



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 or a trial? 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.

This is another outstanding OLI faculty of lawyers and neutrals from a wide range of backgrounds. They bring to the table a broad array of experience and diverse points of view. 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 9, 2009

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

5 General or PS and 1 Ethics MCLE Credits

SCHEDULE

8:00 a.m. LATE REGISTRATION AND DISTRIBUTION OF MATERIALS

8:25 WELCOME AND INTRODUCTION

8:30–9:30 **The Benefits of Private Arbitration,
Predispute Contract Clauses, and
Arbitration Organizations**

Founded in 1985, Arbitration Service of Portland, Inc. administers arbitrations and mediations throughout Oregon and Southwest Washington. ASP's founder and administrator talks about the benefits of private arbitration, predispute contract clauses, and the role of arbitration services such as ASP.

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

9:30–10:30 **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*
– *Hon. Mary J. Deits*
– *Martha J. Hodgkinson*
– *Milo Petranovich*

10:30–10:45 BREAK

(Continued)

SCHEDULE (cont.)

10:45–11:15 **Preparing and Putting on Your Case, Part II**

11:15–12:00 **ADR in Oregon’s U.S. District Court**

Chief Judge Ann Aiken talks with Oregon Supreme Court Justice-turned mediator Susan M. Leeson about the ADR initiative in Oregon’s federal district court. They explain how mediation is an increasingly significant component of the initiative and discuss the importance of lawyers working collaboratively with mediators.

- ADR—a high priority of the new Chief Judge
- The use of staff mediators under the initiative
- Volunteer panel update
- Ongoing initiatives
 - *Hon. Ann Aiken*
 - *Hon. Susan M. Leeson*

12:00–1:15 LUNCH (on your own)

1:15–2:30 **The Anatomy of a Successful Mediation, Part I**

Experienced mediators and negotiators focus on the commercial case to identify and discuss the components of successful mediation strategies that you can use in your practice. Their conversation will also touch on ethical issues that you may encounter.

- Is this a case to mediate?
- Is this the time to mediate?
- Who is the right mediator for the case?
- Preparing for the mediation
- Doing the mediation
- Going the extra mile
 - Moderator: *Keith A. Ketterling*
 - *Jeffrey M. Batchelor*
 - *Christopher H. Kent*
 - *Hon. Susan M. Leeson*
 - *J. Patrick O’Malley*

2:30–2:45 BREAK

2:45–4:00 **The Anatomy of a Successful Mediation, Part II**

4:00 ADJOURN

Program Faculty

Hon. Ann Aiken

Chief Judge, U.S. District Court

Jeffrey M. Batchelor

Program Planner

Markowitz, Herbold, Glade & Mehlhaf, PC

James J. Damis

*Attorney/Administrator,
Arbitration Service of Portland, Inc.*

Hon. Mary J. Deits

Court of Appeals Plan B Judge

Martha J. Hodgkinson

Hodgkinson Street, LLC

Christopher H. Kent

Kent & Johnson, LLP

Keith A. Ketterling

Stoll Berne

Mark M. LeCoq

Schwabe, Williamson & Wyatt

Hon. Susan M. Leeson

Mediation Plus

J. Patrick O'Malley

Resolution Strategies LLP

Milo Petranovich

Lane Powell PC

LIVE PRESENTATION

Portland – 10/9/09

Oregon Convention Center
777 NE MLK Jr. Blvd.

MCLE CREDIT

*Mediation and Arbitration in Oregon:
Learn from the Experts* will receive **5**
General or Practical Skills and
1 Ethics MCLE credits.

PROGRAM PRODUCTS

Even if you cannot attend, you can still get the program on CDs or DVDs. 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, or visit our website at www.lclark.edu/org/oli.

VIDEO REPLAYS

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

Bend – 10/23/09

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

Eugene – 10/16/09

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

Medford – 10/16/09

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

Portland – 10/28/09

Replay 9:00 a.m.
Oregon Law Institute
Gus J. Solomon Courthouse
620 SW Main Street, Ste. 706

Mediation and Arbitration in Oregon

Friday, October 9, 2009

Name _____

OSB No. or Profession _____

Firm/Organization _____

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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.)*

- \$179** Early registration tuition *(received by October 5, 2009)*
- \$139** Early registration tuition for new attorneys (admitted 2007–2009), paralegals, or secretaries *(received by October 5, 2009)*
- \$90** Legal aid attorneys *(received by October 5, 2009)*
- \$15** OLI Annual Passholder (OLI Pass No. _____)
- \$20** Add to above tuition if registration received *after October 5, 2009*

PRODUCT ORDER

I am unable to attend. Please send me:

- \$199** Audio CDs and course book
- \$299** DVDs and course book
- \$59** Course book only
- Deduct 50% from product order if you are an OLI Passholder (OLI Pass No. _____)
- \$7.00 Note: Add \$7.00 shipping & handling fee to above product orders.**

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**QUESTIONS? Call (503) 768-6580 or (800) 222-8213.
Check out our website at www.lclark.edu/org/oli
or e-mail us at oli@lclark.edu.**

CONFIRMATION: Confirmation will be sent via e-mail.

CANCELLATION POLICY: Tuition minus a \$20 handling charge will be refunded if the cancellation request is *written and received* by Monday, October 5, 2009.

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.