

THE SUPREME COURT *of* OHIO

Dispute Resolution **2020**
Conference



**CIVILITY &
*SOLUTIONS***

Dispute Resolution
for Today's Courts

AGENDA

March 10, 2020

The Ohio State University • Columbus, Ohio

THE SUPREME COURT *of* OHIO

Maureen O'Connor

CHIEF JUSTICE

Sharon L. Kennedy

Judith L. French

Patrick F. Fischer

R. Patrick DeWine

Michael P. Donnelly

Melody J. Stewart

JUSTICES

COMMISSION ON DISPUTE RESOLUTION AND CONFLICT MANAGEMENT

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MARCIE PATZAK-VENDETTI

VICE-CHAIRPERSON

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OHIO MUNICIPAL LEAGUE

Hon. Joyce V. Kimbler

OHIO COMMON PLEAS JUDGES ASSOCIATION

Terrence Donnellon Esq.

OHIO MUNICIPAL LEAGUE

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SITTING OR RETIRED JUDGE MEMBER

Bryan Long

OHIO COUNCIL OF COUNTY OFFICIALS

Hon. Gene Donofrio

OHIO COURTS OF APPEALS
JUDGES ASSOCIATION

Hon. Robert Fragale

OHIO ASSOCIATION OF
JUVENILE COURT JUDGES

James Petas

OHIO MEDIATION ASSOCIATION

Lenny Eliason

COUNTY COMMISSIONERS ASSOCIATION

Bill Froehlich

OHIO STATE UNIVERSITY

Hon. Lori Reisinger

OHIO ASSOCIATION OF
PROBATE JUDGES

Hon. Colleen Falkowski

SITTING OR RETIRED JUDGE MEMBER

Douglas N. Godshall Esq.

OHIO STATE BAR ASSOCIATION

Immy Singh Esq.

OHIO DEPARTMENT OF EDUCATION

George Kaitsa

OHIO COUNCIL OF COUNTY OFFICIALS

DISPUTE RESOLUTION SECTION

Catherine C. Geyer Esq.

MANAGER

Kevin Lottes

PROGRAM COORDINATOR

Nicole DiCuccio Esq.

MEDIATION COUNSEL

Katheryn Munger Esq.

POLICY COUNSEL

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CLE/CEUs

- **CLE** has been approved for **6.0** hours.
- **1 hour** of professional-conduct CLE has been approved for courses **B5** and **D7**.



Conference Website

sc.ohio.gov/JCS/disputeResolution/conference/2020

- Electronic agenda
- Course materials
- Faculty biographies

AGENDA

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Courses and faculty subject to change. **CLE** has been approved for **6.0** hours.
1 hour of **professional-conduct CLE** has been approved for courses **B5** and **D7**.

8 - 9 A.M. Registration

9 - 9:15 A.M.

Welcome

Archie Griffin Ballroom, 2nd Floor

Richard L. Altman, Host

Magistrate, Henry County Court of Common Pleas; Chairperson, Commission on Dispute Resolution

Hon. Maureen O'Connor (Recorded)

Chief Justice, Supreme Court of Ohio

Jeffrey C. Hagler

Administrative Director, Supreme Court of Ohio

9:15 - 10 A.M.

Morning Plenary: Unconventional Responses to Unique Catastrophes: Tailoring ADR to Meet the Challenges

Following traumatic national tragedies like the 9/11 terrorist attacks, the BP oil spill in the Gulf of Mexico, and the Boston Marathon bombings, government officials often create special compensation programs for victims. Kenneth Feinberg has been called upon time and again to design, implement, and administer these programs as an alternative to conventional litigation. His talk will focus on the advantages and disadvantages of administering these unique ADR programs.

Kenneth R. Feinberg Esq.

The Law Offices of Kenneth R. Feinberg, PC, Washington, DC

INTRODUCTION OF PLENARY SPEAKER

Josh Stulberg

Emeritus Michael E. Moritz Chair, Alternative Dispute Resolution,
The Ohio State University Moritz College of Law

10 - 10:15 A.M.

Break

10:15 - 11:15 A.M.

Breakout Session A

See pgs. 4-5 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. 6-7 for session choices and descriptions.

AGENDA

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12:30 - 1 P.M.

