



TEXAS MEDIATOR  
CREDENTIALING  
ASSOCIATION  
211 Houston Street  
Richmond, Texas 77469  
www.txmca.org

## TMCA'S 9TH ANNUAL SYMPOSIUM

# From Good to GREAT!

## Negotiating Skills in Mediation

Saturday, October 19, 2013

8:00 am- 5:00 pm

Joe C. Thompson Conference Center  
University of Texas  
2405 Robert Dedman Drive  
Austin, Texas



TEXAS MEDIATOR  
CREDENTIALING  
ASSOCIATION

Promoting Quality Mediation  
Throughout Texas

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## 2013 SYMPOSIUM AGENDA

6.25 hours (3.0 hours ethics) pending

The essence of mediation is a negotiation among interested parties within a process facilitated by a neutral third party. While we are amply trained in the mediation process, many mediators never receive any formal training in the negotiation process, or learn about specific negotiation styles and strategies, or when it is best to use a specific style or strategy. Richard Barnes and Michael McMillion will share with us lessons from their wealth of experience mediating a broad variety of disputes and the broad variety of negotiation styles, strategies and tactics they have encountered along the way. The insights they will share with us should make each of us more effective mediators.



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8:00 am – 8:30 am **Networking Breakfast**

8:30 am – 8:45 am **Welcoming Remarks & Introductions**

8:45 am – 10:15 am

### “Strategic Negotiation Skills for the Mediation Professional”

*Richard Barnes*

An experienced mediator should know the various negotiation styles and how to formulate the most effective bargaining strategies for resolution of a given conflict. Understanding the negotiation tactics being used or attempted by each party will better equip the mediator in creating a path toward resolution.

10:15 am – 10:30 am **Break**

10:30 am – noon **Concurrent Workshops\***

### A. “Negotiation and The Dynamics of Group Interaction”

*Richard Barnes*

Building rapport, neuro-linguistic programming, attribution theory, face theory and climate theory are a few of the negotiation topics that will be addressed in this interactive workshop intended to make us more efficient managers of the mediation process.

### B. “The Dynamics of Conflict”

*Mike McMillion*

Often the issue presented for resolution at mediation is but the tip of the conflict iceberg between the parties. This workshop will assist us in understanding how to put conflict theory to real world use so we can explore beneath that surface, know what to look for and then address the root cause of the conflict.

Noon – 12:15 pm **Break** (and return to main auditorium)

12:30 pm – 12:45 pm **Presentation of the James W. Gibson Scholarship**

12:30 pm – 1:30 pm **Networking Lunch**

1:30 pm – 3:00 pm **Concurrent Workshops\***

*Those who attended Richard Barnes’ workshop in the morning will attend Mike McMillion’s workshop during this afternoon time slot.*

*Those who attended Mike McMillion’s workshop in the morning will attend Richard Barnes’ workshop during this afternoon time slot.*

3:00 pm – 3:15 pm **Break** (and return to main auditorium)

(continued inside)

\* During each workshop time slot, the participants will be divided into two smaller groups. Those placed in Richard Barnes’ workshop during the morning session will be placed in Michael McMillion’s workshop in the afternoon and vice versa. The smaller groups will allow these workshops to be interactive.

# 2013 SYMPOSIUM AGENDA

(continued)

3:15 pm – 4:00 pm

## “The Mediator as Negotiation Coach”

Richard Barnes & Mike McMillion

In addition to answering questions from the attendees, Richard and Mike will help us draw the ethical line between the mediator as a neutral manager of the mediation and the often encountered request by parties for mediator input on advisable “next moves” in the negotiation, and explore ways of ethically assisting the parties without compromising mediator neutrality.

4:00 pm – 5:00 pm

## “Ethical Puzzler Interactive”

Suzanne Mann Duvall

Audience participation is strongly encouraged as we learn ways to work through the ethical dilemmas that we all face. There is no one right way to deal with an ethical problem in every case but there are many wrong ways. Please feel free to send us your ethical questions in advance so that they might be addressed for the benefit of us all.

5:00 pm **Closing Comments & Adjourn**

Get credentialed or renewed at the Symposium and receive a 10% discount on your application/renewal fee.

# From Good to GREAT!

## Negotiation Skills in Mediation

### SYMPOSIUM SPEAKERS

C. RICHARD BARNES may well be the most experienced labor-management negotiator and mediator in the United States. In 1998, he was appointed by President Bill Clinton as the 14th Director of the Federal Mediation and Conciliation Service where he had previously served as Deputy Director and as a career mediator. In 1999, President Clinton also appointed Barnes to the National Partnership Council which provides oversight and direction to all federal agencies involved in workplace change initiatives.

