



Oregon Law Institute  
of Lewis & Clark Law School

# Mediation and Arbitration in Oregon

## *Learn from the Experts*

**M**ost 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 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, OCTOBER 5, 2007**

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

**5.25** General or Practical Skills *and* 1 Ethics MCLE Credits

# SCHEDULE

8:00 LATE REGISTRATION AND DISTRIBUTION OF MATERIALS

8:25 WELCOME AND INTRODUCTION

8:30 - 9:15 **Understanding the Role of Arbitration Services—When and How to Use Them**

Most arbitrations in Oregon are administered by the American Arbitration Association or Arbitration Service of Portland, Inc. Two lawyers, one the founder of ASP, the other a vice president at AAA, discuss the role of arbitration services.

- Benefits of using an arbitration service
- Risks of non-administered service
- Procedural rules
- Qualifications and selection of arbitrators
- Modifying an organization's default rules
  - *Serena K. Lee*
  - *James J. Damis*

9:15 - 10:15 **Preparing and Putting on Your Case, Part I**

A panel of seasoned litigators and two arbitrators walk down the path from initiating the arbitration proceedings, through hearing, to the award of attorney fees to the prevailing party. Among other things, they will cover:

- Filing the claim and response
- Preliminary conferences with the arbitrator
- Conducting discovery
- Motions for summary determination
- Preparing hearing memoranda and exhibits
- Examining witnesses
- Preparing fee petitions
  - Moderator: *Mark M. LeCoq*
  - *Charles E. Corrigan*
  - *Hon. Mary J. Deits*
  - *W. Eugene Hallman*
  - *Martha J. Hodgkinson*

10:15 - 10:30 BREAK

10:30 - 11:00 **Preparing and Putting on Your Case, Part II**

11:00 - 11:45 **Game Theory in Mediation—Lessons from a Nobel Laureate**

Game theory plays a significant role in many mediations and in most negotiated settlements. Professor Birke discusses several important aspects of the multi-faceted phenomenon.

- Understand how parties gravitate to and maintain gracefully competitive positions
- Learn how a mediator can create focal points that result in settlements
- Develop strategies to frame a settlement in a more favorable light
- Figure out the limits of rationality and use these limits to create better deals
  - *Richard Birke*

# SCHEDULE (cont.)

11:45 - 1:00 LUNCH BREAK (optional lunch at live program)

1:00 - 2:15 **Effective Mediation Strategies, Part I**

An experienced mediator and four exceptional lawyers—two employment litigators and two commercial litigators—discuss mediation strategies. Among the topics of conversation:

- Is this a case to mediate?
- Is this the time to mediate?
- Who is the right mediator for the case?
- Preparing the effective mediation statement
- Preparing for the mediation
- Doing the mediation

Moderator: *Keith A. Ketterling*

– *John R. Barker*

– *Richard C. Busse*

– *Chris Kitchel*

– *Renee R. Stineman*

2:15 - 2:30 BREAK

2:30 - 3:00 **Effective Mediation Strategies, Part II**

3:00 - 4:00 **Ethical Issues in Mediation**

Not infrequently a mediation presents ethical dilemmas for the parties and the mediator alike. Another experienced mediator addresses:

- Ethical guidelines for settlement negotiations
  - Model standards of conduct for mediators
  - Confidentiality of mediation communications
  - Ethical tensions created by confidentiality
- *O. Meredith Wilson, Jr.*

4:00 ADJOURN

# Program Faculty

## John R. Barker

*Barker Arbitration & Mediation*

## Jeffrey M. Batchelor

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

## Richard Birke

*Associate Professor of Law and  
Director of the Center for Dispute  
Resolution, Willamette University  
College of Law*

## Richard C. Busse

*Busse & Hunt*

## Charles E. Corrigan

*Ramis Crew Corrigan LLP*

## James J. Damis

*Attorney/Administrator,  
Arbitration Service of Portland*

## Hon. Mary J. Deits

*Court of Appeals Plan B Judge*

## W. Eugene Hallman

*Hallman & Dretke*

## Martha J. Hodgkinson

*Hoffman Hart & Wagner LLP*

## Keith A. Ketterling

*Stoll Stoll Berne Lokting &  
Shlachter PC*

## Chris Kitchel

*Stoel Rives LLP*

## Mark M. LeCoq

*Schwabe Williamson & Wyatt P.C.*

## Serena K. Lee

*Vice President,  
American Arbitration Association*

## Renee R. Stineman

*Dunn Carney Allen Higgins &  
Tongue LLP*

## O. Meredith Wilson, Jr.

*Wilson Dispute Resolution*

## LIVE PRESENTATION

**Portland – 10/5/07**

Oregon Convention Center  
777 NE MLK Jr. Blvd.

## MCLE CREDIT

*Mediation and Arbitration in Oregon* will receive **5.25** General or Practical Skills MCLE credits and **1 Ethics** credit.

## PROGRAM PRODUCTS

Even if you cannot attend, you can still get the program on audiotape, videotape, CD or DVD. Use the order form in this brochure to order your set today! OLI Annual Passholders may purchase OLI program products 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](mailto:oli@lclark.edu); or visit our Website at [www.lclark.edu/org/oli](http://www.lclark.edu/org/oli).

## VIDEO REPLAYS

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

**Bend – 10/19/07**

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

**Eugene – 10/12/07**

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

**Medford – 10/12/07**

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

**Portland – 10/23/07**

**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, OCTOBER 5, 2007

Name \_\_\_\_\_ OSB No. or Profession \_\_\_\_\_

Firm/Organization \_\_\_\_\_

Street Address \_\_\_\_\_ City/State/Zip \_\_\_\_\_

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Please "✓" appropriate box below:

 Live presentation Video replay. Location: \_\_\_\_\_ Date: \_\_\_\_\_

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

## TUITION *(Prices apply to live and video replays.)*

- \$169 "Early Bird" tuition *(received by October 1, 2007)*.  
 \$129 "Early Bird" tuition for new attorneys (admitted 2006–2007),  
 paralegals, or secretaries *(received by October 1, 2007)*.  
 \$85 Legal aid attorneys *(received by October 1, 2007)*.  
 \$15 OLI Annual Pass holder (Annual Pass No. \_\_\_\_\_).  
 \$20 Add to above tuition if registration received *after October 1, 2007*.

## OPTIONAL LUNCH AT LIVE SEMINAR

- \$25 Add to above tuition  
 Vegetarian  Dietary restrictions: \_\_\_\_\_

## PRODUCT ORDER

*I am unable to attend. Please send me:*

- \$189 Audiotapes and course book *or*  \$189 Audio CDs and course book  
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 OLI Registrar, Solomon Courthouse  
 620 S.W. Main St., Suite 706  
 Portland, OR 97205-3037

...or fax this registration  
 form including credit  
 card information to:  
 (503) 768-6585.

**QUESTIONS? Call (503) 768-6580 or (800) 222-8213.**  
**Check out our website at [www.lclark.edu/org/oli](http://www.lclark.edu/org/oli)**  
**or email us at [oli@lclark.edu](mailto:oli@lclark.edu).**

**CONFIRMATION:** Confirmation will be sent via e-mail or fax one week before the program.**CANCELLATION POLICY:** Tuition minus a \$20 handling charge will be refunded if the cancellation request is *written and received* by Monday, October 1, 2007.**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.