



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

TMCA's  
**10<sup>TH</sup>** ANNUAL  
SYMPOSIUM  
TOP OFF YOUR  
MEDIATOR'S  
**TOP  
TEN  
LIST**

**Saturday, October 25, 2014**

**8:30 am to 4:45 pm**

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



TEXAS MEDIATOR  
CREDENTIALING  
ASSOCIATION

*Promoting Quality Mediation  
Throughout Texas*

WWW.TXMCA.ORG

PRSR STD  
U.S. Postage  
PAID  
Temple, Texas  
Permit #238

**2014 SYMPOSIUM AGENDA**

6.25 hours (3.0 hours ethics) CLE approved



TEXAS MEDIATOR  
CREDENTIALING  
ASSOCIATION

- 8:00 am **Networking Breakfast**
- 8:30 am **Welcoming Remarks**
- 8:45 am **Top Ten Tools for a Mediator's Toolbox**  
**10. Our "Walkie/Talkie" Brain**  
*Margaret Leeds*  
When we are in a disagreement, we tend to go into our "Walkie/Talkie" mode. Learn how to use your receiver button, instead of your send button, to become a better listener.

- 8:50 am **Top Ten Keys to Happy Mediating!**  
*Will Pryor*  
Has the commercialization of mediation in recent years led us into unfortunate practices? How has the practice of mediation evolved in ways that may need course correction, and what do we need to do about it? Here are ways to make the mediation process happy (again!)

- 10:20 am **Top Ten Tools for a Mediator's Toolbox**  
**9. I'm Looking at the Man in the Mirror**  
*John Palmer*  
A brief reflection of ethical and other challenges, often self-imposed by this mediator, with the hope that these reflections will help other mediators avoid missteps.

- 10:25 am **Break**
- 10:40 am **Top Ten Tools for a Mediator's Toolbox**  
**8. This Phone Is No Dummy...**  
*Melanie E. Grimes*  
There are several conveniences this mediator provides attorneys and clients during mediation that aid the process. She will share about these conveniences and ways they impact outcome.

- 10:45 am **OMG...What Do I Do Now? Top Ten Ethical Dilemmas Confronting Mediators**  
*Ross W. Stoddard, III*  
What do we say, or do, when dealing with a situation in mediation which creates an uncomfortable dilemma for us? How do we get ourselves out

from between the proverbial "rock and a hard place," while honoring our commitment to "above all, do no harm" to any of the participants...and without doing damage to the integrity of the mediation process? Bring your experiences, and an open mind, so we can learn from one another and become better prepared to change our OMG Moments into Aha Moments.

- 12:15 pm **Top Ten Tools for a Mediator's Toolbox**  
**7. Ask Me about INTEGRITY**  
*Joe L. Cope*  
If the Ethical Guidelines for Mediators were summed up in a single word, it would be "Integrity." Mediators should be inviting parties and their counsel to explore the integrity of mediation: confidentiality, impartiality, fairness, open communications and collaboration.

- 12:20 pm **Presentation of James W. Gibson Scholarship**
- 12:30 pm **Networking Lunch**

- 1:30 pm **Top Ten Tools for a Mediator's Toolbox**  
**6. Sometimes You Need to Change the Channel**  
*Tasha Willis*  
Sometimes you have to switch between models of mediation. For example, the settlement, facilitative, therapeutic and evaluative models might all be productive at different times during one mediation.

- 1:35 pm **Top Ten Judicial Decisions Impacting Texas Mediators**  
*Talmage Boston*  
The presentation will provide a review of the important judicial decisions about which Texas mediators should be knowledgeable.

- 2:35 pm **Top Ten Tools for a Mediator's Toolbox**  
**5. Try Rotating the Tires**  
*John Coselli*  
Ask the parties to step into the other party's shoes to view the reasonableness of settlement goals and offers.

(continued inside)

# 2014 SYMPOSIUM AGENDA

(continued)

## 2:40 pm Top Ten Mediation Options in Rule 169 Cases

### Judge Bruce Wayne Wettman

This session will emphasize use of ADR processes to expedite civil actions, including opting out of Rule 169, time and cost adjustments and ethical considerations.

## 3:10 pm Top Ten Tools for a Mediator's Toolbox 4. Rock, Paper, Scissors

### Shelly Hudson

Identify strengths and weaknesses in interpersonal communication styles to facilitate creative problem-solving.

## 3:15 pm Break

## 3:30 pm Top Ten Tools for a Mediator's Toolbox 3. Expect the Unexpected: The Role of Emotions in Mediation

### Suzanne Mann Duvall

Emotions inevitably play an important role in mediation. Mediators can effectively assist parties to deal with emotions and move toward resolution.

## 3:35 pm Top Ten Things I Learned about Texas Mediation from Halfway around the World

### Joe L. Cope

Mediators can become captive to the familiar and the routine. This presentation challenges symposium participants to explore new perspectives and approaches to the practice of mediation as the presenter looks back on his adventure in training African leaders in conflict resolution on his recent trip to Rwanda and Kenya.

