

AGENDA
GCLC ANNUAL TRAINING - SEPTEMBER 20 -22, 2018
LAS VEGAS, NEVADA

DAY ONE: THURSDAY, SEPTEMBER 20
INTRODUCTORY TRAINING

8:00-8:30 – Registration

8:30-8:45 – Welcome and Sponsor Recognition

I. 8:45 – 9:45 – Introduction to Collaborative Practice

Sherrie Abney

Collaborative Practice is a structured, voluntary, non-adversarial dispute resolution process in which the parties and their lawyers sign an agreement to negotiate in good faith -- giving consideration to the interests of all parties -- to resolve their legal dispute without resort to a court imposed resolution, to disclose all relevant information, and to engage neutral experts, if necessary, for resolving their issues. A classic form of limited scope representation, the written agreement must provide that the lawyers will withdraw if the collaborative process is terminated. Sherrie will spend this hour orienting trainees, in broad terms, to the particulars of the collaborative process.

II. 9:45 – 10:30 – Ethical Basis for Collaboration

Kristen Blankley

Kristen discusses the ethical issues implicated in the practice of collaborative law. Consider the ethics of collaborative law as limited scope representation, and whether the process must be “reasonable under the circumstances.” What is informed consent and how should informed consent be documented? In what situations is CL beneficial and when should it *not* be used? Is the suitability of *attorneys* for the process something one must consider? How do “zealousness” and CL work in tandem? Can one side ever disqualify the *other* lawyer?

III. 10:30-10:45 – Break

IV. 10:45-11:30 – Collaborative Process Anchors (Including Participation Agreement/ Protocols)

Anne Shuttee

Anne reviews the twin contractual foundations of the collaborative dispute resolution process: the Participation Agreement and the Protocols of Practice. She will discuss the essential elements of the Participation Agreement, including defining the matter that is the subject to the process, identification of the collaborative lawyers involved, disqualification provisions applicable to the collaborative lawyers and their firms, the parties’ duties of disclosure, confidentiality, and termination of the process, among others. She will also explore the nature and purpose of the Protocols of Practice governing the conduct of the collaborative lawyers, including the duties owed by the

lawyers to their clients and to opposing counsel, the role played by the collaborative lawyers in the process, the role of experts, duties of disclosure, and withdrawal of or termination of the process by a collaborative lawyer.

V. 11:30-12:30 – Lunch

VI. 12:30-1:00 – Getting Clients on Board (Including Candidates and Screening)

Doug Rosner

Who is your client and what is his issue? What was his relationship with the other party before their dispute? What are his expectations for resolution? What are his interests and concerns? How do you get answers to these questions and more in your screening process? How do you explain the various dispute resolution processes to your client? How do you explain the collaborative process to him? Why would the collaborative option appeal to *this* client? What are your goals in the consultation? Join Doug as he answers these questions and explores the screening interview and how to get clients on board with the collaborative choice.

VII. 1:00-1:45 – Roadmap of Collaborative Process

Sherrie Abney

A basic explanation of the various stages that the parties and lawyers travel through in the collaborative process and the reasons why these steps are necessary. Unlike other forms of dispute resolution, the parties in Collaborative Law are kept informed regarding what they are doing and why they are doing it. The road map gives the lawyers the foundation to lead their clients to a successful resolution.

VIII. 1:45-2:30 – Making the Paradigm Shift

Aida Havel

Aida explores how to make the transition from the rules and position-based negotiating taught in law school to a more cooperative, interest-based approach to solving legal issues. We will consider the different skill sets and personal characteristics of collaborative attorneys and trial lawyers. Aida proposes that we can use ten specific ideas to make the shift and offers us the reward of increased job satisfaction and personal growth if we do.

IX. 2:30-2:45 – Break

X. 2:45-3:30 – Client Preparation (Including Debrief)

Melanie Atha

Once your clients are on board and the team assembled, what does the collaborative lawyer need to do to have the client ready for the first collaborative meeting? What needs to be done in follow up to keep the client prepared for subsequent meetings as the case progresses towards resolution? What opportunities for process improvement can the collaborative lawyer and her client anticipate and take advantage of? This session focuses on the importance of client prep and debriefing in collaborative process.

- XI. 3:30-4:30 – Collaborative Meetings, Step-By-Step
Sherrie Abney
A detailed explanation of how collaborative meetings are conducted including various means of assisting participants in forming a team to solve their problem rather than behaving toward each other as adversaries. Lawyers will review forms for agendas and minutes of meetings as well as managing meetings, seating arrangements and other details that allow the meetings to run smoothly and the parties to be more relaxed and comfortable.
- XII. 4:30-5:00 – Q & A and wrap up

