



Oregon Law Institute
of Lewis & Clark Law School

Mediation and Arbitration in Oregon

Learn from the Experts

Most of us think we know a lot about mediation and arbitration, but do we really? Do we know what kinds of disputes lend themselves to a mediated settlement and what kinds of disputes require arbitration? Do we understand the strategies for selecting a mediator? Do we really know how to prepare? OLI has assembled a stellar faculty to explore these and other questions with you.

The faculty represents diverse points of view, ranging from plaintiff's lawyers to defense lawyers to commercial litigators to a judge and neutrals. This program will provide an opportunity to explore every aspect of mediation and arbitration with a faculty who have thought a lot about the subject.

FRIDAY, MAY 20, 2005

Oregon Convention Center
777 NE Martin Luther King Jr., Blvd.
Portland, Oregon

5.25 General or Practical Skills and **.75 Ethics** MCLE Credits

SCHEDULE

8:30 LATE REGISTRATION AND DISTRIBUTION OF MATERIALS

8:55 WELCOME AND INTRODUCTION

9:00 - 9:30 **An Overview of Mandatory ADR in State and Federal Court**

What you need to know to navigate mandatory ADR in Oregon.

– *Nancie K. Potter*

9:30 - 10:30 **The Agreement to Arbitrate—
What Belongs in it and Why**

Regardless of when you agree to arbitrate, at the beginning of a business relationship or after a disagreement or an accident, the agreement will define the resolution of your dispute. Four experienced litigators discuss what belongs in your arbitration agreement and why. Among the discussion topics:

- Selection and qualifications of arbitrators
- Rules of discovery and evidence
- Choice of law and location of hearing
- Remedies and the form of the decision

– *William N. Mehlhaf*

– *Patricia L. McGuire*

– *Frank A. Moscato*

– *Milo Petranovich*

10:30 - 10:45 BREAK

10:45 - 11:45 **Performing the Agreement to Arbitrate—
Preparing for Arbitration and Putting on Your Case**

Three experienced litigators and a litigator-turned-arbitrator talk about arbitrator selection, pleading, preparing, and putting on your case.

– *John R. Barker*

– *Gary M. Berne*

– *Martha J. Hodgkinson*

– *Kim E. Hoyt*

11:45 - 1:00 LUNCH (on your own)

1:00 - 2:00 **Effective Mediation Strategies**

A second set of talented litigators discuss effective mediation strategies with a lawyer who makes his living negotiating settlements.

- Strategies for selecting the mediator
- Strategies for preparing for the mediation
- Strategies in the mediation session
- Is mediation the only/best alternative?

– *Paula A. Barran*

– *Eric O. English*

– *Keith A. Ketterling*

SCHEDULE (cont.)

2:00 - 2:45

Ethical Issues in Mediation

Two long-time mediators discuss the ethical issues that they and the parties frequently confront.

- *Susan M. Hammer*
- *Joshua Kadish*

2:45 - 3:00

BREAK

3:00 - 3:30

The Case for Conversation—Face-to-Face Mediation

A talented mediator makes the case for a different mediation paradigm that includes face-to-face conversations between adversaries.

- *Ingrid E. Slezak*

3:30 - 4:30

Mediation Is Not for Sissies

A longtime trial lawyer-turned-mediator, trial judge and settlement judge talks with two veteran trial lawyers about how cases get settled.

- *Hon. Lyle C. Velure*
- *William A. Barton*
- *Stephen F. English*

4:30

ADJOURN

Program Faculty

John R. Barker

Barker Arbitration & Mediation

Paula A. Barran

Barran Liebman LLP

William A. Barton

Barton & Strever, P.C.

Jeffrey M. Batchelor

*Program Planner
Markowitz Herbold Glade
& Mehlhaf, P.C.*

Gary M. Berne

*Stoll Stoll Berne Lokting
& Shlachter, P.C.*

Eric O. English

Resolution Counsel LLP

Stephen F. English

Bullivant Houser Bailey, P.C.

Susan M. Hammer

Mediator

Martha J. Hodgkinson

Hoffman Hart & Wagner LLP

Kim E. Hoyt

*Garrett Hemann Robertson Jennings
Comstock & Trethewy, P.C.*

Joshua Kadish

Meyer & Wyse LLP

Keith A. Ketterling

*Stoll Stoll Berne Lokting
& Shlachter, P.C.*

Patricia L. McGuire

Davis Wright Tremaine LLP

William N. Mehlhaf

*Markowitz Herbold Glade
& Mehlhaf, P.C.*

Frank A. Moscato

*Harrang Long Gary
Rudnick P.C.*

Milo Petranovich

Lane Powell, P.C.

Nancie K. Potter

Foster Pepper Tooze LLP

Ingrid E. Slezak

Mediator

Hon. Lyle C. Velure

Lane County Circuit Court

LIVE PRESENTATION

Portland – 5/20/05

Oregon Convention Center
777 NE MLK Jr. Blvd.

MCLE CREDIT

*Mediation and Arbitration in Oregon:
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.75 Ethics MCLE credits.

PROGRAM TAPES

Even if you cannot attend, you can still get the program on audiotape or videotape. Use the order form in this brochure to order your set today! OLI Annual Passholders may purchase the tapes at 50% off the full retail price.

QUESTIONS?

Please call OLI at (503) 768-6580 in Portland or toll-free in Oregon at (800) 222-8213, e-mail us at oli@lclark.edu; or visit our Web site at www.lclark.edu/org/oli.

VIDEO REPLAYS

Please register at least one week prior to the replay date.

Bend – 6/3/05

Replay 8:30 a.m.
Bryant Lovlien & Jarvis
591 Mill View Way

Eugene – 5/27/05

Replay 8:30 a.m.
Harrang Long Gary & Rudnick, P.C.
360 East 10th Avenue, Ste. 300

Medford – 5/27/05

Replay 8:30 a.m.
Kellington Krack Richmond
Blackhurst & Glatte LLP
23 Newtown Street

Portland – 6/8/05

Replay 9:00 a.m.
Oregon Law Institute
Gus J. Solomon Courthouse,
620 S.W. Main St., Suite 706

Mediation and Arbitration in Oregon

Friday, May 20, 2005

Name _____ OSB No. or Profession _____

Firm/Organization _____

Street Address _____

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Please "✓" appropriate box below:

 Live presentation Video replay. Location: _____ Date: _____

TUITION

(Prices apply to live and video replays.)

- \$159 "Early Bird" tuition (*received by May 16, 2005*).
- \$119 "Early Bird" tuition for new attorneys (admitted 2004–2005), paralegals, or secretaries (*received by May 16, 2005*).
- \$ 15 OLI Annual Pass holder (Annual Pass No. _____).
- \$ 20 Add to above tuition if registration received *after May 16, 2005*.

BOOK AND TAPE ORDERS

I am unable to attend. Please send me:

- Audiotapes and course book, at \$169 per set.
- Videotapes and course book, at \$299 per copy.
- Course book only, at \$49 per copy.
- Deduct 50% from order if you are an OLI Annual Pass holder (Pass No. _____)
- \$7.00 *Note: Add \$7.00 shipping & handling fee to above book and tape orders.*

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CONFIRMATION: Confirmation will be sent via e-mail or fax.**CANCELLATION POLICY:** Tuition minus a \$20 handling charge will be refunded if the cancellation request is *written and received* by May 17, 2005.**NEED ASSISTANCE:** If you are a person with a disability, please let OLI know in time to make any necessary accommodations for you.**TUITION ASSISTANCE:** A limited number of scholarships are available based on financial need. Contact OLI.