Collaborative Practice Training

LIVE
Tuesday–Wednesday
January 14–15, 2020
North Carolina Bar Center
8000 Weston Parkway, Cary

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TOTAL CLE CREDIT
14.5 HOURS

Ethics/Professional Responsibility
1.0 HOUR

Substance Abuse/Mental Health
1.0 HOUR

Certified Mediator Education credit
1.0 HOUR

Satisfies North Carolina State Bar Technology Training requirement
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. This concept works best when the disputing parties have an ongoing relationship with each other or with third parties that they wish to maintain. 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.

**WHAT PEOPLE ARE SAYING...**

“This was an exceptional CLE. The entire program was engaging and the speakers were excellent.

I learned a whole new way of approaching a case in terms of both attitude and language.

There were so many different factors I can take back to my practice.

—Attendees, Collaborative Practice Training (2019)
AGENDA

TUESDAY, JANUARY 14, 2020 | 8:15 a.m. – 5:30 p.m.

8:15  **Registration and Continental Breakfast**

8:55  **Welcome and Introductions** | Sarratt

9:00  **Collaborative Practice in a Nutshell** | Sarratt
Start the morning off with a brief history of the collaborative practice and its future. Learn where collaborative practice is on the ADR spectrum, some advantages and cautions, and when and why to choose collaborative practice as a dispute resolution process.

9:30  **The Collaborative Process** | Sarratt and Springfield
Hear about the seven defining features and the negotiation model at the heart of the collaborative process.

10:15 **Initial Case Assessment/Client Meeting** | Sarratt and Springfield
Walk through the process of evaluating the case, educating your client on the various resolution options and deciding on the best approach. Review how to educate the client and the opposing party (and often its attorney) on the collaborative process and receive a demonstration of an initial client meeting.

11:00  **Break**

11:15  **The Collaborative Process** (continued) | Sarratt and Springfield
Examine the role of the collaborative lawyer, collaborative sessions and other members of the collaborative team, including experts, case evaluators and consultants, and the facilitator or coach.

11:45  **Breakout: One-on-One Initial Client Interview**
Practice explaining to your client the pros and cons of collaborative practice compared to other dispute resolution methods.

12:15  **Lunch**

12:45  **The Paradigm Shift** | Havel
Rethink your role as an attorney and see how practicing law with a focus on problem-solving rather than winning or losing can increase your job satisfaction.

1:30  **Role-Play of First Collaborative Session** | Faculty
In your small groups, review the collaborative process/pledge/negotiation model and putting together the collaborative team. After examining the necessary documents (the agreement and agenda), discuss the initial issues, such as the needs and interests of your clients.

2:30  **Practical Techniques for Being the Calm within the Storm**† | Byers
Learn how to create conditions most conducive to the facilitation of conflict resolution, using mindfulness as a tool for improving awareness of and connection with yourself and your clients. Develop the core competencies
of a highly effective collaborative problem-solver, capable of identifying and responding — in a sustainable and nonreactive way — to the parties’ needs in order to help them reach a resolution.

3:30 **Break**

3:45 **Interest-Based Negotiations | Springfield**
With the goal of joint problem-solving, discuss how to manage the emotional component of conflict in a collaborative setting.

4:15 **Role-Play of Second Collaborative Session | Faculty**
With the other members of your small groups, learn how to navigate the needs and interests of all parties and explore the use of experts in collaborative practice.

5:00 **Recap and Q&A | Faculty**
Finish up the day with a large group discussion to recap all the material covered throughout the day.

5:30 **Adjourn and Yoga for Lawyers** (See details on the Program Details page.)

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**AGENDA**

**WEDNESDAY, JANUARY 15, 2020 | 8:30 a.m. – 5:00 p.m.**

8:30 **Continental Breakfast**

8:55 **Welcome and Introductions | Sarratt**

9:00 **Collaborative Communication Techniques | Havel**
In this informative session, learn about a variety of collaborative communication techniques, such as summarizing, restating, reflecting back and reframing, empathetic listening and the sacred pause, the power of silence and the power of apology, and nonviolent communication.

