

# Dispute Resolution Outside the Box

## 11<sup>th</sup> Annual Fall CLE Seminar

September 29, 2017

Topeka, Kansas



### Agenda & Registration Information

6.0 hours of CLE/CME Credit which includes 1.0 Hours of Ethics (pending approval in Kansas and Missouri)

Please join Associates in Dispute Resolution, LLC, for our annual CLE/CME event scheduled for Friday, September 29, 2017. This year's event will return to our home office in Topeka and conducted in the newly-remodeled Kansas Health Institute's training facility on the first floor of our office building, located at 212 SW 8<sup>th</sup> Avenue, Topeka, Kansas. We have arranged for free convenient parking at the Crosby Place Parking Facility on 8<sup>th</sup> Avenue. This practical, advanced-level program will provide an in-depth look at the following topics:

8:15 a.m. to 8:50 a.m.      **REGISTRATION**

8:50 a.m. to 9:00 a.m.      **INTRODUCTIONS**

9:00 a.m. to 9:50 a.m.      **CONSTRUCTION MEDIATION: SOME TERMS AND CONCEPTS YOU WILL ENCOUNTER**

**Jerry Palmer.** Jerry R. Palmer is a full-time mediator after practicing over 40 years as a defense and for the most part Plaintiffs' counsel. He has extensive experience in Medical Practice and Products Liability trials and appeals. He has tried to verdict close to 100 cases and mediated over 2,000 cases. He is a fellow of the American College of Trial Lawyers, the International Academy of Trial Lawyers, The American College of Civil Trial Mediators and a Distinguished Fellow of the International Academy of Mediators. He has been certified in Civil Trial Practice by the National Board of Trial Advocacy for 32 years. Martindale AV, Super Lawyers (10 years) and Best Lawyers in America (20 Years).

*Jerry will discuss a collection of terms that you will hear and need to understand to be effective in mediating these cases. For example, "Value Engineering" sounds very noble, it simply means: "We need to reduce the cost of the project so where can we cut costs or quality to make our budget?" which obviously leads to disputes when something goes wrong.*

9:50 a.m. to 10:40 a.m.      **UNDERSTANDING SELF-INSURED RETENTION, DEDUCTIBLE AND SUBROGATION INTERESTS AND ITS IMPACT ON THE MEDIATION PROCESS**

**Mark Gunnison.** Mark is a principal in the firm of Payne & Jones Chartered. He has been practicing law since 1981, primarily in all phases of litigation involving commercial, employment, banking, Indian law, personal injury and workers compensation law. Mark has represented clients through all phases of litigation involving jury and court trials on both the state and federal levels in Kansas and Missouri. He is a Kansas Supreme Court approved mediator.

*Mark will explain and discuss the concepts of self-insured retentions and deductibles as well as subrogation, particularly the interplay between workers' compensation, insurer subrogation and third-party personal injury claims.*

10:40 a.m. to 11:30 a.m.      **SHOW ME THE MONEY: TEN PERSPECTIVES FOR SUCCESSFUL CIVIL SETTLEMENT**

**Patrick Nichols.** Patrick Nichols is a partner in Associates in Dispute Resolution. His practice includes complex estate, personal injury and employment matters. He conducts workplace investigations for upper management and other employment complaints. As a mediator, he has a special interest in the intangibles of conflict, psychological and social issues, costs, and consequences. He has been named to Best Lawyers in America since 1997, a Distinguished Fellow of the International Academy of Mediators, is Martindale Hubbell AV rated and a Kansas Missouri Super Lawyer. A 1977 graduate of Washburn Law School, he has been a Board Certified Civil Trial Advocate, Chair of Kansas Legal Services Board of Directors, Board of Indigent Defense Services Board Member an ACLU Volunteer Attorney handling several high-profile cases, and was President of the Kansas Trial Lawyers Association. He has served as an Adjunct Professor at Washburn School of Law and the University of Kansas Law School teaching pre-trial and trial advocacy, financial issues in divorce, and alternative dispute resolution. He has presented seminars and programs nationwide for the ABA, IAM and other national groups.

**Larry Rute.** Larry has mediated more than 4,500 matters involving commercial law, corporate dissolution, consumer protection, domestic relations/division of assets, employment law, FLSA, insurance bad faith, personal injury, toxic torts and other complex high-profile employee discrimination cases, including class and collective actions. Licensed in Missouri and Kansas. He is immediate past-Chair of the Supreme Court's Dispute Resolution Council. He serves as an Arbitrator for the American Arbitration Association, National Arbitration Forum and FINRA Dispute Resolution.

*Patrick and Larry will discuss ten critical practice tips for successful employment mediation including, timing of mediation, mediator selection, preparation for mediation, mediator preparation, effective use of the opening session, stages of mediation, opening demands and offers, resolving impasse, obtaining closure, beyond impasse.*

11:30 a.m. to 12:20 p.m.      **LUNCH** (provided)

12:20 p.m. to 1:10 p.m.      **CONFLICT RESOLUTION & NEGOTIATION: BRIDGING THE GENDER GAP**

**Kathy Perkins.** Kathy founded her firm in Lawrence, Kansas in 2008 after 25 years of litigating employment and commercial disputes, most recently with Constangy, Brooks & Smith in Kansas City. Kathy is a graduate of Harvard Law School and has a Civil Engineering degree from Kansas State University. Her focus is on resolving workplace conflict and she provides proactive employer counseling and training, mediates, and conducts independent workplace investigations. Kathy has served on the Boards of the Heartland Mediators Association, Jayhawk Chapter of the Society for Human Resources, Willow Domestic Violence Center, and is President of the Jayhawk Breakfast Rotary Club.

