



**Regional CLE Workshop:**

# The Art of the Deal: A Negotiation Workshop For Young Lawyers

**Porzio, Bromberg & Newman, P.C.**

**100 Southgate Parkway**

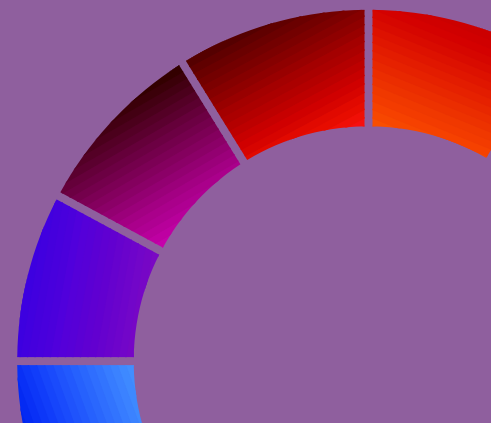
**Morristown, NJ**

**June 1, 2017**

*Presented by the ABA Section of Litigation Young Advocates Committee*

*Co-Sponsored by the ABA Section of Litigation Alternative Dispute Resolution Committee*

The ABA directly applies for and ordinarily receives CLE credit for ABA programs in AK, AL, AR, AZ, CA, CO, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, MN, MS, MO, MT, NH, NM, NV, NY, NC, ND, OH, OK, OR, PA, PR, SC, TN, TX, UT, VT, VA, VI, WA, WI, and WV. These states sometimes do not approve a program for credit before the program occurs. This course is expected to qualify for 3.5 CLE credit hours in 60-minute states, and 4.2 credit hours in 50-minute states, including 1.0 hours of ethics credit in 60 minute states and 1.2 hours of ethics credit in 50 minute states. This transitional program is approved for both newly admitted and experienced attorneys in NY. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. For more information about CLE accreditation in your state, visit <http://www.americanbar.org/cle> or contact Kristen McCann at [Kristen.McCann@americanbar.org](mailto:Kristen.McCann@americanbar.org) or (312) 988-5662.



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**PORZIO**  
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# Program Agenda



June 1, 2017

It is critical that young lawyers develop negotiation skills and proficiency at advocating in the mediation setting. This program will highlight strategies for conducting more efficient negotiations and mediations and provide tools for young lawyers to skillfully advocate for their clients when conducting negotiations, including an eye-opening discussion of new ways to incorporate the power of persuasion and influence in the negotiation and decision-making process, and will also feature a discussion about ways to avoid ethical pitfalls in the negotiation and mediation process.

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12:30 pm – 1:00 pm     **Registration**

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## **Persuasion and Decision-Making Skills for Lawyers**

1:00 pm – 2:30 pm     Lawyers use logic supported by facts, law, and analysis to persuade their adversaries in negotiation in court, and in life. Well-reasoned, well-constructed arguments are important, but not always the only or best way to influence your adversary or counterparty. Are you aware of what your adversary could do that might influence you to act contrary to your client's best interest? We are learning more and more about how, to a great extent, we actually rely on shortcuts to make important decisions. While this may serve us well on occasion, often it causes us to behave irrationally in spite of our desire to act rationally and logically. Statistics show that clients and litigators frequently make poor choices regarding when to settle and when to litigate. Deals fail for reasons unrelated to the merits of the deal, often due to poor choices by clients and counsel. Learn about the triggers that consistently lead us and others astray. Make better decisions yourself, and help others, through this program on persuasion and influence.

Speaker: **Joan Stearns Johnsen**, Legal Skills Professor Fredric G. Levin College of Law University of Florida, Gainesville, FL

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2:30 pm – 3:00 pm     **Break**

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## **Winning Advocacy Techniques at Mediation**

3:00 pm – 4:00 pm     You have been engaged in a contentious litigation and someone suggests resolving the dispute through a mediation. An esteemed panel, including a Retired New Jersey Supreme Court justice, will arm you with strategies to help you shift your focus from litigation to settlement while remaining an effective advocate for your client.

Panelists: **Michelle Molinaro Burke**, Porzio, Bromberg & Newman, P.C., Morristown, NJ, **James H. Coleman Jr., (Ret. S.Ct. Justice, New Jersey Supreme Court)**, Porzio, Bromberg & Newman, P.C., Morristown, NJ, **John Mumford**, Hancock, Daniel, Johnson & Nagle, P.C., Richmond, VA

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## **How Far is Too Far: Avoiding Ethical Pitfalls in Negotiations and Mediations**

4:00 pm – 5:00 pm     Have you ever been negotiating and were considering a strategy that may get the adversary to move in your direction, but you are hesitant to make a bold representation to achieve that expected result? Have you ever wondered what ethical standards govern the negotiation process? Have you ever wondered how far is too far? This seasoned panel will walk you through the requirements for conducting ethical negotiations and will explain how to avoid common pitfalls that practitioners face.

