



# THE NATIONAL ACADEMY OF DISTINGUISHED NEUTRALS



2013 Advanced Mediation Training Retreat  
Boston Harbor Hotel, Boston, MA  
*August 21-24, 2013*

## TESTIMONIALS FROM 2011 ATTENDEES...

*"Quite simply the single best ADR seminar I have attended. Period."*

**- John S. Freud, Miami, FL**

*"I can say unequivocally that this NADN seminar is incomparable to anything I have experienced in my career. I have already employed many of the techniques I learned at the 2011 conference and I am looking forward to the 2013 conference with much anticipation. If you want to experience interacting with distinguished neutrals from all over the country at the very height of their careers, led by a team of presenters unequalled anywhere, capped by being pampered at a five-star hotel, this is the quintessential seminar that you simply cannot afford to miss!"*

**- Michael W. Drye, Asheville, NC**

*"Simply awesome. It is one of the best, truly advanced, ADR seminars I have attended in 20 years of practice and that includes the excellent advanced seminars at Harvard by Roger Fisher... Recently I was dealing with a particularly difficult personality in a major multi-party commercial case who threatened to sink the process. Frustrated, I went into my office, got the seminar materials, and re-read the part on intervention techniques. I went back into the mediation, pulled the difficult party aside for a one-on-one meeting with his counsel's blessings, and managed to turn him around! The case finally settled a few evenings later with a call to my cell-phone from the difficult party who completely changed his position and thanked me for my work. I cannot say enough good things about this seminar!"*

**- J. Joaquin Fraxedas, Maitland, FL**

*"Hands down, the most useful and informative ADR seminar I have ever attended - I definitely look forward to coming back next time round."*

**- Dana C. Holloway, Knoxville, TN**

*"The NADN Conference is really the only opportunity to spend a weekend with fellow professionals who are at the peak of the mediation world. A great way to elevate the level of your mediation practice while enjoying the company of like-minded mediators, some of whom are legends in our profession."*

**- Mark E. Becker, Tallahassee, FL**

*"First, please let me send along my congratulations for an event well done! The seminar itself was quite outstanding and one of the best I have ever attended..."*

**- Herbert H. Gray III, Atlanta, GA**

*"If neutrals wish to be challenged, get out of their comfort zone and increase their chances of resolving those most difficult of cases, then this conference is the place to be."*

**- Samuel Ardery, Bloomington, IN**

*"The NADN's advanced training retreat was well worth the investment in time and resources. As a mediator who has always relied on being intuitive in finding solutions to disputes, the advanced training introduced me to specific, strategic approaches to the mediation process. It also served as a reminder of the importance of self-mastery as a piece of the mediator's skill set."*

**- Hon. Kenneth Simon, Birmingham, AL**

*"It doesn't get any better than this! How many times do we attend "advanced" mediation training courses, only to find out that they are not so "advanced"? The opportunity to be among the best and most experienced neutrals in the country for two days in gorgeous surroundings was really remarkable. I can't wait for the 2013 meeting!"*

**- Will Pryor, Dallas, TX**

## OUR 2013 GUEST SPEAKERS



### LEE JAY BERMAN, Los Angeles, CA (American Institute of Mediation)

Academy Member Lee Jay Berman is Founder of the *American Institute of Mediation (AIM)*. He began as a full-time mediator and trainer over 19 years ago, and has successfully mediated over 1700 matters, specializing in complex litigation. Lee Jay mediates through PMA Dispute Resolution in Century City, California and is a national panelist with the AAA, a Distinguished Fellow with the International Academy of Mediators and a Dispute Resolution Expert with the United Nations Development Programme. He was 'Mediator of the Year' for the US Bankruptcy Court in California in 2007 and the Daily Journal named him one of California's Top Neutrals in 2008 and 2009. A respected trainer, he founded AIM in 2009, leaving his position as Director of Pepperdine Law School's '*Mediating the Litigated Case*' program after 7 years. He has taught mediation skills to judges, mediators and business leaders in India, Australia, Croatia, The Kingdom of Jordan, Amsterdam and Dubai, as well as 24 U.S. states.



