



TMCA

16TH ANNUAL SYMPOSIUM

Saturday, October 24, 2020

8:30 am to 5:00 pm

Live via Zoom Video Webinar*

Embracing Our Changing Reality

This year's TMCA Symposium is all about us as mediators truly embracing where we are in these uncertain times and learning to make the best of it for those we serve...and for ourselves. It saddens us that we will not be together in person this year. However, we assure you that we are not skipping a beat in providing what we trust will be among our best series of educational experiences to date. During the morning, we will focus on recent mediation case law from the Supreme Court of Texas on down. Then, we focus on becoming more culturally responsive as mediators, given the systems of inequity in our country. The afternoon will be both informative and entertaining, as some of our more experienced "Zoomers" (fellow mediators) will go beyond the basics of "Zoomediations," sharing their best tips, best practices, and some of their best, and worst, experiences online. Appropriately, we will end our Symposium with ways to deal with the effects of staring at our computer screens all day most days. Please join us on this thought-provoking adventure!

6.25 hours CLE approved, including 3.25 hours ethics

*We plan to record all sessions for online access to all paid registrants through 11/30/20.



**TEXAS MEDIATOR
CREDENTIALING
ASSOCIATION**

*Promoting Quality Mediation
Throughout Texas*

WWW.TXMCA.ORG

8:30 am	WELCOMING REMARKS/WEBINAR LOGISTICS John Palmer, TMCA Chair
8:45 am	THE LATEST FROM THE SUPREMES (.75 hour) Justice Debra H. Lehrmann and Hon. John Coselli <i>Learn about the latest Texas cases affecting your mediation practice and the impact of COVID-19 on the administration of justice from Texas Supreme Court Justice Debra Lehrmann and her devoted side-kick, Judge John Coselli.</i>
9:30 am	15-MINUTE BREAK
9:45 am	ZOOMING IN ON MORE OF THE LATEST (AND MOST ENTERTAINING) MEDIATION CASE LAW (1 hour; .5 ethics) Mike Schless <i>Dive deeper into recent Texas court opinions that impact mediators. Topics include MSAs, mediator behavior, the role of the mediator, and more.</i>
10:45 am	15-MINUTE BREAK
11:00 am	THE CULTURALLY RESPONSIVE MEDIATOR (1.5 hours; 1.5 ethics) Panelists: Rudy Metayer, Carolyn Morris, and Danette Ross Watson; Moderator: Angela Downes <i>COVID-19 and the recent protests have brought a renewed focus on systems of inequity. How can today's mediator navigate the changing landscape? Taking a page from the national conversation on race, equity, and inclusion, this dynamic panel discussion will reveal strategies, best practices, and tools that mediators can integrate for more effective and inclusive mediations.</i>
12:30 pm	45-MINUTE LUNCH BREAK
1:15 pm	PRESENTATION OF THE JAMES GIBSON SCHOLARSHIP AND TMCA'S OUTSTANDING CREDENTIALLED MEDIATOR AWARD IT'S A NEW WORLD – ZOOMEDIATIONS ARE HERE TO STAY! <i>Join experienced Zoomers as they walk us through the process of successfully conducting Zoomediations (online mediations using the Zoom platform). They'll cover their own "Best Practices" when setting up for the session as well as when conducting it; share their forms and procedures, along with insights gained from their experiences – the good and the bad ones; address some security and ethical issues that are unique to online mediations; and address your questions during an undoubtedly lively Q&A session. To "top off" this timely topic, you'll learn from the therapeutic community about building rapport and how to survive "Zoom fatigue" (the perfect ending to this long day of Zooming). See Parts 1, 2, & 3 of these afternoon sessions.</i>

1:30 pm	PART 1 – BEYOND THE BASICS (1.25 hours; .50 ethics) John DeGroot, Chris Nolland, John Shipp, and Ross Stoddard Get Ready: <i>Advance prep – what to send to participants ahead of time; forms to use; setting up your room and Zoom; toggles "on" or "off"; pre-session caucuses</i> Get Set: <i>What to do for the day's mediation before the first arrival – more forms; tweaking Zoom; prepping for communications; appearance</i> Go: <i>"Lights...Cameras...Action!" – explaining the process; using Zoom features during the session (screen share; whiteboard; breakout rooms; etc.); how to "show up" during the session; making the process more effective and efficient; talking...and listening...effectively</i>
2:45 pm	15-MINUTE BREAK
3:00 pm	PART 2 – OOPS! READY...SET...OH NO!!! (1 hour; .50 ethics) John DeGroot, Chris Nolland, John Shipp, and Ross Stoddard <i>Things sometimes don't "Go" as expected, so...workarounds for those techno-hiccups; red flags for some security and ethical issues in online sessions; confidentiality – maybe not, so what to do?</i> Q&A AND SHARING EXPERIENCES <i>What's on your mind? Let's talk about it.</i>
4:00 pm	15-MINUTE BREAK
4:15 pm	PART 3 – RAPPORT BUILDING AND MEDIATOR SELF-CARE (.75 hour; .25 ethics) Diane Harvey, LCSW <i>How do we build rapport online? How do we combat our own "Zoom fatigue," after hours, days, or weeks of limiting our interactions to our computer screens? Diane shares insights from the therapeutic community to help mediators balance virtual connection with the importance of maintaining our best selves as mediators.</i>
5:00 pm	ADJOURN

