



Alternative Dispute Resolution Academy (ADRA)
sponsored by Resolute Mediation & Arbitration, Inc. (RM&A, Inc.)
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ADR Profession – A Quasi Legal Practice – What Can Go Wrong?

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5 CME General Civil includes 3 CME Ethics;

“Alternative Dispute Resolution Profession - A Quasi Legal Practice - What Can Go Wrong?” is a discussion on:

- Addressing mandates from clients while respecting the limits of mediation practice and avoid unauthorized practice of law.
- Ethical dilemmas: personal values v. professional ethics - when two ethical tenets collide, the result can be a career ending if not carefully managed.
- Effectively dealing with difficult clients and finding resolutions for an ethical way forward.

Topics discussed:

Part 1: Unauthorized practice of law in ADR practice- as mediators, our actions may interfere with the practice of law and may constitute UPL, although done unintentionally. Understanding the tenets of UPL sets the stage on how we conduct ourselves when faced with such dilemmas.

- Case review of notable UPL cases - rules and case law as a platform to evaluate and screen our activity as mediators.
- Authority of FL and WA Bar
- Consequences of UPL
- Historical background
- Florida / Washington Ethics Committee opinions
- Florida / Washington Bar rules : attorney mediators, non-licensed individuals or attorneys not licensed in FL and WA - rules for assisting clients
- Case Law (forms & services)
- Ethical business practices

Part 2: Some of the issues that emerge when dealing with difficult clients and how to handle it:

- Can you work with an angry client?
- Can you find a resolution in an emotionally charged situation?
- Can a difficult person derail a meeting?
- Systems of conflict management people adopt
- Simple tools that will help you succeed with difficult people/clients