

NORTH CAROLINA
BAR ASSOCIATION
seeking liberty + justice

Strategic Choices: Picking Your Playing Field

2022 Dispute Resolution Section Program

Friday, March 18, 2022
In-Person Live and Live Webcast

NORTH CAROLINA: 5.50 MCLE HOURS

Includes:

- 2.00 Ethics/Professional Responsibility
- 2.00 NC Dispute Resolution Commission CME

Planned by the NCBA Dispute Resolution Section

REGISTER TODAY

Save 10% if registration is received by February 25, 2022

cle.ncbar.org/courses/38575

IN-PERSON LIVE LOCATION

North Carolina Bar Center, 8000 Weston Parkway, Cary

Information on the Return to In-Person Live CLE Programs

By choosing to attend in person, you will be required to provide one of the following when you arrive at the CLE program:

- A vaccination record (printed or digital) indicating that you are fully vaccinated as defined by the CDC, or
- Documentation (printed or digital) of a negative COVID-19 PCR or antigen test conducted within 72 hours prior to the start of the program.

Association staff will note the type of documentation presented but will not make or retain copies.

You will also be required to wear a face mask when not actively eating or drinking.

If you are experiencing COVID-19 symptoms, or within a COVID-19 quarantine/isolation period (as defined by the CDC) on the day of the CLE program, you should not attend in person. If that happens, you should contact the CLE Department at 919.677.0561 to switch your registration to Live Webcast.

We will continue to evaluate and update our safety procedures for in-person CLE programs based on the latest guidance and may convert in-person programs to virtual Live Webcast programs if health and safety precautions require it.

For ease of participating, most of our In-Person CLE programs will be simultaneously available via Live Webcast. Approximately two weeks thereafter, the program will also be available on demand for asynchronous learning.

Program Summary

The past two years have been unique to all of us, both personally and professionally. Although the general consensus is that most legal matters should be resolved using a dispute resolution method rather than litigation, those methods are even more important now given the pandemic-induced backlogs our court system is facing.

This program is designed to allow you to choose your playing field. What platform do you want to use to hone your skills? What tools do you want to have in your toolbox? What unconventional methods can you use to negotiate and still comply with our statutes and NC Dispute Resolution Commission (DRC) regulations?

Featured speaker Ken Feinberg — one of the nation's leading experts in mediation and alternative dispute resolution — explores some unconventional responses to unique catastrophes, offering real-world examples of compensation programs that tailored the law to meet the challenges.

Past Program Testimonials



This was one of the best CLE's and the best ADR CLE I have ever attended.



Topics were fresh and new and incredibly impactful.

— Attendees, 2021 Dispute Resolution Section Program, March 11–12, 2021

AGENDA

Friday, March 18, 2022 | 8:25 AM–3:45 PM

8:25 Registration and Continental Breakfast

8:55 Welcome and Introductions

9:00 Dispute Resolution Commission Rules and Opinions | Kozlowski**
Receive an overview of the DRC Rules and Standards applied to mediators during an ongoing pandemic and discuss any updates to the rules and opinions in the last year.

10:00 Break

10:10 Going From Good to Great: The Golden Rules of Negotiation | Kennedy and Laney
As mediators, we frequently coach people as they negotiate a settlement to their dispute. For us to be great coaches, we must have top-notch information about the best negotiation practices. Hear a law professor and a long-time mediator share their experience and research into the skills and habits of the best negotiators.

11:10 Break

11:20 Unconventional Responses to Unique Catastrophes: Tailoring the Law to Meet the Challenges | Feinberg
Listen as one of the nation's leading experts in mediation and alternative dispute resolution explores compensation programs designed and administered as an alternative to conventional litigation. Using the 9/11 Victim Compensation Fund and the Deepwater Horizon BP Gulf of Mexico Oil Spill Fund, this session focuses on how these funds are drafted, the rare circumstances giving rise to such funds, and how they interact with courts and litigators.

12:50 Lunch Break

1:35 Go Ask Tara: The DRC's Responses to Unique Mediation Cases | Kozlowski**
Expanding on the DRC Rules and Opinions covered in an earlier session, the executive director of the NC Dispute Resolution Commission addresses specific questions about unique situations encountered by mediators during the pandemic and what an appropriate response from the Commission may be.

2:35 Break

AGENDA

- 2:45 **The Collaborative Playing Field** | Byers, Dilman, King and Ong
With two different Uniform Collaborative Law Acts — one in family law and one in civil law — North Carolina is a national leader in this form of alternative dispute resolution. Learn how the collaborative law process offers an innovated and client-centered approach to legal problem-solving. Hone your interest-based negotiation skills and develop effective client-counseling techniques for managing emotionally charged issues.
- 3:45 **Adjourn**

* Indicates portion providing Ethics/Professional Responsibility credit
≠ Indicates portion providing NC Dispute Resolution Commission CME

PROGRAM DETAILS

Speakers

- **Colleen Byers**, Colleen Byers Mediation LLC, Winston-Salem
- **Deborah L. “Deb” Dilman**, Southpark Family Law, Charlotte
- **Kenneth R. “Ken” Feinberg**, The Law Offices of Kenneth R. Feinberg, Washington, D.C.
- **Joseph Edward Kennedy**, UNC School of Law, Chapel Hill
- **Tara Lynn Kozlowski**, North Carolina Dispute Resolution Commission, Raleigh
- **Irene P. King**, King Collaborative Family Law, Charlotte
- **Frank C. Laney**, 4th U.S. Circuit Court of Appeals, Cary
- **John Ong**, Law Office of John Ong PLLC, Charlotte

Planners

- **Colleen Byers**, Colleen Byers Mediation LLC, Winston-Salem
- **Deborah L. “Deb” Dilman**, Southpark Family Law, Charlotte
- **Steve Dunn**, Miles Mediation and Arbitration, Charlotte
- **John Ong**, Law Office of John Ong PLLC, Charlotte

Hotel Information

Contact hotels directly for reservations at the special NCBA room rate. Rates are based on availability and rooms may sell out.