Lunch

Archie Griffin Ballroom, 2nd Floor

1 - 2:15 P.M.

Plenary Session II: Frontiers for Dispute Resolution

Archie Griffin Ballroom, 2nd Floor

The experts on the luncheon panel have been recognized for their innovations in the digital world, family courts, complex litigation, polarized-community situations, and for providing access to those operating without counsel while assuring a quality experience. They will discuss opportunities and challenges for dispute resolution in the courts and beyond.

MODERATOR

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

PARTICIPANTS

Paul Embley
CIO and Technology Division Director,
National Center for State Courts

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

Michael Lewis Esq.
JAMS Mediator and Arbitrator,
Washington DC

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

Robby Southers JD
Manager, Franklin County Municipal
Court Self-Help Resource Center

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

Nancy Welsh
Professor of Law and Director of the
Dispute Resolution Program, Texas
A&M University School of Law

2:15 - 2:30 P.M.

Break

2:30 - 3:30 P.M.

Breakout Session C

See pgs. 8-10 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

BREAKOUT SESSION A

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

A1: Mediator Do's and Don'ts

US Bank Conference Theater, 1st Floor

Over the past four decades, Kenneth Feinberg has been involved in a series of complex mediations testing the skills of mediation participants and mediators. This session will focus on critical steps taken by mediators to promote the likelihood of success and on mediation mistakes inhibiting the effort to get to “yes.”

Kenneth R. Feinberg Esq., The Law Offices of Kenneth R. Feinberg, PC, Washington, DC

A2: Online Dispute Resolution in the Courts: Today's Courts, Today's Technology

Senate Chamber Classroom, 2nd Floor

Learn about online dispute resolution (ODR) projects being implemented across the U.S. and around the world, their successes and challenges, the numbers and metrics behind the successes, and how ODR significantly improves access to justice. In this session, faculty will recognize commonalities in local and statewide jurisdictions that can be useful for crafting an ODR strategy. Participants will learn the important role of standards in ensuring an ODR system can work with eFiling, ePayment, CMS, and other systems.

Paul Embley, CIO and Technology Division Director, National Center for State Courts

A3: The Role of US Courts in International Commercial Arbitration

Brutus Buckeye Room, 3rd Floor

This session will introduce attendees to the law and practice of international commercial arbitration as an alternative to litigation, and to private and binding methods of resolving international commercial disputes. Attendees will learn the basics of international commercial arbitration from entering into an arbitration agreement to running an arbitration, and how to recognize and enforce foreign-arbitral awards. Special attention will be paid to the role of state and federal courts in international commercial arbitration, including enforcement of the arbitration agreement, issuance of interim measures, appointment of arbitrators, providing assistance in taking evidence, and setting aside, recognizing, and enforcing foreign arbitral awards.

Benjamin G. Davis, Professor of Law, University of Toledo College of Law

Vera Korzun LL.M., S.J.D., Assistant Professor of Law, University of Akron School of Law

A4: Screening for Safety and Success

SPHINX Centennial Leadership Suite, 2nd Floor

Pre-mediation screening for safety, threats, intimidation, and a party's capacity to mediate is important in all practice areas. Screening can identify cases that require specific mediation protocols and other safeguards, as well as cases in which mediation is not appropriate. In family cases, screeners also explore whether the parties have a history of violence, coercive control, or other types of domestic abuse that could affect their ability to participate in a mediation session. In this interactive session, participants will discuss best practices for screening, effective screening tools and techniques, skills screeners need to recognize when parties require a specialized-mediation process, and how to incorporate screening into their practices and courts.

Marya Cody Kolman, Director of Mediation Services for the Franklin County, Ohio Domestic Relations and Juvenile Court

Christy Cumberlander Walker, Senior Family Services Specialist at the Clark County, Nevada, Department of Family Services

A5: How a History of Trauma Impacts Dispute Resolution and What Can Be Done to Generate Positive Case Outcomes

Student Alumni Council Room, 2nd Floor

An estimated 90 percent of court users have experienced some form of trauma that impacts their behavior and decision making, and may be a barrier to case resolution. Psychology and cognitive-behavioral therapy offer techniques designed to help individuals with histories of stress and trauma focus on solutions. These approaches have generated successes in business, social policy, education, criminal justice, child welfare, mediation, and domestic violence treatment. This session will provide an overview of trauma and approaches judges, attorneys, mediators, and court staff can use to help individuals with trauma and stress generate positive outcomes.