### Prof. GUHAN SUBRAMANIAN (Harvard Law & Business Schools)

Guhan Subramanian is the Joseph Flom Professor of Law and Business at the Harvard Law School and the Douglas Weaver Professor of Business Law at the Harvard Business School. He is the first person in the history of Harvard University to hold tenured appointments at both HLS and HBS. At HLS he teaches courses in negotiations and corporate law. At HBS he teaches in several executive education programs, such as *Strategic Negotiations*, *Changing the Game*, *Making Corporate Boards More Effective*, and the Advanced Management Program. He is the faculty chair for the JD/MBA program at Harvard University and the Vice-Chair for Research at the Harvard Program on Negotiation. Professor Subramanian's research explores topics in corporate governance and negotiations. His work has been featured in the *Wall Street Journal*, the *New York Times*, the *American Lawyer*, *The Deal*, and *Corporate Control Alert*. His book *Dealmaking: The New Strategy of Negotiauctions* (W. W. Norton 2011) synthesizes the findings from his research and teaching over the past decade.



### DON PHILBIN, San Antonio, TX (Picture It Settled)

Academy member Don Philbin is an AV-rated attorney-mediator, negotiation consultant and trainer, and arbitrator. He has resolved disputes and crafted deals for more than 20 years as a business and commercial litigator, general counsel, and president of communications and technology-related companies. Don holds a Masters of Law degree from Pepperdine's Straus Institute for Dispute Resolution, where he is now an adjunct professor, has trained and published at Harvard's Program on Negotiation, is an elected Fellow of the International Academy of Mediators and ACCTM. He has mediated hundreds of individual and class matters in a wide variety of substantive areas and serves as a neutral on several panels, including CPR's Panels of Distinguished Neutrals. Don has published widely in the field, is Chair of the ABA Dispute Resolution Section's Negotiation Committee, and is the founder of [PictureItSettled.com](http://PictureItSettled.com).



### Prof. LELA PORTER LOVE, Benjamin Cardozo School of Law, NY

Academy Member Lela Porter Love is a professor of law and director of the Kukin Program for Conflict Resolution at Benjamin N. Cardozo School of Law. She has directed Cardozo's Mediation Clinic since its founding in 1985; the Clinic is among the first such programs in the country to train law students to serve as mediators. Professor Love now serves as mediator and dispute resolution consultant in community, civil court, employment, human rights, school-based and commercial cases. She helped Florida implement its mediator qualification requirements, developed a Train the Trainers of mediators for Michigan, and helped design and implement the Louisiana Board of Workers Compensation mandatory mediation program. Lela is co-editor of "*Stories Mediators Tell*" with Eric Galton, as well as co-authoring 3 law school textbooks on dispute resolution, and a guide for mediators: "*The Middle Voice*." She served as Chair of the ABA Dispute Resolution Section and spearheaded the first International Mediation Leadership Summit at the Peace Palace in the Hague. She has received Lifetime Achievement Awards from the ACCTM and IAM.

## OUR 2013 GUEST SPEAKERS



### JOHN SALMON, Miami, FL

Academy Member John W. Salmon is a natural mediator with a broad-based educational, legal and business background, having mediated nearly 7,000 cases. He is a graduate of Penn State University “with Distinction”, the University of Florida College of Law and holds an MBA from Florida International University where he was an adjunct faculty member in the College of Business for over 15 years. He has also served as an Adjunct Professor at the FIU College of Law teaching Alternative Dispute Resolution.

John is a Distinguished Fellow of the American College of Civil Trial Mediators and past President of The Florida Academy of Professional Mediators. John is a frequent lecturer on “Appropriate Dispute Resolution”, often incorporating martial arts and mediation techniques into his presentations. He is a Nidan, Second Degree Black Belt - with the Cuong Nhu Martial Arts Association.