Richard has mediated labor-management disputes between such labor unions as the Teamsters, the Machinists and the Longshoremen on the one hand, and the United Parcel Service, the Kennedy Space Center, Boeing and Kaiser Foundation Hospitals on the other.

Barnes also has extensive experience beyond the labor management field, having conducted regulatory negotiations involving such diverse matters as Native American Indian Self-Determination, the West Tennessee Tributary Project and the Panama Canal. He has also mediated environmental matters in which the U.S. Department of Justice and the Kelly Air Force Base were involved.

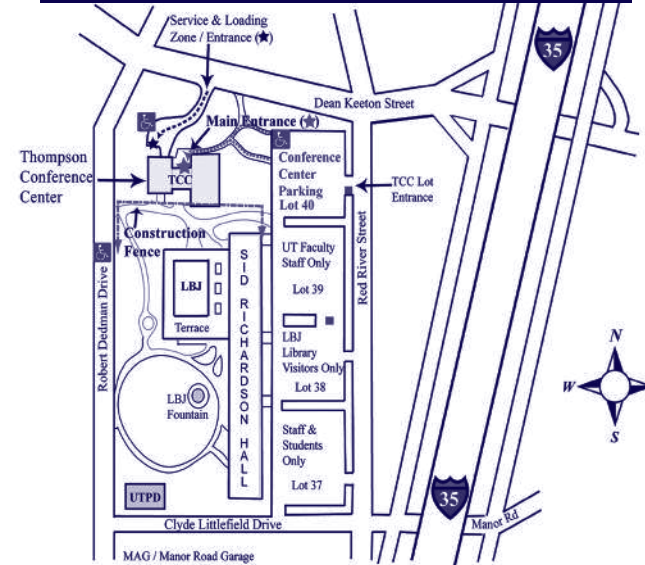
Mr. Barnes is on the visiting faculty at the Clinton School of Public Service at the University of Arkansas and on the adjunct faculty of the Strauss Institute for Dispute Resolution at Pepperdine University. He is President of C. Richard Barnes & Associates, providing dispute resolution services and systems design, workforce training and executive coaching nationwide

MICHAEL R. McMILLION is a Commissioner at the Federal Mediation and Conciliation Service, based in San Antonio. A lawyer with more than 35 years of experience, Mike has resolved many labor-management disputes during his tenure with FMCS, including a dispute between the Texas State Technical College System and the Texas Faculty Association. Upon reaching a resolution of that conflict, one of the parties said, “This settlement provides a model for how disputes could be settled in Texas institutions of higher education. Instead of years of contentious litigation that would have drained the time, energy, and resources of everyone involved, TSTC

and TFA have an opportunity to construct a new paradigm for faculty-administration relations based on managing conflict through the use of dispute resolution systems.”

SUZANNE MANN DUVALL has more than 800 hours of basic and advanced training in alternative dispute resolution. She has mediated more than 2,500 cases to resolution specializing in the resolution of civil disputes including family law, contract and business law, real estate, employment, public policy, probate and related controversies. Licensed to practice law in the state and federal courts in Texas and California (inactive) and the United States Supreme Court, she is a faculty member and trainer for numerous dispute resolution and education organizations and a frequent lecturer and panel member for alternative dispute resolution seminars. She is a recipient of the First Annual American Arbitration Association Steve Brutsche Award for Professional Excellence in Dispute Resolution, the First Annual Tom Eisner Mediator of the Year Award for service to the courts and citizens of Tarrant County and several other awards distinguishing her as a committed leader and dedicated member of the alternative dispute resolution community.

### SYMPOSIUM LOCATION



Please find driving directions to the Thompson Conference Center at [www.txmca.org](http://www.txmca.org). Parking is available in Lot 40 on a first-come-first-served basis or in the UT Manor Road Garage (fee charged).

## TMCA Symposium Registration Form

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
Phone \_\_\_\_\_  
Email \_\_\_\_\_

TMCA Credential Status:  Credentialed Distinguished  Credentialed Advanced  Credentialed  Candidate  Non-TMCA Credential Holder

**Seating is limited to 180. Registration on-site is not guaranteed.**

**FEE: \$120 (current credential holders)**

**\$150 (non-credential holders)**

Checks should be made payable to:

Texas Mediator Credentialing Association  
(Fee includes registration, online access to materials, breakfast, lunch and snacks.)

**Payment and form must be received by October 4, 2013. Mail your form and payment to:**

TMCA Board Treasurer, c/o Shelly Hudson  
211 Houston St., Richmond, TX 77469  
(281) 342-5000  
[fortbendirc@aol.com](mailto:fortbendirc@aol.com)

Please note that you are not fully registered until we have received your registration payment.