AGENDA

The Supreme Court of Ohio
Dispute Resolution '18
CONFERENCE
March 13, 2018 | The Ohio State University

Courses and faculty subject to change
CLE has been approved for **6.0** hours. CEU (for social workers) is pending.

8 - 8:55 A.M. Registration

8:55 - 9:10 A.M. **Welcome**

Richard Altman, Host
Magistrate, Fulton & Henry Counties; Chair, Commission on Dispute Resolution

Hon. Maureen O'Connor (recorded)
Chief Justice, Supreme Court of Ohio

9:10 - 9:30 A.M. **Plenary Session I: Do We Have 18th Century Courts in the 21st Century?**

Michael L. Buenger
Administrative Director, Supreme Court of Ohio

9:30 - 10:00 A.M. **Plenary Session II: Integrating Court-Connected Mediation into Complex and High-Profile Cases: Serving as the Court-Appointed Mediator for the NFL and 20,000 Retired Players over Concussion-Related Brain Injuries**

Hon. Layn R. Phillips
Founder, Phillips ADR Enterprises (PADRE); Former U.S. District Judge; Former U.S. Attorney; Fellow, American College of Trial Lawyers

10 - 10:15 A.M. Break

10:15 - 11:15 A.M. **Breakout Session A**
See pgs. 3-4 for session choices and descriptions.

11:15 - 11:30 A.M. Break

11:30 A.M. - 12:30 P.M. **Breakout Session B**
See pgs. 5-7 for session choices and descriptions.

12:30 - 1:15 P.M. Lunch

AGENDA

Courses and faculty subject to change

1:15 - 2:15 P.M. — Plenary Session III: Integrating Contemporary Dispute Resolution Processes into Today's Courts: A Conversation with National Experts

National experts offer counsel to the hypothetical "Buckeye County" Court as it seeks to incorporate the "best thinking" about dispute resolution when helping self-represented litigants, managing cases to create optimal scheduling of dispute resolution processes with respect to discovery and other events in the life of a case, sequencing a variety of types of dispute resolution processes, using technology to ease the use of these processes, funding dispute resolution, and establishing goals that the court ought to pursue regarding dispute resolution.

MODERATOR

Nancy H. Rogers
Professor Emeritus and Director, Program on Law and Leadership, The Ohio State University Moritz College of Law

PARTICIPANTS

Benjamin Davis
Chair, ABA ADR Section, Professor, University of Toledo College of Law

Dwight Golann
Professor of Law
Suffolk University

Hon. Jeffrey Hooper
Judge, Muskingum County Domestic Relations Court; Member, Supreme Court of Ohio Commission on Dispute Resolution

Marya Kolman, Esq.
Director, Franklin County Domestic Relations and Juvenile Court Mediation Program

Hon. Layn Phillips
Founder, Phillips ADR Enterprises (PADRE); Former U.S. District Judge; Former U.S. Attorney; Fellow, American College of Trial Lawyers

Colin Rule
VP of Online Dispute Resolution, Tyler Technologies, San Jose, California

Thomas J. Stipanowich
Dean, Straus Institute for Dispute Resolution, Pepperdine University School of Law

Roselle Wissler
Director of Research, Lodestar Dispute Resolution Center, Sandra Day O'Connor College of Law, Arizona State University

Zena Zumeta, Esq.
Zena Zumeta Mediation, Michigan

2:15 - 2:30 P.M. — Break

2:30 - 3:30 P.M. — Breakout Session C
See pgs. 7-9 for session choices and descriptions.

3:30 - 3:45 P.M. — Break

3:45 - 4:45 P.M. — Breakout Session D
See pgs. 10-12 for session choices and descriptions.

4:45 P.M. — Adjourn

ABA Dispute Resolution Section Networking & Film Event | 5 - 7 P.M.

Following the conference, the ABA Dispute Resolution Section will host a member benefit program, featuring a 45-minute film about Ohio's leadership in dispute resolution — "Dispute Revolution." **All conference participants are invited to view the film only at no cost.**

For more information, and to register for the networking event, contact **Linda Warren Seely**, at linda.seely@americanbar.org

COST **ABA DR Section Members:** No Charge | **ABA Members:** $15 | **Non-Members:** $25

BREAKOUT SESSION **A**

10:15 - 11:15 A.M. (CHOOSE ONE)

A1: Mediation Demonstration: Sustaining Mediation Core Values in High Stakes Cases

Mediation role play demonstration and discussion of a complex case involving disputed liability, wrongful death, high emotion, and significant damages. A nationally known mediator will mediate a high-exposure case with two seasoned litigators, demonstrating various mediation techniques and core values. Following the demonstration, a discussion will be facilitated and audience members will be encouraged to share their perspectives and ask questions of this distinguished panel.

