

4TH ANNUAL CONFERENCE ON MEDIATION MEDIATION ADVOCACY IN THE AGE OF DIVERSITY

*Advanced Tools and Techniques for Lawyers, Mediators
and Human Resource Professionals*

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**WINKLER
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**International
Academy of Mediators**

Established 1996



Learn from an international faculty of mediation experts
how to navigate the complex and nuanced issues
arising in today's mediations

- It's not necessarily about the money – recognizing and discerning the cultural interests at play
- Are the parties there to settle or pursue other agendas?
- What are the unique skills and tools required to mediate human rights disputes?
- First Nations disputes – bridging the cultural gap
- Considerations and implications which may exist beyond the boundaries of the dispute being mediated
- Sports and entertainment disputes – a different type of diversity
- Ascertaining if there are absentee decision-makers and what to do when those situations arise

Register today at:

osgoodepd.ca/mediation2017

Program Chair

Vance H. Cooper
Cooper Mediation Inc.

Program Details

DATE AND TIME

Thursday, May 11, 2017
9:00 a.m. - 4:15 p.m.
In Person or Webcast

LOCATION

**Osgoode Professional
Development**
1 Dundas St. West, 26th Floor
Toronto, ON

ONLINE REPLAY

June 15, 2017

Sponsored By:



Drawing on the expertise of leading counsel, judges and academics from across the country, including:

Program Chair

Vance H. Cooper^{***}

Cooper Mediation Inc.

Keynote Speaker

Marvin E. Johnson^{**}

IAM Past President, JAMS Panel Member, Silver Springs, MD

"Understanding and Managing Diversity Issues in Mediation"

Guest Speakers

Nathalie Des Rosiers

MPP, Ottawa-Vanier, Professor on Leave, University of Ottawa

"Ethical Issues Arising From Human Rights Disputes"

The Hon.
Robert K. Rae

Mediator & Arbitrator, ADR Chambers, Senior Partner, Olthius, Kleer, Townshend LLP

"Advancing the Needs of First Nations through Mediation or Otherwise"

Program Faculty

The Hon. Robert P. Armstrong, QC

Arbitration Place

Daniel Guttman

Counsel, Constitutional Law Branch, Ministry of the Attorney General (Ontario)

Nathalie Des Rosiers

MPP, Ottawa-Vanier, Professor on Leave, University of Ottawa

Michael Gottheil

Executive Chair, Social Justice Tribunals Ontario

Susan Hammer^{}**

Dispute Resolution Services, Portland, OR

Marvin E. Johnson^{}**

IAM Past President, JAMS Panel Member, Silver Springs, MD

Jonathan Lisus

Lax O'Sullivan Lisus Gottlieb LLP

The Hon. Justice Graeme Mew

Ontario Superior Court of Justice

Andrea Morrison^{*}

Mediator, Global Dialogue Inc. and Quebec Human and Youth Rights Commission, Trainer, Canadian Institute for Conflict Resolution

Gordon I. Kirke, QC

Global Resolutions Inc.

The Hon. Robert K. Rae, OC

Mediator & Arbitrator, ADR Chambers, Senior Partner, Olthius, Kleer, Townshend LLP

Allan J. Stitt^{}**

LLM, C. Med., C. Arb., President & CEO, ADR Chambers

Eric E. Van Loon, Esq.^{}**

JAMS Mediator & Arbitrator, Boston, MA

Jerome F. Weiss^{}**

Mediation Inc., Cleveland, OH

The Hon. Warren K. Winkler, OC, O. Ont., QC^{*}**

Former Chief Justice of Ontario, Mediator and Arbitrator

Francis (Butch) Wolfleg

Siksika Nation Tribal Councillor/Aiskapimohkiiks (Traditional Dispute Resolution)

* Fellow, IAM (International Academy of Mediators)

** Distinguished Fellow, IAM

*** Honorary Fellow, Lifetime Achievement Award, IAM

4th Annual Conference on Mediation

Mediation Advocacy in the Age of Diversity

*Advanced Tools and Techniques for Lawyers, Mediators
and Human Resource Professionals*

“*This program co-sponsored by the **Winkler Institute** and the **International Academy of Mediators** brings together the leading mediators and arbitrators in North America and beyond. It offers legal and ADR practitioners an opportunity to interact on a practical level not only with these experts but with each other to our mutual benefit on a wide range of problems that are encountered by all of us in our day to day work. I can think of no broader base of experience, technique, style and innovation to tap into than that which is offered through this program. It is invaluable. It is also truly inspiring.*”