Shawnieka E. Pope MSW, LSW, Guardianship Director, Montgomery County Probate Court

Alex Sanchez Esq., Manager and Mediator, Franklin County Municipal Court, Small Claims Division and Dispute Resolution Department

Adam Wills MSW, LISW-S, Employee Assistance Program Counselor, City of Columbus

BREAKOUT SESSION A

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

A6: School Attendance: Using Mediation to Strengthen School-Family Relationships

Cartoon Room 2, 3rd Floor

With the enactment of House Bill 410, Ohio changed how the juvenile courts and the school districts handle truancy issues. School districts now are required to engage with families and to look for supports to improve attendance, rather than seek to file charges against juveniles who are not in school. This session will contain a brief overview of the requirements of HB 410, examine the myths and reality of attendance, and examine a court/school partnership addressing attendance issues through mediation.

Dr. Adonis Bolden, Assistant Principal, Hayes High School, Delaware City Schools

April Nelson JD, Staff Mediator, Delaware County Probate and Juvenile Court

A7: Collaborative Law in the Courts: An Oxymoron or an Innovative Idea?

Suzanne M. Scharer Room, 3rd Floor

Presenters bring extensive training and experience in financial, psychological, emotional, and legal aspects of divorce, and will address how collaborative law offers solutions for family courts. Presenters will describe practices and programs to facilitate mutual support between the family courts and collaborative law in providing options for parties facing termination of marriage and/or parenting issues.

Amy Armstrong, Clinician, Overcoming Barriers Family Programs

Hon. James W. Brown, Judge, Franklin County Court of Common Pleas, Domestic Relations and Juvenile Divisions

Elaine S. Buck, Partner, Buck & Fish, Ltd. and Certified Family Relations Law Specialist

Susan Moussi, Certified Public Accountant (CPA)

A8: Beyond Just the Dispute at Hand - Using Transformative Mediation Techniques to Better Understand and Resolve Conflict

Cartoon Room 1, 3rd Floor

When conflict arises at work or in domestic situations, it often has roots that extend far beyond the issue presented in mediation. In these circumstances, successfully resolving the dispute will depend on getting to the heart of the conflict to help the parties understand how to move forward. Transformative mediation techniques allow for a deeper dive into the origins of the conflict, which can help the parties resolve both the present dispute and the broader issues surrounding it. Additionally, these techniques can help parties learn how to prevent future conflicts.

Brandon Lester, Associate General Counsel, The Ohio State University

A9: Strategies for Addressing the Impact of Implicit Bias at the Interpersonal and Institutional Levels

Barbie Tootle Room, 3rd Floor

The Kirwan Institute for the Study of Race and Ethnicity at The Ohio State University is a national leader in research on how implicit biases can unconsciously shape individuals' cognition, attitudes, and behaviors. In this interactive session, participants will learn how our minds operate from a social-cognitive perspective and highlight how law, policy, and practice can perpetuate inequality. We will explore how implicit bias operates in the context of our work with each other, within the justice system, and how it influences decision-making and behavior. Participants will leave with strategies for guarding against the influence of implicit bias on the individual, organizational, and institutional levels.

Kip Holley, Research Associate, The Kirwan Institute for the Study of Race and Ethnicity, The Ohio State University

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

Ronnell Tomlinson, Director of Housing Enforcement and Director of Mediation/ADR Services, Ohio Civil Rights Commission

BREAKOUT SESSION B

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

B1: Judicial Involvement in Dispute Resolution: Customizing Options for Challenging Cases

US Bank Conference Theater, 1st Floor

There is no one-size-fits-all approach to resolving complex disputes. Judge Polster will explore when and how a trial judge should serve as a mediator in his/her cases. Judge Polster also will discuss creative ways a judge and a private mediator can collaborate to resolve complex multi-party disputes.

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

B2: Online Dispute Resolution and Lessons Learned

Senate Chamber Classroom, 2nd Floor

This national panel will discuss developments in online dispute resolution (ODR), share examples of the types of cases suited for ODR, and highlight the growing number of courts that have come to rely on ODR throughout the country. An experienced judge and court administrators will share what they have learned along the way.

