The Litigative DNA - The Underutilization of Mediation in New York and What Can Be Done About It

Sponsored by the Commercial and Federal Litigation Section, Corporate Counsel Section and by the Dispute Resolution Section.

Wednesday, May 9, 2018
9:00 a.m. - 5:30 p.m.
8.0 MCLE Credits: 1.0 Ethics, 7.0 Areas of Professional Practice

Fordham Law School
Costantino & Bateman Rooms
150 W 62nd St
New York, NY 10023

Program Co-Chairs
Charles J. Moxley, Jr., Esq. | MoxleyADR LLC
Jeffrey T. Zaino, Esq. | American Arbitration Association

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This joint program of the Commercial and Federal Litigation, Corporate Counsel, and Dispute Resolution Sections will explore the contemporary role of mediation in New York and the potential expansion of that role along the lines of initiatives that have taken place in other jurisdictions. The program will also address the substantial need for additional mediators and trained mediation counsel if the use of mediation is substantially increased in the courts in New York.

Speakers will include representatives of court systems from New York (Federal and State) and other jurisdictions to examine what happens when court systems substantially increase the number and types of cases that are sent to mediation. Speakers will also include mediators, party representatives, and representatives of mediation providers, including the American Arbitration Association, JAMS, CPR, and HRRA.

Leading judges and Bar leaders will also speak at the conference to discuss the possible increase in the use of mediation in New York and how that might be caused to happen. The program is appropriate for inside counsel, litigators, mediators, judges, ADR providers, and others interested in the present level of mediation provided by the courts in New York and the potential for expanding that level of mediation.

Agenda:
8:30-9:00 a.m. | Registration
9:00-9:15 a.m. | Welcome and Introductions
Professor John D. Feerick, Fordham Law School
Charles J. Moxley, Jr., Program Co-Chair
Jeffrey T. Zaino, Program Co-Chair

9:15-10:15 a.m. | Effectiveness of Mediation—and Efforts of the New York Bar to Increase the Use of Mediation in the New York Courts: The Ethical Imperative
Moderator: Charles J. Moxley, Jr., MoxleyADR LLC

Panel Members
Simeon H. Baum, Resolve Mediation Services, Inc.
Krista Gottlieb, ADR Center & Law Office
Claire P. Gutekunst, GukekunstADR
Chris Stern Hyman, Medical Mediation Group, LLC
Deborah Masucci, Chair, International Mediation Institute
Paul D. Sarkozi, Tannenbaum Helper Syracuse & Hirschtritt LLP
David C. Singer, SingerADR

10:15-10:30 a.m. | Break

10:30 a.m.-11:30 a.m. | Levels of Use of Mediation by Private Providers and in the Ad Hoc World—and Reasons There Is Not a Greater Level of Use
Moderator: Jeffrey T. Zaino, American Arbitration Association

Panel Members
Steven C. Bennett, Park Jensen Bennett LLP
Tracey B. Frisch, American Arbitration Association
Hon. Helen E. Freedman, JAMS
Noah J. Hanft, CPR International Institute for Conflict Prevention & Resolution
Chrystal Loyer, FINRA
William K. Slate II, Dispute Resolution Data

11:30-12:45 p.m. | The User Perspective—How Parties and their Counsel in New York Feel About the Level of Mediation Offered and/or Required by the Courts and ADR Providers
Moderator: Adam J. Halper, Legal Wellness Institute at the Family Center

Panel Members
Krista Gottlieb, ADR Center & Law Office
Yun G. Lee, American International Group, Inc.
Gary P. Shaffer, Shaffer Mediation

12:45-1:30 p.m. | Lunch

1:30-2:00 p.m. | Keynote Address: The Compelling Case for Increasing the Use of Mediation in New York
Professor John D. Feerick, Fordham Law School

2:00-3:30 p.m. | Levels of Use of Mediation in Various Court Systems, Analysis of the Success, and Reasons for the Differences
Moderator: Professor Jacqueline Nolan-Haley, Fordham Law School

Panel Members
Administrators of New York Court-Based Mediation Programs:
Lisa Courtney, NYS Unified Court System
Rebecca Price, U.S. District Court, SDNY
Barry Radlin, U.S. District Court, WDCN
Robby Weinstein, U.S. District Court, EDNY
Kathleen M. Scanlon, U.S. Court of Appeals for the Second Circuit
Nicholas Hall (Texas)
Gail Killefer (California)
Susan C. Marvin (Florida)

3:30-3:45 p.m. | The Future of Mediation in New York: What to Do
Moderator: Charles J. Moxley, Jr., MoxleyADR LLC

Panel Members
Judges
Hon. Lawrence K. Marks, N.Y. Chief Administrative Judge
Hon. George B. Daniels, U.S. District Judge, SDNY
Hon. William M. Skretny, U.S. District Judge, WDCN
New York State Bar Association and City Bar Presidents
Claire P. Gutekunst, Former President, NYSBA
John S. Kiernan, President, City Bar Association
Stephen P. Younger, Former President, NYSBA

5:30 p.m. | Adjournment
5:30-7:00 p.m. | Wine and Cheese Reception

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Commercial and Federal Litigation Section Member: $150
Corporate Counsel Section Member: $150
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Learn more about the Commercial and Federal Litigation Section www.nysba.org/FED

Learn more about the Corporate Counsel Section www.nysba.org/CORP

Learn more about the Dispute Resolution Section www.nysba.org/DRS

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