

# ADR & the Law 2011



## Lawyers and neutrals in challenging times

This year's *Conference* begins with a Keynote Address from David Matz and a plenary session on the role of ADR in resolving international disputes, especially those with strong religious aspects. Then choose from four workshops on the role of ADR in Sports and Labor Management, Arts and Entertainment, Environmental Disputes, and Family Law. The program concludes with a Judicial Forum on the future of ADR in the Courts.

This *Conference* provides dialogue and debate between attorneys and ADR providers on new developments and practical issues that challenge the assumptions and practices of each with the latest insights and innovations in the broad field of dispute resolution. Discussion is intended to expand the horizons of participants, both advocates and neutrals, by increasing their understanding of the roles and approaches of each other—and of themselves.

## Who should attend?

Attorneys involved in litigation or transactions who face choices in how best to advise their clients in selecting ways to deal with disputes will benefit from lively interaction with neutrals who provide various ADR services. Neutrals (both lawyers

and non-lawyers) including arbitrators, mediators, facilitators, and judges (both sitting and retired) will benefit from subjecting their approaches to critique from attorneys who are committed to providing their clients with the "zealous advocacy" required by professional ethics. Understanding the full range of choices will enrich and improve the practices of all who attend.

## NEW this year—

### Breakouts on...

- ▶ Sports/Labor Management
- ▶ Arts and Entertainment
- ▶ Environmental Issues

## CONFERENCE COCHAIRS

Israella Adah Brill-Cass, Esq.  
*Boston Law Collaborative LLC, Boston*  
John G. Wofford, Esq.  
*Cambridge*

## BOSTON

1:00 p.m. – 6:00 p.m.,  
Monday, October 24, 2011  
MCLE Conference Center,  
10 Winter Place, via Winter Street  
Program No. 2120001P01

## LIVE WEBCAST\*

1:00 p.m. – 6:00 p.m.,  
Monday, October 24, 2011  
Register at [www.mcle.org](http://www.mcle.org)  
Program No. 2120001WBC

*\*See webcast panels on conference agenda, facing page*

## KEYNOTE PANEL Dispute Resolution in the International Arena



### KEYNOTE SPEAKER

**David Matz, Esq.**  
*The Mediation Group, Brookline*

David E. Matz is a professor of conflict resolution at UMass/Boston and a partner in The Mediation Group in Brookline, Massachusetts. He has for many years studied and written about the Israeli-Palestinian conflict, focusing particularly on the negotiation and mediation process. His most recent research has dealt with the ways in which symbols and religion can and cannot be the subject of negotiation.

### TUITION includes written materials

- ▶ MCLE Sponsor Members . . . . . \$195
- ▶ New lawyers admitted to law practice after 2007, pending admittees and law students . . . . . \$145
- ▶ All Others . . . . . \$225

**Earn up to 5 CLE credits including 1 ethics credit**

### CAN'T ATTEND?

View the webcast—live or later, or download the mp3 recording at [www.mcle.org](http://www.mcle.org)

*Available after Monday, October 31*

- Written materials
  - ▶ MCLE Sponsor Members . . . . . \$95
  - ▶ Nonmembers . . . . . \$105
- Audio CD
  - ▶ MCLE Sponsor Members . . . . . \$125
  - ▶ Nonmembers . . . . . \$135

# 3rd Annual New England ADR & the Law Conference

## Boston, Monday, October 24, 2011

### AGENDA & FACULTY

1:00 P.M. – 1:10 P.M.

#### Welcome and Introduction

Israella Adah Brill-Cass, Esq., Cochair,  
Boston Law Collaborative LLC, Boston  
John G. Wofford, Esq., Cochair, Cambridge

1:10 P.M. – 2:20 P.M.

#### Keynote & Plenary:

##### Dispute Resolution in the International Arena

"Is religion negotiable?" This keynote and plenary session explores whether and in what ways strongly held religious views can be negotiated, and if so in what ways and with what kind of outside ADR assistance. The keynote focuses on work the speaker has done with Israeli Jews. The panel includes experts who have used different approaches to conflicts involving Muslims and Islam, including Africa, Southeast Europe, the Middle East and Pakistan. The discussion addresses various approaches to negotiating and mediating conflicts involving parties whose religious views profoundly influence their approach to immediate and pressing international and intercultural issues. The discussion also deals with broader questions for the ADR community, including how and in what ways sharp ideological and value differences can or cannot be mediated, and the possible roles of neutrals in helping to move the conflict toward agreement.

David E. Matz, Esq., Keynote, *The Mediation Group, Brookline*  
Professor Eileen F. Babbitt, *The Fletcher School, Tufts University, Medford*  
David Fairman, *Consensus Building Institute, Cambridge*  
David Joseph, LICSW, *Public Conversations Project, Watertown*

2:30 P.M. – 3:40 P.M.