Hon. Peggy Foley Jones (Ret.), Giffen & Kaminski; Member, Supreme Court of Ohio Commission on Dispute Resolution

Layn R. Phillips, Founder, Phillips ADR Enterprises (PADRE); Former U.S. District Judge; Former U.S. Attorney; Fellow, American College of Trial Lawyers

Carolyn Taggart, Esq., Porter, Wright, Morris & Arthur

Robin Weaver, Esq., Squire Patton Boggs

A2: How to Negotiate with Subtlety, Civility and Effectiveness - Practical Tools & Essentials

This session will provide basic approaches and practical background in consensus-building and settlement negotiations. Participants will learn practical tools, techniques, and skills in basic negotiations, subtle communications, and effective dispute resolution. Through a limited role play with specific facts and narrative, participants will have the opportunity to use and apply the principles discussed in the presentation.

Andrew J. Alatis, Esq., Ohio Attorney General Workers' Compensation Section

A3: Developing Conflict Resolution Skills in the Workplace

All court employees who deal with difficult people have developed approaches to handling interactions in a professional way. When the difficult person is the one in the next office or cubicle, it is often more difficult to develop strategies that minimize conflict. Workplace conflict is normal and everyone experiences it. When handled properly, it can set the stage for increased productivity, efficiency, and openness to change. This session provides tools for court personnel and others who experience conflict with coworkers or supervisors. These tools empower employees to make positive, productive changes in the workplace. By the end of this workshop participants will be able to address difficult situations, explain conflicting points of view, and engage in meaningful discussions to address conflict.

Edward M. Krauss, Mediator, Past-President, Ohio Mediation Association

Tammy Martin-Kosier, Esq., Mediator, Ashtabula County Court Mediation Program

Colleen Rosshirt, Esq., Policy Counsel, Supreme Court of Ohio Case Management Section

A4: Implicit Stereotypes and Implicit Attitudes: Strategies to Prevent Unconscious Threats to Neutrality and Equitable Outcomes

Participants will learn about implicit bias and how it can impact dispute resolution; learn how research has documented that implicit bias impacts third party neutral decision-making processes; and develop strategies for addressing the impact of implicit bias, both at the interpersonal and the institutional level. This program will explore the Kirwin Institute's most recent research on implicit bias and how implicit biases lead to disparate outcomes for disadvantaged groups. Panelists also will present research-based strategies for addressing the effects of implicit biases.

Kelly Capatosto, Senior Research Associate, The Kirwan Institute for the Study of Race and Ethnicity

William Froehlich, Langdon Fellow in Dispute Resolution, The Ohio State University Moritz College of Law

Kyle Strickland, Senior Legal Analyst, The Kirwan Institute for the Study of Race and Ethnicity

Lena Tenney, Researcher and Facilitation Specialist, The Kirwan Institute for the Study of Race and Ethnicity

A5: Court-Connected Online Dispute Resolution: Enhancing Access to Civil Justice

This presentation will provide an introduction to court-connected online dispute resolution. The presentation will feature a firsthand perspective from the Franklin County Municipal Court as well as online dispute resolution options for courts.

Veronica Cravener, Supervisor, Online Dispute Resolution Program, Franklin County Municipal Court

Colin Rule, VP of Online Dispute Resolution, Tyler Technologies, San Jose, California

Alex Sanchez, Manager, Franklin County Municipal Court Small Claims Division Mediation

BREAKOUT SESSION **A**

10:15 - 11:15 A.M. (CHOOSE ONE)

A6: Recent Developments in Parenting Coordination

Since the concept of the multi-door courthouse was first introduced, methods for resolving family issues have increasingly focused on less adversarial and more collaborative approaches, and parenting coordination is one such option. The increasingly widespread use of parenting coordination to provide ongoing, intensive case management of higher conflict child custody cases recognizes the many advantages of this dispute resolution process in the family courts. Learn how parenting coordination is working in Ohio.