The Hon. Warren K. Winkler, OC, O. Ont., QC

Former Chief Justice of Ontario, Mediator and Arbitrator, Honorary Fellow and Lifetime Achievement Award, IAM

“*This program deals with the most challenging kind of issues, that arise in many mediations. They are beneath the surface of the dispute and neither the lawyer or the mediator can deal with them until those layers of conflict are identified. Come and learn how the best neutrals in the world solve this kind of conundrum.*”

Paul M. Iacono, QC

YorkStreet Dispute Resolution Group Inc.
Distinguished Fellow, IAM

“*We have seen from the three previous Winkler/IAM programs, that this annual program is an opportunity to not only hear from top Canadian mediators and advocates, but also top American and international mediator members of the IAM. A high level of discussion that is essential for all mediators and counsel who advocate at mediations. Should not be missed.*”

Jon Fidler

JD. C.Med., M+F Mediation & Arbitration Services,
Distinguished Fellow, IAM

“*This program consistently delivers international panelists/speakers of the highest quality. It is the “can’t miss” educational conference for mediators. Attendees will be educated, informed and entertained; moreover, it is a great opportunity to network with your professional colleagues.*”

Vance H. Cooper

Cooper Mediation Inc.
Distinguished Fellow, IAM

Mediation plays a critical role in our justice system, requiring a special skill set and raising **unique challenges** for both mediators and counsel. Beyond the justice system, mediation approaches and techniques are increasingly used in a wide variety of settings, including workplaces. **Diversity issues**, the focus of this year's program, **pose even greater challenges** and require mediators, counsel and human resource professionals to know the range of **strategic and tactical options** so they can advise on the pros and cons of each.

Developed as part of a unique partnership of legal, mediation and academic experts, the goal of this joint **Winkler/IAM/OsgoodePD** annual program, which draws from across North America, is to provide a forum for discussion focusing on broadening the skills of counsel, mediators and HR professionals who deal with diversity issues in the context of mediation.

This year's program focuses on developing a toolkit for dealing with diversity in the context of a mediation and covers key issues including:

- How to uncover and recognize your own biases and improve your interactions at mediation
- Determining whether there are interests that reach beyond the four walls of the mediation room
- Special practices applicable to mediating in the human rights forum
- What to do when there are ulterior motives or hidden agendas
- Special considerations applicable to negotiating with athletes and entertainers

This unique gathering of experienced mediators is an opportunity for you to explore some of the issues most likely to derail your mediation. Ensure you are informed and equipped and don't miss this event.

Who Should Attend?

- Mediators
- Counsel
- Human Resource professionals
- Diversity Managers
- Ombudsman
- In-house counsel

Agenda

8:30

Registration and Continental Breakfast

9:00

Welcome and Introduction

Vance H. Cooper, Cooper Mediation Inc.

9:10

The Frustration Factor – The Impasse You Don't Understand

Moderator:

The Hon. Warren K. Winkler, OC, O. Ont., QC, Former Chief Justice of Ontario, Mediator and Arbitrator

Panelists:

Marvin E. Johnson, IAM Past President, JAMS Panel Member, Silver Springs, MD

Susan Hammer, Dispute Resolution Services, Portland, OR

Jonathan Lisus, Lax O'Sullivan Lisus Gottlieb LLP

- Identifying the problem before it gets out of hand
- Is it diversity related?
- What are the cultural considerations at play? Not everyone tells the truth the same way
- Are there unique linguistic or body language considerations?
- You can't read the signs and signals until you understand them
- It's not necessarily about the money - recognizing and discerning the cultural interests
- History between or amongst the parties - is it good, bad or indifferent? Does it matter?
- Are the parties there to settle or to pursue other agendas?
- Special challenges dealing with "difficult" lawyers and clients

- What are your biases? How do these biases impact on your interpersonal relationships with your clients, adversaries, etc...?
- How to uncover and recognize your own biases and improve your interactions at mediation

10:15

Refreshment Break

10:30

Morning Guest Speaker

Nathalie Des Rosiers, MPP, Ottawa-Vanier, Professor on Leave, University of Ottawa

“Ethical Issues Arising From Human Rights Disputes”

11:00

Understanding the Bigger Picture in Mediating Human Rights Disputes

Moderator:

Jerome F. Weiss, Mediation Inc., Cleveland, OH

Panelists:

Michael Gottheil, Executive Chair, Social Justice Tribunals Ontario

Daniel Guttman, Counsel, Constitutional Law Branch, Ministry of the Attorney General (Ontario)

Nathalie Des Rosiers, MPP, Ottawa-Vanier, Professor on Leave, University of Ottawa

- Special practices applicable to mediating in the human rights forum
- What is the bigger picture? The dispute being mediated may be part of a much bigger matter
- How to determine whether there are interests that reach beyond the four walls of the mediation room
- Unique skills and tools required to mediate human rights disputes
- Ethical considerations which arise from human rights mediations
- Governmental and/or political considerations
- How does culture affect the decision-maker?