### ANDY LITTLE, Raleigh, NC

Academy Member Andy Little is trained and certified as Civil Trial Court and Family Mediator. With a flourishing fulltime practice and over 20 years experience in mediation, Andy has mediated almost 5000 cases in state and federal courts. Prior to setting up his mediation practice, Andy had 17 years experience as a trial lawyer in a wide variety of matters, including commercial, personal injury, domestic & criminal cases. In addition to his mediation practice, Andy is an active leader in North Carolina’s Dispute Resolution Commission. He is the author of an ABA publication entitled “*Making Money Talk: How to Mediate Insured Claims and Other Monetary Disputes*”. Andy’s reputation as an author and leader in the ADR community has led to numerous invitations from around the country to to lecture on mediation and negotiation.

## THURSDAY SESSION

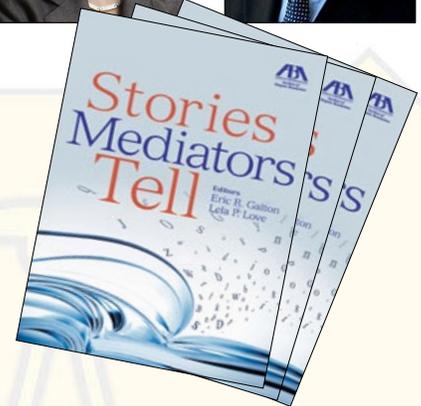
### Introduction: Stories Mediators Tell...

Presented by Lela Porter Love & Lee Jay Berman

9:00am to 10:30am

In Lela Love and Eric Galton's 2012 book, "Stories Mediators Tell", prominent mediators from all over the United States, most of them NADN members, reveal some of the stories they have longed to tell: stories in which the reader steps into the action and assists the mediator in drawing critical lessons out of the most challenging fact patterns and the most astonishing results.

Lela, Lee Jay and guest authors present for us some of these stories, along with the valuable lessons that can be gleaned from the insights of these top ADR practitioners. Even the most experienced mediators will find this compilation a valuable addition to their library. *(All course attendees receive a copy of this book.)*



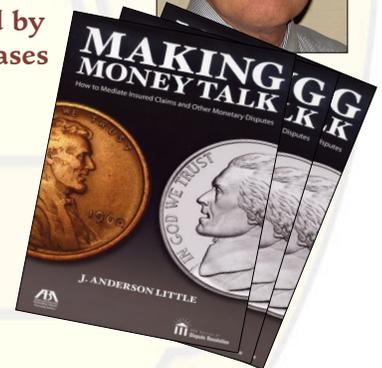
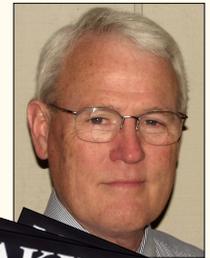
### Making Money Talk - Lessons for Mediators

Presented by Andy Little

10:45am to 12:00pm

**While most of the literature of mediation advocates a problem-solving, needs-based approach, negotiations in the settlement of civil litigation are characterized by the stubborn presence of positional bargaining. This is strikingly true in cases involving insured claims where the currency of settlement is U.S. dollars...**

Andy's book, Making Money Talk, outlines a model of the mediation process that takes positional bargaining seriously and helps us deal with it on its own terms. Yet, even in the context of "money negotiations" Andy shows how the basic value of a facilitative, client-centered, process-oriented, communication-focused strategy is a practical and effective approach in the negotiation of monetary disputes. Andy shows us how to use this method to deal with the "horse trading" that characterizes the settlement of insured claims.