Panelists: **Louis Burke**, Louis F. Burke, P.C., New York, NY, **Hon. Tiffany Williams (Ret. A.L.J.)**, Seton Hall University School of Law, Newark, NJ

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5:00 pm – 6:00 pm     **Cocktail Reception**

# Program Organizers



**SPONSORED BY** the ABA Section of Litigation Young Advocates Committee  
**CO-SPONSORED BY** the ABA Section of Litigation Alternative Dispute Resolution Committee

## Program Organizers

Louis Burke  
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# General Information



## Registration:

To register online, visit: <https://shop.americanbar.org/ebus/ABAEventsCalendar/EventDetails.aspx?productId=272660070>

or return the Registration Form on the following page with your payment (checks only) to:

American Bar Association  
Attn: Service Center – Meeting/Event Registrations Department  
321 N. Clark Street, Floor 16  
Chicago, IL 60654  
Secure Fax Number: 312-988-5850

Please register by **May 25, 2017** to reserve your spot.

Requests for refunds must be made in writing and received no later than **May 18, 2017** in the ABA Section of Litigation office. Please email your request to Kristen McCann at [Kristen.McCann@americanbar.org](mailto:Kristen.McCann@americanbar.org). There will be a \$10 administrative fee deducted from the refund. Cancellations received after **May 18, 2017** will not be refunded; however, the Section will gladly accept substitutions for those unable to attend.

## MCLE Credit:

The ABA directly applies for and ordinarily receives CLE credit for ABA programs in AK, AL, AR, AZ, CA, CO, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, MN, MS, MO, MT, NH, NM, NV, NY, NC, ND, OH, OK, OR, PA, PR, SC, TN, TX, UT, VT, VA, VI, WA, WI, and WV. These states sometimes do not approve a program for credit before the program occurs. This course is expected to qualify for 3.5 CLE credit hours in 60-minute states, and 4.2 credit hours in 50-minute states, including 1.0 hours of ethics credit in 60 minute states and 1.2 hours of ethics credit in 50 minute states. This transitional program is approved for both newly admitted and experienced attorneys in NY. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. For more information about CLE accreditation in your state, visit <http://www.americanbar.org/cle> or contact Kristen McCann at [Kristen.McCann@americanbar.org](mailto:Kristen.McCann@americanbar.org) or (312) 988-5662.

## Tuition Assistance:

A limited number of scholarships to defray registration fees may be available for government employees, public interest lawyers employed with nonprofits, academics, and law students, as well as unemployed attorneys. For more information, please contact: Kristen McCann at (312) 988-5662.

## Attendance List:

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Meeting Code: **LYA17**

# Registration

**The Art of the Deal: A Negotiation Workshop For Young Lawyers  
CLE Workshop  
June 1, 2017  
Morristown, NJ**



The information submitted on this registration form will be used only to create an attendance list for The Art of the Deal: A Negotiation Workshop For Young Lawyers CLE Workshop.

Full Name:

Member ID:

Affiliation:

Address :

Apt. #:

City:

State:

Zip Code:

Phone:

Email:

A limited amount of scholarships are available for this program. For more information, please contact: Kristen McCann at (312) 988-5662.

## Registration Information

- \$50.00 Young Lawyers
- \$75.00 Section of Litigation members
- \$125.00 Non-Section members

Checks for attendance and course materials should be made payable to the AMERICAN BAR ASSOCIATION (credit cards for online registration only).

I will attend the meeting and my check for \$\_\_\_\_\_.00 is enclosed.

I would like to bring a young lawyer from my firm for half the price of my registration:

Name: \_\_\_\_\_

Please send your Registration Form and check to:

American Bar Association

Attn: Service Center – Meeting/Event Registrations Department

321 N. Clark Street, Floor 16

Chicago, IL 60654

Secure Fax Number: 312-988-5850

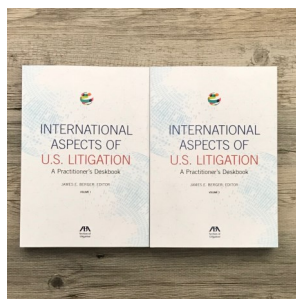
For additional information about the program, please contact Kristen McCann at (312) 988-5662.

# Section Books

## New Books / Books Related to Programming



Purchase at [ambar.org/litigationbooks](http://ambar.org/litigationbooks) or call 800-285-2221



### New! International Aspects of U.S. Litigation

Edited by James E. Berger

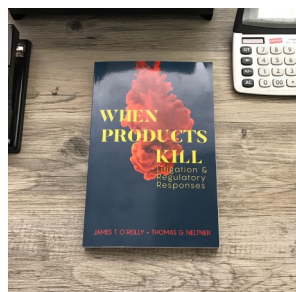
This two-volume set edited by James E. Berger serves as a comprehensive reference guide to practitioners, both in the U.S. and abroad, on the various issues that can arise when cross-border cases are litigated in U.S. courts. Mr. Berger is a litigator with a practice focusing almost exclusively on cross-border litigation in U.S. courts and arbitration-related matters, and he writes and speaks frequently on international litigation and arbitration-related topics.



