

Virtual Mediation Bootcamp and Mentorship Roundtable: Your Essential Guide to Excelling at Mediation

Alternative Dispute Resolution / Young Lawyers Central Division



Webcast

Date: Tuesday, September 29, 2020 | 9:00 am to 1:00 pm

Location: Webcast only

Program Chairs: Mitchell Rose, Rose Dispute Resolution
Mana Khami, Harrison Pensa LLP



This program is eligible for up to 3hr 30 m Substantive Hours and 0hr 15m Professionalism Hours and EDI Professionalism Hours 0h 15m

Mediation is a key step in litigation that gives parties the opportunity to resolve complex disputes before litigation, and the process and outcome of your mediation will be determined by your skill and level of preparedness. At this program, our exceptional faculty will share keen insights honed over years of experience as both counsel and mediators. You will be guided through the entire mediation process, from selecting a mediator, to preparing yourself and your client, through mastering the mediation and the appropriate steps to take after the mediation is complete. The presentations by our expert panel will be followed by a mentorship roundtable, where participants will have the opportunity to speak to the experienced mediators and counsel in our smaller virtual break-out rooms. Join us for this highly practical and thorough program!

9:00 am Welcome and Opening Remarks

9:05 am **Setting Up Your Mediation for Success**

Harold Arkin, Chartered Mediator, and member of the Ontario and Manitoba Bars

Mitchell Rose, Rose Dispute Resolution

Afsana Gibson-Chowdhury, Gibson-Chowdhury Mediation

- What are the different mediation styles?
- How to determine when the time is right for mediation
- How to select the right mediator, including considerations like cultural competency and the diversity of your mediator choices

- Effectively using the mediator
- The ins and outs of caucusing
- How to handle impasse, bad behaviour and fatigue
- When is it time to terminate the mediation?

11:30 am Health Break

9:50 am **Strategies for Preparing Yourself and Your Client for Mediation**

Megan Keenberg, Van Kralingen & Keenberg LLP

Mana Khami, Harrison Pensa LLP

- Making the most of the pre-mediation conference
- Helpful advice for putting your best foot forward in the mediation brief
- How to effectively utilize your client's knowledge of the other parties to anticipate adverse interests, priorities and goals, and to identify commonalities
- Preparing your client mentally, legally and emotionally

11:40 am **So Your Mediation is Complete! What Next?**

Megan Keenberg, Van Kralingen & Keenberg LLP

Bernard Morrow, Morrow Mediation

Afsana Gibson-Chowdhury, Gibson-Chowdhury Mediation

Ryan Watkins, Whitten and Lublin

- Advice for post-mediation steps when you've reached a deal: papering the deal, when to seek court approval, and dealing with buyer's remorse and the regret-filled client
- What to do when the mediation fails: including what to expect from your mediator, how to engage your mediator for negotiations after the mediation, and how to do a mediator's proposal

10:30 am **Mastering the Mediation**

Bernard Morrow, Morrow Mediation

Mana Khami, Harrison Pensa LLP

Marshall Schnapp, Schnapp Mediation & Arbitration

Zahra Taseer, Simpson Taseer LLP

Harold Arkin, Chartered Mediator, and member of the Ontario and Manitoba Bars

- How to set up an ethical framework for your mediation, including your ethical and professional duties as counsel
- When should you use an opening statement and what should it contain?
- Identifying and managing interests and positions
- Negotiation techniques including anchoring and strategic pacing of bids

12:15 pm Mentorship Break-out rooms

12:50 pm Questions and Concluding Remarks

1:00 pm Program Concludes

PROGRAM REGISTRATION IS ONLINE www.oba.org/pd

Questions? pd@oba.org