

2021 WINKLER/IAM/OSGOODEPD CONFERENCE ON MEDIATION CLOSING THE DEAL: EFFECTIVE STRATEGIES FOR ADVOCATES AND MEDIATORS

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WINKLER
INSTITUTE
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International
Academy of Mediators

Established 1996



YORK 

Learn how to navigate complex and nuanced issues in today's mediations from international mediation experts.

- Establishing quality interactions with parties to close the deal
- Aligning the interests of multiple parties
- Navigating and getting past points of impasse
- Applying effective approaches to dealing with difficult people and situations
- Managing and overcoming ethical considerations throughout the mediation process
- Increasing your effectiveness in online mediations

Plus! Don't miss the *Interactive Multi-Party Case Analysis*

You will have the opportunity to analyze a multi-party dispute and brainstorm strategies for overcoming challenges and closing the deal.

KEYNOTE SPEAKER

Marie Henein, Senior Partner, Henein Hutchison LLP on
"*Closing the Deal – A User's Perspective*"

Program Chair

J. Jay Rudolph, LL.B. C.Med., C.Arb
Rudolph Mediation & Arbitration
Services Inc.

Date and Time

May 13, 2021
9:00 a.m. – 4:00 p.m. EDT
Live Online

Register today at:

[osgoodepd.ca/
mediation2021](https://osgoodepd.ca/mediation2021)

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Closing the Deal: Effective Strategies for Advocates and Mediators

Mediation plays a critical role in our justice system. It requires a special skill set and raises unique challenges for both mediators and counsel. Beyond the justice system, mediation approaches and techniques are increasingly used in a wide variety of settings.

Developed as part of a unique partnership of legal, mediation and academic experts, this joint **Winkler/IAM/OsgoodePD** annual program draws from national and international faculty, and provides a forum of discussion focused on broadening the skills of counsel and mediators.

This year's program focuses on navigating the challenges faced by counsel and mediators during the mediation process and applying effective strategies to help close the deal, including:

- The most effective approaches to dealing with difficult people and situations during mediation
- Creating quality interactions with all participants at the mediation table
- Strategies to overcome points of impasse
- Managing diverging interests in multi-party cases
- Benefits of a transformative approach to settlement
- Overcoming ethical dilemmas as you close the deal

PLUS! Don't miss your chance to hear from Keynote Speaker **Marie Henein** and to participate in the group **Interactive Multi-Party Case Analysis**.

Who Should Attend

- Mediators
- Government Lawyers
- Arbitrators
- In-house Counsel
- Private Practice Lawyers
- Ombudspersons

Register today at:

osgoodepd.ca/mediation2021

Agenda

8:30 a.m.

Virtual Room Opens

9:00 a.m.

Welcome and Introduction

J. Jay Rudolph, LL.B. C.Med., C.Arb
Rudolph Mediation & Arbitration Services Inc.

9:15 a.m.

Opening Address: Relational Moves – Quality Interactions, Fear, and “Closing the Deal”

Louise Phipps Senft
Baltimore Mediation, ABA Chair of Relational Practices in ADR

9:45 a.m.

Navigating Impasse – Effective Mediation Techniques

Moderator:

Martha Simmons
Winkler Professor of Dispute Resolution; Academic Director, Winkler Institute of Dispute Resolution

Panelists:

Chuck Doran
Immediate Past President, IAM

Allan J. Stitt
President and CEO, ADR Chambers

- Overview of mediator's proposals
- Communicating with difficult counsel and parties
- The benefits of a transformative approach to settlements
- Recognizing and navigating ethical issues

• What to do when:

- No one wants to make a first offer
- A party threatens to walk out
- There is a stalemate on offers

10:45 a.m.

Break

11:00 a.m.

“Getting to the Deal” with Difficult Situations (and People)

Moderator:

Louise Phipps Senft

Baltimore Mediation, ABA Chair of Relational Practices in ADR

Panelists:

Chris Paliare

Paliare Roland LLP

Jody Sin

Vice-Chairperson, Hong Kong Mediation Council

- Who and what defines a difficult situation
- What approaches can you use to navigate yourself in difficult situations
- What methods can you use to “close the deal” with difficult people

Through the lenses of three seasoned practitioners, including a transformative mediator, you will be challenged to overcome difficult situations and personalities and to use different strategies to close the deal.

