

Controversial Issues in Mediation

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Friday, March 13, 2020

8:30 a.m.–12:30 p.m.

Oregon State Bar Center

16037 SW Upper Boones Ferry Rd., Tigard

CLE credits: 1.75 General,

1 Ethics (Oregon Specific), 1 Access to Justice

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Today's world of mediation faces an array of complex issues. From legal malpractice limits to diversity concerns, seasoned practitioners will discuss how you can address these issues in your litigation, transactional, or mediation practice. Gain an understanding of the legal malpractice limits under *Alfieri v. Solomon*, and discover tips for whether to include mediation clauses in contracts and how to draft them. Explore whether there's too much or not enough mediation in general, and take a look at diversity aspects in mediation, including mediator cultural competency.

Alternative Dispute Resolution Section members save \$10 off registration rates.

LIVE WEBCAST



Includes online access to recorded seminar for 60 days after the live event.

- \$80 ONLD member
- \$100 Alternative Dispute Resolution Section member (enter coupon code **ADR20SM** to receive discount)
- \$110 OSB member
- \$120 Non-OSB member



Questions or need help with registration?

Call the OSB CLE Service Center:
(503) 431-6413 or (800) 452-8260, ext. 413

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8:00 Registration

8:30 Legal Malpractice Limits Under *Alfieri v. Solomon*

- Limitations on client ability to maintain legal malpractice cases arising in mediation proceedings under *Alfieri v. Solomon*
- Is there a duty to warn clients about these limitations?
- Is an attorney obligated to discuss different case process options (mediation, litigation, arbitration, collaborative law) with a client?

Joseph Arellano, Foster Garvey PC, Portland

Kirc Emerson, Richardson Wright LLP, Portland

Kim Gordon, MA, JD, Portland

9:30 Diversity Aspects in Mediation

- When considering a mediator for appointment, can lawyers consider the mediator's race, gender, ethnicity, or other aspects of diversity based upon the needs of the parties and the nature of the case? Should they?
- Mediator cultural competency
- Access to mediation

Lisa Amato, Amato Mediation, Portland

Rubén Rivera, Law Office of Rubén Rivera, Portland

Ernest Warren, Jr., Warren & Sugarman, Portland

10:30 Break

10:45 Fantasies and Nightmares: Mediation Clauses in Contracts

- Mandatory vs. optional mediation clauses
- Drafting to avoid unintended consequences
- Options for mediator selection and process

Caroline Harris Crowne, Tonkon Torp LLP, Portland

11:30 Mediation—Too Much or Not Enough?

- Why are there so few civil jury trials?
- Negotiation rather than mediation
- How to let opposing counsel know that you are ready, willing, and able to try your case (if necessary)

Moderator: Richard Spier, Mediator, Portland

Jason L. Kafoury, Kafoury & McDougal, Portland

Angela Laidlaw, Laidlaw and Laidlaw PC, Oregon City

Elizabeth E. Lampson, Davis Rothwell Earle & Xochihua PC, Portland

Richard J. Vangelisti, Vangelisti Mediation, Portland

12:30 Adjourn

Planning Committee

Myah Kehoe, Kehoe Law LLC, Portland

Richard Spier, Mediator, Portland

Products

ADR20.CD

Audio CDs with electronic materials\$110

ADR20.DVD

DVDs with electronic materials \$125

This seminar will be available on-demand after the live program. Please visit www.osbar.org/seminars and search for ADR20. On-demand access is available for 60 days after the date of purchase.

General Information

Cancellations: Cancellation requests must be received by the OSB CLE Service Center at least 72 hours prior to the date of the seminar to qualify for a refund. Refunds are subject to a \$25 cancellation fee.

Tuition Assistance: Email a request stating your financial situation to cle@osbar.org no later than one week before the seminar.

Dietary Restrictions or Accessibility Accommodations:

Please call (503) 431-6375 or (800) 452-8260, ext. 375, at least 72 hours before the date of the seminar.



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