

# **Advanced Mediation Practice Techniques for Handling Righteously Indignant Parties and Lawyers**

Monday, Oct. 17, 2016

at the Hawai'i Supreme Court Conference Room 2<sup>nd</sup> Floor  
Ali'iolani Hale, 417 South King Street, Honolulu, Hawai'i 96813, Room 207

Reception 8:30 a.m. • Workshop 9 a.m. – Noon

**Featured Speakers: Claudia Bernard, Chief Mediator, US Ninth Circuit Court of Appeals and Howard Herman, Director, ADR Program, US District Court for the Northern District of California**

Two of the most nationally and internationally experienced and respected mediators and mediation teachers and trainers have graciously agreed to share their wisdom, insights and thoughts on the best practices, tools and tips on how to make the most effective and constructive possible use of mediation to resolve cases and conflicts, for attorneys, mediators and those associated with parties who are repeatedly involved in mediations. This program will combine speaker presentations with very interactive discussion that will enable attendees to raise questions, experiences, and thoughts on making the best use of the opportunities mediation makes possible.

**Registration:** Contact Lynn Honda at (808) 439-8600 by Wednesday October 12, 2016. Space is limited.

\$45 General admission

\$35 Members of sponsoring organizations, government attorneys, state employees, and faculty

\$10 Students

Check or cash only.

Payable to: HSBA-ADR Section

Mail to: Crumpton Collaborative Solutions, TOPA Financial Ctr., Fort Street Tower,  
745 Fort Street, Ste. 702, Honolulu, HI 96813

NO REGISTRATION ON SITE. PRE-REGISTERED CHECK-IN ONLY AT THE DOOR.

No exchange of money on site. Registration fees are to defray speaker expenses and do not benefit the State Judiciary or sponsoring organizations.

**Co-Sponsored by:** Hawai'i State Bar Association (HSBA), Alternative Dispute Resolution Section; HSBA Litigation Section, and HSBA Appellate Section; The Hawai'i State Judiciary Center for Alternative Dispute Resolution; The Association for Conflict Resolution-Hawai'i, and The Mediation Center of the Pacific

**To request disability-related accommodations, or obtain directions, please call the Center for Alternative Dispute Resolution at 539-4237.**

*The Hawai'i State Judiciary does not warrant the accuracy or completeness of the information provided by the speaker. Nor do the speaker's remarks necessarily reflect the opinions of the Judiciary.*

*Speaker bios on following pages.*

## Speaker Bios:

CLAUDIA L. BERNARD     [claudia\\_bernard@ca9.uscourts.gov](mailto:claudia_bernard@ca9.uscourts.gov)

Claudia Bernard is the Chief Circuit Mediator for the Ninth Circuit Court of Appeals where she leads a staff of seven professional mediators and mediates cases on appeal. Prior to her appointment as Chief Circuit Mediator in 2007, she served as a Ninth Circuit Mediator for eighteen years. She has mediated over three thousand cases.

Ms. Bernard is an experienced educator and trainer, having developed and led ADR training courses to judges and lawyers throughout the U.S. and in India, Germany, Uganda, and the Pacific Islands; and nationally to judges and lawyers in state and federal courts throughout the U.S. and for lawyers in the U.S. Department of Justice, the California Attorney General's Office, the Federal Judicial Center, the American Bar Association, and the Federal Bar Association.

She co-teaches an annual symposium for international judges and lawyers on designing and implementing court ADR programs, consults on court-related ADR programs for the Federal Judicial Center, and is chair of the Federal Judicial Center's Advisory Committee on Executive Education.

Ms. Bernard has a keen interest in neuroscience and its application to mediation and has presented on the topic widely, both nationally and internationally.

She was the co-recipient of the Mediation Society of San Francisco's 2011 Award for Outstanding Contribution to the Field of Mediation, and the Ninth Circuit Mediation Office received the 2014 Robert A. Peckham Award for Excellence in Alternative Dispute Resolution.

Before coming to the Ninth Circuit, Ms. Bernard practiced civil litigation in San Francisco and clerked for a federal judge.

HOWARD A. HERMAN     [howard\\_herman@cand.uscourts.gov](mailto:howard_herman@cand.uscourts.gov)

Howard Herman has worked as a mediator and as a developer of court-annexed ADR programs since 1985. He currently serves as Director of the ADR Program for the U.S. District Court, Northern District of California, in San Francisco, where he has worked since 1997. He previously served as Director of ADR Programs for Contra Costa County Superior Court in Martinez, California, and as co-director of what was then known as the Office of Settlement Conference Attorneys of the United States Court of Appeals for the Ninth Circuit (now known as the Ninth Circuit Mediation Program).

In his work at the district court, Mr. Herman both mediates cases and has primary responsibility for training and supervising the hundreds of lawyers who serve as volunteer neutrals in the court's ADR programs. He is the lead trainer for the court's mediation and ENE trainings, and develops continuing education programs for mediators, neutral evaluators, and arbitrators. In 2002, Mr. Herman was an inaugural recipient of the Robert F. Peckham Award for Excellence in Alternative Dispute Resolution presented by the United States Court of Appeals for the Ninth Circuit. In 2011, he was co-recipient of the Mediation Society of San Francisco's annual Award for

Outstanding Contribution in the Field of Mediation. In 2013, he was the inaugural recipient of the Exceptional Service Award presented by U.C. Hastings College of the Law's Center for Negotiation and Dispute Resolution.

Mr. Herman also has substantial experience as an ADR teacher. Since 1996, Mr. Herman has taught negotiation and mediation courses at the University of California, Hastings College of the Law, including Basic Negotiation, Effective Representation in Mediation, and the Small Claims Court Mediation Clinic. For the last several years, he has co-taught a week-long seminar for international judges and lawyers entitled "Envisioning, Designing and Implementing Court ADR." In addition to the basic and continuing education courses he leads at the district court, Mr. Herman has developed numerous ADR training courses for lawyers and judges throughout the United States, and has taught courses for judges and lawyers in Germany, Guam, India, Jordan, Malaysia, the Marshall Islands, Palau, and Thailand as a part of those countries' ongoing civil law reform efforts.

Mr. Herman practiced as a civil litigator with the firms of Graham & James and Kindel & Anderson in San Francisco. He received his J.D. from the University of California, Hastings College of the Law, and his 4.8., with Highest Honors, from the University of California at Berkeley.

Mr. Herman is the Immediate Past Chair of the ABA Section of Dispute Resolution, and has served on that Section's Quality of Mediation Task Force, the Ninth Circuit ADR Committee, the California Judicial Council's working group for the development of ethical standards for court-connected mediators, the ADR Committee of the California State Bar, and the California Trial Court Budget Commission's Subcommittee on ADR. He has particular interests in the psychological dynamics of negotiation, ADR ethics, and continuing education practices for mediators. U.S. District Court, N. D. California, 450 Golden Gate Ave., San Francisco, CA 94102.