



NEW YORK STATE BAR ASSOCIATION
DISPUTE RESOLUTION SECTION



16 Total MCLE Credits

Transitional, this program is suitable for young lawyers

Advanced Commercial Mediation Training

June 11-12, 2019

Fordham University School of Law
150 West 62nd Street, New York, NY 10023



OVERVIEW OF THE COURSE:

This program is designed for mediators who have completed — or plan to complete — a minimum of three days of basic mediation training and who desire to enhance their commercial mediation skills. It will focus on identifying the barriers to settlement and the ways to overcome them. In addition to refining and deepening facilitative skills and orientation, the program will address ways of facilitating evaluative analyses or offering evaluative feedback to help the parties reach a resolution. This can include refining the handling of risk and transaction cost analysis, including the use of decision trees, as well as utilizing a variety of impasse breakers. The program will offer approaches to problems that arise when there are multiple parties or when one or more of the defendants has, or may have, insurance coverage with one or more insurance companies as well as ways to overcome impasse. Finally, the program will discuss the ethical issues that arise under various scenarios and how to deal with them.

Topics & Skills:

- Cultivating ideal Mediator orientation, attitude & awareness
- Effective Preparation
- Effective Communication
- Deep Listening Skills
- Effective Openings
- Maximizing Opportunities in Joint Session
- Wise Caucusing
- Power Risk Analysis – art, timing & tact in engaging in evaluative processes
- Impasse Breaking
- Coming to Closure
- Theoretical tools to Grasp the underlying Negotiation
- Mediation Ethics

Registration fee includes continental breakfast, lunch, coffee breaks, and program materials.

\$530 for Dispute Resolution Section Members or Fordham Law Alumni

\$580 for NYSBA Members

\$680 for Non-NYSBA Members

This 2-day Advanced Commercial Mediation Training is approved under Part 146 of the Rules of the Chief Administrative Judge.

NEW YORK STATE BAR ASSOCIATION

Section Chair:

Deborah Masucci, Esq.

Program Chairs:

Evan J. Spelfogel, Esq.

M. Salman Ravala, Esq.

PROGRAM PRESENTERS:

SIMEON H. BAUM, ESQ.

Mr. Baum is a 30+ year litigator and President of Resolve Mediation Services, Inc. (www.mediators.com); serving as mediator, arbitrator and neutral evaluator in over 1,000 disputes since 1992. His mediations include the highly publicized Studio Daniel Libeskind-Silverstein Properties dispute over architectural fees for redevelopment of the World Trade Center site, and Trump's \$ 1 billion suit over the West Side Hudson River development. He served as founding Chair of NYSBA's Dispute Resolution Section. He was Chair of the Federal Bar Association's ADR Section, past President of the FBA's SDNY Chapter, and on the FBA's national Board of Directors. He has served on ADR Advisory Groups to the New York Court system and trained their Commercial Division mediators for the last 20 years. In 2011, 2014, and 2018, Best Lawyers selected Mr. Baum as New York's ADR "Lawyer of the Year." He teaches on the ADR faculty at Benjamin N. Cardozo School of Law and is a frequent speaker and trainer on ADR.

STEPHEN A. HOCHMAN, ESQ.

Mr. Hochman, a founding partner in the firm now known as Kramer, Levin, Naftalis & Frankel, practiced law for over 40 years, specializing in corporate, commercial and securities law. He has successfully mediated over 400 commercial and other types of disputes, including class actions and financial, employment, insurance, real estate, partnership and bankruptcy disputes, approximately 98% of which have settled. Mr. Hochman now practices exclusively as a mediator and arbitrator and writes, consults and lectures frequently on ADR subjects. Over the last 20 years, Mr. Hochman, together with Mr. Baum, has trained the mediators in New York County and various other downstate counties. He also served on the boards and investment committees of various non-profit corporations, including several hospitals and a captive insurance company.

CLE INFORMATION: The New York State Bar Association's Meetings Department has been certified by the NYS Continuing Legal Education Board as an accredited provider of continuing legal education in the State of New York. Under New York's MCLE rule, this program will provide you with a total of **16 credit hours**. The breakdown is as follows: 4.0 MCLE Credits in Areas of Professional Practice, 10.0 in Skills, and 2.0 in Ethics. **This program is transitional and therefore is suitable for newly admitted attorneys.**

DISCOUNTS AND SCHOLARSHIPS: New York State Bar Association members and non-members may receive financial aid to attend this program. Under this policy, anyone who requires financial aid may apply in writing, not later than ten working days prior to the program, explaining the basis of his/her hardship, and if approved, can receive a discount or scholarship, depending on the circumstances. For more details, please contact: Kristina Gagnon, New York State Bar Association, One Elk Street, Albany, New York 12207.

ACCOMMODATIONS FOR PERSONS WITH DISABILITIES: NYSBA welcomes participation by individuals with disabilities. NYSBA is committed to complying with all applicable laws that prohibit discrimination against individuals on the basis of disability in the full and equal enjoyment of its goods, services, programs, activities, facilities, privileges, advantages, or accommodations. To request auxiliary aids or services or if you have any questions regarding accessibility, please contact Kristina Gagnon at kmgagnon@nysba.org.

