

# JAMS Educational Programs and CLEs

JAMS mediators and arbitrators are available to conduct complimentary Continuing Legal Education (CLE) programs for attorneys at law firms, bar associations and a variety of other legal and business organizations. As an accredited CLE provider, we offer these programs in person at JAMS Resolution Centers or your location, or as live and pre-recorded webinars. CLE programs can be tailored to address specific issues and we can create custom presentations on additional topics (including *Family Law*, *Substance Abuse*, *A View from the Bench*, *Financial Markets*, etc.). To schedule a CLE or get more information, please fill out the form at [jamsadr.com/CLE#contact](https://jamsadr.com/CLE#contact) or call **800.352.5267**.

## ADR PROCESSES AND TOOLS

### Advanced ADR Tools

***Beyond Mediation and Arbitration Basics: Advanced ADR Tools.*** Mediation and arbitration are techniques familiar to today’s lawyers and can be useful strategies to effectively resolve disputes. In this program, hear from retired state and federal court judges and seasoned attorneys about advanced ADR tools and processes that can help to streamline both federal and state disputes. Topics include discussion of private trials and judicial reference trials, mock trials, neutral evaluations, neutral fact finders, use of referees, temporary judges and special masters and preserving the right to appeal in arbitration.

### Arbitration

***Save Time and Money in Arbitration.*** These presentations offer insight into all aspects of arbitration, including clause drafting, managing the process, taking advantage of the **JAMS Optional Expedited Arbitration Procedures** and the unique **JAMS Optional Appeal Procedure** that provides parties a method for meaningful review. Programs include:

- **Alternative Dispute Resolution Clause Drafting for Business Contracts** – Attendees learn how ADR clauses can offer savings in both time and costs. This program explores how to construct a dispute resolution process in business contracts in order to provide a predictable yet flexible framework to meet clients’ business needs.
- **Best Practices in Arbitration**
- **Cost Controls in Arbitration – How to Effectively Manage Both Time and Expenses During the Process**
- **Managing Your First Arbitration – Learn How to Maximize the Process**

### e-Discovery

***e-Discovery and the Use of Special Masters and Discovery Referees*** describes the scope of e-Discovery issues in relevant practice areas of law and reviews the challenges practitioners face in managing large e-Discovery problems while complying with existing statutes, codes and case law. This program explores the benefits of special masters and discovery referees and presents practical, efficient and expedient solutions.

## Mediation

**Mediation Advocacy and Effective Techniques** can be customized for attorneys with varying levels of mediation experience, from minimal to advanced. Our presenters offer guidelines on how to position a case for mediation, negotiate effectively, use the mediator to the best advantage, get beyond impasse, deal with difficult negotiators and develop creative settlement terms. Our mediation CLE can also be tailored to focus on a specific practice area, such as business/commercial, insurance, IP, personal injury or real estate disputes.

## Neutral Analysis

**Neutral Analysis: Fine-Tune Your Case Strategy.** The benefits of the traditional ADR processes of mediation and arbitration are well established within the legal industry. Neutral analysis—a lesser known but increasingly popular form of ADR—is beginning to take center stage. Neutral analysis is a non-binding process that can aid in the evaluation and ultimate resolution of legal matters at any stage of litigation. Learn about the benefits of neutral analysis, how it can be applied at different phases of litigation, and more.

## Virtual ADR

**Tips & Techniques to Succeed with Virtual ADR.** JAMS neutrals have long used videoconferencing to successfully resolve disputes of all kinds. Virtual ADR allows JAMS to bring counsel, clients, experts and witnesses from across the globe together to resolve complex, multiparty matters and keep business on track. This program focuses on best practices in remote dispute resolution and can be customized to address mediation, arbitration or specific practice areas. Panelists will discuss:

- Preparing for Virtual ADR
- Effective Advocacy and Communication in an Online Environment
- Tools for Virtual Proceedings
- Confidentiality Safeguards

## PRACTICE AREAS

### Construction

**Avoiding Delays and Cost Overruns with IDMs and Project Neutrals** covers the use of neutral “Independent Decision Makers” (IDMs) and project neutrals in large-scale private and public engineering and construction projects. This program is geared toward construction attorneys, in-house counsel, developers, owners, contractors, construction managers and design professionals, among others. It will illustrate through real-life examples how an experienced neutral third party can keep projects moving to completion by addressing conflict before delays and disagreements result in cost overruns and litigation.