9:45 **Role-Play of Third Collaborative Session | Faculty**
Working with your small groups, practice the brainstorming phase of the collaborative process.

10:30 **Break**

10:45 **Ethical Considerations in Collaborative Practice* | Havel**
Hear about the ethical standards and protocols applicable in a collaborative setting — including applicable North Carolina State Bar Ethics Rules (RPC 1.2, 1.4, 2.1) and Opinions (2002 FEO 1) — as well as considerations related to informed consent and zealous advocacy in your practice.
11:45  **Role-Play of Fourth Collaborative Session | Faculty**
Hone your skills as a collaborative lawyer by practicing the resolution, implantation and looking-forward phases of the process in a small-group setting.

12:30  **Lunch (Debrief)**

1:00  **Nonviolent Communication Exercise | Springfield**
In this final role-play session, learn how to strengthen your communication skills, which are a vital component of collaborative practice through a nonviolent communication exercise.

1:30  **How Technology Can Enhance the Collaborative Process‡ | Soni**
Investigate ways in which utilizing technology during the collaborative process can promote understanding of the case, facilitate better communication and reduce misunderstandings to ensure a smooth and durable resolution. Learn how easy it is to develop technology tools that assist with the collaborative process based on your client’s needs.

2:30  **Break**

2:45  **Building a Collaborative Law Practice | Russell and Springfield**
Discover what clients want to hear about collaborative practice. Learn how to translate the initial consult into a collaborative agreement and how to get all sides to commit to collaborative practice. Hear about the resources available to collaborative lawyers, such as collaborative practice groups, collaborative organizations, industry groups, insurers and other resources that are vital to your practice.

4:00  **DRC Rules and Standards Applied to Collaborative Practice and Other Pre-litigation Matters‡ | Kozlowski**
Review application of DRC rules and standards to collaborative practice, as well as other forms of pre-litigation dispute resolution. Learn when conflicts of interest are created and how to advise a client on the best method of dispute resolution for their specific problems.

5:00  **Adjourn**

* Indicates portion providing Ethics/Professional Responsibility credit
† Indicates portion providing Substance Abuse/Mental Health credit
‡ Indicates portion providing Technology Training credit
≠ Indicates portion providing Certified Mediator credit
PROGRAM DETAILS

SPEAKERS

- Colleen L. Byers, Bell Davis & Pitt PA, Winston-Salem
- Aida Doss Havel, Law Offices of Aida Doss Havel, Rodanthe
- Tara Kozlowski, Dispute Resolution Commission, Raleigh
- Ashley-Nicole Russell, Law Offices of Ashley-Nicole Russell PA, Greenville
- John L. Sarratt, Harris Sarratt & Hodges LLP, Raleigh
- Ketan P. Soni, Hull & Chandler, Charlotte
- Mark A. Springfield, Springfield Collaborative Divorce, Raleigh

PLANNERS

- Aida Doss Havel, Law Offices of Aida Doss Havel, Rodanthe
- John L. Sarratt, Harris Sarratt & Hodges LLP, Raleigh

PLANNING COMMITTEE

- Colleen L. Byers, Bell Davis & Pitt PA, Winston-Salem
- Mark A. Springfield, Springfield Collaborative Divorce, Raleigh

We extend our sincere gratitude to the NCBA Dispute Resolution and Family Law Sections as well as the planners and speakers who volunteer their time and expertise toward the goal of presenting an educational program of the highest quality.

HOTEL INFORMATION

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

Embassy Suites
201 Harrison Oaks Boulevard, Cary
- Nightly Rate: $174 single/double
- Reservations: 919.677.1840 or www.tinyurl.com/NCBA-Embassy
- Corporate Account Code: 2691626

TownePlace Suites by Marriott
120 Sage Commons Way, Cary
- Nightly Rate: $114 studio queen with sleeper sofa (Sunday–Thursday)
- Reservations: 919.678.0005
- Ask for the NCBA corporate rate.

SPECIAL ACCOMMODATIONS

NCBA makes every effort to ensure a quality learning experience. If you have dietary restrictions or need special accommodations, please contact us at least one (1) week prior to the program start date.