### Settlecasting: The Right Number at the Wrong Time is the Wrong Number

Presented by Don Philbin

1:00pm to 2:30pm

**Conventional wisdom holds that there are seven stories in Hollywood, each consistently retold in contemporary screenplays. Does negotiation also take on predictable patterns?**

Based on Don's extensive research of thousands of negotiations, we will look at cases that settled and didn't, with info-graphics plotting the dollar concessions and the time it takes to make them. We'll examine how such cases seem to be impacted by factors such as regionality and case type. We'll also look at a computer program that predicts negotiating outcomes 80% of the time, while helping mediators develop successful concession patterns based on successful cases, PictureItSettled.com.



## THURSDAY SESSION (contd.)

### Mediation In The Round Exercise

Presented by John Salmon & Lee Jay Berman

2:45pm to 4:00pm

**Most of us mediators have rarely, if ever, been able to watch an experienced colleague at their craft...**



This session provides that opportunity as the moderator moves as many of our participants in and out of the “mediation hot seat”. We will observe the actual mediation of a complex commercial dispute where the audience will be able to comment upon the mediation techniques used by our fellow practitioners. But be careful - if you think something might be done differently, you might be put in the chair yourself! (*Mediation observations from this session will serve as a preface for Lee Jay Berman’s course on Saturday.*)

## FRIDAY SESSION

### Negotiation Master Class Day

“Strategies for Persuasion and Influence In Negotiations”

Presented by Prof. Guhan Subramanian

9:00am to 4:00pm

Guhan Subramanian is the Joseph Flom Professor of Law and Business at the Harvard Law School and the Douglas Weaver Professor of Business Law at the Harvard Business School. He is the faculty chair for the JD/MBA Program at Harvard University, the Vice-Chair for Research at the Harvard Program on Negotiation, and the first person in the history of Harvard to hold tenured positions at both HLS and HBS.

Over the past 15 years he has taught thousands of MBA, JD, and executive education students tools and techniques for effective negotiations; he has written dozens of HBS case studies about complex deals and disputes; and he has participated as an advisor or expert witness in transactions, including high-stakes mediations, worth more than \$100 billion in aggregate value.

*This Master Class program will synthesize the lessons from cutting-edge research and practice, drawing from social psychology, behavioral economics, law, and business. Participants will “take their game to the next level” through a series of interactive lectures and role-play exercises.*



## Mediation Master Class Day

“Impasse Is A Fallacy - Master Mediator Course”

Presented by Lee Jay Berman

9:00am to 4:00pm

Following the AIM team’s very well-received workshop in 2011, Lee Jay Berman returns to present new materials helping mediators revisit their core assumptions to overcome impasse in the trickiest of mediations...

“This high energy, seriously practical, advanced workshop will engage you – first in identifying the most common specific causes of impasse, and then in delivering tools that will help you to resolve more cases by avoiding these common traps. Together, we will explore tools to rethink how you do every stage of the process, beginning with convening a case and the mediator’s introduction, right through how you can manage joint sessions and caucuses more effectively, and then finally how to close the deal more successfully. Seasoned mediators will leave renewed, refreshed and motivated to start applying these new tools immediately.

“The beauty of this course is that it exposes you to the experience of the trainer as well as all of the other advanced mediators in the course. The structure of the course, and why we call it a forum, is that we begin on the first morning by brainstorming in small groups and listing all of the causes of impasse that we face in mediation. Then we go about figuring out all of the ways that we mediators can avoid running into these hurdles by doing things during each stage of the process to keep them from ever occurring. We break down the mediation process into five primary stages, we review Len Riskin’s mediator style grid, and then we go through each stage of the process and talk about what all of the things are that mediators do there that helps us avoid later impasses. Operating under the assumption that mediators have the ability, if not responsibility, for seeing potential road blocks on the horizon and preempting them from their own experiences, this course is geared to accelerating those experiences by sharing them and giving each attendee a minimum of 20 new behaviors that will help them make impasse a thing of the past!”



