

# ACMI

## Advanced Commercial Mediation Institute

[www.acrnet.org](http://www.acrnet.org)



The Association for Conflict Resolution (ACR) is a professional organization enhancing the practice and public understanding of conflict resolution.



The American Arbitration Association® (AAA), with its long history and experience in the field of alternative dispute resolution, provides services to individuals and organizations who wish to resolve conflicts out of court.



Offering a unique and diverse curriculum whose sole purpose is to raise a mediator's level of practice, the AIM Institute is where leading mediators turn to continue their learning and career development. Being free of academic constraints and embracing other disciplines allows AIM to expand the frontier of this developing profession.

### THE COMMERCIAL SECTION OF THE ASSOCIATION FOR CONFLICT RESOLUTION

In collaboration with:

AMERICAN ARBITRATION ASSOCIATION  
and  
AMERICAN INSTITUTE OF MEDIATION

PRESENT

TWO DAYS OF ADVANCED PROGRAMS FOR  
COMMERCIAL MEDIATORS

*Beyond Settlement Broker:  
Enhancing your Value as a Mediator*

October 12 and 13, 2011  
San Diego, California

Program Registration:  
<http://aiminst.com/acr2011reg>

#### Program Co-Chairs:

- **Jerome Allan Landau**, Commercial Mediator (Scottsdale, AZ); American Arbitration Association and AAA Advisory Council; International Mediation Institute; Co-Chair, ACMI
- **Lee Jay Berman**, President, American Institute of Mediation and Commercial Mediator; American Arbitration Association (Los Angeles, CA); Co-Chair, ACMI
- **Richard J. DeWitt**, Commercial Mediator; (Miami (Coral Gables), FL), American Arbitration Association, Distinguished Fellow/IAM

# ***“Beyond Settlement Broker”***

## ***Enhancing your Value as a Mediator***

### **DAY 1: Wednesday, October 12, 2011**

- 7:30 – 8:30**     **Registration & Continental Breakfast**
- 8:30 – 9:00**     **Opening Comments – Conference Co-Chairs**  
Jerome Allan Landau and Lee Jay Berman
- 9:00 – 10:30**   **Skillfully Developing Ethical Mediator Proposals**  
Michael J. Bayard – Neutral, American Arbitration Association (Los Angeles, CA)
- The art and science of creating and delivering an Ethical Mediator’s Proposal; the Mediator’s “Eye” on valuation, appraisal, risk analysis and valuing an asset in an uncertain market.
- 10:30 – 11:00**   **ACMI Networking Break**
- 11:00 – 12:30**   **Mediator Ethics: Lawsuits Against Mediators**  
**Mediator Obligations of Confidentiality and Mediator Settlement Proposals**  
Eric Tuchmann – General Counsel, American Arbitration Association
- 12:30 – 1:30**     **ACMI Lunch**
- 1:00 – 1:30**     **Luncheon Keynote Speaker**
-  **Why Crucial Negotiations Fail:  
"Dealing with the Emotions in the Room"**  
Doug Noll – Author; Core Faculty, American Institute of Mediation (Clovis, CA)
- 1:30 – 3:00**     **Round Table Discussions**  
Interactive break-out groups facilitated by the day’s presenters and ACMI leaders reviewing the ethical use by mediators of Mediator developed Settlement Proposals.
- 3:00 – 3:30**     **ACMI Networking Break**
- 3:30 – 5:00**     **Decision Trees Revisited – A Valuable Tool for Valuing Settlements;  
Mediators Increasing Their Value**  
Robert F. Copple, J.D., Ph.D. – Copple & Associates, P.C. (Scottsdale, AZ)
- ACMI attendees and presenters are invited to attend:***
- 5:00 – 6:00**     **Advanced Commercial Mediation Institute Reception**
- 6:00 – 7:30**     **Association for Conflict Resolution – Conference Welcome Reception**

**DAY 2: Thursday, October 13, 2011**

**8:30 – 10:15** *ACMI attendees have a choice of attending either:*

**ACMI's Deal or No Deal: Leveraging Information to Overcome Decision Errors**  
Don Philbin – Faculty, American Institute of Mediation

**OR**

**ACR's Conference Plenary Panel Program:**  
**"Diversity of Practice: What is the Future of Dispute Resolution?"**

**10:15 – 10:45** **ACMI Networking Break**

**10:45 – 12:30** **The Big Debate – The Ethics of Mediator Settlement Proposals**  
**Moderator: Lee Jay Berman**

An audience interactive ethics program asking: **Should Mediators independently suggest proposals and structures for settlement or should that be left to the parties and their counsel? How far can the Mediator go? How Far is too Far? What is ethical?**

**12:30 – 1:30** **ACMI Lunch**

**1:00 – 1:30** **Luncheon Keynote Speaker**



**Conflict Revolution: What Commercial Mediators Can Learn From the Lessons of Mediating Evil, War, Injustice and Terrorism**  
Ken Cloke, JD, PhD – Core Faculty, American Institute of Mediation

**1:30 – 3:00** **Round Table Discussions on The Big Debate**

**3:00 – 3:30** **ACMI Networking Break**

**3:30 – 4:45** **The Business of Mediation: Mediator Expand Your Practice Service as Settlement Counsel and other innovative ideas**

**Lee Jay Berman and Invited Guests Who Hire Mediators**

**4:45 – 5:00** **Closing Comments: Jerome Allan Landau & Lee Jay Berman**

**CERTIFICATES OF ATTENDANCE WILL BE ISSUED TO ALL PERSONS ATTENDING THE FULL ACMI TWO DAY PROGRAM**

**14 Live MCLE hours, including 4.5 Ethics hours**

This program has been approved for 14 hours of live MCLE Credit, including 4.5 ethics hours by the State Bar of California. The American Institute of Mediation is an approved State Bar provider.

**Neither ACR or ACMI have applied for State CLE or CME Credit outside of California**

**Register online at <http://aiminst.com/acr2011reg>**