YOGA FOR LAWYERS

Tuesday, January 14, 2020
5:30–6:00 p.m.

Join Colleen L. Byers to discover how mindful movement can cultivate a sense of well-being, unity, service and love. This session is not for CLE credit.
STEP 1: Tell us who you are. (Please print clearly.)

Print Full Name: ________________________________
Address: ________________________________
City, State and ZIP: ________________________________
Daytime Phone Number: ________________________________
Email Address: ________________________________
NC State Bar No. (Required for MCLE Credit): ________________________________

STEP 2: Select your tuition rate. (Register early and save 10%. Payment must be received three (3) weeks prior to program date to qualify for the early rate.)

Standard Rate: ☐ $785 / ☐ $705 Early
NCBA Member: ☐ $655 / ☐ $590 Early
NCBA Dispute Resolution Section Member: ☐ $610 / ☐ $550 Early
NCBA Family Law Section Member: ☐ $610 / ☐ $550 Early

STEP 3: Select your learning format.
☐ Live (906COL)

STEP 4: Complete your payment information.
(Registration is complete only after payment is processed. Please print clearly.)

I am registering for this program at the tuition rate checked above.
☐ Enclosed is a check, payable to NCBA. ☐ Please charge my credit card.
Card Number: ________________________________ Exp. Date: __________
Total Amount: ________ Signature: ________________________________

Discounts may be available for NCBA members who are students, law professors, judges or legal services/public interest attorneys. Call CLE at 800.228.3402 for details.
Collaborative Practice Training

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REGISTRATION: All registrations are processed after payment is received. To qualify for the early tuition rate, payment must be received prior to the deadline indicated. Stated early discount rate percentage is approximate. Registrations may be capped based on venue size and may include an overflow room with additional seating. CHANGES TO EXISTING REGISTRATIONS: Should an attendee need to cancel his or her registration to a Live, Webcast or Video Replay program, the cancellation request must be received by 9:00a ET one (1) week prior to the start of the program to receive a full refund. Any attendee requesting cancellation less than one week prior to the program will receive a refund, less a $75 administrative fee. An attendee may choose to transfer his or her registration at a program to the Live, Webcast or Video Replay format of the same program only. Transfer requests must be received by 9:00a ET one (1) business day prior to the program start date. An attendee may further choose to substitute his or her registration to a Live or Video Replay program only. Substitution means sending another person to attend the Live or Video Replay program when the original registrant is unable to attend. Substitution requests must be received by 9:00a ET one (1) week prior to the program start date. The substituted person may be assessed a different fee based on their NCBA membership classification. Cancellation, transfer and substitution requests must be provided in writing by email at askcle@ncbar.org or by calling 800.228.3402. If an attendee misses any portion of a program, that portion is not subject to substitution, refund or transfer. Except as provided herein, registrations, including On Demand registrations, cannot be canceled, substituted or transferred once purchased. NO-SHOWS: Anyone who is registered for a program, including CLE Premier Pass holders, but does not check in is considered a no-show. No-shows are not issued a refund, and Premier Pass holders will be assessed a $75 administrative fee. These registrants will receive the digital materials, available in their online accounts, in full consideration of tuition paid. MISCELLANEOUS: The NCBA reserves the right to cancel or reschedule programs at any time. Should the NCBA cancel or reschedule a program, registrants may elect to receive a full refund or attend the newly scheduled program. Notifications regarding program changes will be sent to the email address on file. The NCBA is not responsible for any additional expenses incurred as a result of such cancellation or rescheduling. Each attorney must maintain a record of his or her attendance for the NC State Bar Annual Report. MCLE credit is reported by the NCBA only if a NC State Bar number is provided. Registration and attendance at NCBA CLE programs constitutes an agreement by the registrant with the NCBA for use and distribution of the attendee’s image or voice in photographs, videotapes, electronic reproductions and audiotapes of such programs and activities. Unless specified, spouses or guests are not eligible to attend NCBA CLE programs and activities without registering to attend. These terms are subject to change.