

ADRIO2020

35th ANNUAL GENERAL MEETING AND PROFESSIONAL DEVELOPMENT CONFERENCE

June 4, 2020 at the Novotel North York, 3 Park Home Avenue, Toronto, ON.



Megan Keenberg

*Tricks and Tips for
Conducting Litigation Risk
Analysis in Mediation to
Overcome Impasse*



Jerry Mings

*Multi-Stakeholder
Collaboration*



**Paul Feldman and
Mitchell Rose**

*Settlement Counsel: Why
Two Heads are Better
than One*



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*I Know the Process, Now
What?*



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*How to Successfully Mediate
Human Rights Disputes*



Mardi Edelstein

*A Hard Case for Soft Skills:
Empathy as a Power Tool*



David Alderson

*Keep Them Calm and
Arbitrate On: Sources of
Commercial Arbitration
Conflict & Tools/Techniques
for Conflict Minimization*



**Keynote Speaker
Richard Moore**

*We Have the Tools.
How Do We Use Them?*



Viki Scott

*Effectiveness of
Transformative Mediation
in the Workplace:
Applying the Art*



Mercedes Watson

*Utilizing What You
Already Know to Enrich
Your ADR Toolkit*

ENRICHING YOUR ADR TOOLKIT

BUILD, ELEVATE AND CHALLENGE WHAT YOU KNOW ABOUT CONFLICT MANAGEMENT

Our 35th AGM and Conference will focus on effective, strategic and practical conflict management. Eleven uniquely qualified dispute resolution experts will share their tips and tricks on healing, managing and resolving conflict situations. Come prepared to expand, elevate and enrich your ADR toolkit! *Take advantage of the early-bird discount before it expires on May 8! For sponsorship, collaboration and advertisement opportunities, please email events@adr-ontario.ca*

Member Early-Bird \$230 - Member Regular \$280 - Non-Member \$380 - Presidents Circle Member \$230

Register: www.adr-ontario.ca/adrio2020

9:00AM – 10:15AM ANNUAL GENERAL MEETING



**Keynote Speaker
Richard Moore**

LL.B., C.Med, C.Arb, CFM, Cert.Med

We Have the Tools. How Do We Use Them?

Our world continues to become smaller and more interdependent through travel, trade, technology and migration. We experience more cultural diversity. There appears to be greater disparity in the needs and interests of those we serve. People expect more inclusiveness in decision-making, but the world seems more polarized and finding durable solutions is increasingly difficult. Traditional systems are inaccessible and unable to respond in timely and effective ways.

The presentation will address and illuminate the following themes:

- Why is our work more important now than ever before?
- What are the essential skills needed to do our work, and how do we learn them?
- How do we develop the opportunities to apply them?
- What are the implications for us in our work as conflict management professionals, peacebuilders and ADR leaders?

10:45AM – 11:00AM MORNING BREAK

11:00AM – 12:30PM PROFESSIONAL DEVELOPMENT PROGRAM

Tricks and Tips for Conducting Litigation Risk Analysis in Mediation to Overcome Impasse

Megan Keenberg



BA (Hons), LLB, LLM (Disp. Res.)

Often parties come to mediation without being adequately prepared on litigation risk, and as a result may hold unrealistic expectations that hinder their ability to objectively assess the true value of a settlement offer. This workshop will provide mediators with the tools necessary to assist and guide parties through the necessary risk analysis to that they can more accurately assess the value of settlement offers. We will work through a sample case scenario to assess risk on liability and damages, and factor in both monetary and non-monetary costs to arrive at the true litigation value of a claim, so that we can compare it to settlement offers.

A Hard Case for Soft Skills: Empathy as a Power Tool

Mardi Edelstein



Hon BA, Q.Med, AccFM

At the core of mediation is human needs, which must be fulfilled to a measure, to reach acceptable outcomes. The more skilled we become at mining and shedding light on human core needs, the more keenly and economically can we uncover meaning and understanding and facilitate solid agreements.

This 90-minute active session will demonstrate empathy as a surprising and powerful attribute and tool, even in the most hardball conflicts, unlocking deeper listening, learning, and an antidote to 'otherness'. It will offer a toolkit of applications that can lead to instant breakthroughs, and opportunity to practice in mini scenarios.

Enriching Your ADR Toolkit

Mercedes Watson



MA, BFA, C.Med, IMI

Those wishing to attend this session will learn more about the role that conflict management has had on Mercedes Watson's career and how insights from her academic training and work experience has given her a richer perspective on dispute resolution models. During this brief hour and one-half session, you will better understand the role that silence and listening plays in managing disputes and the importance of capturing perspectives for participants in mediation or facilitation sessions. The participants will have the opportunity to practice through an in-session role play and discuss how to use your career experiences to inform your approach to mediation or alternative dispute resolution.

