



## **Training Programs offered by Lee Jay Berman**

In deciding which program to offer, my experience tells me that the three most important variables are in targeting: 1.) the right audience, 2.) the right experience level, and 3.) the organization's goals for their attendees' experience. The following is a list of offerings sorted by audience and experience level. Most of these programs are built as two-day programs, but can be condensed effectively into one day. While half-days are a possibility, the impact at the end of the program, and hence their perceived value, is far less than in a 1-day or 2-day format.

Lee Jay's biography is attached at the end of this document, but if you are not familiar with him, he is a world class mediator and conflict resolution expert, deeply steeped in negotiation theory and practice, while also being a sought after executive coach, working with partners at the highest levels of the world's top client service organizations (McKinsey & Co, PricewaterhouseCoopers, and many law firms). As a trainer, he has trained for businesses, organizations and universities based all across the United States, as well as in Europe, the Middle East, and Australia.

### **Audience: Experienced Mediators**

#### **Impasse is a Fallacy: An Advanced Mediators' Forum**

This course isn't exactly what the title sounds like. It is intended to challenge even the most experienced mediators and shake them out of their rut and nudge them off of the plateau they may have landed on. We begin by listing all of the typical causes of impasse in mediation, and then operate on the assumption that the mediator should accept responsibility for the majority of these roadblocks and can avoid an impasse by taking action in their convening process or in the early stages of the mediation to assure that impasse never occurs. This workshop is a highly interactive, high energy training that is seriously practical, as the goal is for each attendee to leave with a list of 50 new tools that they are going to implement immediately in their next mediations. The more experienced the audience is, the more we work in small groups, building off of each others' experience. It inspires and creates "aha" moments as mediators are exposed to new paradigms and ideas that will make them more effective in their work, and have them facing impasse much less frequently.

Sample organizations: National Academy of Distinguished Neutrals, Indiana Assn. of Mediators, Ohio Mediation Association, Illinois Assn. of Attorney Mediators, Louisiana State Bar ADR Section, Riverside County Dispute Resolution Services

## Training Programs offered by Lee Jay Berman

### Audience: Experienced Mediators

#### **Harnessing the Power of the Master Mediator: Seeing New Things in the Same Old Rooms**

This workshop is for those who are ready to move to the next level of awareness and consciousness, grounded in deeper connection with the participants. It is for mediators who have achieved a level of success and a respect for other mediation styles and applications, and who are prepared to move beyond the confines of evaluative and facilitative processes of mediation and make a difference with their work – both in the lives of their mediation participants, and in themselves. In this experiential workshop, we reach far outside of classic mediation training and work with the counter-intuitive. Master Mediators see things differently, they hear things differently, and they proceed differently than other mediators. This workshop is just what mediators need who feel like their work has hit a plateau. We introduce and practice the tools that master mediators draw upon that allow them to function at a higher level, including deep insights in self-awareness, neuro-linguistic programming (NLP) to build rapport and understanding, the psychology of conflict and manipulation, and raising your perceptual levels, all to help mediators see and hear more of what's going on in the room and have impact that participants want when they say, "Now, go work your magic."

Sample organizations: National Academy of Distinguished Neutrals, ACR's Advanced Commercial Mediation Institute

#### **Grow Your Mediation Practice, Now!**

This workshop is about developing a mediation practice. We volunteer and we gripe. We go to "networking" events, and don't feel comfortable there or don't know what to do. Many of those trying to establish a career in mediation come from prior careers in law, mental health or education. These three careers are among the weakest at marketing and self-promotion. Our industry suffers unnecessarily because so many are highly skilled at mediating, and yet lack the skills that enable them to secure the opportunity to actually mediate. In this course, learn how to grow your mediation business starting tomorrow. At the conclusion of the workshop, participants will be adept at implementing strategies to initiate or further develop their mediation practices, including but not limited to understanding: how their unique skills and experience translate into a distinct market niche, the core essentials of marketing, advertising, branding and image building, the single value added deliverable to which their potential clients will respond, constructing an individualized marketing plan, the importance of preparing a long-term marketing plan and of consistency in implementation, locating and tracking sources of paying clients and capitalizing on those sources

Sample organizations: Southern California Mediation Association, Illinois Association of Attorney Mediators

## Training Programs offered by Lee Jay Berman

**Audience: Attorneys or Advocates in Mediation (users of mediation services)**

### **12 Ways to Make Your Mediator Work Harder For You (Keynote or half-day)**

Most attorneys and party representatives in mediation don't get enough out of their mediator. In fact, most mediators don't work very hard for you at all. Like squeezing a very expensive tube of toothpaste, mediation participants and advocates will benefit by understanding how to maximize the value they get from their mediator. This workshop covers 12 things that attorneys and others in mediation should do to get that value, and to maximize their eventual settlement. This workshop will also cover the principles of influence and the psychology of persuasion.

