Collaborative practice is an alternative to any form of dispute resolution that leaves the relationship between the parties broken and the parties themselves frustrated by a loss of control over the way personal and business problems are being handled. In collaborative practice, all parties—each represented by counsel—work in a cost- and time-effective manner to achieve a settlement that reflects the needs and interests of all, including an agreement that the collaborative lawyers will not take the matter to court themselves if the effort fails. Besides prompt and efficient resolution, other benefits include complete privacy of the proceeding with no public record, as well as allowing the parties to maintain control of the outcome—with no judge, jury or arbitrator dictating the result.

This program offers basic training in this new practice method for litigators, mediators, business, construction, employment and estate lawyers—and anyone else looking for a quicker, less expensive way to resolve disputes without destroying important relationships.

The North Carolina Bar Association Foundation is accredited by the North Carolina State Bar as a provider of continuing legal education.
Civil Collaborative Practice Training: The Collaborative Approach to Resolving Small Business Disputes
#653COL | April 18–19, 2017

FOUR WAYS TO REGISTER
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Registrations are limited by space, and may include a live video broadcast overflow room. TRANSFERS. Registrants may transfer from a Live program, Video Replay, Webcast, Webinar or Phone/ Audio Streaming Program without penalty within three business days after the program date. CANCELLATIONS. Cancellations must be received by 9:00 a.m. the third business day prior to the program to qualify for a refund (less $75 administrative fee). Those not attending will receive the digital program materials in full consideration of tuition paid. MCLE CREDIT. The North Carolina Bar Association Foundation is an accredited CLE sponsor under the MCLE Regulations promulgated by the NC State Bar Board of Continuing Legal Education. This program is approved (but not sponsored) by the Board for the designated number of CLE hours. Each attorney must maintain a record of his/her attendance for the NC State Bar annual report. MCLE credit is reported by NCBA Foundation only if a NC State Bar number is provided. Your CLE tuition includes mandatory State Bar fees used to support the State Bar’s Mandatory Continuing Legal Education program, the Chief Justice’s Commission on Professionalism and the Chief Justice’s Equal Access to Justice Commission. Your tuition also includes digital access to all program materials. DIGITAL PROGRAM MATERIALS. You will receive a notification email when digital materials are available to download. To retrieve digital materials, log in and select “Your Course Materials” on the CLE website. All of the materials for this program will be available for download in advance of the program. VIDEO REPLAYS. To qualify for the Early Bird tuition, registration must be received one week prior to program date. NC State Bar Rules require a minimum number of preregistered active State Bar members. The NCBA Foundation reserves the right to cancel any video program prior to the program date if registrations do not meet the NC State Bar requirement. Some sites require additional registration or evaluation forms. For video replay registration and program start times. CLE credit hours at Video Replays are subject to change. Video replay program attendees may purchase the printed manuscript at cost. Due to printing and shipping lead times we are unable to accommodate requests for print materials made fewer than seven (7) days prior to any video replay program. PERSONS WITH DISABILITIES. We make every effort to ensure that our programs are held in facilities which are fully accessible to persons with disabilities. If you plan to attend our program and need special facilities or assistance relating to a disability, please contact the CLE Department at least one week prior to the date of the program. INCLEMENT WEATHER. We make every effort to notify registrants when a program is canceled or delayed due to weather. If inclement weather is forecast, please check your local news listings or contact event venue. NCBA programs will follow the work schedule of the hosting institutions, to include delayed openings. CLE SCHOLARSHIPS. A limited number of scholarships are available to members in financial need. Contact Membership Services at 1.800.662.7407 or email akemple@ncbar.org. EVENT SPONSOR AND EXHIBITOR OPPORTUNITIES. Interested in meeting the attendees of this program? Become an exhibitor or sponsor! Contact Jennifer Shapiro at CLEsponsorship@ncbar.org for detailed information about these opportunities and their benefits. FOR MORE INFORMATION, VISIT WWW. NCBAR.ORG/CLE.
Tuesday, April 18, 2017, 8:15a–5:30p

8:15a  Registration and Continental Breakfast

8:55  Welcome and Introductions  |  John L. Sarratt

9:00  Collaborative Practice in a Nutshell  |  R. Paul Faxon
  • Brief history of collaborative practice
  • Collaborative practice on the ADR spectrum
  • The common language of consensual ADR: Interest-based negotiations

9:30  The Collaborative Process (Part 1)  |  R. Paul Faxon and Mark A. Springfield
  • Defining features of the collaborative process
  • Collaborative in a small or family business setting
  • Advantages and cautions

10:15  The Paradigm Shift  |  Aida Doss Havel
  • Practicing law as problem-solving rather than win-lose
  • Rethinking our role as attorneys
  • Increasing job satisfaction

11:00  Break

11:15  Initial Case Assessment and Attorney/Client Meeting  |  R. Paul Faxon
  • When and why to choose collaborative practice as a dispute resolution process
  • Setting up the first demonstration

11:45  Demonstration of Initial Meeting with Client  |  Auley M. “Lee” Crouch and Mark A. Springfield
  • Evaluate case, educate client on various case resolution options and decide on approach
  • Educate client and opposing party (and often its attorney) on collaborative practice

12:30p  Lunch

1:00  Breakout for One-on-One Initial Client Interview  |  All faculty
  • Explaining all the options
  • Informed consent
  • Committing to the process