American Institute of Mediation



## ARRIVAL: WEDNESDAY AUG 21

- Guests can book in to their rooms at the Boston Harbor Hotel any time after 2pm.
- **REGISTRATION & COCKTAIL RECEPTION @ 6-7pm (Venue: ROOFTOP ROTUNDA)**  
All attendees and guests invited - name tags distributed to members. Dress code business-casual.  
(From 6pm-7pm, after which attendees are free to dine privately)

## THURSDAY AUG 22 - DAY 1

**Daily Courses commence at 9am sharp (Venue: NORTH ATLANTIC ROOM)**

- 8:00-8:45 Continental Breakfast/Pastries Served
- 8:45-9:00 "Introductions & NADN Marketing Overview" (Darren Lee)
- 9:00-10:30 "Stories Mediators Tell..." (Lela Porter Love and Authors)
- 10:30-10:45 Coffee/Refreshment Break
- 10:45-12:00 "Making Money Talk - Practical Lessons" (Andy Little)
- 12:00-1:00 Lunch Served
- 1:00-2:30 "Settlecasting: The Right Number At The Wrong Time..." (Don Philbin)
- 2:30-2:45 Refreshment Break
- 2:45-4:15 "Mediation In The Round" (John Salmon & Lee Jay Berman)

## FRIDAY AUG 23 - DAY 2 - Negotiation MasterClass - Guhan Subramanian

- 8:00-9:00 Continental Breakfast/Pastries Served
- 9:00-10:30 "Introduction: Strategies For Persuasion & Influence in Negotiations"
- 10:30-10:45 Coffee/Refreshment Break
- 10:45-12:00 "Case Study and Mediator Role Play"
- 12:00-1:00 Lunch Served
- 1:00-2:30 "Tools & Techniques for Crafting Mutually Beneficial, Long-Term, Sustainable Deals"
- 2:30-2:45 Refreshment Break
- 2:45-4:15 "Case Study and Mediator Role Play" (with Lee Jay Berman)
- **6:30-9.30pm ACADEMY BANQUET (Venue: NORTH ATLANTIC ROOM)**  
Evening starts with drinks and hors d'ouvres at 6.30PM  
*Banquet commences at 7.00pm. Dress code 'business attire' please (Flattering photos WILL be taken!)*

## SATURDAY AUG 24 - DAY 3 - Mediation MasterClass - Lee Jay Berman

- 8:00-9:00 Continental Breakfast/Pastries Served
- 9:00-10:30 "Analyzing Causes for Impasse - and Owning Them"
- 10:30-10:45 Coffee/Refreshment Break
- 10:45-12:00 "Hurdles We Can Overcome During Convening/Introduction"
- 12:00-1:00 Lunch Served
- 1:00-2:30 "Hurdles We Can Overcome During Communication & Negotiation"
- 2:30-2:45 Refreshment Break
- 2:45-4:00 "Hurdles We Can Overcome During Late Negotiation & Closing"

## VENUE DETAILS



**BOSTON HARBOR HOTEL**  
70 Rowes Wharf  
Boston, MA 02110  
Phone: (617) 439-7000  
Fax: (617) 330-9450  
<http://www.bhh.com>



Situated on one of the oldest wharfs in the nation, the clean lines and classical shape of the Boston Harbor Hotel at Rowes Wharf bring together the waterfront's colonial past and its vibrant present. Built on the site of a 17th century battery, The Boston Harbor Hotel at Rowes Wharf is proud to be part of the quaint shops and stunning restaurants that compose the revitalized Rowes Wharf.

### Reduced Rates for Attendees

We have a block of 50 rooms (each with a city skyline or harbor view) reserved for members, at a reduced nightly rate of \$285+taxes per night (regular rate for summer months in excess of \$500).



Attendees will reserve directly with the hotel using credit card, but guest names must be provided to the hotel *in advance* via the Academy to reserve these discounted rates - first come, first reserved.

## CLE CREDITS

Florida Bar CLE: Course#1303262N (20 General CLE credits, including 2.0 Ethics credits).