Sample organizations: California Joint Powers Insurance Authority, Murchison & Cumming LLP

### **Maximize Your Mediations!**

If the goal is to kick-start mediation in your region, then I'd suggest we start with this program. This one works best as a 1-day conference where we invite the bar, general counsel, business community, insurance adjusters and judges and we do a full day that covers the evolution and trends in mediation – where it has been and where it's going (I do this as a morning keynote), how the courts view it (usually a civil judge who leads the court's ADR efforts), any court or community mediation program we should highlight (the court ADR administrator or program director), and what the local ADR Section is doing (Section Chair) – and this happens all through the morning. Then we do an afternoon that's panel discussions that I moderate and that feature the local mediators on the panels answering pre-set questions, as well as audience questions, about how they'd handle certain difficult situations, so that the audience (advocates, clients and adjusters) can hear that mediation is an art form, not a science, and can become educated around the idea that not all mediators are the same, and that there are many different ways to skin the cat, etc. The audience leaves having learned a whole host of things that they usually never knew about mediation, and how the local mediators are different, and how to access mediation that appropriate for their needs.

Sample organizations: Pennsylvania Bar Assn., Santa Barbara County Court and Bar Assn., Kern County Superior Court.

### **The Fundamentals of Representing Clients in Mediation**

Representing clients in mediation requires an entirely different skill set and advocacy style than representing them in arbitration or litigation. This workshop discusses the finer points of what mediation is (and is not), the types of disputes that are appropriate for mediation, the right timing for when a case is "ripe" for mediation, how to select the right mediator, the role of the mediator, developing goals for the mediation, and preparing your client for mediation. We role play to help attorneys get comfortable with the role, and with the interventions they can expect from a mediator, so that they will be better prepared advocates when they step into their next mediation.

Sample organizations: Beverly Hills Bar Assn. Barristers

## Training Programs offered by Lee Jay Berman

**Audience: Mediators and Attorneys who represent clients in mediation or negotiation, Insurance Claims Professionals, and other negotiators.**

### **Strategic Legal Negotiation Skills (aka Adaptive Negotiation Skills)**

Experience demonstrates that most people negotiate in a way that is consistent with their personality. Most nice people tend to negotiate in a way that is collaborative and can give too much value away, where most competitive people can negotiate in a way that is more hard ball and can alienate people and not get deals, when their goal is to get one. This high energy, highly interactive workshop uses games, lecture and small group exercises to examine how people can be most effective at competitive negotiations, and then how to transition into more collaborative, interest-based negotiations, and how those two styles differ, and how to transition from the former to the latter, whether negotiating on behalf of one side, or serving as a mediator. This course appeals to both litigators and transactional attorneys, claims professionals, contract negotiators, client service professionals, and managers at all levels.

Sample organizations: State Bar of Wisconsin, Santa Barbara County Bar, Beverly Hills Bar Assn. Barristers, Manatt Phelps & Phillips LLP, Allen Matkins LLP, Nationwide Insurance, Zenith Insurance, TEXO The Construction Association, Bend, OR Chamber of Commerce

### **Advanced Legal Negotiation Skills (aka Advanced Adaptive Negotiation Skills) (aka Negotiation Mastery: Maximizing Influence, Defending Against Tactics, and Perfecting Counter-Moves)**

This workshop for senior executives, managers and team leaders picks up where the basic negotiation course ends. It deals with advanced negotiation skills such as creating and controlling influence, recognizing and capitalizing on the danger and opportunity in every negotiation, dealing with opponents' tactics (common derailers), and advanced closing skills. We work with the 10 principles for maximizing one's influence, at the psychology of manipulation, and at a whole host of ways to get a difficult transaction or settlement discussion closed, even when it seems impossible, by learning what we can from the world of sales about bringing people to a point of decision, managing their expectations, and getting closure on the terms that you want. We also work on negotiation preparation. Most negotiators don't invest the time in preparing by anticipating what each side's motivations are, and what their probably incremental negotiation steps would be. We use our Negotiation Planning Instrument to empower them with a tool and techniques for having the greatest advantage in any important negotiation by being well prepared, and anticipating the other's moves before they make them. This course is truly one for negotiation mastery.

Sample organizations: Nationwide Insurance

## Training Programs offered by Lee Jay Berman

### Audience: Businesses, Organizations, and General Public

#### **Maximizing Team Performance: A Capacity-Building Workshop for Leaders and Top Teams**

This workshop is designed for senior executives, managers and team leaders to build performance, leadership skills, and to help them develop top teams. Managers will learn:

- 1.) creating healthy and dynamic teams – The Four Player Model for structural balance in teams;
- 2.) understanding the importance of first impressions and the power of aligning them with self;
- 3.) identifying and understanding biases and how they affect team performance;
- 4.) gaining, measuring and creating trust between team members;
- 5.) identifying advanced communication styles and applicability of each style;
- 6.) inquiry vs. advocacy in communication style;
- 7.) Neuro-Linguistic Programming as a tool for maximizing understanding among teams; and
- 8.) personal power and executive presence and the role it plays in team dynamics