### New! Perspectives on Predictive Coding and Other Advanced Search Methods for the Legal Practitioner

Edited by Jason R. Baron, Ralph C. Losey, and Michael Berman

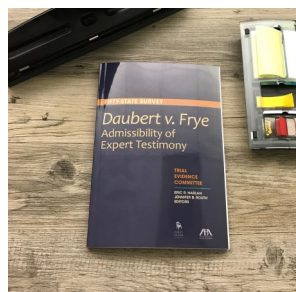
The chapters in this book describe the current state of search methodology, and represent the foreseeable future of e-discovery and the legal profession.



### New! When Products Kill

By James T. O'Reilly and Thomas G. Neltner

Fatal accidents often lead to litigation, and attorneys involved in this type of litigation need to understand what information is available about the product associated with the death and what the product regulatory agency does or can do about the allegations that the product has caused a death.



### New! Fifty-State Survey: Daubert v. Frye— Admissibility of Expert Testimony

By the Trial Evidence Committee; Edited by Eric R. Harlan and Jennifer B. Routh

This book surveys the standard for admissibility of expert testimony applicable in all 50 states and the District of Columbia, including legal authority and an appendix of sample pleadings and checklists. These materials provide a starting point for research and drafting motions, and also provide context for the landscape of expert testimony admissibility across jurisdictions.



### New! An Introduction to Health Law Litigation Based on Contract and Government Claims

By Aaron Krauss

Litigators seeking to gain experience in health law litigation, as well as those looking for guidance on a specific issue, will find in this book practical advice on how to try health law cases and suggestions for "issue spotting" and case management.

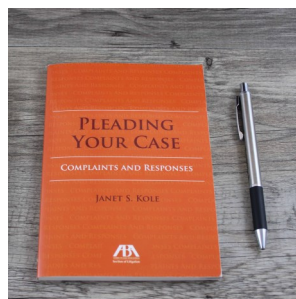


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## New Books / Books Related to Programming



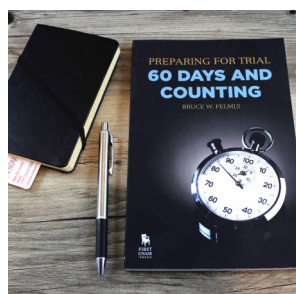
Purchase at [ambar.org/litigationbooks](http://ambar.org/litigationbooks) or call 800-285-2221



### [Pleading Your Case: Complaints and Responses](#)

By Janet S. Kole

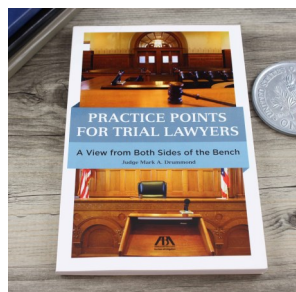
Complaints and answers are called “pleadings” for a reason: they are the initial explanation that you craft as a lawyer to explain your client’s position. But where do you begin? *Pleading Your Case* is your first step towards crafting a complaint or response that effectively tells your client’s story.



### [Preparing for Trial: 60 Days and Counting](#)

By Bruce W. Felmlly

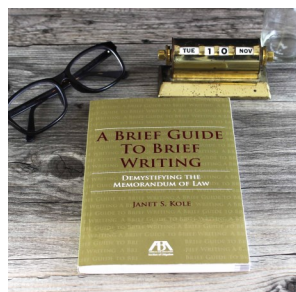
In these days of the “vanishing trial,” when there are fewer opportunities to learn from the masters, this book is an invaluable guide for trial lawyers needing to focus, prioritize, and prepare for that morning when they alone will say “Ready, Your Honor.”



### [Practice Points for Trial Lawyers: A View from Both Sides of the Bench](#)

By Hon. Mark Allen Drummond

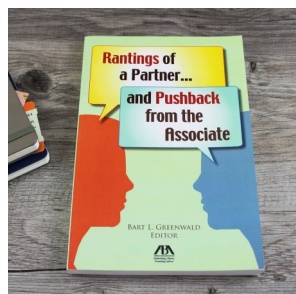
This book is designed for those who are or aspire to be trial lawyers, and those who are preparing to try cases. Judge Mark A. Drummond’s experience includes 20 years in front of the bench trying cases and another 15 years on the trial bench, which gives him a unique perspective. In addition, for 30 years Drummond has trained advocates from Tasmania to Tanzania, from Boston to Beijing. That includes large and small firms, corporations, the National Institute for Trial Advocacy, the U.S. Department of Justice, the Attorney General’s offices for Illinois and New York, and the Department of the Navy.



### [A Brief Guide to Brief Writing: Demystifying The Memorandum of Law](#)

By Janet S. Kole

Persuasive brief writing—which involves a combination of legal reasoning and good storytelling—is a skill that can be learned by following the principles in this book. Learn how to construct your client’s story in a manner that effectively shows the court why your client should win.



### [Rantings of a Partner and Pushback from the Associate](#)

Edited by Bart L. Greenwald

Law firm partners have no shortage of opinions about associates, and associates have plenty to say about working with partners. This book gives both parties a forum to express their views about the current practice of law. Among the rantings and pushback are invaluable tips and advice for succeeding in a law firm.