Serpil Ergun, Chief Magistrate, Administrator for Judicial Operations, Cuyahoga County Domestic Relations Court

Jonetta Kapusta-Dorogi, Esq., Jonetta J. Kapusta-Dorogi, LLC

John J. Ready, Esq., John J. Ready & Associates

A7: Engaging Families, Encouraging Compliance, and Expediting Permanency through Child Protection Mediation

Featuring a multi-disciplinary presentation about child protection mediation, this session shares basics, benefits, and program development tools. A magistrate, children services attorney, and mediation director will discuss the history of existing child protection mediation programs and perspectives on child protection mediation efficacy.

Shelby Cully, Esq., Children Services Legal Manager, Lucas County

Heather Fournier Esq., Director, Lucas County Juvenile Court Mediation Program

Pam Manning, Magistrate, Lucas County Juvenile Court

A8: Early Dispute Resolution or "EDR"

When it comes to resolving disputes, lawyers may feel like tortoises living in a hare world where speed and economy are vital (and the hare doesn't stop to snooze). Has mediation, at one time a breakthrough, become just another step in the long slog of dispute resolution? This presentation posits that good lawyers, with good-faith clients, often know enough at the beginning of the dispute to resolve it in 30 days perhaps without a lawsuit. Early dispute resolution (EDR) provides the comprehensive theory, rigorous steps, and ethical guidelines to achieve this. This presentation will discuss EDR as a next step forward in dispute resolution for lawyers and neutrals.

Peter Silverman, Esq., Shumaker, Loop & Kendrick, LLP

A9: ABA Section of Dispute Resolution 2017 Report of the Task Force on Research on Mediator Techniques

Whether expressly or implicitly, mediation programs, trainers, and practitioners often make assertions about which mediator actions and approaches are "best" based on untested assumptions and beliefs. Participants will learn what existing empirical evidence tells us about which mediator actions enhance mediation outcomes and which have detrimental effects. You may be surprised.

Benjamin Davis, Chair ABA ADR Section, Professor, University of Toledo College of Law

Alan Wiener, Court ADR Resources Director, Maryland Judiciary's Mediation and Conflict Resolution Office (MACRO)

Roselle Wissler, Principal Author of the ABA Task Force Report, Director of Research, Lodestar Dispute Resolution Center, Sandra Day O'Connor College of Law, Arizona State University

A10: Can We Talk? Addressing Conflict Among Public Officials

"I'd rather have a court order me to pay $10,000 to an inmate, than voluntarily settle with one for $500." Did you hear that public official right!!?? Let's discuss how fear of publicity, politically divided boards, impact on reelection, and other interests of public officials affect their willingness to settle conflicts. We'll address the culture shock of newly public actors, fresh from the private sector, confronted with public records and open meeting requirements. Bring your own stories!

Jeffrey Clark, Esq., Public Records Special Master, Ohio Court of Claims

Lenny Eliason, Athens County Commissioner; Member, Supreme Court of Ohio Commission on Dispute Resolution

BREAKOUT SESSION **B**

11:30 A.M. - 12:30 P.M. (CHOOSE ONE)

B1: Proactive Approaches to Managing Conflict on the Multi-Lane Highway of Dispute Resolution: Exploring the Interplay between Mediation, Evaluation and Adjudication

The resolution of legal disputes usually involves multiple processes entailing strategic interplay between settlement-oriented approaches and adjudication; litigation and arbitration are more properly viewed as "liti-gotiation" and "arbi-gotiation." In this interactive session, participants will consider lessons from experienced practitioners and from the Task Force on Mixed Mode Dispute Resolution in exploring options for more effective navigation of the multi-lane highway of dispute resolution, including innovative uses of mediation and early evaluation, opportunities for adjudicators to set the stage for settlement, and other kinds of interplay between approaches.

Thomas J. Stipanowich, Dean, Straus Institute for Dispute Resolution, Pepperdine University School of Law

B2: Restricting Access to Courts through ADR Clauses – Considerations, Policies and Practices

In this presentation, participants will review recent U.S. Supreme Court cases restricting access to courts through mandatory arbitration clauses, the attempt by lower courts to pushback, and the U.S. Supreme Court's response. In addition, the presentation will review academic criticism of the U.S. Supreme Court's efforts, including constructive suggestions. Participants discuss the pros and cons of restricting access to courts, trends, and what's next.