Paul Embley, CIO and Technology Division Director, The National Center for State Courts

Danielle Hirsch, Principal Court Management Consultant, National Center for State Courts

Hon. Brendan McCullagh, Judge, West Valley City Justice Court, Utah

B3: Want Fewer Permanent Custody Trials? Child-Protection Mediation (CPM) for Family Engagement and Case Resolution

Brutus Buckeye Room, 3rd Floor

Presenters will share how mediation has helped in various stages of child-welfare cases, from pre-adjudication through permanent custody. Participants will learn what is involved in starting or expanding a CPM program, as well as new resources and trends. Additionally, participants will receive a self-assessment to assess if CPM would be a good fit for their court.

Hon. Denise McColley, Judge, Henry Court of Common Pleas, Domestic Relations and Juvenile Division

Kate Munger Esq., Policy Counsel, Case Management Section, Supreme Court of Ohio

Heather J. Fournier Esq., Chief Deputy Clerk, Lucas County Juvenile Court
Shelby Cully Esq., Chief Counsel, Lucas County Children Services

B4: Exploring Options to Resolve Disagreements within Juvenile Courts, Education, and Special Education

SPHINX Centennial Leadership Suite, 2nd Floor

This two-part workshop includes an overview of services and resources available to courts, schools, and the community to resolve disagreements constructively.

Part I: It is not uncommon for both parents and districts to feel confused and unsure of what process to use when there is a dispute between the parent and the district regarding special education services. The Office for Exceptional Children (OEC) will explain available options and factors to be considered when choosing an option. Complaint resolution can be facilitated by awareness about available resources. Families and districts that participate more in mediation and facilitation make fewer complaints and due-process filings.

Part II: Ohio court personnel and educators can create positive change through their leadership in their communities. Angry parties? Hot topics? Passionate colleagues or community partners? Gain an overview of what to do when emotions run high – compromise isn't the only option. Participants will explore resources on how to de-escalate difficult situations and move from gridlock to effective solutions with challenging issues. This session will utilize the materials and resources developed specifically for the state of Minnesota's Bureau of Mediation Services, which may be duplicated and utilized with attribution.

Monica Drvota, Interim Associate Director, OEC, Ohio Department of Education

Heather Clingerman, Education Program Specialist, Dispute Resolution Section, OEC, Ohio Department of Education

Jennifer Batton, Former Director of Education Programs, Ohio Commission on Dispute Resolution and Conflict Management

B5: Mediation in Ohio Appellate Courts: Keeping It Civil, Making It Successful

Student Alumni Council Room, 2nd Floor

1 hour of professional-conduct CLE has been approved for this course.

Learn the ins and outs of the appellate mediation process in Ohio and best practices that successful appellate mediation attorneys use to maximize the effectiveness of the process, including appearing on a limited-scope basis solely for mediation. This presentation will cover unique features of appellate mediation and provide a skill-building platform

BREAKOUT SESSION B

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

practitioners can use in any ADR process. The panel will address situations where creating and maintaining civility can be challenging in appellate mediation and provide examples of how skilled practitioners can create calm when tensions are high.

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

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

Sharon Maerten-Moore, Attorney

B6: Mediation with Public Officials: What Public Officials Can Tell Mediators, and Tips for Public Officials

Cartoon Room 2, 3rd Floor

Mediators: Public officials are not telling you everything you need to know to resolve cases. Learn what questions to ask from a mediator and advocate who has represented 88 counties, 110 school districts, dozens of other political subdivisions, and every constitutional officer of the state.

Public officials: You should make requests to help you govern without fear of litigation. Learn how to handle the optics of settling a case against yourself, personally and professionally.

Mark Landes, Managing Partner, Isaac Wiles

B7: One Size Does Not Fit All: Using Dispute Systems Design to Address Power Imbalances in Mediation

Suzanne M. Scharer Room, 3rd Floor

This interactive panel will look at power imbalances in mediation and explore the use of dispute systems design (DSD) principles to deal with them. Often mediators of small claims, domestic, and employment cases serve parties with significantly different levels of power. The session will explore types of power, their impact in a negotiation, the use of DSD principles to create effective processes, and tools to address imbalances. The panelists also will introduce the use of subject matter experts to address imbalances, focusing on whether and when to include them. The presenters will work with session participants to dissect two complex scenarios, role-play scenarios, and discuss how participants can implement lessons learned in their individual mediation practices.

