

40 Hour Specialized Family Mediation Course

organized under the auspices of Kraków District Bar

Kraków, 8-14 July 2018
Klub Adwokatów, ul. Sławkowska 1

For: Legal representatives (attorneys-at-law, legal advisors, trainee attorneys and trainee legal advisors) and mediators in family law cases, only up to 30 participants

Language: English, with reference to Polish substantial and procedural law

Description: The aim of the course is to cover skills needed in a specific type of mediation, i.e. family law mediation. It applies to both out-of-court mediation and court referred mediation. It is addressed mainly to legal representatives (attorneys-at-law, legal advisers) of the parties in family law cases, in order to use the full extent of possibilities of resolving dispute through mediation. It is also directed to mediators who want to enhance their skills in resolving family law cases.

The relevance of this course is dictated by two major factors: firstly – the wide use of mediation in family law cases, which makes the skills presented during this course an essential toolkit of each person (legal representative, mediator) involved in dealing with family law cases, as well as the suggested amendments to the Polish civil procedure, which may make mediation mandatory e.g. in divorce proceedings.

The course is a combination of interactive workshops, covering the theory of mediation and mock mediations, where each participant will have a chance of test her/his newly acquired skills in practice and receive individual feedback from both trainers. The successful participants will receive certificates of attendance.

Schedule: 40 hours, 7 days (3 full days and 4 half days), adjusted not to impede the daily activities of participants, who may follow the course and continue to work at one's office. At the same time, it follows the most commonly used standard of 40-hours course, which makes it eligible to present to the President of the District Court in Poland should one consider to be listed as a permanent mediator.

Price: *Early bird (20% discount) by 2 July: 1.200,00 PLN + VAT*
Regular price from 3 July: 1.500,00 PLN + VAT
Participation, materials, certificates and coffee breaks included

Registration: By Thursday, 5 July, 23:59 CET, online only via e-mail (see registration form)
No refund possible after registration

Trainers:



Dr. Kimberly Schreiber, Esq.

An attorney/mediator licensed in Tennessee, United States. She is a Tennessee Supreme Court approved trainer in Mediation and is the founder of Training Resolved Law and Mediation Center. She is a Listed Mediator in Civil/General and Family Mediation with Special Training in Domestic Violence Issues and Elder Mediation. She has had the privilege of training mediators all over the world for the past 6 years

and has judged several international mediation competitions. Kimberly teaches at Bethel University in the Master of Arts in Conflict Resolution program. She has a passion for speaking about law, ethics and mediation through seminars, television appearances and international keynote speaking engagements. She just finished her first international mediation collaborative book, which was published in February 2016 entitled *Mediation Practice: 8 Cultures, 16 Cases, 128 Creative Solutions*.



Adw. Cezary Rogula

Accredited mediator (Lewiatan Mediation Centre) and *Adwokat* with his own Law & Mediation Office in Kraków. Participant of Joint Ph.D. Programme in Law (Jagiellonian University and University of Antwerp). Listed as permanent mediator and mediator in criminal cases at Kraków District Court. Specialized in international and domestic civil, commercial and consumer mediation and ODR, also as lecturer and trainer. Involved in ICC Mediation Competitions since 2009, CDRC Vienna since 2015 and Lex Infinitum, India since 2018. Previously: visiting student at Harvard Law School, KU Leuven (completed HLS Program on Negotiation Workshop there), visiting researcher at Heidelberg University. Completed School of American Law and Postgraduate Diploma in Banking Law. He participated in numerous conferences and trainings on mediation (organized by, CAO, CEDR, CIArb, CILS, CPR, IMI, INADR, UIA), published texts on various legal topics.

Agenda:**Day 1 – Sunday 8 July (whole day)****Part I: Basics of mediation**

- 9:00-9:20 Introduction and Opening Remarks
- 9:20-10:20 Mediation Basics (terminology – English and Polish, types of mediation: facilitative, evaluative, transformative)
- 10:20-10:30 *Coffee break*
- 10:30-11:30 Structure of a mediation (opening statements, exploration phase, exchange of information, brainstorming and generating settlement options)
- 11:30-11:50 Direct vs indirect mediation and private meetings (caucuses) during mediation
- 11:50-12:00 *Coffee break*
- 12:00-13:20 Principles of mediation (confidentiality, voluntariness, flexibility, autonomy of parties)
- 13:20-14:30 *Lunch break*

Part II: Characteristics of family law disputes

- 14:30-15:00 Polish family law and civil mediation law overview
- 15:00-15:50 It's not only about law – sources and types of conflicts in family law mediation (divorce, child custody, division of assets, domestic violence, elder mediation, family business disputes)
- 15:50-16:00 *Coffee break*
- 16:00-16:40 Panel discussion: Disputes between spouses – specific issues
- 16:40-17:20 Panel discussion: Disputes between parents and children (child custody, elder mediation) – specific issues
- 17:20-17:30 *Coffee break*
- 17:30-18:00 How to manage emotions and asymmetries between the parties (e.g. age, education, social, financial status etc.)
- 18:00-19:00 The crocodile game – group exercise

Day 2 – Monday 9 July (half day)**Part III – Role and tasks of a mediator**

- 15:30-16:30 Role and principles of a mediator (neutrality, impartiality), legal environment of a work of a mediator in Poland
- 16:30-16:50 What a mediator won't do
- 16:50-17:00 *Coffee break*
- 17:00-18:00 Toolbox of a mediator (mediator's proposal, stapler, legal pad, pens, forms, receipt book, tissue, notary stamp, laptop)
- 18:00-18:20 Factors that can destroy the impartiality and neutrality of a mediator
- 18:20-18:30 *Coffee break*
- 18:30-19:30 Opening statements to parties – the basics
- 19:30-20:00 Model opening statement and homework

Day 3 – Tuesday 10 July (half day)**Part IV – Legal representation – preparing a case and parties for mediation**

- 15:30-16:50 Participants' intros (7-8) and feedback
- 16:50-17:00 *Coffee break*
- 17:00-17:20 Estimating whether mediation is appropriate for a given dispute.
- 17:20-18:20 Role and tasks of legal representative in family law mediation. Division of roles at the mediation table. What if the court orders that only clients may participate in mediation?
- 18:20-18:30 *Coffee break*
- 18:30-18:50 How to initiate mediation, how to choose a mediator?
- 18:50-20:00 Preparing a case for mediation and homework
 - basic terminology (ZOPA, BATNA, Reservation Values etc.)

