

A Spotlight on Dispute Resolution Practice & Practitioners

Agenda & Registration Information (In-Person or Webcast Attendance Options)

6.5 hours of CLE/CDRE (f/n/a 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/CDRE event scheduled for Friday, November 15, 2024. This training will be available as a Hybrid Zoom Webinar to make sure everyone can get their required CLE/CDRE credits completed. Attend in person or via Zoom. You will enjoy this practical, advanced-level program which will provide an in-depth look at the following topics:

Morning Schedule

8:15 am to 8:50 am **REGISTRATIONS**

8:50 am to 9:00 am **INTRODUCTIONS**

9:00 am to 9:50 am **SPECIAL EDUCATION DISPUTE RESOLUTION IN KANSAS**
(Presented by Dr. Crista Grimwood)

An introduction into special education law, the intent and objectives are for the attendee to gain a general understanding of the Federal and state laws as they pertain to Kansas Students with disabilities. Special education law in Kansas ensures that children with disabilities receive a free and appropriate public education (FAPE) tailored to their individual needs. Governed by both federal laws like the Individuals with Disabilities Education Act (IDEA) and state-specific regulations, Kansas guarantees access to services for students with disabilities from birth to age 21

Dr. Crista Grimwood has been in public education for the last 22 years. During her tenure, she has served in a variety of teacher leader and administrative and leadership roles. Dr. Grimwood has served as a general and special education teacher for both elementary and secondary schools, a special education administrator, behavior specialist, and mentor for aspiring general and special educators. This vast array of experiences has assisted her within her current role of Dispute Resolution Coordinator for the Kansas State Department of Education. The connection between legal and field experience enables her to give perspective and insight to the complex process of special education.

9:50 am to 10:40 am **PET PEEVES – WHY MEDIATIONS DON'T SETTLE**
(Presented by Michelle Minor, Tim Monsees, Marvin Motley and Robert Sullivan)

The participants in this program provide real examples of their "peeves" in mediation sessions, whether as an advocate of one of the parties, or the neutral mediator. Issues such as the attorneys failing to agree on a date, time and place for conducting the meditation session, dealing with the poorly informed advocate or mediator, or an initial claim of one million dollars without any damage calculations, and the response of the defendant failing "in good faith" responding by saying "their case is worth nothing" and offering twenty five dollars." This is an interactive session where you can express your own "peeves" with a mediator or the conduct of the parties, and discuss suggested solutions.

Michelle Minor has developed a well-deserved reputation as a skilled mediator within the employment arena. Her 25-year career in the corporate world has given her a unique perspective and insight as to the complex issues facing corporations today. She brings to the table professional experience related to international business, corporate acquisitions/mergers, vendor/supplier relations, employee relations/investigations and EEOC issues. Michelle has designed Dispute Resolution Programs for a number of clients to include municipalities.

Tim Monsees is a shareholder with the firm Monsees & Mayer, P.C. He is admitted to practice in Missouri, Kansas, Texas, and Colorado. He has enjoyed active trial practice for 43 years, and he is now venturing into mediation. He relies on his many years of personal injury litigation and the hundreds of cases in which he participated as an interested party in mediation. In 2021, Mr. Monsees was recognized by Missouri Lawyer's Media as an Icon of the profession, and in 2022 he was similarly recognized by the Kansas City Metropolitan Trial Association as a "Dean of the Trial Bar."

Marvin Motley is an experienced legal professional and business executive. He began his career in private practice before serving as in-house counsel and AVP Human Resources at Sprint Corporation. He is a member of both the Kansas and Missouri Bars and Approved Mediator in the State of Kansas. He provides mediation services in employment and commercial cases in state and federal court in Kansas and Missouri. Marvin received his B.A., J.D., and Master of Public Administration from the University of Kansas.

Robert Sullivan, lawyer, mediator and arbitrator, has served as a neutral in dozens of civil disputes. He is approved by the Kansas Supreme Court Office of Judicial Administration, as a Mentor Mediator, for core and civil cases, assisting others who are attempting to be approved as mediators by the Office of Judicial Administration. He is also a mediator coach for students taking mediation courses at Johnson County Community College.

10:40 am to 10:50 am **BREAK (10 minutes)**

10:50 am to 12:10 pm **TAMING THE OCTOPUS: *What Litigators and Mediators Need to Know to Successfully Mediate the Multi-Party Fair Labor Standards Act Case.***
(90 minutes) (Presented by Michael Hodgson, Kate Wright and Larry Rute)

The participants in this program provide real examples of their "peeves" in mediation sessions, whether as an advocate of one of the parties, or the neutral mediator. Issues such as the attorneys failing to agree on a date, time and place for conducting the meditation session, dealing with the poorly informed advocate or mediator, or an initial claim of one million dollars without any damage calculations, and the response of the defendant failing "in good faith" responding by saying "their case is worth nothing" and offering twenty-five dollars." This is an interactive session where you can express your own "peeves" with a mediator or the conduct of the parties and discuss suggested solutions.

