

Justice Marie L. Garibaldi American Inn of Court for ADR
2022-2023 Programming Calendar

*PLEASE MARK THESE DATES ON YOUR CALENDAR
AND REMEMBER TO INVITE POTENTIAL MEMBERS TO JOIN US!*

*All meetings take place on the second Thursday of the month (with one exception) and
are presented in hybrid format at the Basking Ridge Country Club
unless otherwise indicated*

September 8, 2022 **Mixing Modes to Resolve Disputes and the Problem of Neutrals “Switching Hats”**

Mediators and arbitrators have historically been trained to carefully “stay in their lanes,” but parties with disputes often do not make or even understand the distinction between the various modes of ADR. Rather, parties often simply seek someone to assist them in resolving their dispute. The need to meet the parties’ needs has led to a robust discussion among neutrals regarding “mixing modes” to promote efficient and effective dispute resolution. This program will provide an introduction to this ongoing conversation, with a panel including Inn Member **Steven Bierman, Debbie Masucci, and Edna Sussman** addressing the process of working with parties to design an explicitly “mixed” dispute resolution process and specific ways in which adjudicative methods, specifically arbitration, can provide more opportunities for parties to pursue settlement in the midst of the arbitration. The panel will also explore the ethical issues embedded in neutrals “switching hats” (changing roles) in dispute resolution processes.

We will also be bestowing the Jeydel Award, which is given annually in memory of Richard K. Jeydel, a founding Master of the Inn, to a current member of one of the American Inns of Court located in New Jersey in recognition of his/her demonstrated civility, professionalism, ethics, and excellence in and service to ADR.

October 13, 2022 **Ways to Be a Better Mediator**

Inn Counselor **Robert Lenrow** will moderate a panel discussion arising out of an article by John Lande entitled “How You Can Solve Tough Problems In Mediation.” The panel will discuss topics including: What makes for a good mediation? What process makes for a good mediation? What is the importance of a mediator’s success rate? and others. The panel will identify tools and techniques for mediators to enhance their skills, and analyze the issues against the applicable ethical guidance. The goal of this program is to provoke a lively discussion among members, as well as informative exchanges between members and the panel.

November 10, 2022 **Oxford-Style Debate on Arbitration Issues**

Inn Member **Robert Bartkus** will moderate a lively debate between guest speakers persuasively arguing in favor of and against a number of interesting arbitration (and controversial) issues regarding domestic (U.S.) arbitration hearings, including “hot tubbing” to manage competing expert witness testimony, managing arbitration presentations using “Redfern” or “Scott” schedules more extensively than for traditional document or privilege issues, and permitting non-lawyers to present a case on behalf of a legal entity. As is customary in such debates, the success of the speakers’ efforts will be gauged by a survey of attendees’ views before and after each debate topic. Join us and see if you will be persuaded!

December 8, 2022 **Annual Holiday Party**

We hope all members and a guest will attend our Annual Holiday Party, with live entertainment provided by the trio Hector, Williams and Braham, led by Inn Member **Bruce Hector**!

January 12, 2023 Lost in Translation – Understanding “Millennial Speak” in ADR Settings
 (Meeting with the Sidney Reitman Employment Law American Inn of Court)

As ADR professionals, we continually seek to increase our communication skills and expand our cultural competencies. Understanding ever-changing generational perspectives and relating to younger *millennial* party representatives and attorneys is increasingly crucial to effective communications in the mediation and arbitration settings. Join our national panelists as we seek to gain a deeper cultural understanding of “millennial speak”: Inn member **N. Janine Dickey; Allen Sydnor**, senior litigator with Huie Fernambucq & Stewart, LLP in Birmingham AL; **Jennifer M. Lankford**, Associate General Counsel at Cracker Barrel Old Country Store, Inc., in Lebanon, TN, and **Barath S. Raman**, of Lewis Wagner, LLP in Indianapolis, IN. *This program offers 2.0 CLE credits in Diversity, Inclusion & Elimination of Bias and will be presented only via Zoom.*

February 9, 2023 Mediating High Conflict Disputes
 (Joint Meeting with NJSBA DRS and NJAPM)

We often try to hone our mediation skills, but rarely do we have an entirely new approach and new techniques to consider. In a program led by Inn Members **Laura Kaster** and **Patti Russell**, Bill Eddy, the lead author of *Mediating High Conflict Disputes*, will be joined by **Susan Guthrie** to discuss a new tool to add to your toolbox. It melds the interests of the matrimonial bar with those of commercial mediators and incorporates learning from the field of psychology. Mr. Eddy’s book presents a paradigm shift for dealing with specific types of parties (and maybe lawyers). Inn Members will also receive a copy of the book. *This program presented only via Zoom.*

March 9, 2023 Venting: Is it a Catalyst or an Impediment to Resolution?

Mediation is often promoted as an opportunity for the disputants to participate in an alternate, less formal process to reach a resolution of their conflict. But to what extent should participants be allowed to “blow off steam” or “get it off their chest” during a mediation? Professor (and Honorary Inn Member) **Jon Hyman** and Inn Member **Terri Reicher** will lead an interactive discussion addressing the benefits and disadvantages of venting in mediation in this remote program. *This program presented only via Zoom.*

April 13, 2023 ADR Ethics Through Movies and Television

Inn Member **Theo Cheng** will present scenes from some well-known movies and television shows depicting negotiations, mediations, and arbitrations. The cinematic moments that create the drama and comedy in these films and shows often hinge on the actions of lawyers, both inside and outside the courtroom, as well as neutrals, raising interesting (and sometimes troubling) ethical issues for consideration. Popcorn will be provided. *This program offers 2.0 CLE credits in Ethics.*

April 18, 2023 Mediation’s Dirty Little Secret
 (Joint meeting with Memphis ADR American Inn of Court)

A presentation by Professor **James Coben**, the author of an article of the same title, will address such topics as mediator manipulation and deception. This topic lends itself to lively group discussion in our second joint meeting (via Zoom) with the Memphis ADR American Inn of Court. *This program presented only via Zoom.*

May 11, 2023 Redefining the Legal Landscape: An ADR Law Update

It has been a few years since we have had a true update on the law relating to ADR proceedings. Independent arbitrator and mediator **Alfred Feliu**, author of the *Feliu Case Summaries*, will provide us with both legislative and decisional law updates and developments pertaining to arbitrations and mediations.