### Employment

**ADR Solutions for Employment Disputes** programs draw upon the expertise of our diverse panel of mediators and arbitrators. Programs include, but are not limited to, the following:

- Arbitration, Mediation and the Wage & Hour Class Action – Best Practices from the Experts
- Best Practices in Employment Mediation (case types that can be discussed include Wrongful Termination, Sexual Harassment, Discrimination, Retaliation, Whistleblower and ADA matters)
- Effective Advocacy in Employment Arbitration (see above for case types)
- Recent Developments and Trends in Employment Case Law

## Health Care

**Health Care Mediation: Best Practices.** Mediation has become the predominant forum for resolving health care disputes. This discussion offers different perspectives on concrete “best practices” to make these mediations successful for all parties. Topics include: preparing for mediation and categorizing the claims in dispute prior to session; negotiation approaches, including sampling techniques; navigating through impasse; and effecting changes to claim processing and approval procedures.

## Insurance

**ADR Solutions for Insurance Disputes** covers a variety of insurance-related disputes, including coverage disputes, bad faith cases, risk analysis and other issues that can arise during the course of a case. The program also offers advice on mediation and arbitration best practices in insurance disputes.

## Intellectual Property

**Controlling Costs in Patent, Trademark and Unfair Competition Disputes** offers specific mediation and arbitration information relevant to IP litigators and transactional attorneys on how to properly assess risk, cost and confidentiality while preserving business relationships. Recent case law and its impact on the willingness of parties to resolve their disputes in mediation or by other methods will be discussed.

## Personal Injury

**Resolving Personal Injury Disputes.** Human factors weigh heavily on the process when mediating and arbitrating personal injury cases. At the core of a personal injury claim is an injured or deceased party with loved ones and family members intimately involved in the process. All sides of a dispute must keep unique issues in mind if they hope to reach resolution, as well as navigate through complex insurance coverage issues common to personal injury matters. This in-depth discussion explores those issues and focuses on how preparation, sharing of key information and communication between the parties and with the neutral can enhance the chances for settlement and resolution.

## SPECIALTY CREDITS

### Elimination of Bias

**Elimination of Bias in Negotiation** provides attorneys an opportunity to learn how, when, where and why bias develops, as well as how to identify bias in others and within themselves. This program explores how bias can affect attorneys and clients during negotiation and how to overcome those challenges to maintain trust and rapport with your clients. Attorneys will also learn to become more effective negotiators to better serve their clients. *Elimination of Bias credit provided.*

### Ethics and ADR

**Ethics and ADR—Obligations, Challenges and Pitfalls to Avoid.** Advocacy and zealous representation of clients can sometimes create challenging or conflicting situations. All workshops combine scenarios with a review of numerous guidelines, requirements and rules governing ADR, including the vastly different ethical obligations facing attorneys in mediations and arbitrations. While most clients opt for a general program, specific workshops related to ethics and arbitration, mediation or social media are also available. *Ethics credit provided.*

## MISCELLANEOUS

### Civility

***Civility and Its Role in Effective Advocacy.*** Dealing with demanding and arduous personalities is inevitable in one's professional life, but vehement opponents in the legal industry can lead to costly delays and undermine trust with clients. This program covers a variety of skills and techniques attorneys can use in practice to maintain cordial communications with other parties. The program also offers advice on how to find middle ground with combative adversaries, as well as how to deal with individuals who refuse to cooperate.