**REGISTER
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www.TXMCA.org

SYMPOSIUM FEES

EARLY BIRD DISCOUNT BY 10/4/20
\$75 (current Credential holders [CH])
\$100 (non-Credential holders [NCH])

AFTER 10/4/20
\$100 (CH) \$125 (NCH)

2020 TMCA SYMPOSIUM SPEAKERS



HON. JOHN COSELLI

John has been a State District Judge for more than 20 years. He served as the presiding Judge of the 125th Civil District Court of the State of Texas for 10 years, and continues to serve as an assigned State District Judge. Prior to taking the Bench, he was in private practice with the law firm of Carl, Lee, & Coselli from 1977 until appointed to the Court by the Governor in 1999. John now mediates, arbitrates, and continues to sit as a trial Judge by assignment. John is the Judicial representative to the Board and a past President of TMCA.



JOHN DEGROOTE

John serves as a mediator and arbitrator in complex business, technology, and intellectual property matters involving parties and interests around the country and beyond – often before litigation has been filed. Prior to establishing his current practice, he spent more than 10 years at KPMG Consulting, later known as BearingPoint, Inc., a \$3 billion technology consulting firm with more than 15,000 employees worldwide, where he served as Chief Litigation Counsel and, later, as BearingPoint's Executive Vice President and General Counsel. John is a past Chair of the State Bar of Texas' ADR Section, and the Dallas Bar Association's ADR Section. He lives in Dallas with his wife and three boys.



ANGELA DOWNES

Angela serves as Assistant Director of Experiential Education at UNT Dallas College of Law, where she oversees the law school's mediation program. She is a frequent trainer on cultural competency, implicit bias, and diversity issues. Having trained school districts, corporate entities, attorneys, and judges, she was appointed by the Governor to serve on the Texas State Board of Examiners of Psychologists and was re-appointed in 2013. She is a Texas Bar Fellow and Board member for the Texas Mediator Credentialing Association. Angela also serves as an associate municipal judge for the City of Glenn Heights, Texas.



DIANE M. HARVEY, LCSW

A clinical social worker, mediator, and mediation trainer, Diane holds an MSW from Fordham University. Her career has included work with people in public, private, and non-profit sectors, as well as union leadership. In 1995, she moved into her own practice, receiving mediation training in 1999. She is a past board member (past President) of the Austin Mediators Association, the Texas Mediator Credentialing Association, and the Texas Association of Mediators (past President). Diane was honored by the National Association of Social Workers/ Texas Capital Area Branch as 2014 Social Worker of the Year and is a TMCA Credentialed Advanced Mediator.



JUSTICE DEBRA H. LEHRMANN

Justice Lehrmann has served on the Supreme Court of Texas since her gubernatorial appointment in June 2010. She serves as the Court's liaison to the State Bar of Texas, the Board of Disciplinary Appeals, the State Bar Judicial Section's Judicial Ethics Committee, the Texas Association for Court Administration, the State Bar Family Law Section, the Family Law Council, the Texas Mediator Credentialing Association, and the Texas Attorney-Mediator Coalition. Prior to her appointment to the Court, she served as a trial judge in Fort Worth for 23 years.



RUDOLPH "RUDY" K. METAYER

As an attorney at Chamberlain McHaney in Austin Texas, Rudy has represented both public and private entities in hundreds of cases on a plethora of matters worth millions of dollars. He is a tireless advocate in the community speaking and working on a host of issues ranging from teaching at-risk children, co-authoring an honor code for the University of Texas, helping form a partnership with local law enforcement and the State Bar to address the issue of community policing, and creating pro bono legal advice clinics for U.S. military veterans. Rudy currently serves in the Place 4 position on the Pflugerville City Council, which he has held since November 2017, as well as Chair of the African American Law Section of the State Bar of Texas.



CAROLYN MORRIS

Carolyn is the founder of the Art of ADR Group where she mediates cases throughout Texas. She is also an ARB member of the Dallas County Appraisal District, a pro bono mediator for the Dallas County civil and family courts, and a mediator for the Texas Department of Insurance. In 2017, she was the recipient of the Family and Civil Court Mediator of the Year for Dallas County. Carolyn is the founder and former President of the Lancaster NAACP and received her B.A. from Dallas Baptist University and Paralegal Certificate from Dallas County Community College District.