- interests vs. positions
- components of a dispute (legal, factual, personal etc.), choice of topics
- preparing preliminary options

Day 4 – Wednesday 11 July (half day)**Part V – During the mediation**

- 15:30-16:50 Participants' homework and feedback
- 16:50-17:00 *Coffee break*
- 17:00-17:20 Pre-mediation conference
- 17:20-18:20 First meeting(s) with the parties - tasks of a mediator, setting up ground rules, creating an agenda
- 18:20-18:30 *Coffee break*
- 18:30-20:00 Role Play 1 and feedback

Day 5 – Thursday 12 July (half day)**Part VI – During the mediation (II)**

- 15:30-15:50 Review and Questions
- 15:50-16:50 Ways of getting out of an impasse. What if a meeting doesn't end with a settlement?
- 16:50-17:00 *Coffee break*
- 17:00-17:40 Generating options. Rules of brainstorming.
- 17:40-18:20 Concluding mediation. Drafting settlement agreement - how far can a mediator help clients? What is in the minutes from mediation? Do you retain notes from the session, and how long?
- 18:20-18:30 *Coffee Break*
- 18:30-20:00 Role Play 2 and feedback

Day 6 – Friday 13 July (whole day)**Part VII – Specific problems of mediation**

- 9:00-9:20 Review and Questions
- 9:20-10:20 Third persons in mediation – witnesses, experts, children
- 10:20-10:30 *Coffee break*
- 10:30-11:50 Listening exercise “Big Foot, Little Foot”
- 11:50-12:00 *Coffee break*
- 12:00-13:20 Variations of mediation:
 - cross-cultural mediation
 - co-mediation
 - online dispute resolution
- 13:20-14:30 *Lunch break*
- 14:30-15:00 Elder mediation – an emerging market
- 15:00-15:30 Family business disputes
- 15:30-15:40 Review and Questions
- 15:40-15:50 *Coffee break*
- 15:50-17:20 Role Play 3 and feedback
- 17:20-17:30 *Coffee break*
- 17:30-19:00 Role Play 4 and feedback

Day 7 – Saturday 14 July (whole day)**Part VIII – Ethics of a mediator**

- 9:00-9:20 Review and Questions
- 9:20-10:20 Mediator's ethics
- 10:20-10:30 *Coffee break*
- 10:30-11:50 Ethics Model Rules Interactive Gameshow
- 11:50-12:00 *Coffee break*
- 12:00-13:20 Group exercise – Ethics
- 13:20-14:30 *Lunch break*
- 14:30-16:00 Role Play 5 and feedback
- 16:00-16:10 *Coffee break*
- 16:10-17:40 Role Play 6 and feedback
- 17:40-17:50 *Coffee break*
- 17:50-19:00 Closing remarks and final questions and answers. Awarding of certificates

40 Hour Specialized Family Mediation Course (Kraków, 8-14 July 2018) Registration form

Please print out this registration form, fill it in, sign and return the scanned version together with the proof of bank transfer of the registration fee by Thursday, 5 July, 23:59 CET at the latest to: office@rogula.com (registration available only via email).

Payment of registration fee:

Early bird (20% discount) by 2 July: **1.200,00 PLN + VAT** (1.476,00 PLN including VAT)
Regular price from 3 July: **1.500,00 PLN + VAT** (1.845,00 PLN including VAT)

Please pay the applicable registration fee prior to registration by bank transfer to the following bank account:
Cezary Rogula 21 1090 1665 0000 0001 3327 4441 (BZWBK S.A.)
Title of bank transfer: *Name_Surname*-Family Mediation Course Kraków 2018

No refund of registration fee possible after successful registration.

Name: _____

Family Name: _____

Company (if applicable): _____

Address: _____

Postal Code: _____ City: _____ Country: _____

Mobile phone number: _____

Email address: _____

NIP (if applicable): _____

I need an invoice: YES / NO

The organizers of the course and the administrators of personal data are: *Training Resolved, LLC*, 866 Willow Tree Circle, Memphis, TN 38018, United States of America and *Adw. Cezary Rogula Kancelaria Adwokacka i Mediacyjna*, al. Beliny-Prażmowskiego 5/2, 31-514 Kraków, Poland

Places for the course are available on the first come first served basis, maximum number of participants: 30.

The course, including all course materials and role plays is held entirely in English, with no translation into Polish.

Receipt of registration form and proof of bank transfer of the full payment of registration fee will be confirmed via email.

Organizers reserve the right to cancel or postpone the course to a later date, make any corrections in the agenda of the course, at any time and at their entire discretion, without having to provide any reasons for the same.

The contractual relations between the Organizers and each participant in relation to the course are subject to Polish law and Krakow District Court jurisdiction, to the exclusion of any other law.

I hereby confirm that I have read and accepted the above conditions and agree for my personal data given above to be collected and processed by the Organizers for the purposes of the registration process and my participation in the course.

Date: _____ Signature: _____