE JUSTICE TRACK: The Potential Future**

Engage in an interactive exploration of possibilities. There will be no formal speakers.

*Moderators: Thomas Quinn and Jean Stracy*

**CIVIL/COMMERCIAL TRACK: The Impact on Negotiation of the Failure of Parties to Understand the Litigation System and Failure to Appreciate Opposing Viewpoints**

A panel of distinguished mediators will employ its collective wisdom – and draw on the audience's experiences – to discuss and develop workable approaches to confront common problems that arise in mediation when parties fail to understand the litigation system and further fail to appreciate opposing positions. Some of the issues the panel and audience will address are: explaining fairness and justice, discussing cost/benefit analysis, reconciling emotions to the practical impact of litigation, legal fees that impede settlement, and the concept of being prepared for negotiation. Case scenarios will be used in this very practical session, and the panel and audience will have the opportunity to share their experiences and thoughts about what works and what does not. The program will benefit all levels of ADR practitioners.

*Moderator: O. Russel Murray*

*Faculty: Daniel Himelspach, Janis Cella, and Leslie Lawson*

**5:00 pm Informal Reception****CONFERENCE CHAIRS • PLANNING COMMITTEE MEMBERS • FACULTY MEMBERS****CONFERENCE CO-CHAIRS:**

- **Sharon Daly (ODR)**, Office of Dispute Resolution, Denver, CO
- **Janet Koin Dampier (CCMO)**, Janet Koin Dampier LLC, Denver, CO
- **Daniel Horsey (CBA-ADR)**, 3 Story Stage, Denver, CO

**PLANNING COMMITTEE:**

- **Nan Burnett\***, Dispute Resolution Professionals Inc., Golden, CO
- **John DeBruyn**, CBA Alternative Dispute Resolution Section, Denver, CO
- **Kent Enwright\***, CBA Alternative Dispute Resolution Section, Denver, CO
- **Matt Haynes**, Colorado Council of Mediators and Mediation Organizations, Denver, CO
- **Jerry Lockwood**, Judicial Arbitrator Group, Denver, CO
- **Tamra Pearson d'Estree**, University of Denver Conflict Resolution Institute, Denver, CO
- **Christel Jorgensen\***, Federal Mediation and Conciliation Service, Denver, CO
- **Kathryn Miller**, Littleton Alternative Dispute Resolution Ltd., Littleton, CO
- **O. Russel Murray\***, ADRcom.com, Denver, CO
- **Barbara Quade\***, CBA Family Law Section, Highlands Ranch, CO
- **Thomas Quinn\***, Forum on Restorative Community Justice, Denver, CO
- **Cynthia Savage\***, Office of Dispute Resolution, Denver, CO
- **Kevin Sidel\***, Kevin Sidel LLC, Elizabeth, CO
- **Jean Stracy\***, Colorado Community Conflict Resolution Association, Denver, CO
- **Lance Tanaka**, American Arbitration Association, Colorado Judicial Institute, Denver, CO
- **Lois Tilley**, Advanced Conflict Management, Denver, CO
- **Louise Wildee**, Accelerated Dispute Resolution, Aurora, CO

\* Denotes Faculty and/or Moderator

**FACULTY:**

- **Robin Amadei**, Common Ground Mediation Center, Lafayette, CO
- **Judge Angela Arkin**, 18th Judicial District, Castle Rock, CO
- **Paul Barru**, Community Volunteer, Denver, CO
- **Gina Bata**, University of Colorado, Boulder, CO
- **Gina Viola Brown**, ABA ADR Section, Golden, CO
- **Terrance Carroll**, Colorado House Judiciary Committee Chair, Denver, CO
- **Janis Cella**, Dispute Management, Inc., Denver, CO
- **Randy Compton**, Restorative Solutions, Lafayette, CO
- **Alicia Davis**, Office of the Colorado State Court Administrator, Denver, CO
- **Peggy Evans**, Community Alternatives, Inc., Face-to-Face Mediation, Aurora, CO
- **Kenneth Feinberg**, The Feinberg Group, LLP, Washington, DC
- **Bernadette Felix**, Larimer County Restorative Justice Programs, Fort Collins, CO
- **Ann Gushurst**, Gutterman Griffiths, PC, Littleton, CO
- **Daniel Himelspach**, Dispute Management, Inc., Denver, CO
- **Jane Irvine**, Centennial, CO
- **Myra Isenhardt**, Organizational Communications, Inc., Englewood, CO
- **Leslie Lawson**, Dispute Management, Inc., Denver, CO
- **Joseph McMahon**, Joseph McMahon, PC, Denver, CO
- **Joan McWilliams**, McWilliams Mediation, Denver, CO
- **Mary Mullarkey**, Chief Justice, Colorado Supreme Court, Denver, CO
- **Elaine O'Reilly**, New Perspectives, Inc., Golden, CO
- **Alice Price**, San Luis Valley Victim-Offender Reconciliation Program, Alamosa, CO
- **Bill Ritter (invited)**, Governor of Colorado, Denver, CO
- **Araceli Rascon**, Juvenile Probation, Denver, CO
- **Alexander Rothrock**, Burns, Figa & Will, PC, Greenwood Village, CO
- **Jack Ruszczyk**, Probation Services, Colorado Springs, CO
- **Helen Shreves**, Family Law Dispute Resolution, Denver, CO
- **Jeremy Simons**, North High School, Denver, CO
- **Michael Spangle**, Regis University, Denver, CO
- **Arnold Swartz**, Arnold Swartz and Associates, Lakewood, CO
- **Ann Terry**, Public Safety, Denver, CO
- **Beverly Title**, Teaching Peace, Hygiene, CO
- **Gina Weitzenkorn**, Mills & Weitzenkorn PC, Denver, CO