1:45  Attorney Preparation for Collaborative Sessions  |  Randolph “Tré” Morgan, John L. Sarratt and Mark A. Springfield

2:00  Demonstration of First Collaborative Session  |  Jeffrey A. Batts, Auley M. “Lee” Crouch, William W. “Walt” Kitchin, Randolph “Tré” Morgan, John L. Sarratt and Mark A. Springfield
  • Review collaborative process/pledge/negotiation model
  • Putting together the collaborative team
  • Reviewing the necessary documents—agreement, agenda
  • Initial discussion of issues (needs and interests)

2:45  Debrief of the First Collaborative Session Demonstration  |  R. Paul Faxon and Mark A. Springfield
  • Q & A

3:00  Break

3:15  Interest-based Negotiations  |  Mark A. Springfield
  • Managing conflict in a collaborative setting

3:45  The Collaborative Process (Part 2)  |  R. Paul Faxon and Mark A. Springfield
  • Role of the collaborative lawyer
  • Other members of the collaborative team—experts, case evaluators and consultants, facilitator/coach
  • Subsequent collaborative sessions
- Needs and interests
- Use of expert

5:00 Demonstration of the Post-Session Attorney Session | Randolph “Tré” Morgan, John L. Sarratt and Mark A. Springfield

5:15 Debrief and Q&A | All faculty

5:30 Adjourn

Wednesday, April 19, 2017, 9:00a–4:30p

9:00 Collaborative Communication Techniques | Aida Doss Havel
- Summarizing, restating, reflecting back, reframing
- Empathetic listening and the sacred pause
- The power of silence and the power of apology
- Nonviolent communication

9:45 Breakout for Third Collaborative Session | All faculty
- Brainstorming

10:45 Debrief and Q&A | All faculty

11:00 Break

- Resolution
- Implementation
- Looking forward

12:00p Debrief All Collaborative Sessions and Q&A | R. Paul Faxon, John L. Sarratt and Mark A. Springfield

12:15 Lunch

12:45 Ethical Considerations in Collaborative Practice* | Aida Doss Havel
- Ethical standards and protocols in a collaborative setting
- Applicable North Carolina State Bar Ethical Rules (Rules 1.2, 1.4, 2.1) and Opinions (2002 Opinion 1)
- Informed consent
- Zealous advocacy and collaborative practice

1:45 Panel Discussion | R. Paul Faxon, Aida Doss Havel and John L. Sarratt
- Expanding the collaborative process beyond family law—construction, employment, business, medical error, etc.—and challenges and opportunities
- National collaborative organizations
- Collaborative law practice challenges
- Other resources

2:45 Break

3:00 Building a Collaborative Law Practice | R. Paul Faxon and Mark A. Springfield
- Marketing a collaborative law practice
- Collaborative practice groups
- Involving industry groups, insurers and others
- Getting all sides to commit to collaborative practice

4:15 What Did You Learn? | All faculty
- Q&A
- What happens next?

4:30 Adjourn

*Indicates portion providing Ethics/Professional Responsibility credit
Program Information

Planners
- Jeffrey A. Batts, Batts Batts & Bell LLP, Rocky Mount
- Stephen D. Coggins, Rountree Losee LLP, Wilmington
- Auley M. “Lee” Crouch III, Block Crouch Keeter Behm & Sayed LLP, Wilmington
- William W. “Walt” Kitchin, Colombo Kitchin Dunn Ball & Porter LLP, Greenville
- William A. Oden III, Ward and Smith PA, Wilmington
- John L. Sarratt, Harris Sarratt & Hodges LLP, Raleigh

Speakers
- Jeffrey A. Batts, Batts Batts & Bell LLP, Rocky Mount
- Auley M. “Lee” Crouch III, Block Crouch Keeter Behm & Sayed LLP, Wilmington
- R. Paul Faxon, R. Paul Faxon LLC, Waltham, Massachusetts (sponsored)
- Aida Doss Havel, Separating Together, Raleigh
- William W. “Walt” Kitchin, Colombo Kitchin Dunn Ball & Porter LLP, Greenville
- Randolph “Tré” Morgan III, Law Office of Randolph Morgan III PA, Raleigh
- John L. Sarratt, Harris Sarratt & Hodges LLP, Raleigh
- Mark A. Springfield, Springfield Collaborative Divorce, Raleigh

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Contact hotel directly for reservations at the special NCBA room rate. Rates are based on availability and may sell out.

Holiday Inn Resort, Wrightsville Beach
1706 North Lumina Avenue,
Wrightsville Beach
Rate: $179 per night, Oceanfront room
  $149 per night, Standard room
Reservations: 910.256.2231
Rate Code: NC Bar Association
Cutoff Date: March 20, 2017

We extend our sincere gratitude to the NCBA Dispute Resolution and Business Law Sections and the planners and speakers who volunteer their time and expertise toward the goal of presenting an educational program of the very highest quality.
Civil Collaborative Practice Training: The Collaborative Approach to Resolving Small Business Disputes

LIVE
Tuesday–Wednesday, April 18–19, 2017
Holiday Inn Resort, Wrightsville Beach

CLE CREDIT: 14.0 Hours
Includes 1.0 Hour Ethics/Professional Responsibility

UPDATES & REGISTRATION
www.tinyurl.com/CLE653COL

“The materials and the knowledge will allow me to add the collaborative process to the services our firm offers.”

“Good substantive information on how to handle a case collaboratively.”

—Attendees, Civil Collaborative Practice Training (2016)