



## **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

**[www.nysba.org/TheLitigativeDNA](http://www.nysba.org/TheLitigativeDNA)**



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

Wednesday, May 9, 2018 | 8.0 MCLE Credits: 1.0 Ethics, 7.0 Areas of Professional Practice  
[www.nysba.org/TheLitigativeDNA](http://www.nysba.org/TheLitigativeDNA)

## Program Co-Chairs

Charles J. Moxley, Jr., Esq. | MoxleyADR LLC

Jeffrey T. Zaino, Esq. | American Arbitration Association

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 FINRA.

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**

Prof. 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, GuekunstADR

Chris Stern Hyman, Medical Mediation Group, LLC

Deborah Masucci, Chair, International Mediation Institute

Paul D. Sarkozi, Tannenbaum Helpert 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.

1:30-2:00 p.m.

2:00-3:30 p.m.

Moderator:

3:30-3:45 p.m.

3:45-5:30 p.m.

Moderator:

5:30 p.m.

5:30-7:00 p.m.

**8.0 MCLE Credits:** 1.0 Ethics, 7.0 Areas of Professional Practice

**NYSBA Member: \$225** | Non-Member: \$325

**Commercial and Federal Litigation Section Member: \$150**

**Corporate Counsel Section Member: \$150**

**Dispute Resolution Section Member: \$150**

*Registration fee includes continental breakfast, lunch, and post-program reception.*

*For more information about NYSBA program policies, please visit [www.nysba.org/CLEProgramPolicies](http://www.nysba.org/CLEProgramPolicies).*

Elizabeth Champnoi, NYC Commission on Human Rights

Stephen P. Younger, Patterson Belknap Webb & Tyler LLP

## Lunch

**Keynote Address: The Compelling Case for Increasing the Use of Mediation in New York**

Prof. John D. Feerick, Fordham Law School

**Levels of Use of Mediation in Various Court Systems, Analysis of the Success, and Reasons for the Differences**

Prof. 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, WDNY

Robyn 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)

## Break

**The Future of Mediation in New York: What to Do**

Charles J. Moxley, Jr., MoxleyADR LLC

## 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, WDNY

**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

## Adjournment

## Wine and Cheese Reception

## 8.0 MCLE Credits

This course is approved for MCLE credit in New York for all attorneys, including those newly admitted.

**New York:** 8.0 Total Credits: 1.0 ethics, 7.0 areas of professional practice

**California and Pennsylvania:** 5.5 Substantive Law, 1.0 Ethics

**New Jersey: 8.0 Total Credits:** 1.0 Ethics/Professionalism, 0.0 towards certification in civil trial law, criminal trial law, workers compensation law and/or matrimonial law  
Uniform Certificates of Attendance can be issued for use in other jurisdictions.

The New York State Bar Association has been certified by the New York State Continuing Legal Education Board as an accredited provider of continuing legal education in the State of New York.

For information about the CLE Rules, visit [www.nycourts.gov/attorneys/cle](http://www.nycourts.gov/attorneys/cle)

## Information and Policies

**Cancellation Policy:** Receive a full refund or credit towards another program. Registrations cancelled less than three business days from the program date will be assessed a cancellation fee of \$25.00.

**Tuition Assistance:** Any attorney may apply for tuition assistance to attend this program based on financial hardship. Learn more at [www.nysba.org/TuitionAssistance](http://www.nysba.org/TuitionAssistance).

**Accommodations for Persons with Disabilities:** NYSBA is committed to complying with all applicable laws that prohibit discrimination against individuals on the basis of disability in the full and equal enjoyment of its goods, services, programs, activities, facilities, privileges, advantages, or accommodations. To request auxiliary aids or services, or if you have any questions regarding accessibility, please contact Cindy O'Brien at [cobrien@nysba.org](mailto:cobrien@nysba.org).

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

Wednesday, May 9, 2018

9:00 a.m. - 5:30 p.m.

Live Program with Reception to Follow

[www.nysba.org/TheLitigativeDNA](http://www.nysba.org/TheLitigativeDNA)

**8.0 MCLE Credits:** 1.0 Ethics, 7.0 Areas of Professional Practice

**NYSBA Member: \$225** | Non-Member: \$325

**Commercial and Federal Litigation Section Member: \$150**

**Corporate Counsel Section Member: \$150**

**Dispute Resolution Section Member: \$150**

*Registration fee includes continental breakfast, lunch, and post-program reception.*

## Program Co-Chairs

[Charles J. Moxley, Jr., Esq.](#) | MoxleyADR LLC

[Jeffrey T. Zaino, Esq.](#) | American Arbitration Association

Learn more about the Commercial and Federal Litigation Section [www.nysba.org/FED](http://www.nysba.org/FED)

Learn more about the Corporate Counsel Section [www.nysba.org/CORP](http://www.nysba.org/CORP)

Learn more about the Dispute Resolution Section [www.nysba.org/DRS](http://www.nysba.org/DRS)

To register call the NYSBA Member Resource Center at 1.800.582.2452 (U.S. and Canada) or 518.463.3724 in Albany & surrounding area or register online at [www.nysba.org/TheLitigativeDNA](http://www.nysba.org/TheLitigativeDNA).

Program Code: 0FG44

