



Alternative Dispute Resolution Session: *You Can Always Be a Better Negotiator*

8:30-9:45 a.m.

This 75-minute session focuses on negotiating strategies, using skill, ethics, and professionalism to avoid impasses and maximize successful outcomes and also offers insights from the bench on these issues

Panelists: Hon. Howard Coates, Jr., Circuit Judge, Mark Greenberg, Esq., Adam Myron, Esq., Daria Pustilnik, Esq., Hon. Kenneth D. Stern, Circuit Judge (Ret.)

Session Moderator(s): Hon. Lucy Chernow Brown, Circuit Judge (Ret.)

Session Coordinators: Daria Pustilnik, Esq. and Hon. Kenneth D. Stern, Circuit Judge (Ret.)

A. Introduction (4 minutes)

Background and overview of each of the panelists.

B. Pre-mediation Preparation: Preparing Yourself and Your Client (14 minutes)

Fla. R. Civ. P. 1.720 (appearance; authority to settle)

C. Managing the Client's Expectations (14 minutes)

D. Dos and Don'ts for Mediation Statements (14 minutes)

E. Dealing with Difficult Personalities and Breaking Impasses (14 minutes)

Examples:

1. The Counsel Who Cannot Lose
2. The Novice
3. The Unprepared Opponent
4. The Bully

Fla. R. Med. 10.200-10.600 (ethical standards; mediator's role; mediation concepts; mediator's responsibility to the parties; self-determination; impartiality; demeanor; confidentiality; balanced process; conduct of mediation; mediator's responsibility to the courts)

Fla. R. Prof. Cond. 4-1.1-4 (competence, diligence, communication); 4-1.6 (confidentiality); 4-2.1 (adviser); 4-2.4 (lawyer as 3d party neutral); 4-3.1 (meritorious claims and contentions); 4-3.3 (candor toward tribunal); 4-3.4 (fairness to opposing party and counsel); 4-8.3 (reporting professional misconduct); 4-8.4 (misconduct)

F. Questions and Answers (15 minutes)