Doron Kalir, Esq., Professor, Cleveland-Marshall College of Law

B3: Dispute Resolution Screening for Success; Safety & Security: Tips & Techniques for Neutrals

Part One — Screening for Success. Mediation screening is crucial in all practice areas, not just in family cases. This interactive session will begin with a discussion of screening best practices and how to use and apply them effectively in different practice areas. Participants will learn and practice techniques to conduct an effective screening interview. Participants will consider how to use the information obtained in the screening to identify situations in which mediation is inappropriate or in which special protocols are needed to protect the parties and the process if the case is mediated.

Marya Kolman, Esq., Director, Franklin County Domestic Relations and Juvenile Court Mediation Program

Christy Cumberlander Walker, Neighborhood Justice Center, Las Vegas, NV

Part Two — Dispute Resolution Safety & Security: Tips & Techniques for Neutrals. Neutrals by nature are caring and compassionate people. This compassion must be tempered by the reality that neutrals need to act prudently to keep themselves and other parties safe during dispute resolution processes. In this relevant and timely seminar, neutrals, including mediators, arbitrators, and others involved in dispute resolution, will be provided with information on targeted violence, including case studies. Participants will receive sources for screening parties before and during mediation, as well as tips and techniques for successful screening and increasing safety before, during, and after mediations. Tips on maintaining privacy and personal security will be presented. Finally, participants will receive legal information about their rights and options for self-protection. The instructor, a full-time mediator and security practitioner serving as a sworn law enforcement officer supervisor at the largest single-judge court in the state, will bring a unique perspective to this important topic.

Mike Moran, Esq., Director of Mediation, Chief Counsel, Chief Bailiff/Constable, Franklin County Probate Court

B4: Effective Mediation Advocacy: Tapping into the Powers of the Mediator

Mediators cannot dictate the outcome, but they do influence the process. Good advocates know how to utilize this to their advantage. This session provides practical techniques on how a lawyer can take advantage of a mediator's skills and influence to advance their settlement strategy. The session will include a video of lawyers in mediation as well as small group discussion. Time permitting, this will also discuss dilemmas aggressive advocacy can pose for mediators.

Dwight Golann, Professor of Law, Suffolk University

Hon. Joyce Kimbler, Judge, Medina County Court of Common Pleas; Member, Supreme Court of Ohio Commission on Dispute Resolution

BREAKOUT SESSION **B**

11:30 A.M. - 12:30 P.M. (CHOOSE ONE)

B5: What Divorce and Family Mediators Want Attorneys to Know

This course is designed to provide advanced skills and techniques to attorneys and those that refer cases to mediation. Topics include preparing clients for mediation and engaging in mediation for the most productive outcomes. Mediators may wish that attorneys would be more focused on helping parties resolve their issues instead of litigating their case in the mediation. Litigators may see mediation as a stop along the way to trial rather than the main event to resolve a case and then prepare accordingly.

Hon. James Brown, Judge, Franklin County Court of Common Pleas

Cozette Snead, Magistrate, Montgomery County Domestic Relations Court (ret.)

Zena Zumeta, Esq., Zena Zumeta Mediation, Michigan

B6: A Court/Community Collaborative Dispute Resolution Model for Addressing the Opioid Epidemic, Gun Safety, Truancy, and More

Learn how a new statewide initiative to build capacity for local leaders in dialogue, conflict management, and collaborative problem-solving is helping those leaders bridge local political divides, strengthen relationships, and take concrete community action to address local issues. Learn how this could be used by courts to address community issues, with community stakeholders, such as the opioid epidemic. During the session, participants will practice some elements of dialogic engagement building toward collective action and discuss how this model may serve court officials in dealing with some of the state's most polarizing issues.

Jennifer C. Batton, M.A., Conflict Education Consultants, LLC

Hon. Denise McColley, Henry County Domestic Relations and Juvenile Courts

B7: Building Effective Dispute Resolution Processes in Juvenile Courts

Juvenile courts offer a menu of dispute resolution options to ensure litigants are provided with the best process to meet their needs. Delaware County's Judge Hejmanowski will share the successes and challenges of building a comprehensive dispute resolution program, including mediation, victim-offender mediation, school attendance/truancy prevention mediation, ADR in children's services cases, ENE, and even parenting coordination. Whether you are a court interested in building a program or an advocate representing litigants in juvenile court, by the end of this presentation, you will be able to explain the options that have been integrated into today's courts to serve the best interests of the child.