Deirdre McCarthy Gallagher, President and Founder, Voices of Value, LLC, Washington DC

Jane Juliano, Chief, Alternative Dispute Resolution Unit, U.S. Office of Special Counsel, Washington DC

B8: Tailored Mediator's Proposal in Commercial Cases

Cartoon Room 1, 3rd Floor

This session will include an interactive presentation on mediation of commercial disputes and review techniques for rapport-building with business decision-makers. The presenter will address crafting of a detailed "term sheet" to resolve a failed business deal, either with the parties' collaboration or, if facing an impasse, a mediator's proposal. This session will examine the alternatives of (1) re-negotiating the deal: restoring adversarial business partners' opportunity to re-engage in ongoing joint commercial endeavors; or (2) terminating the failed deal with agreed provisions for mutual exit plans and next steps.

Frank Ray, Mediator of Complex Civil Cases, Frank A. Ray Co., LPA

B9: A Tool to Help Courts: Special Masters

Barbie Tootle Room, 3rd Floor

The American Bar Association House of Delegates recently adopted a widely supported resolution encouraging courts to make more effective use of special masters. This session will explore why organizations are advocating for courts to consider using special masters as a regular part of complex civil litigation. This session also will review the many roles that special masters can play, how the process compares to mediation and arbitration, what ethical considerations apply, and whether and how courts should oversee the performance of special masters. Learn about opportunities and challenges presented by this dispute resolution process for neutrals, judges, and litigants.

Merril Hirsh, HirshADR PLLC, and Merrill Hirsh PLLC, Washington, D.C., Co-Chair of the American Bar Association Judicial Division Lawyers Conference Committee on Special Masters

Nancy A. Welsh, Professor of Law and Director of the Dispute Resolution Program, Texas A&M University School of Law

BREAKOUT SESSION C

2:30 P.M. – 3:30 P.M. (CHOOSE ONE)

C1: Why Caucus? Capitalizing on Its Strengths, Minimizing Its Drawbacks

US Bank Conference Theater, 1st Floor

Parties and their representatives often caucus (meet in separate sessions) with a mediator, either at their request or that of the mediator. How can an advocate-as-negotiator constructively use the mediator in a caucus setting to advance a client's goals? What can a mediator achieve in caucus that cannot otherwise be secured in joint sessions? This interactive workshop examines effective advocate strategies for working with a mediator to communicate negotiating flexibility or firmness, and mediator tactics and ethical responsibilities when piercing negotiating gamesmanship and exploring or transmitting settlement options.

Josh Stulberg, Emeritus Michael E. Moritz Chair, Alternative Dispute Resolution, The Ohio State University Moritz College of Law

C2: Online Dispute Resolution and Access to Justice in Rural Communities: How Portals Can Help Overcome Barriers of Vocation, Language, Limited Ability and More

Senate Chamber Classroom, 2nd Floor

Rural communities, individuals with disabilities, and English-language learners have unique barriers to accessing justice. Participants who attend this session will learn how litigant portals and online dispute resolution are two unique, but related innovations that states are implementing to help address disparities in accessing justice. Faculty also will discuss how courts can reduce initial implementation costs by modifying legal-help content developed for other state portals.

Paul Embley, CIO and Technology Division Director, National Center for State Courts

C3: How-To's of Decision Tree Analysis for Lawyers, Mediators, and Their Clients

Brutus Buckeye Room, 3rd Floor

Decision-tree analysis in general, and risk trees in particular, can be extremely useful tools in a mediator's toolbox. They enable lawyers and mediators to map, then discuss the twists, turns, and critical points in the parties' litigation alternatives. This facilitates parties' understanding of legal uncertainties, arrays of possible positive and negative outcomes, tangible and intangible costs, and consequences. Decision trees can be used within client counseling and the mediation process to move parties' psychological anchors, reduce loss perceptions, and improve communication around numbers and case assessments. Participants will learn the basics of decision-tree analysis, along with its underlying logic and meaning, and will work through the structure of decision trees from simple to reasonably complex cases.