SCHEDULE OF EVENTS

Tuesday, June 11, 2019, Morning Session

4.5 MCLE Credits (4.5 Skills)

- 8:00 a.m. – 8:30 a.m.** **Registration & Continental Breakfast**
- 8:30 a.m. – 8:45 a.m.** **Welcome and Introduction to the Commercial Mediation Training**
- 8:45 a.m. – 10:00 a.m.** **Convening & Contracting a Commercial Mediation Choosing Processes, Setting Tone, Disclosing style, Expectations**
Simeon H. Baum with Stephen A. Hochman
(1.5 MCLE Credit in Skills)
- 10:00 a.m. – 10:10 a.m.** **Break**
- 10:10 a.m. – 11:00 a.m.** **Teaching and Training | Core Attributes and Skills of the Commercial Mediator**
Simeon H. Baum
(1.0 MCLE Credit in Skills)
- 11:00 a.m. – 12:40 p.m.** **Role Play: Focusing on a Commercial Scenario**
Small Groups with Facilitators
(2.0 MCLE Credit in Skills)
- 12:40 p.m. – 1:20 p.m.** **Lunch**
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Tuesday, June 11, 2019, Afternoon Session

3.5 MCLE Credits (2.5 Areas of Professional Practice, 1.0 Ethics)

- 1:20 p.m. – 2:35 p.m.** **Evaluation: (Whether, When & How)**
Simeon H. Baum and Stephen A. Hochman
(1.5 MCLE in Areas of Professional Practice)
- 2:35 p.m. – 3:25 p.m.** **Forum: Unique Commercial Matters, Joint Sessions, Caucuses, and Risk Analysis)**
Simeon H. Baum and Stephen A. Hochman
(1.0 MCLE in Areas of Professional Practice)
- 3:25 p.m. – 3:40 p.m.** **Break**
- 3:40 p.m. – 4:30 p.m.** **Ethics: Mediation Theory and the Role of the Mediator**
Simeon H. Baum and Stephen A. Hochman
(1.0 MCLE Credit in Ethics)
- 4:30 p.m. – 5:00 p.m.** **Q & A**

SCHEDULE OF EVENTS

Wednesday, June 12, 2018, Morning Session

3.5 MCLE Credits (3.5 Skills)

- 8:00 a.m. **Continental Breakfast**
- 8:30 a.m. – 8:45 a.m. **Introductory Remarks; Summary and Overview**
- 8:45 a.m. – 9:15 a.m. **Decision Tree Analysis in Mediation and Use of Risk Management Software**
Simeon H. Baum and Stephen A. Hochman
(.5 MCLE in Skills)
- 9:15 a.m. – 9:40 a.m. **Risk Analysis Exercise**
Simeon H. Baum and Stephen A. Hochman
(.5 MCLE in Skills)
- 9:40 a.m. – 10:05 a.m. **Lawyers Advocacy - Coaching Counsel**
Simeon H. Baum and Stephen A. Hochman
(.5 MCLE in Skills)
- 10:05 a.m. – 10:20 a.m. **Break**
- 10:20 a.m. – 12:00 p.m. **Role Play: Focusing on a Commercial Scenario**
Small Groups with Facilitators
(2.0 MCLE in Skills)
- 12:00 p.m. – 12:45 p.m. **Lunch**
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Wednesday, June 12, 2018, Afternoon Session

4.5 MCLE Credits (1.5 Areas of Professional Practice, 2.0 Skills, 1.0 Ethics)

- 12:45 p.m. – 2:00 p.m. **Mediator's Proposal | Whether, When & How**
Simeon H. Baum and Stephen A. Hochman
(1.5 MCLE in Areas of Professional Practice)
- 2:00 p.m. – 2:10 p.m. **Break**
- 2:10 p.m. – 3:25 p.m. **Forum – Impasse Breaking: The Art of Diplomacy – Handling Challenges in Personalities, Bargaining Style, Strategies, Commitment Level, Inter- Party Dynamics, and Messages**
Simeon H. Baum and Stephen A. Hochman
(1.5 MCLE in Skills)
- 3:25 p.m. – 3:50 p.m. **Mediator Self Care**
Simeon H. Baum and Stephen A. Hochman
(.5 MCLE in Skills)
- 3:50 p.m. – 4:00 p.m. **Break**
- 4:00 p.m. – 5:00 p.m. **Ethics: Remaining Ethical Issues**
Simeon H. Baum and Stephen A. Hochman
(1.0 MCLE in Ethics)



MEETING REGISTRATION FORM

Name _____

Firm _____

Address _____

City _____ State _____ Zip _____

Phone (_____) _____ Fax (_____) _____

Email _____

TWO DAY PROGRAM

Tuesday, June 11 – 8:00 a.m.–5:00 p.m.

Wednesday, June 12 – 8:00 a.m.–5:00 p.m.

- Dispute Resolution Section Member: \$530.00 or Fordham Alumni Fee
NYSBA Member Fee: \$580.00
Non-NYSBA Member Fee: \$680.00

PAYMENT INFORMATION

Check or money order enclosed in the amount of \$ _____ (Make checks payable to New York State Bar Association.)

- Charge \$ _____ to American Express Discover MasterCard Visa Expiration _____

Card Number _____

Authorized Signature _____

Dispute Resolution Section & Fordham University School of Law

Commercial Mediation Training June 11-12, 2018

Fordham University School of Law 150 West 62nd Street New York City

Registration fee includes:

Continental breakfast, lunch, coffee breaks and program materials for all two days of the conference.

Cancellation Notice:

Notice of cancellation must be received by May 24, 2019 in order to obtain a refund for registration fees.

Fax or mail this form with registration fee(s) to:

Kristina Gagnon New York State Bar Association One Elk Street Albany, New York 12207 Phone: 518-487-5669 Fax: 518.463.5993





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 1 Elk Street, Albany, NY 12207

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