

*The American Arbitration Association
Presents*

MCLE Courses
by

Eric van Ginkel

*Mediator and Arbitrator
and Adjunct Professor,*
**Straus Institute for Dispute Resolution
Pepperdine University School of Law**

and

Michael R. Powell

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Courses are designed to meet the needs of practicing attorneys.

We can hold any of these courses at
your own work-site. The courses are
offered free of charge.

*The American Arbitration Association is
a California State Bar approved MCLE provider.*

1. Negotiations: Elements of Distributive Bargaining **(1 hour)**

Many courses in negotiation emphasize integrative bargaining, how to search for the win-win solution that will make both parties happy with the result. In the real world, resolving disputes will often focus on zero-sum negotiations.

This course emphasizes distributive bargaining in the arbitrated or litigated case. We will discuss

- Basic methods of negotiating and their characteristics
- Key ideas about distributive bargaining for practical use
- Framing and reframing concepts, anchoring
- How to use tactics and how to overcome the other side's tactics

2. What Happened to Zealous Representation? ADR Ethics under California law **(1 hour)**

This course qualifies for 1 hour of Legal Ethics Credit under the MCLE rules.

- Does a Lawyer have a duty to advise clients about ADR options?
- How does California law deal with representation in mediation?
- How can a lawyer represent a client in a collaborative way?

3. A Survey of International Commercial Arbitration **(2 hours)**

This two-hour survey presents a complete overview of the basic issues involved in international commercial arbitration, including:

- Advantages and disadvantages of international arbitration
- Ad hoc vs. institutional arbitration

- Arbitration clauses in contracts
- Issues of applicable law
- The Kompetenz-Kompetenz rule
- The award and its enforcement

4. Recent Developments in Arbitration and Mediation in the Federal and State Courts *(1 hour)*

Both arbitration and mediation laws are in a continuing state of flux, and recent case law of the U.S. Supreme Court and the California Supreme Court, as well as lower court decisions, continue to shape the law in important ways. We will discuss recent developments in areas including:

- Mediation Confidentiality
- Unconscionability and Class arbitration
- Arbitrability of the agreement and the arbitration clause

5. Mediation Advocacy: How to get the best results for your clients *(1 hour)*

This introduction to mediation advocacy helps the attorney prepare for mediation and negotiate for maximum results for the client. Both procedural and substantive aspects of mediation advocacy are discussed, and specific techniques are presented for proper evaluation of the case for both sides. We will discuss:

- How to determine when the dispute is “ripe” for mediation
- How to select the “right” mediator for the type of dispute
- What to do in preparation for the mediation
- How to negotiate effectively during the mediation



About Michael R. Powell:

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MICHAEL R. POWELL is Vice President of the American Arbitration Association's (AAA) Los Angeles Regional Office. He is primarily responsible for the promotion of the AAA's domestic and international arbitration and mediation services to the legal and business communities. In addition, he is responsible for the recruitment and training of the Los Angeles Roster of Arbitrators and Mediators. He has worked extensively with the AAA General Counsel's office, serving as a liaison for California legislative issues. He is a frequent speaker and trainer, and has written several published articles in the Alternative Dispute Resolution field. Michael serves on the Board of Directors for the Los Angeles County Bar Association's Dispute Resolution Services, Inc., and the Industrial Relations Research Association (IRRA). Michael serves on the Arbitration Legislation, Membership, Annual Conference, and Nominating Committees.



About Eric van Ginkel:

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ERIC VAN GINKEL is a private Mediator, Arbitrator and Adjunct Professor at the Straus Institute for Dispute Resolution, the premier Alternative Dispute Resolution (ADR) institution in the United States. He is a seasoned commercial arbitrator and mediator and teaches arbitration and mediation advocacy both privately and at the Straus Institute. Eric frequently speaks and trains ADR and has published several articles on arbitration and mediation related subjects.

For more information, see Eric's website at www.BusinessADR.com, which includes all his recently published articles in downloadable form.