Sample organizations: Southern Methodist University, PricewatershouseCoopers LLP

#### **Resolving Conflict: In the Workplace, with Contractors, and with Customers (aka Collaborative Communication Skills for the Workplace)**

Every business, organization, and board has conflict. As a mediator, Lee Jay sees what disputes escalate into larger problems, but more importantly, he sees how the larger, fully-inflated disputes could have been resolved at an earlier stage, had someone in the room had the kind of skills that mediators study. This workshop offers to managers, board members, and other leaders the skills of a mediator in recognizing conflict, utilizing the differing styles of conflict resolution, formulating a strategic course of action to diffuse it, and to help people negotiate more collaboratively, opening the possibility for greater understanding, stronger relationships, and win-win solutions. Attendees will learn to identify positions and interests, and will learn how most people respond to conflict, enabling them to diagnose what is going on in front of them, and to add value to the conflict by bringing the perspective of a master mediator, overcoming impasses and breaking deadlocks, and closing techniques to bring about a mutually satisfying resolution to conflict. These are priceless managerial skills, but can be taught to people of all levels of an organization, which can create a common vocabulary among a work force.

Sample organizations: Children's Hospital, Olive Crest Abused Children's Foundation, Bend (OR) Chamber of Commerce

## Training Programs offered by Lee Jay Berman

### Audience: Businesses, Organizations, and General Public

#### **Executive Presence and Leadership Skills: A Capacity-Building Workshop for Managers and Entrepreneurs**

This workshop is designed for executives, managers and team leaders to build their individual skills in executive presence, building trusted advisor relationships with clients and colleagues, and developing general leadership skills. We use various models to help them measure their current skill set in these areas, and measure their performance gap between where they are, and where they would like to be. Managers will learn:

- 1.) the keys to personal power: reputation, executive presence, and impact;
- 2.) understanding the importance of first impressions and the power of aligning them with self;
- 3.) the elements to building trusted advisor relationships, and using the relationship matrix;
- 4.) identifying advanced communication styles and applicability of each style;
- 6.) inquiry vs. advocacy in communication style.
- 7.) creating healthy and dynamic teams – The Four Player Model for structural balance in teams; and
- 8.) the basics of conflict resolution in the workplace, turning competition into collaboration.

Sample organizations: Southern Methodist University, PricewaterhouseCoopers LLP

### Audience: Judges

#### **Mediation and Settlement Skills for Judges**

Judges are frequently put in the position of settlement officers in their cases and others, yet few judges have ever had formal mediation training. This course is a practical training course, but is a crash course for experienced judges. It is appropriate for all of the judiciary, whether they have settled ten cases or several thousand. There is much to teach about mediation and negotiation, and this course is designed to deliver enough theory and practice in one day that judges will feel more confident in the role of settlement judge, and will see their settlement rate climb substantially. This course will give them hands-on experience with all of the different styles and approaches that complete mediators call upon. Because negotiation is the core component of the settlement process, this course emphasizes negotiation skills, strategies and techniques that you and those around you use to impact others' ability to see and understand. Judges will learn to recognize the participants' various negotiation styles and tactics, be fluent in responding to each, and eventually become masterful at orchestrating a negotiation in order to bring about settlement. Lastly, we will cover how mediators get to parties' underlying interests in order to get lasting agreement. With all of these tools in hand, judges who attend this program will see remarkable results.

Sample organizations: California Judicial Educational Resource, Kern County Superior Court

## Lee Jay Berman Trainer

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## Lee Jay Berman

Lee Jay Berman began as a full-time mediator over 20 years ago, and has successfully mediated over 1,900 matters. He is a national panelist with the American Arbitration Association, a Distinguished Fellow with the International Academy of Mediators, a Charter Diplomat with the National Academy of Distinguished Neutrals, certified by the International Mediation Institute, and a Dispute Resolution Expert with the United Nations Development Programme. He was Mediator of the Year for the US Bankruptcy Court in California, California's Daily Journal twice named him "Top Neutral", Acquisition International Magazine awarded him "Mediator of the Year – California" in 2012-2014, and he has been voted by his colleagues into the Who's Who of International Commercial Mediation in 2012-2014.

He added an executive coaching practice in 2005, and today carries a successful roster of 20-25 executives that he is coaching at any time. His coaching work has spanned from the highest levels of the world's largest professional service firms (strategic consulting firms, accounting and law firms), to c-suite executives in fortune 500 businesses.

A respected trainer, he founded the American Institute of Mediation, leaving his position as Director of Pepperdine Law School's Mediating the Litigated Case program after seven years. In addition to lecturing and training at Pepperdine University, he has also done so at Southwestern Law School, University of Texas, Southern Methodist University, Cal-State Northridge, UC Santa Barbara, and Bond University in Brisbane, Australia. Lee Jay has trained judges, attorneys and business leaders in India, Australia, Europe and the Middle East.

As an author, he has published numerous articles on topics including mediation, negotiation, ethics, and leadership. Along with his blog Eye On Conflict, the ABA will be publishing two of his books in 2015.