12:00 p.m.

Lunch Break

1:00 p.m.

Special Address: Closing the Deal – A User’s Perspective

Marie Henein

Henein Hutchison LLP

1:45 p.m.

Interactive Multi-party Case Analysis

Jon Fidler, JD, C.Med.

M+F Mediation & Arbitration Services;
President, IAM

Michael Dickstein

Dickstein Dispute Resolution

In this series of large and small interactive discussions, participants will analyze and tackle the complicated issues raised by a complex multi-party dispute. Using a common scenario, challenges will be identified, participants will work together to navigate them, and facilitators will help participants determine how best to avoid impasse and ethical dilemmas, on the way to expertly closing the deal. Issues raised by the scenario will include:

- Managing the competing, shifting and parallel interests of multiple parties
- Mediating conflicting interests between co-plaintiffs, and between co-defendants
- Exploring the additional layers added by insurers and insured parties
- Working with the intersection of emotional and business interests
- Maintaining future relationships beyond the dispute
- Dealing with government entities
- Identifying and avoiding ethical land mines
- Considering the novel layer of challenges raised by Zoom

2:45 p.m.

Break

3:00 p.m.

Interactive Multi-party Case Analysis (continued)

3:30 p.m.

Panel Discussion: Bringing it all together

The Hon. Warren K. Winkler, OC, O.ont., QC

Former Chief Justice of Ontario,
Mediator & Arbitrator

Louise Phipps Senft

Baltimore Mediation, ABA Chair of Relational Practices in ADR

Chuck Doran

Immediate Past President, IAM

This panel will discuss and highlight key takeaways from the day and take questions from the participants.

4:00 p.m.

Conference Concludes



Chair

J. Jay Rudolph, LL.B. C.Med., C.Arb.*
Rudolph Mediation & Arbitration
Services Inc.

Faculty

Jon Fidler, JD, C.Med.*
M+F Mediation & Arbitration
Services; President, IAM

Michael Dickstein*
Dickstein Dispute Resolution

Chuck Doran*
Immediate Past President, IAM

Chris Paliare
Paliare Roland LLP

Louise Phipps Senft*
Baltimore Mediation, ABA Chair
of Relational Practices in ADR

Planning Committee

Jon Fidler, JD, C.Med.*
M+F Mediation & Arbitration
Services; President, IAM

Paul M. Iacono, QC**
YorkStreet Dispute Resolution
Group Inc.

**Alicia Kuin, C.Med, LL.M. (ADR),
M.A., B.A.**
Conflict Analyst & Mediator,
YorkStreet Dispute Resolution
Group Inc.

Richard Rejino
Executive Director, International
Academy of Mediators

Special Guest Speaker

Marie Henein
Senior Partner, Henein Hutchison
LLP

Martha Simmons
Winkler Professor of Dispute
Resolution; Academic Director,
Winkler Institute of Dispute
Resolution

Jody Sin*
Vice-Chairperson, Hong Kong
Mediation Council

Allan J. Stitt*
President and CEO, ADR Chambers

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Martha Simmons
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Resolution; Academic Director,
Winkler Institute of Dispute
Resolution

**The Hon. Warren K. Winkler,
OC, O.Ont., QC*****
Former Chief Justice of Ontario,
Mediator & Arbitrator

* *Distinguished Fellow, IAM
(International Academy of Mediators)*

** *Member of the IAM Order of the
Knights*

*** *Honorary Fellow, Lifetime
Achievement Award, IAM*

Registration Details

Fee per Delegate

\$295 plus HST

Fees include attendance and program materials. Group discounts are available. Visit www.osgoodepd.ca/group-discounts for details. Please inquire about financial assistance.

Program Changes

We will make every effort to present the program as advertised, but it may be necessary to change the date, location, speakers or content with little or no notice. In the event of program cancellation, York University's and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

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Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund is available if a cancellation request is received in writing 14 days prior to the program date. If a cancellation request is made with less than 14 days notice, a \$75 administration fee will apply. No other refund is available.



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