Marjorie Corman Aaron, Professor of Practice and Director of the Center for Practice, University of Cincinnati College of Law

C4: Addiction Alternatives: Alternative Dispute Resolution Principles Applied to the Opioid Crisis

SPHINX Centennial Leadership Suite, 2nd Floor

In August 2019, The Ohio State University's College of Public Health and the University of North Carolina's School of Public Health received a National Institute of Health grant to address problems related to the opioid crisis in southern Ohio. The Ohio State University Moritz College of Law's Divided Community Project (DCP) provided dispute-systems design support for project implementation, and Moritz students enrolled in a dispute systems design course provided support for the project during the Fall of 2019. Panelists will identify roots of the opioid crisis, discuss dispute systems design and mediation research related to the crisis, propose next steps to support those intertwined in the crisis, and leverage participants ideas and resources.

Michael Lewis Esq., JAMS Mediator and Arbitrator, Washington DC

William Miller, Senior Associate Dean of Research and Professor, The Ohio State University, College of Public Health

Jane Tsai, Research Fellow, Divided Community Project, The Ohio State University

BREAKOUT SESSION C

2:30 P.M. – 3:30 P.M. (CHOOSE ONE)

C5: Combating Elder Maltreatment through Laws, Legal Interventions, and Eldercaring Coordination

Student Alumni Council Room, 2nd Floor

Elder maltreatment is an ever-growing, devastating societal problem that hurts older victims and their loved ones and negatively impacts the community. This workshop will increase awareness of signs and symptoms of elder maltreatment and discuss various legal remedies to protect older adults. This session will review Ohio Adult Protective Services laws, recent legislative revisions, and useful involuntary legal interventions. Eldercaring coordination will be highlighted as a court-ordered strategy to increase safety and empower the voice of older adults in families with high-conflict dynamics. The instructors will share case scenarios, interventions, and strategies for combating elder maltreatment.

Sue Bronson LCSW, Co-Chair, Elder Justice Initiative on Eldercaring Coordination

Linda Fieldstone M.Ed., Co-Chair Elder Justice Initiative on Eldercaring Coordination

Sylvia Pla-Raith MA, LSW., Director, Elder Justice Unit, Office of Ohio Attorney General Dave Yost

April Wehrle, Senior Elder Services Coordinator, Elder Justice Unit, Ohio Attorney General Dave Yost

C6: Lessons in Restorative Justice in Cases Involving Youth: Nebraska's Experience and Beyond

Cartoon Room 2, 3rd Floor

This session will explore ways restorative justice practices can be applied to cases involving youth at various entry points in the juvenile justice system. Over the last three years, Nebraska piloted and expanded a restorative justice program that allows for varied implementation across the state. The program is based on evidence-based research, and this presentation will include the results of internal and external program evaluations. Learn how these practices may be implemented in other jurisdictions and lessons drawn from Nebraska's experience.

Kristen M. Blankley, Professor of Law, University of Nebraska College of Law

Alisha C. Jimenez, Restorative Justice Program Analyst, Office of Dispute Resolution, Nebraska Supreme Court

C7: Interactive Training Techniques: Three Expert Approaches

Suzanne M. Scharer Room, 3rd Floor

Three experienced mediation trainers offer a demonstration of interactive techniques to rejuvenate your trainings. Zena Zumeta will discuss how to get experienced mediators to role play in advanced mediation training. Susan Butterwick will present on fishbowl techniques for teaching pre-mediation interviews in elder mediations. Barbara Johannessen will present on the basics of teaching mediation, from the vantage point of the parties. Each trainer will demonstrate their techniques using participants from the audience. Come get involved and inspired, and enjoy the discussion following each demonstration.

Susan J. Butterwick, Attorney and Juvenile Court Referee, Washtenaw County Trial Court, 22nd Circuit Court of Michigan

Barbara A. Johannessen, President, Mediation Specialists, Inc.

Zena Zumeta, President, Mediation Training & Consultation Institute

C8: Overcoming Impasse by Effectively Using the Mediator's Proposal and Bracketing

Cartoon Room 1, 3rd Floor

Oftentimes during a mediation parties become discouraged because they differ so much in opinion and reaching a compromise feels impossible. Using video vignettes, three experienced mediators will share their experiences using brackets and a mediator's proposal to assist parties in reaching a reasonable settlement range. These tools help narrow the gap between parties and encourage continued negotiation.

