

United States District Court

Northern District of California

ADR PROGRAM

The ADR Program of the Northern District of California

is pleased to invite you to an advanced mediation training seminar

Effectively Mediating Claims about Money

Presented by J. Anderson Little, Esq.

Author of *Making Money Talk: How to Mediate Insured Claims and Other Monetary Disputes*

**Thursday, February 26, 2009
San Francisco Courthouse
California and Nevada Rooms, 2nd floor
9:00 a.m. – 1:00 p.m.**

This program will provide a set of tools to assist negotiators and mediators in any negotiation involving claims for money. From experience in thousands of mediations, J. Anderson Little of Chapel Hill, North Carolina, has identified numerous - and often predictable - stumbling blocks to successful negotiations about money. Mr. Little has developed unique and skillful approaches to understand and deal with these blocks that will expand your repertoire of negotiation and mediation techniques.

In this program, participants will learn how to deal with recurring problems such as:

- "Who goes first?"
- "I'm not going to bid against myself!"
- "Go tell them to give me a realistic number."
- "Is that her best number?"
- "I'm not going to dignify that offer with a response."

The program also will address how to:

- Help parties prepare for skillful negotiation at a mediation.
- Assist parties in positional bargaining in a more facilitative manner.

The techniques and concepts addressed in this program form the basis of Mr. Little's book, *Making Money Talk: How to Mediate Insured Claims and Other Monetary Disputes*, published in 2007 by the American Bar Association Section of Dispute Resolution and currently the best-selling book in the Section's history. The book helps mediators and negotiators understand why monetary negotiations may be difficult to get started, why they become increasingly emotional as the parties swap multiple proposals and counter proposals, and how they can be skillfully settled.

This program is **only** open to mediators and neutral evaluators who are active members of the court's panel. Evaluators should note that the focus of the presentation is on mediation.

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The U.S. District Court for the Northern District of California ADR Program's renewal application to be a State Bar of California approved MCLE provider is currently pending. If approved, this activity will qualify for 3.5 hours of general MCLE credit.

About Andy Little

Mr. Little is a mediator and mediation trainer in North Carolina, who is credited with leading North Carolina's efforts to incorporate mediation into its courts. He chaired the legislative and rule-drafting projects for the mediation programs in civil trial courts, in family courts, and for probate and guardianship cases. After its creation in 1995, Mr. Little served two terms on the Dispute Resolution Commission, the agency charged with certifying and regulating mediators for court programs. By appointment of the North Carolina Chief Justice, he served as its chair for three years. Mr. Little is a graduate of Davidson College, Union Theological Seminary, and UNC School of Law. He was a trial lawyer for 17 years, and began mediating full-time in 1992. He is also the lead trainer for the 40-hour civil trial court and family/divorce training programs offered by his firm, Mediation, Inc.

About *Making Money Talk*

"This book is a gift to both new and experienced mediators. It is profoundly practical in providing instruction on how to successfully mediate claims for money where the case is about numbers rather than relationships. This is not a book of theory, it is a guide of what to do and say as a mediator to move traditional law suit bargaining toward settlement. Andy Little has the mediation experience to discern patterns of movement that those who have not had thousands of cases would not know, and he has the clarity of thought and writing to explain what the rest of us need to know."

Jay Folberg, Professor Emeritus, USF School of Law

"J. Anderson Little, an eminently qualified litigator and mediator, has produced a most insightful and useful book that fills a great void in the current mediation literature. It explores, in great depth, the dynamics of traditional bargaining about money in the context of the mediation of commercial cases. He offers creative ways to respond to advocates' statements that are very common in mediation such as, "They're just not here in good faith"; "It's not the money; it's the principle"; "I'm not going to bid against myself"; "We're not going to pay a dime more than the other companies" – and twenty-one more. This book is a gold mine of helpful tips for mediators and advocates alike. It should be a part of every lawyer's practice-skills library."

John W. (Jack) Cooley, JAMS Panelist, Chicago, IL