

Civil Collaborative Practice Training: The Collaborative Approach to Resolving Small Business Disputes

#653COL

Live | Tuesday-Wednesday, April 18-19, 2017

Holiday Inn Resort, Wrightsville Beach

CLE Credit | 14 Hours, includes 1.0 Hour Ethics/Professional Responsibility

Qualifies for: 1.0 Hour Ethics/Professional Responsibility

Planned by: NCBA Dispute Resolution Section and Co-sponsored by the NCBA Business Law Section

SUMMARY | 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.

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.

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 (Speaker Sponsored by:
Lawyers Mutual)
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

PROGRAM AGENDA | Tuesday, April 18, 2017

- 8:15a-8:55a Registration and Continental Breakfast
- 8:55-9:00 Welcome and Introductions | Sarratt
- 9:00-9:30 **Collaborative Practice in a Nutshell** | Faxon
- Brief history of collaborative practice
 - Collaborative practice on the ADR spectrum
 - The common language of consensual ADR: Interest-based negotiations
- 9:30-10:15 **The Collaborative Process (Part 1)** | Faxon and Springfield
- Defining features of the collaborative process
 - Collaborative in a small or family business setting
 - Advantages and cautions
- 10:15-11:00 **The Paradigm Shift** | Havel
- Practicing law as problem-solving rather than win-lose
 - Rethinking our role as attorneys
 - Increasing job satisfaction
- 11:00-11:15 Break
- 11:15-11:45 **Initial Case Assessment and Attorney/Client Meeting** | Faxon
- When and why to choose collaborative practice as a dispute resolution process
 - Setting up the first demonstration
- 11:45-12:30p **Demonstration of Initial Meeting with Client** | Crouch and 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

- 12:30-1:00 Lunch
- 1:00-1:45 **Breakout for One-on-One Initial Client Interview** | All faculty
- Explaining all the options
 - Informed consent
 - Committing to the process
- 1:45-2:00 **Attorney Preparation for Collaborative Sessions** | Morgan, Sarratt and Springfield
- 2:00-2:45 **Demonstration of First Collaborative Session** | Batts, Crouch, Kitchin, Morgan, Sarratt and 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)
- 2:45-3:00 **Debrief of the First Collaborative Session Demonstration** | Faxon and Springfield
- Q & A
- 3:00-3:15 Break
- 3:15-3:45 **Interest-based Negotiations** | Springfield
- Managing conflict in a collaborative setting
- 3:45-4:15 **The Collaborative Process (Part 2)** | Faxon and Springfield
- Role of the collaborative lawyer
 - Other members of the collaborative team--experts, case evaluators and consultants, facilitator/coach
 - Subsequent collaborative sessions
- 4:15-5:00 **Demonstration of Second Collaborative Session** | Batts, Crouch, Kitchin, Morgan, Sarratt and Springfield
- Needs and interests
 - Use of expert
- 5:00-5:15 **Demonstration of the Post-Session Attorney Session** | Morgan, Sarratt and Springfield
- 5:15-5:30 **Debrief and Q&A** | All faculty
- 5:30 Adjourn

PROGRAM AGENDA | Wednesday, April 19, 2017

- 9:00-9:45 **Collaborative Communication Techniques** | Havel
- Summarizing, restating, reflecting back, reframing
 - Empathetic listening and the sacred pause
 - The power of silence and the power of apology
 - Nonviolent communication
- 9:45-10:45 **Breakout for Third Collaborative Session** | All faculty
- Brainstorming
- 10:45-11:00 **Debrief and Q&A** | All faculty
- 11:00-11:15 Break
- 11:15-12:00 **Demonstration of Fourth Collaborative Session** | Batts, Crouch, Kitchin, Morgan, Sarratt and Springfield
- Resolution
 - Implementation
 - Looking forward
- 12:00-12:15 **Debrief All Collaborative Sessions and Q&A** | Faxon, Sarratt and Springfield
- 12:15-12:45 Lunch
- 12:45-1:45 ***Ethical Considerations in Collaborative Practice** | 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
- 1:45-2:45 **Panel Discussion** | Faxon, Havel and 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

- 2:45-3:00 Break
- 3:00-4:15 **Building a Collaborative Law Practice** | Faxon and Springfield
- Marketing a collaborative law practice
 - Collaborative practice groups
 - Involving industry groups, insurers and others
 - Getting all sides to commit to collaborative practice
- 4:15-4:30 **What Did You Learn?** | All faculty
- Q&A
 - What happens next?
- 4:30 Adjourn

**Indicates portion providing Ethics/Professional Responsibility credit*

RECOMMENDED HOTEL INFORMATION

Hotel Information | Holiday Inn Resort | 1706 North Lumina Ave | Wrightsville Beach, NC 28480

Rate: \$179/night Oceanfront

\$149/night Standard

Reservations: 910-256-2231

Cutoff Date: March 20, 2017

Group Code: NC Bar Association

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