#### Workshop Session I (choose one)

##### Sports/Labor Management Arbitration (Webcast Available)

This breakout features a panel of experts in the labor/management field who have experience in arbitration across many sectors of economic activity, but with special and deep experience in conflicts in the world of sports. The session describes the development of collective bargaining in public and private sectors and makes a general assessment of the current state of labor relations in sports, including professional baseball and hockey, the National Football League, and traditional "baseball arbitration" as a way to resolve salary disputes. The panel addresses the extensive deliberations involved in establishing the various ADR systems as well as strengths and weaknesses as they have evolved. Discussion focuses on lessons to be learned from these and other labor/management conflict resolution techniques.

Professor Roger I. Abrams, Esq.,  
*Northeastern University School of Law, Boston*  
Joan Dolan, Esq., *Brookline*  
Elizabeth Neumeier, Esq., *Gloucester*

##### Cutting Edge Issues in Environmental ADR

This workshop explores the role of ADR in environmental cases. Three current case studies include qui tam claims, municipal enforcement, and innovative remediation, including intergovernmental approaches. The experienced panelists provide insight into how ADR has enabled them to resolve difficult matters and to serve their clients more effectively.

Eric E. Van Loon, Esq., Moderator, JAMS, Boston  
Jan R. Schlichtmann, Esq., Beverly

3:40 P.M. – 3:50 P.M.

#### Networking and Refreshment Break

3:50 P.M. – 5:00 P.M.

#### Workshop Session II (choose one)

##### Arts/Entertainment

Conflict in the world of arts and entertainment is the subject of headlines: including strikes of symphony orchestras, disputes over claimed plagiarism by rival writers, struggles over ownership of valuable paintings stolen by the Nazis during World War II, fights between museums and nations over rights to ancient sculptures, charges of illegal downloading of music, sibling fights over inherited works of art, disputes between Google, libraries and authors over Internet access to literature. This panel explores the uses of various dispute resolution techniques—mediation, arbitration, objective experts, special masters, hard bargaining and litigation—in this complex and challenging interplay of the law of intellectual property, labor/management, contracts, wills and estates—as well as ancient history, family emotions, national identities, new technologies, and the creative spirit.

Patricia A. Jones, Esq., *Law Office of Patti A. Jones, Boston*  
Gordon P. Katz, Esq., *Holland & Knight LLP, Boston*  
John Taylor Williams, Esq., *Kneerim & Williams, Boston*

##### Family Law (Webcast Available)

"Who Is on Your Team?: Coaches, Counselors, Mediators and Lawyers Define the Boundaries of Professional Practice." The practice of family law has changed significantly over the past few years, with clients and practitioners alike recognizing the benefits of a team approach. With an increased number and variety of professionals working to meet the needs of couples and families comes an increased imperative to define roles, expectations and, most importantly, ethical boundaries. This workshop addresses these issues, the skills each professional uses to help families through divorce, and the limits of those skills.

David A. Hoffman, Esq., *Boston Law Collaborative LLC, Boston*  
Laurie Israel, Esq., *Israel, Van Kooy & Days, LLC, Brookline*  
Gail S. Packer, MSW, *Community Dispute Settlement Center, Cambridge*  
Patricia Papernow, Ph.D., *Harvard Medical School, Hudson*  
Hon. Eileen M. Shaevell (Ret.), *Dispute Resolution Alternatives, Boston*  
Richard N. Wolman, Ph.D., *Boston*

5:00 P.M. – 6:00 P.M.

#### Judicial Forum on the Future of ADR in the Courts

The day concludes with a judicial panel on the future of ADR in the courts moderated by the Honorable Mark Mason, chair of the Trial Court's Standing Committee on Dispute Resolution. Panelists include three judges who will be recipients of awards from MCLE as they retire from the bench. These three judges have all made significant contributions to court-connected ADR, and MCLE will provide each with a token of appreciation. They are the Honorable Gail Perlman, the Honorable Peter Agnes, and the Honorable John Cratsley. Also joining the panel is the Honorable Dennis Curran, who is at the forefront of current developments in the use of ADR in the courts. Don't miss this unique opportunity to hear multiple judicial perspectives on the importance of ADR in the courts and what we can expect in the future.

Hon. Mark D. Mason, Moderator, Springfield District Court, Commonwealth of Massachusetts  
Hon. Peter W. Agnes, Jr., Suffolk Superior Court, Commonwealth of Massachusetts  
Hon. John C. Cratsley, Superior Court, Commonwealth of Massachusetts  
Hon. Dennis J. Curran, Superior Court, Commonwealth of Massachusetts  
Hon. Gail L. Perlman (Ret.), Northampton