Embassy Suites

201 Harrison Oaks Boulevard, Cary

- **Nightly Rate:** \$174 single/double
- **Reservations:** 919.677.1840 or www.tinyurl.com/NCBA-EmbassyCary
- **Corporate Account Code:** 2691626

TownePlace Suites by Marriott

120 Sage Commons Way, Cary

- **Nightly Rate:** \$114 studio queen with sleeper sofa (Sunday–Thursday)
- **Reservations:** 919.678.0005
- **Ask for the NCBA corporate rate.**

Special Accommodations

NCBA makes every effort to ensure a quality learning experience. If you have dietary restrictions or need special accommodations, please contact us at least one (1) week prior to the program start date.

The Power of Association Meets The Power of Greater Good

The North Carolina Bar Foundation leads pro bono, public service and development initiatives for North Carolina Bar Association members and the public.

Learn more and get involved:
ncbarfoundation.org

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REGISTER TODAY!

Online: cle.ncbar.org/courses/38575 | **By phone:** 919.677.0561

By mail: Attn: Accounting-NCBA, 8000 Weston Parkway, Cary, NC 27513

STEP 1: Tell us who you are. (Please print clearly.)

Print Full Name: _____

Address: _____

City, State and ZIP: _____

Daytime Phone Number: _____

Email Address: _____

NC State Bar No. (Required for MCLE Credit): _____

STEP 2: Select your tuition rate. (Register early and save 10%. Payment must be received three (3) weeks prior to the program date to qualify for the early rate.)

Standard Rate: ☐ \$220 / ☐ \$200 Early

NCBA Member: ☐ \$185 / ☐ \$165 Early

**NCBA Dispute Resolution
Section Member:** ☐ \$170 / ☐ \$155 Early

CLE Premier Pass: ☐ \$0

STEP 3: Select your learning format.

☐ In-Person Live (147DRM)

☐ Live Webcast (147LWC)

STEP 4: Complete your payment information.

(Registration is complete only after payment is processed. Please print clearly.)

I am registering for this program at the tuition rate checked above.

☐ Enclosed is a check, payable to NCBA. ☐ Please charge my credit card.

Card Number: _____ Exp. Date: _____

Total Amount: _____ Signature: _____

Discounts may be available for NCBA members who are students, law professors, judges or legal services/public interest attorneys. Call CLE at 919.677.0561 for details.

North Carolina Bar Association
8000 Weston Parkway
Cary, NC 27513

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2022 Dispute Resolution Section Program

NCBA is a registered CLE sponsor under the MCLE regulations promulgated by the North Carolina State Bar Board of Continuing Legal Education.

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The CLE Premier Pass offers you
virtually unlimited CLE,

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DETAILS:

ncbar.org/premierpass

REGISTRATION: All registrations are processed after payment is received. To qualify for the early tuition rate, payment must be received prior to the deadline indicated. Stated early discount rate percentage is approximate. Registrations may be capped and may include an overflow room with additional seating. **CHANGES TO EXISTING REGISTRATIONS:** Should an attendee need to cancel his or her registration to an In-Person Live, Live Webcast, Rebroadcast or Video Replay program, the cancellation request must be received by 9:00a ET one (1) week prior to the start of the program to receive a full refund. Any attendee requesting cancellation less than one week prior to the program will receive a refund, less a \$75 administrative fee. An attendee may choose to transfer his or her registration at a program to the In-Person Live or Live Webcast format of the same program only. Transfer requests must be received by 9:00a ET one (1) business day prior to the program start date. An attendee may further choose to substitute his or her registration to an In-Person Live or Live Webcast program only. Substitution means sending another person to attend the In-Person Live or Live Webcast program when the original registrant is unable to attend. Substitution requests must be received by 9:00a ET one (1) week prior to the program start date. The substituted person may be assessed a different fee based on their NCBA membership classification. Cancellation, transfer and substitution requests must be provided in writing by email at askcle@ncbar.org or by calling 919.677.0561. If an attendee misses any portion of a program, that portion is not subject to substitution, refund or transfer. Except as provided herein, registrations, including On-Demand registrations, cannot be canceled, substituted or transferred once purchased. **NO SHOWS:** Anyone who is registered for a program, including CLE Premier Pass holders, but does not check in or log in is considered a no-show. No-shows are not issued a refund, and Premier Pass holders will be assessed a \$75 administrative fee. These registrants will receive the digital materials, available in their online accounts, in full consideration of tuition paid. **MISCELLANEOUS:** The NCBA reserves the right to cancel or reschedule programs at any time. Should the NCBA cancel or reschedule a program, registrants may elect to receive a full refund or attend the newly scheduled program. Notifications regarding program changes will be sent to the email address on file. The NCBA is not responsible for any additional expenses incurred as a result of such cancellation or rescheduling. Each attorney must maintain a record of his or her attendance for the NC State Bar Annual Report. MCLE credit is reported by the NCBA only if a NC State Bar number is provided. Registration and attendance at NCBA CLE programs constitutes an agreement by the registrant with the NCBA for use and distribution of the attendee's image or voice in photographs, videotapes, electronic reproductions and audiotapes of such programs and activities. Unless specified, spouses or guests are not eligible to attend NCBA CLE programs and activities without registering to attend. These terms are subject to change.