Hon. David Hejmanowski, Judge, Delaware County Juvenile Court

B8: The Emergence of Limited Scope Representation in Dispute Resolution

Attorneys are engaging in limited scope representation to bridge the gap between self-represented litigants on the one end, and the full spectrum of representation on the other. By the end of this discussion, participants will be able to explain limited scope representation as it applies to dispute resolution, apply principles of limited scope representation to various dispute resolution processes, and distinguish limited scope representation from pro bono or "low bono" legal services.

Carrie Connelly, Esq., Mediation Attorney/Assistant Court Administrator, Sixth District Court of Appeals

Richard A. Dove, Esq., Director, Ohio Board of Professional Conduct

Hon. Jeffrey Hooper, Judge, Muskingum County Domestic Relations Court; Member, Supreme Court of Ohio Commission on Dispute Resolution

B9: Sustaining Mediator Competence

This session includes a presentation and interactive exercises targeted to strengthen a mediator's core performance skills, including: what a mediator listens for, framing negotiable issues, structuring the discussion strategy, and techniques for generating movement.

Joseph B. "Josh" Stulberg, JD, Ph.D., Michael E. Moritz Chair in Alternative Dispute Resolution, The Ohio State University Moritz College of Law

BREAKOUT SESSION **B**

11:30 A.M. - 12:30 P.M. (CHOOSE ONE)

B10: Enhancing Mediation Services through Court-Community Mediation Center Collaborations

From pre-court filings, to landlord-tenant mediation, to eviction cases, to child support enforcement, and parenting mediation, community mediation centers using volunteer mediators and local courts have enhanced mediation services for courts and for the community.

Cherise Hairston, Dayton Community Mediation Center, Board Member, National Association for Community Mediators

Brandon McClain, Magistrate, Dayton Municipal Court

Janet Mueller, Dayton Community Mediation Center

BREAKOUT SESSION **C**

2:30 P.M. – 3:30 P.M. (CHOOSE ONE)

C1: Creating a Multi-Disciplinary Approach to Truancy and Implementing HB410

This session features an interactive discussion for court personnel, court service providers, attorneys, advocates and public officials interested in House Bill 410 and its impact on school and court systems. Panelists will summarize legislation and different court alternatives to adjudication. Presenters will discuss an established mediation model that courts may utilize as an alternative to adjudication.

Heather Fournier, Esq., Mediation Director, Lucas County Juvenile Court

Hon. Robert Fragale, Judge, Marion County Family Court; Member, Supreme Court of Ohio Commission on Dispute Resolution

Shelisa Johnson, Diversion Counselor and Mediator, Erie County Juvenile Court

Tammy Martin-Kosier, Esq., Mediator, Ashtabula County Mediation and Conflict Management Services

C2: A Judge's Role in Settlement

Settlement is prevalent, and crucial to the functioning of the U.S. judicial system. But, the pretrial regulatory framework in the courts is largely discretionary, and its emphasis on management does not fully take into account all the consequences of combining settlement with adjudication. The label "managerial judge" does not differentiate between the functions involved in managing a settlement process and the very different role of serving as a settlement neutral. By introducing this distinction, this presentation provides a framework for analyzing settlement that focuses on the conflicts between a judge's role as a neutral in settlement and as a neutral in adjudication.

Ellen E. Deason, Professor, The Ohio State University Moritz College of Law

Elizabeth Watters, Magistrate, Franklin County Common Pleas Court

BREAKOUT SESSION **C**

2:30 - 3:30 P.M. (CHOOSE ONE)

C3: The Throne of Games: Game Theory as a Foundation for Dispute Resolution and Law: An Introduction for Attorneys, Judges, and Neutrals

Game theory is the study of models of conflict and cooperation between two or more decision makers. It can give attorneys and neutrals a valuable insight to how parties will behave (rationally or sometimes irrationally) in certain real world situations and disputes, and how to help parties resolve or even avoid particular disputes. Game theory also provides insight into how law deals with certain competitive situations. In this session, several recurring game models will be introduced with audience participation and reviewed with consideration of practical application to dispute resolution.