Hon. Peggy Foley Jones, Mediator and Arbitrator, Thrasher Dinsmore & Dolan

Douglas N. Godshall Esq., Mediator and Arbitrator, Attorneys Mediation Services, LLC

Matt Mennes, Civil Mediator, Cuyahoga County Court of Common Pleas

BREAKOUT SESSION C

2:30 P.M. – 3:30 P.M. (CHOOSE ONE)

C9: The New Singapore Convention on Mediation: What Does It Mean for Mediation in the US?

Barbie Tootle Room, 3rd Floor

A new United Nations treaty providing for the enforcement of mediated agreements resulting from international commercial mediations was opened for signature in August 2019. By the end of the month, 46 nations, including the U.S., had signed it. The treaty will go into effect after three nations ratify it. One hope for the treaty is that it will spur acceptance of mediation, comparable to the general acceptance of arbitration for international commercial disputes. This presentation will provide background on the negotiation of the convention, describe its provisions for enforcement, and discuss possible implications for mediation in the U.S., including possible tensions with mediator practices, and a possible path to legislation on enforcement of mediated agreements (a subject not included in the Uniform Mediation Act).

Ellen E. Deason, Joanne Wharton Murphy/Classes of 1965 and 1973
Professor in Law, The Ohio State University Moritz College of Law

BREAKOUT SESSION D

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

D1: Attorney Advocacy in Mediation

US Bank Conference Theater, 1st Floor

The manner in which an attorney advocates effectively in mediation differs markedly from an advocate in litigation. Mediation is assisted negotiation: when negotiation reaches an impasse, a mediator assists the parties in reaching an agreement. The attorney should partner with the mediator to identify the parties' interests, explore, and create options to satisfy those interests, find standards for evaluating options, and open purposive communication to build a working relationship between the parties and the mediator to reach an acceptable outcome.

Kwame Christian Esq., M.A., Director of the American Negotiation Institute

James K. L. Lawrence, Retired Partner, Frost Brown Todd LLC

D2: AI and Dispute Resolution: How Artificial Intelligence Fits Into Dispute Resolution

Senate Chamber Classroom, 2nd Floor

Artificial Intelligence (AI) is the new buzz word. Will AI replace judges, mediators, and even participants? Is there a place for AI in the courts, and if so, what role should it play? Should AI be feared or embraced? Learn about some of the AI solutions that hold promise, as well as some of the successes, challenges, and ethical considerations.

Paul Embley, CIO and Technology Division Director, National Center for State Courts

BREAKOUT SESSION D

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

D3: Neutral Evaluation Nuts and Bolts: Where the Process Fits in Family Court Dispute Resolution

Brutus Buckeye Room, 3rd Floor

Neutral evaluation, a dispute resolution process, has its roots in 1980s civil litigation from California. It is a process in which parties express their position and evaluators determine potential success in court. Neutral evaluation is more formal than mediation and includes an opportunity to mediate a settlement. In some courts, evaluators are magistrates with social workers or counselors. Other courts use contract attorneys with social workers or counselors. The presenters will discuss creating a neutral evaluation program and various models and methods to utilize neutral evaluation in a court process.

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

D4: Empowering the Community and Improving Court Efficiency: How Courts Provide Legal Information and Conflict Education on a Proactive and Preventative Basis

SPHINX Centennial Leadership Suite, 2nd Floor

The Franklin County Municipal Court's Dispute Resolution Department and Self-Help Resource Center are partnering in community engagement projects to proactively and preventatively provide legal information and conflict mediation education to the public. This presentation will discuss the collaboration between these two court departments in providing resources to the community with the goal of providing positive outcomes for the community and the court.

Veronica Cravener, Small Claims and Dispute Resolution Supervisor, Franklin County Municipal Court

Robby Southers JD, Manager, Franklin County Municipal Court Self-Help Resource Center

D5: Dispute Resolution for Workplace Conflict: When We Can't All Just Get Along

Student Alumni Council Room, 2nd Floor

This session will provide employers and managers with a thoughtful approach to addressing workplace conflict. In addition to identifying the tangible and intangible costs of unresolved workplace conflict, participants will consider instances in which some workplace conflict can be beneficial and should even be encouraged. Attendees also will learn best practices for preventing avoidable and disruptive workplace conflict, and for resolving existing conflict in an effective manner that improves the interpersonal dynamic of the work environment and focuses employees on the mission of the employer.