## 4:20 pm Top Ten Tools for a Mediator's Toolbox 2. It Ain't over till the Fat Lady Sings

### Suzanne Schwartz

Your job doesn't stop when the settlement agreement is signed. Take time for deliberate self-reflection on each mediation to challenge your assumptions – and become a better mediator.

## 1. The Good Humor Man (or Woman)

### Michael J. Schless

Used appropriately, empathetic humor can be a valuable tool to ease tension, bring perspective and enhance rapport with mediation participants.

## 4:30 pm Toolbox Award/Closing Remarks

## 4:45 pm Adjourn

## SYMPOSIUM SPEAKERS

**Will Pryor** is a Dallas-based mediator and arbitrator. Pryor is the author of *A Short & Happy Guide to Mediation* (West 2013), is a member of the American Law Institute and an Executive Committee Member of the National Academy of Distinguished Neutrals. A graduate of Yale University and Harvard Law School, Pryor is a former state district court judge, has taught ADR at SMU in Dallas for 15 years and has convened more than 3,000 mediations.

**Ross W. Stoddard, III**, is a full-time mediator in Las Colinas in Irving, Texas. Since starting his mediation practice in 1989, he has conducted 4,800+ mediations involving \$25+ billion in aggregate claims. Ross has served as faculty for the Effective Negotiations course in the SMU Executive MBA Program for 11 years, and for 35+ mediation training programs through various bar/ADR associations and organizations. Ross authored the chapter on the use of ADR in tort disputes in *The Litigator's Handbook*, published by the ABA Section of Litigation. He practiced law for 15 years prior to becoming a mediator.

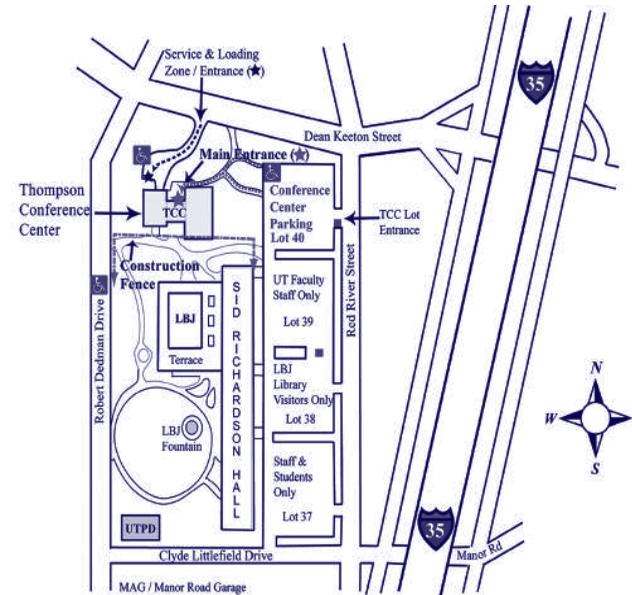
**Talmage Boston** has practiced commercial litigation for 35 years in Dallas, the last 17 as a shareholder at Winstead PC. He is Past Chair of the State Bar's Litigation Section (2003-2004) and the Dallas Bar Association's Business Litigation Section (1993). Boston has been Board Certified in Civil Trial Law since 1988 and in Civil Appellate Law since 1990. He has mediated more than 300 cases. Boston has been listed in *Texas Monthly's* "Super Lawyer" every year since inception in 2003, in *Best Lawyers in America* (2013 and 2014), and has been named one of the Top 100 Lawyers in Dallas/Fort Worth. He is author of *Raising the Bar: The Crucial Role of the Lawyer in Society* (TexasBarBooks 2012).

**Judge Bruce Wayne Wettman** has more than 41 years of experience as a judge, lawyer and ADR neutral. He was first elected District Judge of the 247<sup>th</sup> District Court of the State of Texas in 1978, and still serves as a Senior Judge for Texas' Second Administrative Judicial Region. He is an Adjunct Professor teaching mediation and serves as Director of the

Mediation Clinic at South Texas College of Law, where he received the Faculty Excellence Award for Outstanding Adjunct Professor. His private practice is devoted exclusively to ADR. Wettman has published numerous papers and articles including evidence, use of experts, ADR case law/legislation, mediation ethics, mediation skills and online dispute resolution. He has conducted training programs and seminars in Texas, New York, Georgia, Washington, D.C., Washington State, Florida, Mexico and Jamaica.

**Joe L. "Joey" Cope** has practiced law in Texas since 1986. He is the executive director and associate professor at the Duncum Center for Conflict Resolution at Abilene Christian University and is an adjunct professor at the Bowen School of Law in Little Rock, Arkansas and the Pepperdine University School of Law. Cope is a past chair of the State Bar of Texas ADR Section and currently serves on the TMCA Board.

## 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).

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

## 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 not guaranteed.**

**FEE: \$120 (current credential holders)  
\$150 (non-credential holders)**

Checks should be made payable to:  
Texas Mediator Credentialing Association  
(Fee includes registration, breakfast, lunch and snacks.)

**Payment and form must be received by Friday, October 10th.** Mail your form and payment to:  
TMCA Board Treasurer, c/o Shelly Hudson  
211 Houston St., Richmond, TX 77469  
(281) 342-5000  
fortbendrc@aol.com

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