Roy J. Lewicki, Irving Abramowitz Memorial Professor Emeritus, Fisher College of Business, The Ohio State University

Harold Paddock, Court Mediator/Senior Magistrate, Clermont County Court of Common Pleas

C4: Preparing a Client for a Mediation Based on the Core Values of Mediation

In the context of the Ohio Supreme Court's "Core Values of Mediation," Mr. Ray will review recommended approaches for a lawyer's preparation of a client for a mediation conference. In his presentation, he will examine the importance of the lawyer's education of the client about the mediation process. Mr. Ray will also discuss a lawyer's obligation to address and manage a client's expectations for mediation, including assessment of realistic goals for terms of settlement through mediation of a particular case. Mr. Ray will invite interactive discussion with seminar attendees.

Frank A. Ray, Esq., Court/Private Civil Mediator

C5: Mediation in Ohio's Appellate Courts: How Every Practitioner Can Make it a Success

Learn the "ins and outs" of the appellate mediation process in Ohio and the best practices that the most successful appellate mediation attorneys use to maximize the effectiveness of the process. Each district has its own rules and procedures, which will be briefly covered to help illustrate that great appellate mediation advocacy has universal themes accessible to practitioners regardless of how frequently they participate in appellate mediation. This presentation will cover unique features of appellate mediation as well as provide a skill-building platform that practitioners can use in any ADR process.

Sasha Blaine, Conference Attorney/Appellate Mediator, Twelfth District Court of Appeals

Carrie Connelly, Mediation Attorney/Assistant Court Administrator, Sixth District Court of Appeals

Sharon Maerten-Moore, Court Administrator/Magistrate, Fourth District Court of Appeals

C6: Collaborative Law: Resolving the Most Difficult Cases the Collaborative Way

This presentation will dispel the myth that collaborative law is effective only for those cases in which the parties present as amicable and reasonable. Collaborative law has grown significantly in the past 10 years as professionals develop skills and expertise to move even the most intractable cases to resolution. This session will allow participants to explore the ways the collaborative process can work for complex cases, including difficult clients and/or complicated and challenging circumstances.

Amy Armstrong, Certified Parent Coach, Mediator, Social Worker, Parenting Coordinator

Elaine S. Buck, Buck & Fish, Ltd.

C7: Best Practices in Probate Mediation

Probate issues arise from a variety of family issues - some historical, some new. If you have families and partners, you don't need enemies. The mediator is prepared for: (1) Immediate specific issues, such as care, money and support for "mom;" (2) Long-term issues, such as money or caregivers;" (3) Privacy such as "we don't want our decision or rationale to be disclosed to third parties;" and (4) Emotional, such as, "I need to be in charge." Each party and issue needs to be carefully and respectfully engaged. This presentation will explore effective techniques in probate mediation from a nationally recognized mediator.

Doug Godshall, Esq., Mediator, Eldercaring Coordinator, Douglas N. Godshall ADR, LLC; Member, Supreme Court of Ohio Commission on Dispute Resolution

BREAKOUT SESSION **C**

2:30 - 3:30 P.M. (CHOOSE ONE)

C8: The Role of the Courts When Conflicts Polarize Communities

In an era of division and unrest, courts are an overlooked resource for bridging divided communities. If utilized properly in the right setting, courts can have a role in preventing conflict from escalating and bringing residents in divided communities to the table to discuss — and perhaps resolve — concerns underlying their differences. This panel will review and illustrate court-based and systems-based methods for constructive court involvement. The presentation will incorporate the work of the Divided Community Project at The Ohio State University Moritz College of Law — recent recipient of the 2018 Institutional Lawyer as a Problem Solver Award presented by the ABA's Section of Dispute Resolution.

William Froehlich, Associate Director, Divided Community Project, The Ohio State University Moritz College of Law

Leigh Anne Newcomer, Squire Patton Boggs (US) LLP

Hon. Dan Polster, U.S. District Court, Northern District of Ohio

C9: Public Records and Other Dispute Resolution Processes in the Court of Claims

Mediation is available and encouraged in the Court of Claims' general litigation docket, and the year-old public records dispute program is founded on mediation. Both are subject to Ohio's Uniform Mediation Act, but there are specific statutes and court rules that affect the mediation process for the court and the practitioner. Join us for a discussion of today's mediation process in the Court of Claims, with a look at specialized bargaining issues in public records cases.