Florida CME: This course provides 20 CME hours total, including 2.0 Hrs for Ethics.

Georgia Bar: Sponsor 4877, Course#173822 (14.5 Regular CLE Hours, including 2.0 Ethics Hours)

Tennessee Bar: Course #135359 (16.5 General CLE Hours, including 2.0 Dual/Ethics Hours)

Tennessee CME: This course provides 16.5 CME hours total, including 2 Hrs for Ethics.

Texas Bar: Sponsor 13345, Course #901268163 (16.5 Regular CLE Hours, including 2.0 Ethics Hours)

Alabama Bar: Approved for 16.5 Regular CLE Hours, including 2.0 Ethics Hours

Indiana Bar: Sponsor 0106973, Course #0164526 Approved 16.5 Regular CLE Hours, incl. 2 Ethics Hours

North Carolina Bar: Sponsor 6034, Court 1 (14.5 Regular CLE Hours)

Kentucky Bar: Course #138208 (16.5 General CLE Hours)

New Hampshire Bar: Course #052399 (15.5 General CLE Hours, incl. 1 Ethics Hr)

New Jersey Bar: Provider#1364 (19.8 General CLE Credits, incl. 2.4 Ethics)

Oregon Bar: Course #60601/Sponsor 0106973 (17.75 General CLE Hours)

Vermont Bar: Course "NADN" (14.5 General CLE Hours, incl. 2 Ethics)

Iowa Bar: Course #113582 (16.5 General CLE Hours, incl. 2 Ethics)

Illinois Bar: Provider#NAT0002 (16.5 General CLE Hours, incl. 2 Ethics)

\* **NY members to use Alabama Bar Course Approval # for 16.5 CLE, incl. 2 Ethics Hrs.**

\* **AZ & MA - no CLE requirements.**

# REGISTRATION FORM

## 2013 NADN Advanced Mediation Training Retreat Boston Harbor Hotel, Boston, MA - August 21-24 2013

*Only members of the National Academy of Distinguished Neutrals are eligible to attend this course.*

NAME \_\_\_\_\_ NICKNAME FOR NAME BADGE? \_\_\_\_\_

FIRM \_\_\_\_\_

CITY/STATE/ZIP \_\_\_\_\_

TEL \_\_\_\_\_ FAX \_\_\_\_\_

EMAIL \_\_\_\_\_

SPECIAL REQUIREMENTS (Dietary etc) \_\_\_\_\_

### SELECT CHOICES:

- Yes, please reserve hotel room in my name at reduced nightly rates
- No hotel room required, I'll be driving in each day
- Course Attendance Fee ..... \$1195  
*Includes literature, Thurs. Cocktails, Fri. Banquet, and daytime lunches & refreshments*  
Please specify preference for Banquet Entrée? (Fish/Meat/Chicken/Veg) \_\_\_\_\_
- Extra Banquet Guest ..... \$150  
Please provide name of your guest \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

THIS TOTAL WILL BE BILLED TO MY CREDIT CARD ON FILE ON April 30th 2013

Signature \_\_\_\_\_ Date \_\_\_\_\_

*(If your credit card is not on file for Academy dues, please contact Rose-Anne Raies to make arrangements)*

### Hotel Reservations:

Hotel rooms are in addition to the above attendance fees. Make your reservation directly with the Boston Harbor Hotel by calling 617-439-7000 any time after March 1st 2013 - special group room rate is \$285.00+tax nightly, Wednesday Aug 21st through Friday Aug 23rd, though attendees can access this rate for a longer stay. Please be sure to identify yourself as an NADN attendee when booking. Monday May 6th, 2013 is the final cutoff for reservations at this discounted rate.

### Cancellations:

Full refund before May 1st 2013 - no refunds thereafter, as hotel contract penalties will be applied to NADN.

Please fax or email signed form to Rose-Anne Raies at (866) 257-4698 or [roseanne@nadn.org](mailto:roseanne@nadn.org)