- ✓ Find out what works best for you as a neutral
- ✓ Learn how using your style can enrich your toolkit while assisting you with attracting new clients
- ✓ Discover an easier path to your mediation or ADR sessions

12:30PM – 1:30PM NETWORKING LUNCH

1:30PM – 2:30PM PROFESSIONAL DEVELOPMENT PROGRAM

Keep Them Calm and Arbitrate On: Sources of Commercial Arbitration Conflict & Tools/Techniques for Conflict Minimization

David Alderson



LLB, LLM, Q.Arb

Conflict in arbitration arises when the process is conducted as a fight, a battle, or a struggle. This can defeat the process and frustrate realization of the parties' objectives. This talk will focus on four sources of conflict: the party who 1) does not want to be in arbitration, but who has no choice because of a contractual or statutory arbitration requirement; 2) refuses to participate in the process (and/or to pay the tribunal's fees); 3) fights everything: the rules, the laws, jurisdiction and procedural orders; and 4) participates over-zealously, whether personally or through counsel. Strategies to minimize such conflicts are suggested.

Multi-Stakeholder Collaboration

Ethan J. Mings



CTF, CPF, CQA

Collaboration between multiple organizations is an emerging practice to build new service opportunities and to improve access to services by clients. As organizations explore opportunities to collaborate, they will also be identifying how to address conflict. The workshop will explore how to support successful collaborations and resolve disputes. The session will include opportunities to:

- ✓ Identify the different types of multi-stakeholder collaborations
- ✓ Understand the role of conflict as part of a collaboration
- ✓ Create a list of mediation tips and traps
- ✓ Identify conflict resolution methods

I Know the Process. Now What?

Lynn Catzman



BA, MA, C.Med

"I Know the Process. Now What?" This question will be discussed in relation to 3 aspects of communication:

- ✓ How might we as mediators prepare for and open a mediation session in order to set an appropriate tone?
- ✓ How can we encourage communication between the parties and ensure there is clarity and understanding?
- ✓ What can we say or do when forward movement is not evident?

Mediation is a process that allows and encourages communication among parties. With that door open and with sincere and respectful interaction, the parties, working with the mediator, will be able to work toward resolution whether at or after the mediation session.

2:30PM – 2:45PM AFTERNOON BREAK

2:45PM – 3:45PM PROFESSIONAL DEVELOPMENT PROGRAM

Settlement Counsel: Why Two Heads are Better than One



Paul Feldman, LLB, MBA
Mitchell Rose, LLB, C.Med

Settlement counsel are lawyers who focus exclusively on the early resolution of disputes, rather than preparing them for trial. This differs from the traditional advocacy model where a litigation lawyer performs two roles: A rights-warrior tactician, and a problem-solving negotiator. However, this can be extremely challenging and inefficient. The presenters - one a settlement counsel-mediator, the other a litigation lawyer - explain why clients, ADR, and the justice system are better served when separate lawyers handle settlement negotiations (including at mediation) and the prosecution of legal proceedings. They demonstrate why "two heads are better than one."

How to Successfully Mediate Human Rights Disputes

Natai Shelsen



LLB, BCL, BA (Hons)

In this interactive workshop, participants will learn the tools necessary to effectively mediate human rights disputes. We will discuss the unique issues that arise in human rights disputes (including the vulnerability of complainants, culture and diversity issues and power imbalances) and how to deal with those issues without losing neutrality. Participants will learn how to use case development meetings to assess the conflict and the parties, identify complicating factors, and design the most effective process for dispute resolution that respects the parties' particular needs. Participants will also discuss the ideal elements for the successful mediation of human rights disputes.

Effectiveness of Transformative Mediation in the Workplace: Applying the Art

Viki Scott



RC(c), BSc, RRP, CHRM, MBA, ADR(c)

Transformative Mediation is an approach to conflict intervention that does not seek an immediate resolution to a problem. Instead, the mediator usually seeks to instill mutual recognition and empowerment between the conflicting parties. The parties then work with the mediator to determine the appropriate resolution process for their situation. This session will demonstrate how effective this approach is for resolving conflict in today's workplace environments. Participants will learn through a number of case examples how, by using a transformative approach assists parties in shaping their own outcomes. With the ultimate goal being for parties to create their own outcomes based on clearer and more confident understandings of themselves, each other, and the nature of the issues that divide them.

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