12:00

Luncheon and Keynote Speaker

Marvin E. Johnson, IAM Past President, JAMS Panel Member, Silver Springs, MD

“Understanding and Managing Diversity Issues in Mediation”

1:30

First Nations Disputes – Bridging the Cultural Gap

Moderator:

Eric E. Van Loon, Esq., JAMS Mediator & Arbitrator, Boston, MA

Panelists:

The Hon. Robert K. Rae, OC, Mediator & Arbitrator, ADR Chambers, Senior Partner, Olthius, Kleer, Townshend LLP

Andrea Morrison, Mediator, Global Dialogue Inc. and Quebec Human and Youth Rights Commission, Trainer, Canadian Institute for Conflict Resolution

Francis (Butch) Wolfleg, Siksika Nation Tribal Councillor/Aiskapimohkiiks (Traditional Dispute Resolution)

- Recognizing that history is important
- Peeling the onion - understanding the layers of conflict
- Understanding and managing the egos and personalities in the mediation room
- Ascertaining whether there are absentee decision-makers and what to do when those situations arise
- Determining whether there is consensus in each of the rooms - what to do when there is no consensus within one room - the mediation within the mediation
- What can you do when there appears to be a lack of trust between the negotiating factions?
- Are there ulterior motives or hidden agendas?
- Are these disputes more or less suited to judicial mediation?
- What are the unique ethical considerations to mediating first nations disputes?

2:30

Refreshment Break

2:45

Afternoon Guest Speaker

The Hon. Robert K. Rae, OC, Mediator & Arbitrator, ADR Chambers, Senior Partner, Olthius, Kleer, Townshend LLP

“Advancing the Needs of First Nations through Mediation or Otherwise”

3:15

Sports and Entertainment Disputes – A Different Type of Diversity

Moderator:

Gordon I. Kirke, QC, Global Resolutions Inc.

Panelists:

Allan J. Stitt, LL.M., C. Med., C. Arb., President & CEO, ADR Chambers

The Hon. Robert P. Armstrong, QC, Arbitration Place

The Hon. Justice Graeme Mew, Ontario Superior Court of Justice

- What makes a high level athlete or entertainer unique?
- What are the special considerations applicable to negotiating with athletes and entertainers?
- Mediating against the clock
- What are the considerations and implications which may exist beyond the boundaries of the dispute being mediated?
- Understanding and dealing with the emotional quotient
- Understanding mediation in a forum or context where there may be no litigation option - where do the parties go after a “failed mediation”? Does this have an impact on the negotiations at mediation?
- Ethical considerations unique to athletes and entertainers

4:15

Conference Concludes

Here's what past attendees had to say:

"Cannot be improved."

Christopher Baines, C.A. Baines Mediation

"Well done and insightful."

Jill M. Knudsen, Macdonald Sager Manis LLP

"Fantastic. Nothing to add."

Helen Lightstone, Lightstone Mediation Services

What was the best thing about the program?

"All the different perspectives from mediators and counsel. The entire day was informative."

Patrick Murphy, Donnelly & Murphy

"The high level of speakers. Easy ability to ask questions."

Barry Fisher, Barry Fisher Arbitration & Mediation

"Having a mixture of mediators from the USA and Canada."

Douglas Cutbush, YorkStreet Dispute Resolution Group Inc.

SAVE THE DATE!

Next year's **Conference on Mediation** is scheduled for **May 3, 2018**.

Registration Details

Fee per Delegate

\$545 plus HST

\$495 Early Bird until March 7, 2017

Fees include attendance, program materials, continental breakfast, lunch and break refreshments. Group discounts are available. Visit www.osgoodepd.ca/group-discounts for details. Please inquire about financial assistance.

Program Changes

We will make every effort to present the program as advertised, but it may be necessary to change the date, location, speakers or content with little or no notice. In the event of program cancellation, York University's and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund is available if a cancellation request is received in writing 14 days prior to the program date. If a cancellation request is made with less than 14 days notice, a \$75 administration fee will apply. No other refund is available.



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