*Kathy will discuss media coverage of issues involving gender - from "nasty woman" to "nevertheless, she persisted" to reports of entrenched pay disparities - continues to shape perceptions of stereotypical behaviors and treatment. This program will explore (sometimes) gender-based negotiating strengths and weaknesses, how pre-conceived expectations of gender related behaviors can impact trust in a mediator, opposing parties, or even between a party and counsel; and practical ideas for reducing negative impact.*

1:10 p.m. to 2:00 p.m.

**VIDEO CONFERENCING TECHNIQUES IN DISPUTE RESOLUTION CASES**

**Art Thompson.** Art was the Dispute Resolution Director for the Kansas Supreme Court for fifteen years and now volunteers with the Riley/Geary Counties Mediation program which uses video conferencing in many cases with military personal located around the world. He anticipated aging out of much of the current new technology but didn't make it.

**Tonya Ricklefs, MSW Ph.D.** Tonya is a state-approved mediator who primarily mediates family mediation cases. Tonya has mediated divorce, child custody, and adult sibling disputes. She is an assistant Professor at Washburn University in the Social Work Department. Tonya received her doctorate in Family Studies and graduate certificate in Conflict Resolution from Kansas State University.

*Tonya and Art will discuss the opportunities and challenges that the use of online mediation and conciliation present. They will highlight ways to provide high-quality services while overcoming difficult obstacles to clients' satisfaction with mediation.*

2:00 p.m. to 2:20 p.m.

**BREAK**

2:20 p.m. to 3:10 p.m.

**"ETHICAL DILEMMAS IN SETTLING CASES WITH ADR"**

**Professor Linda Elrod.** Elrod is the Richard S. Righter Distinguished Professor at Washburn University School of Law and Director of the Children and Family Law Center. She was a Fulbright Senior Specialist for the Dublin Institute of Technology, has received the William O. Douglas Outstanding Professor Award, the Roy A. Myers Excellence in Research faculty award, and the Chief Justice Kay McFarland Attorney of Achievement Award. She served on the Council for the American Bar Association Family Law Section from 1988-2016 and has served on the U.S. Secretary of State Legal Adviser's Advisory Committee on Private International Law since 2009. She was Editor-in-Chief of the ABA Family Law Quarterly from 1992-2016; is past chair of the ABA Family Law Section; was co-chair of the ABA Child Custody Pro Bono Advisory Board; and served on the Steering Committee on the Unmet Legal Needs of Children. She chaired the drafting committee for the ABA Standards for Lawyers Who Represent Children in Abuse and Neglect Cases. She was the Reporter for the Uniform Family Law Arbitration Act (2016); the Uniform Child Abduction Prevention Act (2006) and is currently the Reporter for the Joint Editorial Board on Uniform Family Law. She founded and chaired the Family Law Section of the Kansas Bar Association and has served on the Kansas Supreme Court Child Support Advisory Committee from 1987-2016. She has authored a national child custody treatise, a two volume Kansas family law treatise, and co-authored a family law textbook. She has written dozens of articles and has spoken at international, national, and regional programs.

3:10 p.m.

**ADJOURNMENT**

## Registration Information

Lunch will be provided as a part of your registration. If you have any special dietary needs, please notify us prior to September 15, 2017. *Any participant seeking accommodations to facilitate their participation in the training are requested to notify Associates in Dispute Resolution no later than September 15, 2017.*

Sign up early and get the Early Bird Rate of \$160.00. Early-bird payments must be postmarked by Friday, September 15, 2017--**after this date registration is \$175.00.**

\_\_\_\_\_ Early-Bird Rate, \$160.00 which includes materials provided to you on a flash drive—no printed materials. (Postmarked on or before Friday, September 15, 2017)

\_\_\_\_\_ Regular Rate, \$175.00 which includes materials provided to you on a flash drive—no printed materials. (after September 15, 2017)

\_\_\_\_\_ Printed Materials Provided at the Seminar, \$25.00

**Please return this form with your check payable to: Associates in Dispute Resolution, LLC, 212 S.W. 8<sup>th</sup> Ave., Suite 207, Topeka, KS 66603-3937. For credit card payments —complete below portion and fax, mail or e-mail the registration to: (785) 357-0002 or e-mail: info@adrmediate.com. Please feel free to contact us at 785-357-1800.**

Name: \_\_\_\_\_ E-mail \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip(+4): \_\_\_\_\_

Phone ( ) \_\_\_\_\_ Charge to Account Number: \_\_\_\_\_

Exp Date: \_\_\_\_\_ Billing Zip Code: \_\_\_\_\_ Security Code: \_\_\_\_\_

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

**We accept Check,  
Visa, Mastercard  
& American Express**

Cancellation policy: In the event you register and are unable to attend, we offer a full refund up to and including September 15, 2017. After September 15, 2017, 75% of registration fees will be refunded for cancellations. Thank you.