

2020 WINKLER/IAM/OSGOODEPD CONFERENCE ON MEDIATION CLOSING THE DEAL: EFFECTIVE STRATEGIES FOR ADVOCATES AND MEDIATORS

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WINKLER
INSTITUTE
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International
Academy of Mediators

Established 1996



Learn how to navigate complex and nuanced issues in today's mediations from international mediation experts.

- Establishing quality interactions with parties to close the deal
- Aligning the interests of multiple parties
- Navigating and getting past points of impasse
- Applying effective approaches to dealing with difficult people and situations
- Recognizing ethical considerations throughout the mediation process

Plus! Don't miss the *Interactive Multi-Party Case Analysis*

You will have the opportunity to analyze a multi-party dispute and brainstorm strategies for overcoming challenges and closing the deal.

KEYNOTE SPEAKER

Marie Henein, Senior Partner, Henein Hutchison LLP on *"Closing the Deal – A User's Perspective"*

Register today at:

osgoodepd.ca/mediation2020

Program Chair

J. Jay Rudolph, LL.B. C.Med., C.Arb
Rudolph Mediation & Arbitration
Services Inc.

Date and Time

May 14, 2020
9:00 a.m. – 4:00 p.m. EDT
In Person or Webcast

Online Replay:
June 9, 2020

Location

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

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Closing the Deal: Effective Strategies for Advocates and Mediators

Mediation plays a critical role in our justice system. It requires a special skill set and raises unique challenges for both mediators and counsel. Beyond the justice system, mediation approaches and techniques are increasingly used in a wide variety of settings.

Developed as part of a unique partnership of legal, mediation and academic experts, this joint **Winkler/IAM/OsgoodePD** annual program draws from across North America, and provides a forum of discussion focused on broadening the skills of counsel and mediators.

This year's program focuses on navigating the challenges faced by counsel and mediators during the mediation process and applying effective strategies to help close the deal, including:

- The most effective approaches to dealing with difficult people and situations during mediation
- Creating quality interactions with all participants at the mediation table
- Strategies to overcome points of impasse
- Managing diverging interests in multi-party cases
- Benefits of a transformative approach to settlement
- Recognizing ethical dilemmas as you close the deal

PLUS! Don't miss your chance to hear from Keynote Speaker **Marie Henein** and to participate in the large group **Interactive Multi-Party Case Analysis**.

Who Should Attend

- Mediators
- Arbitrators
- Private Practice Lawyers
- Government Lawyers (Crown, Attorney, Prosecutor)
- In-House Counsel (General Counsel, Legal Counsel, Corporate Counsel)
- Ombudsman

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Agenda

8:30 a.m.

Registration

9:00 a.m.

Welcome and Introduction

J. Jay Rudolph, LL.B. C.Med., C.Arb*

Rudolph Mediation & Arbitration Services Inc.

9:15 a.m.

Opening Address: Relational Moves – Quality Interactions, Fear, and Closing the Deal

Louise Phipps Senft

Baltimore Mediation

9:45 a.m.

Navigating Impasse – Effective Mediation Techniques

Moderator:

Martha Simmons

Winkler Professor of Dispute Resolution; Academic Director, Winkler Institute of Dispute Resolution

Panelists:

Chuck Doran

President, IAM

Allan J. Stitt

President and CEO, ADR Chambers

- Overview of mediator's proposals
- Communicating with difficult counsel and parties
- The benefits of a transformative approach to settlements
- Recognizing and navigating ethical issues

- What to do when:
 - No one wants to make a first offer
 - A party threatens to walk out
 - There is a stalemate on offers

10:45 a.m.

Refreshment Break

11:00 a.m.

Getting to the Deal with Difficult People and Situations

Moderator:

Louise Phipps Senft

Baltimore Mediation

Panelists:

Chris Paliare

Paliare Roland LLP

Cinnie Noble

Cinergy Conflict Management Coaching

- Who and what defines the deal?
- Who and what defines a difficult person?
- What approaches can you use to close the deal with difficult people?
- What works best in difficult situations?

Through the lenses of three seasoned practitioners varying in their roles as transformational mediator, conflict management coach, and litigator and arbitrator, you will be challenged to overcome difficult situations and personalities and to use different strategies to close the deal.

12:00 p.m.

Networking Luncheon

1:00 p.m.

Special Address: Closing the Deal – A User’s Perspective

Marie Henein

Henein Hutchison LLP

1:45 p.m.

Interactive Multi-Party Case Analysis

Jon Fidler, JD, C.Med.

M+F Mediation & Arbitration Services

Michael Dickstein

Dickstein Dispute Resolution

In this interactive large group discussion, participants will analyze and tackle a complex multi-party dispute. The scenario will require participants to determine the best strategies for navigating impasse and expertly deal with ethical dilemmas in order to close the deal.

- Managing multi-party diverging issues and interests
- Aligning the competing, shifting and parallel interests of multiple parties
- Mediating conflicting interests between co-plaintiffs and between co-defendants
- Exploring the dynamic between insured versus uninsured parties
- Working with the intersection of emotional and business interests
- Maintaining future relationships beyond the dispute
- Dealing with government entities
- Identifying and avoiding ethical land mines

2:45 p.m.

Refreshment Break

3:00 p.m.

Interactive Multi-Party Case Analysis (continued)

3:30 p.m.

Panel Discussion: Bringing It All Together

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

Former Chief Justice of Ontario, Mediator & Arbitrator

Louise Phipps Senft

Baltimore Mediation

Chuck Doran

President, IAM

This panel will discuss and highlight key takeaways from the day and take questions from the participants.

4:00 p.m.

Conference Concludes



Chair

J. Jay Rudolph,
LLB. C.Med., C.Arb
Rudolph Mediation & Arbitration
Services Inc.

Faculty

Jon Fidler, JD, C.Med.
M+F Mediation & Arbitration
Services

Michael Dickstein
Dickstein Dispute Resolution

Chuck Doran
President, IAM

Cinnie Noble
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Chris Paliare
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Paul M. Iacono, QC
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Group Inc.

Alicia Kuin,
C.Med, LL.M. (ADR), M.A., B.A.
Conflict Analyst & Mediator,
YorkStreet Dispute Resolution
Group Inc.

Richard Rejino
Executive Director, International
Academy of Mediators

Special Guest Speaker

Marie Henein
Senior Partner, Henein Hutchison
LLP

Louise Phipps Senft
Baltimore Mediation

Martha Simmons
Winkler Professor of Dispute
Resolution; Academic Director,
Winkler Institute of Dispute
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Registration Details

Fee per Delegate

\$695 plus HST

Early Bird \$625 until February 28, 2020

Fees include attendance, program materials, 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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