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when using VISA or MasterCard.

In Denver: (303) 860-0608

Toll-Free: (888) 860-2531



### 2 Or FAX form to...

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FAX to: (303) 860-0624



### 3 Or MAIL form to...

CLE in Colorado

1900 Grant St, Suite 300

Denver, CO 80203-4303



### 4 Or register ONLINE...

go to [www.cobar.org/cle](http://www.cobar.org/cle)

## LIVE CONFERENCE ORDER FORM

### LIVE ONLY: SEPTEMBER 28, 2007

In Denver, at the Renaissance Denver Hotel

3801 Quebec Street • Denver, CO 80207

#### TUITION ENCLOSED:

**EARLY BIRD PRICING - REGISTER EARLY AND SAVE \$50**

☐ BEFORE August 28: (includes luncheon presentation) ....\$149.00

☐ AFTER August 28: (includes luncheon presentation) .....\$199.00

#### LUNCHEON PRESENTATION ONLY:

☐ BEFORE August 28: .....\$49.00

☐ AFTER August 28: .....\$59.00

**Scholarships Available!** Contact Erin Dickson at [edickson@cobar.org](mailto:edickson@cobar.org) for more information

**TOTAL ENCLOSED \$** \_\_\_\_\_

*Conference fees reflect the organizers' desire to make the Conference accessible to all of Colorado's ADR practitioners, including volunteers, students, and practitioners in rural Colorado, recognizing their contributions by keeping cases out of court and helping individuals and communities.*

#### I WANT TO SUPPORT THESE EFFORTS BY:

- ☐ As a presenter, I will donate my compensated fee towards a scholarship (\$149)
- ☐ I wish to donate the following amount towards scholarships \$ \_\_\_\_\_
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- ☐ I wish to be contacted regarding formal Conference sponsorship such as information table, breaks or meals, advertisement in Conference program, contributions to scholarship fund, etc. Contact \_\_\_\_\_
- ☐ I wish to sponsor a table for 10 persons at the luncheon for \$1,000.

*NOTE that all contributors will be recognized at the Conference and in the Conference program.*

**HOTEL: August 28, 2007 is the deadline for reserving a room at the Renaissance at the \$139 rate. TO MAKE YOUR RESERVATION CALL 303-399-7500 TODAY.**

Name(s) \_\_\_\_\_ Attorney Reg. No. \_\_\_\_\_

Firm/Organization \_\_\_\_\_

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Street Address \_\_\_\_\_

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☐ Enclosed is my check made payable to **CBA-CLE** ☐ VISA ☐ MasterCard

Credit Card # \_\_\_\_\_ Exp. Date \_\_\_\_\_

Signature \_\_\_\_\_ (Source Code: GP092808L)

Required for credit card orders

All registrations must include a check or charge card information. Mail to CBA-CLE, 1900 Grant St., Suite 300, Denver, Colorado 80203-4303. You may register by phone or fax when using MasterCard or Visa. Phone 303-860-0608 • Fax 303-860-0624

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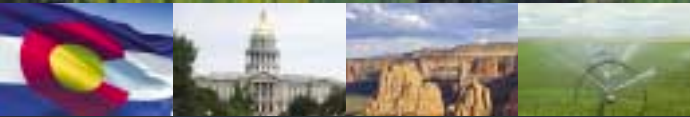
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