Jeffrey Clark, Special Master, Ohio Court of Claims

Robert C. VanSchoyck, Magistrate, Ohio Court of Claims

C10: Restoring Function and Faith in Our Civil Justice System

Americans deserve a civil legal process that can fairly and promptly resolve disputes for everyone — rich or poor, individuals or businesses, in matters large or small. Yet our civil justice system often fails to meet this standard. Recently, the Conference of Chief Justices made recommendations that provide a roadmap for restoring function and faith in our civil justice system. In this session, participants will learn about the Civil Case Management Team model, a concept of proportionality in which both civil rules and court resources are matched to the unique needs of each case. Restoring public confidence in our civil justice system means rethinking how we work in fundamental ways. Judge Gary Yost and Wendy Hawbaker will highlight the Ashtabula County Mediation and Conflict Management Services, a comprehensive program that provides dispute resolution services for most of the courts throughout the county. C. David Witt, an ADR specialist with the Cleveland Housing Court, a jurisdiction that sees nearly 10,000 eviction cases per year, will highlight the court's mediation program and the opportunities it presents to craft settlements that meet the needs of the parties.

Wendy Hawbaker, Mediation Director, Ashtabula County Mediation and Conflict Management Services

Tasha Ruth, Esq., Manager, Supreme Court of Ohio Case Management Section

C. David Witt, ADR Specialist, Cleveland Housing Court Adjunct Professor, Case Western University

Hon. Gary Yost, Judge, Ashtabula County Court of Common Pleas

BREAKOUT SESSION **D**

3:45 - 4:45 P.M. (CHOOSE ONE)

D1: Evaluation: A Potential Tool in Your Mediation Strategy

This presentation will focus on evaluation in mediation practice — not whether it is good or bad, but how to do it effectively and some of the challenges it poses: How can evaluation be useful, even when it's not likely to change anyone's view of the merits? How does a mediator present his or her views for the best impact? What do you do when a disputant disagrees with you? When is it useful to put an opinion in writing, and is there anything to worry about?

Dwight Golann, Professor of Law, Suffolk University Law School

D2: Mediation and Civil Protection Orders - An Untenable Pairing or an Innovative Solution?

Civil Stalking Protection Order petitions have expanded from cases involving male/female violence, coercion, menacing, and stalking to also cover landlord/tenant, family disputes, real property controversies, friction between neighbors, and collection matters that are civil in nature. Discuss how screening, procedural safeguards, and qualified and trained mediators can lead to identifying appropriate cases for mediation and learn about Ohio's mediation pilot program in 12 courts.

Richard Altman, Magistrate, Fulton and Henry Counties; Chairperson, Supreme Court of Ohio Commission on Dispute Resolution

James Petas, Dispute Resolution Commission Member, Ohio Mediation Association

Diana Ramos-Reardon, Esq., Supreme Court of Ohio Domestic Violence Policy Counsel

Hon. John Russo, Judge, Cuyahoga County Court of Common Pleas

Jennifer Shack, Resolution Systems Institute

D3: Using Interpreters and Other Language Services in Dispute Resolution Processes

This highly interactive training is structured to help dispute resolution professionals learn to effectively work with interpreters. Participants will learn why finding the most qualified interpreter is the critical first step to a successful dispute resolution process. The session will cover the work of interpreters, the code of professional responsibility for court interpreters, and how mediators can work in tandem to guide the discussion in a fruitful way that may lead to positive results. Participants also will learn some technical aspects of professional interpretation.

Bruno Romero, Manager, Supreme Court of Ohio Language Services Program

D4: Building Effective and Innovative Dispute Resolution Processes in Probate Courts: Eldercaring Coordination and Beyond

From 2008 to 2030, the elderly population is expected to double. As high conflict family dynamics interfere with the safety and well-being of elders, will probate courts be ready? Learn how Ohio's participation in a national dispute resolution pilot program for elders is responding to the expected influx of cases.

Sue Bronson, Co-Chair, ACR Elder Justice Initiative on Eldercaring, Wisconsin

Linda Fieldstone, Co-Chair, ACR Elder Justice Initiative on Eldercaring, Florida

Hon. Dixilene Park, Judge, Stark County Probate Court

D5: Developing and Funding a Court Dispute Resolution Program

The National Center for State Courts (NCSC) created Decision-Making and Case Administration Principles for Judicial Administration stating that court leadership should make available, within the court system or by referral, alternative dispute resolution approaches that include: (1) the adversarial process; (2) a problem-solving treatment approach; and (3) mediation, arbitration or similar resolution alternatives that allow disputants to maintain greater control over the process; and (4) referral to an appropriate administrative body for determination. In addition, the NCSC created court funding principles stating that courts should be funded at a level that allows their core dispute resolution functions to be resolved by applying the appropriate dispositional alternative. At the end of this presentation, courts and court-funding entities will know how to engage regarding court funding budget topics.