DAY ONE – 405 MINUTES (INCLUDING 60 MINUTES ETHICS) CLE CREDIT APPLIED FOR

DAY TWO: FRIDAY, SEPTEMBER 21
– ADVANCED COLLABORATIVE CIVIL TRAINING

8:30-8:45 – Welcome and Sponsor Recognition

- I. 8:45-9:45 – Use of Mediators in Collaboration
David Hoffman/Larry Maxwell
David and Larry discuss a brief history of the relationship between mediation and collaboration. Are there too many cooks in the kitchen? Consider how collaborative law has evolved from four people to six, eight, and now five. What of the strained relations between mediation and collaborative practice? If we use a mediator in CL, how do we decide what type of mediator to use? Is she a lawyer, therapist, financial specialist, or some other kind? Is he facilitative, evaluative/directive, transformative, or a combination of all three? Can and, if so, how do mediators add value to the process? And, lastly, how do privilege, confidentiality, and ethics interplay when a mediator is introduced into the process? Among other issues, whose rules govern ethics, and why does it matter?
- II. 9:45-10:00 – Break
- III. 10:00- 11:30 – Conscious Contracts
Glenn Meier
In this day of buying forms on-line, lawyer-provided contracts must offer a more customized approach. What is it that we can offer our clients that is more than forms that can be downloaded? Glenn introduces a new model of drafting contracts that incorporates the principles of conscious business, deliberate selection of conflict resolution approaches, and how to talk to your clients about your role as a lawyer in helping them to build sustainable relationships. For civil collaborative practitioners looking to expand their client base or family practitioners who want to create more conscious lawyer-client relationships, this program is an overview to the longer program Glenn offers around the world.

- IV. 11:30-1:00 – Lunch – Panel Discussion: Do What Works
Sherrie Abney, Stu Webb, Barbara Kelly, and Joryn Jenkins
Soft skills are critical to the sales process and in executive polish, which is all about solving the client’s problems profitably. But how do we, collaborative professionals, apply *our* soft skills? How do we ensure mutually satisfactory conflict management or, if necessary, negotiate an equally acceptable exit strategy for the relationship, whether it’s an employment relationship, a commercial partnership, a divorce, a family business, a real estate enterprise or some other business relationship? Join us as we talk about that with the progenitors of both the collaborative divorce and collaborative civil dispute processes, along with an experienced collaborative facilitator.
- V. 1:00-2:30 – Case Study
Sherrie Abney/Marc Sheridan
Attendees will be divided into groups and general descriptions of the dispute and the parties in the dispute will be distributed. Participants in each group will role play a "character" in a Collaborative Law case from beginning to end employing all of the steps in the collaborative process. Roles will include the parties, their lawyers, any experts they determine they need, and a facilitator to keep discussions on track. The case concerns business partners who were very close at one time. However, their relationship began to go awry, and they literally ceased communicating with each other. Not wanting to go to court, they choose Collaborative Law in an attempt to resolve their dispute. The goal of this exercise will be to turn what would normally be an adversarial situation into a team effort to find the best solutions for each party, mend their relationships and put the business back on track.
- VI. 2:30-2:45 – Break
- VII. 2:45-4:00 – Expanding Collaborative Conflict Resolution to Civil Legal Disputes
Aida Havel/John Sarratt

North Carolina collaborative professionals have introduced collaborative law principles to civil practice attorneys across the state, including medical malpractice attorneys, construction industry lawyers, employment lawyers and small business attorneys. This program will teach you how to effectively introduce law schools, students, bar association leaders, dispute resolution colleagues and civil practitioners to collaborative practice, including how to create engaging, informative and substantive CLEs, and how to market to clients in states where collaborative law is just emerging.
- VIII. 4:00-5:15 – Case study (continued)
Sherrie Abney/Marc Sheridan
- IX. 5:15 -5:30 – Q & A
- 5:30 Social Hour (location TBD)

DAY TWO – 495 MINUTES CLE CREDIT APPLIED FOR

DAY THREE: SATURDAY, SEPTEMBER 22
ADVANCED COLLABORATIVE CIVIL TRAINING

8:30-8:45 – Welcome and sponsor recognition

- I. 8:45-10:15 – Power of TED - The Empowerment Dynamic
Glenn Meier
When people are embroiled in conflict, it is easy for them to become stuck in ways of thinking that drag the conflict out. Collaborative practices offer a different way of relating to conflict, but unless people bring a different mindset to those processes, collaborative practice won't reach its full potential. The Power of TED* (The Empowerment Dynamic) offers tools for both individuals and organization to relate differently to what the world throws at them. TED* teaches people how to transform everyday drama and opt for more growth oriented solutions.
- II. 10:15-10:30 – Break
- III. 10:30-11:45 – Case Study (continued)
Sherrie Abney/Marc Sheridan
- IV. 11:45-12:45 – Lunch
- V. 12:45-1:45 – Ethics Hour: Informed Consent
Jeanette H. (“Jae”) Barrick
- VI. 1:45-3:00 – Case Study (continued)
Sherrie Abney/Marc Sheridan
- VII. 3:00-3:15 – Break
- VIII. 3:15-4:30 – Marketing Your Collaborative Practice
Joryn Jenkins
Collaborative professionals may be challenged in communicating the utility of the team approach to their clients. Also, clients’ anxiety about perceived costs may prevent them from envisioning the benefits of the team approach. Joryn offers a variety of marketing strategies and tools that will enable the collaborative practitioner to effectively promote the benefits of the collaborative team model. For civil collaborative practitioners looking to expand their client base, this one-hour program is an overview to day-long training Joryn offers world-wide. Learn the art and science of marketing the collaborative process effectively.
- IX. 4:30-5:00 – Q & A and wrap up

DAY THREE – 405 MINUTES (INCLUDING 60 MINUTES ETHICS) CLE CREDIT APPLIED FOR