Kimberly Vanover Riley, Partner, Montgomery Jonson LLP

D6: Crunch Time: How to Prepare for and Participate in Mediation When Disputes Are at Their Most Difficult

Cartoon Room 2, 3rd Floor

Resolving disputes is difficult when the parties suffer from litigation fatigue, feel the financial impact of their legal bills, become frustrated they aren't receiving their brand of justice, or their counsel or mediator aren't prepared to address the issues. During this session the panel will lead a discussion regarding the different techniques and styles mediators use, how to prepare for and participate in trial court and appellate mediation, and what advocate attorneys should expect and ask for from a mediator to ensure the parties maximize the potential of the mediation process.

John Minter, Mediation Attorney, Ohio Ninth District Court of Appeals

Kathryn Wollenburg, Mediator, U.S. Sixth Circuit Court of Appeals

Anne Marie Sferra, Partner, Bricker & Eckler

Sasha A. M. Blaine Esq., Mediator, Ohio Twelfth District Court of Appeals

BREAKOUT SESSION D

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

D7: Consideration of the Model Standards of Conduct and Rule 16 in Guiding Our Practice

Suzanne M. Scharer Room, 3rd Floor

1 hour of professional conduct CLE has been approved for this course.

This presentation is intended for all who mediate, refer to mediation, or employ mediators. A panel of four mediation practitioners will review the Model Standards of Conduct, Sup. Rule 16, and touch on local rules. The panel will share cases and their experience of how the Model Standards served as guideposts in practice. The interactive nature of the presentation will encourage participants to ask questions, discuss the cases presented, and share their own cases.

Teresa P. Cusma M.Ed., Advanced Mediation Practitioner, Coleman Professional Services

Tammy Martin Kosier JD, Mediator and Program Coordinator, Ashtabula County Court of Common Pleas

Martha L. Riewaldt JD, Lawyer, Mediator, and Trainer

James Petas M.Ed., Senior Mediator and Director of Mediation Services, Toledo Municipal Court

D8: The Future of Ohio's Dispute Resolution Landscape - Advancing Chief Justice Moyer's Legacy

Cartoon Room 1, 3rd Floor

The late Chief Justice Thomas J. Moyer led many changes in Ohio's judicial system, including the implementation of mediation programs in Ohio courts, the development of school-based dispute resolution programming, and the creation of the Uniform Mediation Act. This session will consider how to advance Chief Justice Moyer's groundwork in dispute resolution 10 years after his passing.

Bill Froehlich, Deputy Director of the Divided Community Project and the Langdon Fellow in Dispute Resolution, The Ohio State University Moritz College of Law

Wendy S. Hawbaker, Program Coordinator, Ashtabula County Mediation and Conflict Management Services Program

Marya Cody Kolman, Director of Mediation Services, Franklin County Domestic Relations and Juvenile Court

Eileen Pruett, Retired Mediator, Mediation Trainer, and Program Design Consultant

D9: Effective Use of Parenting Coordination: From Decision-Making to Building an Effective Co-parenting Team

Barbie Tootle Room, 3rd Floor

Parenting Coordination (PC) is a dispute resolution and case management role that emerged 25 years ago to assist high-conflict co-parents. The Association of Family and Conciliation Courts revised the Guidelines for Parenting Coordination, providing an update for the family-justice community on developments in the parenting-coordinator role. This session will focus on how family-law professionals can support the development and effective use of PC in their jurisdiction, and the pros and cons of current models of practice. The essential components of appointment orders, PC procedures, and court review will be discussed, as well as guidance about which case types are appropriate for referral.

Richard L. Altman, Magistrate, Henry County Court of Common Pleas; Chairperson, Commission on Dispute Resolution

Debra Carter Ph.D., Chair, Parenting Coordination Guidelines, Revision Task Force, Clinical and Forensic Psychologist, Carter Psychology Center, Bradenton, Florida

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