Brian Farrington, Statistics Analyst, Supreme Court of Ohio

Stephanie Hess, Esq., Deputy Administrative Director, Supreme Court of Ohio

Hon. Diane Palos, Judge, Cuyahoga County Domestic Relations Court

BREAKOUT SESSION **D**

3:45 P.M. – 4:45 P.M. (CHOOSE ONE)

D6: Building a Comprehensive Dispute Resolution Program in Domestic Relations Court

Explore the multitude of dispute resolution options being offered in domestic relations courts. From mediation to neutral evaluation to collaborative law, it's all under one roof. Whether you are building a program, representing clients, or serving as a third party neutral, discover the complementary menu of court services and dispute resolution options in today's domestic relations courts.

Hon. Deborah Alspach, Judge, Marion County Family Court

Rosalind C. Florez, Magistrate, Director of the Hamilton County Domestic Relations Dispute Resolution Department

D7: Contemporary Dispute Resolution Skills in Today's Problem-Solving Courts

The use of problem-solving courts, particularly specialized dockets, requires a non-adversarial approach to the resolution of disputes. The transition from a traditional litigation model to a collaborative problem-solving approach is not always easy. The use of a treatment team requires a delicate balance of power among experienced, knowledgeable professionals tasked with helping individuals reach their personal goals, while reducing recidivism. Members of the team come into conflict with one another when issues of conflicting philosophies, high emotions, or burnout are brought to the table. This session addresses the challenges of teams by unpacking the power dynamics that influence negotiations. Participants will practice using tools to assist in building healthy teams where differing opinions are safely stated, unique solutions to situations sought, and conflict is peacefully resolved.

Monica Kagey, Manager, Supreme Court of Ohio Specialized Dockets Section

Marcie Patzak-Vendetti, Magistrate and Director of Court Mediation Services, Mahoning County Court of Common Pleas Juvenile Division; Vice-Chairperson, Supreme Court of Ohio Commission on Dispute Resolution

D8: Implicit Bias — What Do You See? What Do You Think?

How does one recognize culturally relevant factors in a mediation? When we do not acknowledge the implicit bias within ourselves, we stumble. If we are not willing or able to see different perspectives as valid, then can we truly be neutral mediators and evaluators of a cross-cultural case? This course will explore implicit bias and will offer practitioners tools to examine the unspoken biases we all bring to our daily work.

Shelisa Johnson, Diversion Counselor and Mediator, Erie County Juvenile Court

April Nelson, Esq., Mediator, Delaware County Juvenile Court

D9: Why Mediation is not a Judicial Settlement Conference

From time to time, mediation conducted by judges carries the hallmarks of a judicial settlement conference, where the authority of the bench can be brought into play to influence the mediation. While such a conference has its place, distinctions exist between a settlement conference and mediation, where a voluntary and self-determined process should be of primary importance. This program points out the role, strengths, and weaknesses of settlement conferences versus mediation and how and when to use them. Helpful tips will be shared as to when to mediate and what formats lend themselves to successfully moving through a process that is different than what is typically used in the courtroom. The presentation will be useful for mediators, mediation advocates, and judges alike.

Jerry Weiss. Esq., Commercial Mediator; Founder, MediationInc., Cleveland, Ohio

BREAKOUT SESSION **D**

3:45 - 4:45 P.M. (CHOOSE ONE)

D10: Maximizing the Mediation Core Value of "Flexibility" — How a Rights-Based, Humanistic, Creative Approach can Survive and Prosper in a Court Setting

Participants and the presenter will provide examples of flexibility in court mediation. A core value of court mediation in Ohio is flexibility. Flexibility not only refers to the approach used by the mediator, but the involvement of mediation participants and the system process in use by courts. Examples of flexibility will be provided from a variety of mediation settings and will be suggested by participants. Participants will analyze the relationship between social structure and the core values of mediation, demonstrate an understanding of mediation and the importance of flexibility in mediation, and demonstrate an understanding of ways in which flexibility may be encouraged in a mediation process.

Dr. Jan Marie Fritz, Professor, University of Cincinnati and Distinguished Visiting Professor, University of Johannesburg in South Africa.

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