The Institute for Dispute Resolution at University of Florida Levin College of Law Presents:

A Collective 250 Years and 45,000 Mediations - 8 Hours Live
The Mediators of Upchurch Watson White & Max
October 20, 2017

7:40am - 8:20am REGISTRATION AND CONTINENTAL BREAKFAST

8:20am - 8:25am WELCOME

8:30am - 9:20am Standards of Good Faith Conduct in Mediation-Mediators and Lawyers (Watson, Tetrault, Schwait)
A survey of existing divergent statutes, Court rules, judicial referral orders, administrative rules and ethical standards that seek to define and mandate "good faith" conduct and participation in mediated settlement procedures for lawyers and litigation parties. The program then explores enforcement policy issues, and how "good faith" can be objectively defined. The commonly expressed "satellite litigation" and "confidentiality" problems with implementing good faith standards are reviewed with a concluding discussion on confronting the bad faith problems in order to preserve the integrity of the civil trial mediation process.

9:25am-10:15am What's Going On in the Other Room, (Lord, Fleming)
Two experienced mediators will help you understand yourself and others better and show you how mediators can ethically and effectively help reduce the odds of the mediation reaching impasse. Mediation is not one discrete event, nor a single process, so much as many small processes undertaken consciously and subconsciously by each and every active participant in the process. That is why progress ebbs and flows and may seem elusive for quite a while before it is clearly being made. And those layers flow from the individuals - their experiences, framework, world-view or what we commonly refer to as “perspective.” There is also the influence of emotion and related emotional reasoning. All of the above impacts not only what happens from room-to-room, but also what happens within each one. “One size does not fit all.”

10:15am-10:30am Break

10:35am-11:25am Language of Mediation (Marsee, Kolin)
This session is designed to increase each participant’s sensitivity to both the positive and negative potential of language in the setting of conflict resolution - whether in the role of a mediator or a negotiator. It should aid in the recognition of destructive language patterns and modes of communication. Through a look at cultural metaphors and discourse analysis, it should make each participant realize that language has an impact on a subconscious as well as a conscious level. In the setting of conflict resolution, it offers concrete, positive alternatives to potentially destructive speech. It should increase each participant’s awareness of the relationships among language, culture and diversity. It should increase each participant’s sensitivity to the importance of structural and non-verbal aspects of communication. It explores the idea that language can direct thought and action as surely as thought can direct language. It will drive home that, as mediators, we are not only responsible for what we say--we are also responsible for what the listener hears.

11:30am-12:20pm Negotiation Skills (Lane, Sands, Capp) Effective negotiation strategies under impasse scenarios. The presentation will include ethical use of information to promote informed decision-making and strategies to break impasse.
12:20pm-1:10pm    Lunch

1:15pm-2:05pm    **Designing the Mediation Process (Max, Brandy, Lienicke)**
Designing the Mediation Process: How advance communications and planning with the mediator can set the table for achieving successful mediation parameters while timely dealing with sensitive issues of ethics, culture and diversity, and domestic violence.

2:10pm-3:00pm    **Cross Cultural Mediation (Cata, Garcia, Lord)**
Culture’s role in dispute resolution and diversity awareness. Through a moderated panel discussion they will explore culture’s origins, study the concept of biases and stereotypes, examine subcultures and their effect on communications and learn how to measure cultural competence as a tool to greater cultural awareness. Like diplomats, mediators need not be of the same race, religion or national origin as the disputants. However we must identify and address our own cultural and gender perceptions and biases and be ever curious discouraging attitudes that are judgmental or stereotypical to avoid barriers and foster credibility and trust necessary for a successful mediation.

3:00pm-3:15pm    Break

3:20pm-4:10pm    **Diffusing Volatile Emotions (Jernigan, Peters)**
This presentation will educate the participant on the physiology of the brain, the origin of emotion in the brain and how emotion affects behavior and decision-making. The participant will learn how power, status, fear and reward affect behavior and how the mediator can employ certain techniques to guide and direct parties away from volatile emotions and towards rational decision-making. Attendees will learn the techniques developed by the FBI’s Crisis Management Unit and used by hostage negotiators worldwide today.

4:10pm-5:00pm    **The Florida Mediation Movement - A Perspective (Upchurch, Watson, White, Max)**
Senior mediators, John Upchurch, Larry Watson, Terry White and Rod Max, founders of the Upchurch Watson White & Max Mediation Group and pioneers in the Florida mediation movement will look back over the past 30 years from the creation of the Florida mediation culture to the present. With Kimberly Sands moderating the discussion, the UWWM principals will track the growth of mediation as an integral part of our judicial system, review professional business practices that have evolved, define issues and obstacles faced along the way and speculate on what lies ahead for Florida mediators. The expansion and direction of prevailing ethical standards, mediation practice techniques, and professional business models will also be explored and critiqued by the group. “Here’s where we started, here’s where we are, and here’s where it looks like we’re going” in the world of Florida mediation.

5:00    Evaluations and Close