Michael Hodgson Owner and Attorney of The Hodgson Law Firm in Kansas is a graduate from the University of Wisconsin-Madison, he is our resident expert in employment law litigation. When you need an attorney to fight hard for your well-deserved wages, you can count on Mike.

Kate Wright Partner of Halbrook Wood PC, Kate helps businesses with all legal aspects of the employment relationship. She enjoys focusing on the defense of wage and hour claims and has worked with clients nationwide to reduce exposure and eliminate claims. She has successfully second chaired an employment trial in Missouri. She also routinely represents companies and their insurers on personal injury claims in Kansas and Missouri.

12:10 pm to 1:00 pm **LUNCH** (go grab a snack or lunch if you are attending via webinar and join us back here at 1:00 for more sessions).

Afternoon Schedule

1:00 pm to 1:50 pm **DISPUTE RESOLUTION PRACTICE IN THE DISTRICT OF KANSAS**
(Presented by The Honorable Gwynne E. Birzer)

The federal courts have historically been supportive of ADR efforts, particularly with the passage of the 1990 Civil Justice Reform Act. The Act required the federal district trial courts to develop plans which supported reduction of costs and delays in civil litigation. Mediation has proven to be an effective and successful cost-saving tool. It has been 30 years since federal courts began to seriously experiment with and authorize some form of ADR. We will discuss how mediation has become the core of dispute resolution in the federal court and the importance of ensuring that practitioners embrace the philosophy of the process.

The Honorable Gwynne E. Birzer, United States Magistrate Judge, was appointed to the bench on July 1, 2015. Judge Birzer holds an associate's degree from Kansas City, Kansas Community College, two degrees from Washburn University; a Bachelor of Arts degree in Criminal Justice received in 1989, and a law degree received in 1992. Following law school, Judge Birzer practiced law in Topeka, Kansas, in the public sector, as an assistant public defender, an assistant district attorney, and as an assistant attorney general and, in the private sector, in her own firm. In 2004, Judge Birzer relocated to Wichita, Kansas. In addition to her judicial responsibilities, Judge Birzer is active in her church, and she continues to serve her community as President of Wichita Alumnae Chapter of Delta Sigma Theta Sorority, Inc., and on various boards and civic organizations.

1:50 pm to 2:40 pm **OVERCOMING BIAS WHEN WORKING WITH INDIVIDUALS WITH COGNITIVE IMPAIRMENT OR PERSONALITY DISORDERS** (presented by Patrick Nichols)

There are many reasons why mediations may stall or fail. By learning how cognitive and personality factors affect decision makers, mediators can adapt and adopt techniques to minimize these obstacles. You will learn the primary types of "mental mistakes" that complicate rational decision making and strategies to aid the parties in setting those aside "or working around them". There will also be an opportunity to review basic personality types and how they manage conflict. Strategies will be suggested to assist the parties where these are present.

Patrick Nichols has been a mediator for over 20 years working in a wide variety of areas including employment, personal injury, libel and defamation, EEOC matters, appellate and business disputes both litigated and to identify dysfunction in the workplace assist in its resolution. He has been a Distinguished Member of the International Association of Mediators. Together with his spouse Dr. Kathie Nichols PhD, ABBPA, he presented to meetings of the ABA on the topic here. He was a practicing civil trial advocate (Board Certified) and held various offices in the Kansas Trial Lawyers Association including President.

2:40 pm to 2:50 pm **BREAK** (10 minutes)

2:50 pm to 3:40pm **PROFESSIONAL ETHICS: *As Depicted in "Suits"***

In this ethics presentation we will cover Kansas and Missouri ethical considerations as well as highlighting some professional responsibility dilemmas faced by the attorneys in the television series *Suits*. *Suits* aired over 9 seasons on USA Network from 2011-2019. Some highlighted ethical rules to be discussed are: 4.1 Truthfulness in Statements to Others, 8.1 Bar Admission and Disciplinary Matters, 1.1 Competence, 5.5 Unauthorized Practice of Law, 8.3 Reporting Professional Misconduct, 5.3 Law Firms and Associations: Responsibilities Regarding Nonlawyer Assistance, 8.4 Misconduct.

Adina F. Morse is a partner with Associates in Dispute Resolution, LLC. As an attorney, mediator, conciliator, trained collaborative law professional, family law arbitrator, and now as an advocate, Adina works on behalf of children through connecting professionals and impacted individuals, creative problem solving, making connections between people and organizations to generate positive change, legislative engagement, and if necessary, litigation. Prior to joining Applesseed, Adina worked in the areas of family planning, adolescent psychiatric care, education, and most recently had her own law firm with a focus on domestic litigation and mediation.

Larry R. Rute 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 the immediate past-Chair of the Supreme Court's Dispute Resolution Council. He serves as an Arbitrator for the American Arbitration Association, National Arbitration & Mediation, FINRA Dispute Resolution, and Associates in Dispute Resolution LLC. Larry is a Distinguished Fellow with the International Academy of Mediators.

3:40 pm **ADJOURNMENT**