CHRISTOPHER NOLLAND

A mediator and arbitrator since 1993, Chris has conducted more than 2,600 mediations and numerous arbitrations, primarily in complex business and commercial matters and fiduciary litigation. His mediation and arbitration practice focuses on large, complex, multifaceted disputes, and is national in scope. Chris is an Adjunct Professor of Law at SMU Law School and for the past 24 years has taught a full-semester course on Negotiation to 2nd and 3rd year law students and LLM candidates.



MIKE SCHLESS

The Texas ADR statute in 1987 required the judges in the state to devise a plan to implement ADR in their jurisdictions. As one such judge, Mike figured if he was going to be ordering people to mediate, he ought to know what mediation is. So he took his first course in ADR and immediately became hooked. A mediator and arbitrator since he left the bench in 1992, Mike has been actively involved in the ADR community. In addition to his full-time ADR practice, since 2012 Mike has been teaching Negotiation and Mediation to the brilliant young minds at the UT School of Law.



JOHN SHIPP

John has more than 20 years of experience as a mediator focusing on the resolution of complex disputes. In 2013, he opened his full-time dispute resolution practice and serves as mediator, arbitrator, and settlement counsel. Prior to that time, John was a partner at a litigation boutique in Dallas. He has practiced in the areas of business and commercial litigation and has worked as a transactional lawyer performing real estate, commercial leasing, and general corporate work. He has served as outside general counsel for several of his clients, advising them on litigation, employment, regulatory, and transactional matters, and all aspects of risk management and dispute resolution.

Speaker bios continued on the next page.

2020 TMCA SYMPOSIUM SPEAKERS

Speaker bios continued from the previous page.



ROSS W. STODDARD, III

Based out of his office in Las Colinas (Irving), Ross has been a full-time, professional mediator of civil and probate disputes for the past 30 years. During this pandemic, like most of us, he quickly transitioned his practice into conducting Zoommediations. Ross practiced law for 15 years prior to becoming a mediator.



DANETTE J. ROSS WATSON

As the founder and president of Solomon's Way ADR Services, Danette has practiced in the field of ADR nearly 25 years. She also serves as the Executive Director of the West Texas Community Mediation Center in Big Spring, Howard County, Texas. She provides conflict management services and mediation to several agencies in Texas and the federal sector as an independent contractor. Danette is a TMCA Credentialed Distinguished Mediator, serves on the Texas Association of Mediators' Board of Directors as Outreach Coordinator, and is a former NAACP President for the Berkeley County Branch, WV, 2010-2013.

CHANGES TO 2021 TMCA CREDENTIAL RENEWAL & APPLICATION REQUIREMENTS AND FEES DUE TO COVID-19 PANDEMIC

In June 2020, TMCA's Board of Directors established a "COVID-19 Compassion Committee." The task of this committee was to assess the impact of the pandemic on Texas mediators and to recommend to the Board any changes to 2021 renewal and application requirements that could ease the burden on current and prospective TMCA Credential holders during this uncertain time. In our June 12th Board meeting, all the recommendations made by this committee were approved.

For TMCA renewals for 2021 only:

- Renewal fees have been reduced by 50% for all Credential designations, including the fee for volunteer mediators, for all renewals submitted and paid by 12/31/20.
- The annual mediation experience requirement has been waived for all Credential designations.
- The continuing education requirement has been reduced from 15 hours to 10 hours. Such 10 hours must have occurred this year (2020) and relate to the practice of mediation. Of such hours, at least three (3) must consist of mediation ethics, up to four (4) may be self-study, and up to five (5) may be as an instructor of mediation training. Given the reduction in CED hours, such 10 hours shall not include substantive courses. For information regarding Continuing Education Criteria, go to www.TXMCA.org.
- The requirement to make him/herself available to conduct pro bono mediations each year has been waived for TMCA Credentialed Advanced Mediators and TMCA Credentialed Distinguished Mediators.
- For Candidates for Credentialed Mediator whose fourth year as such occurred in 2020, that candidate may continue as a Candidate for Credentialed Mediator for one additional year.

For applications by former TMCA Credential holders, for the year 2021 only:

- Application fees have been reduced by 50% for all Credential designations, including the fee for volunteer mediators, for all applications submitted and paid by 12/31/20.

For applications by mediators applying for a TMCA Credential for the first time:

- **For the year 2021 only:**
Application fees have been reduced by 50% for all Credential designations, including the fee for volunteer mediators, for all applications submitted and paid by 12/31/20.
- **Beginning 2020 and ongoing:**
The training requirement now includes the option to take the 40-hour Basic Mediation Training via video conference, if the full 40 classroom hours are live and interactive.

**2021 RENEWALS AND APPLICATIONS
OPEN 10/1/20 AT www.TXMCA.org**



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