

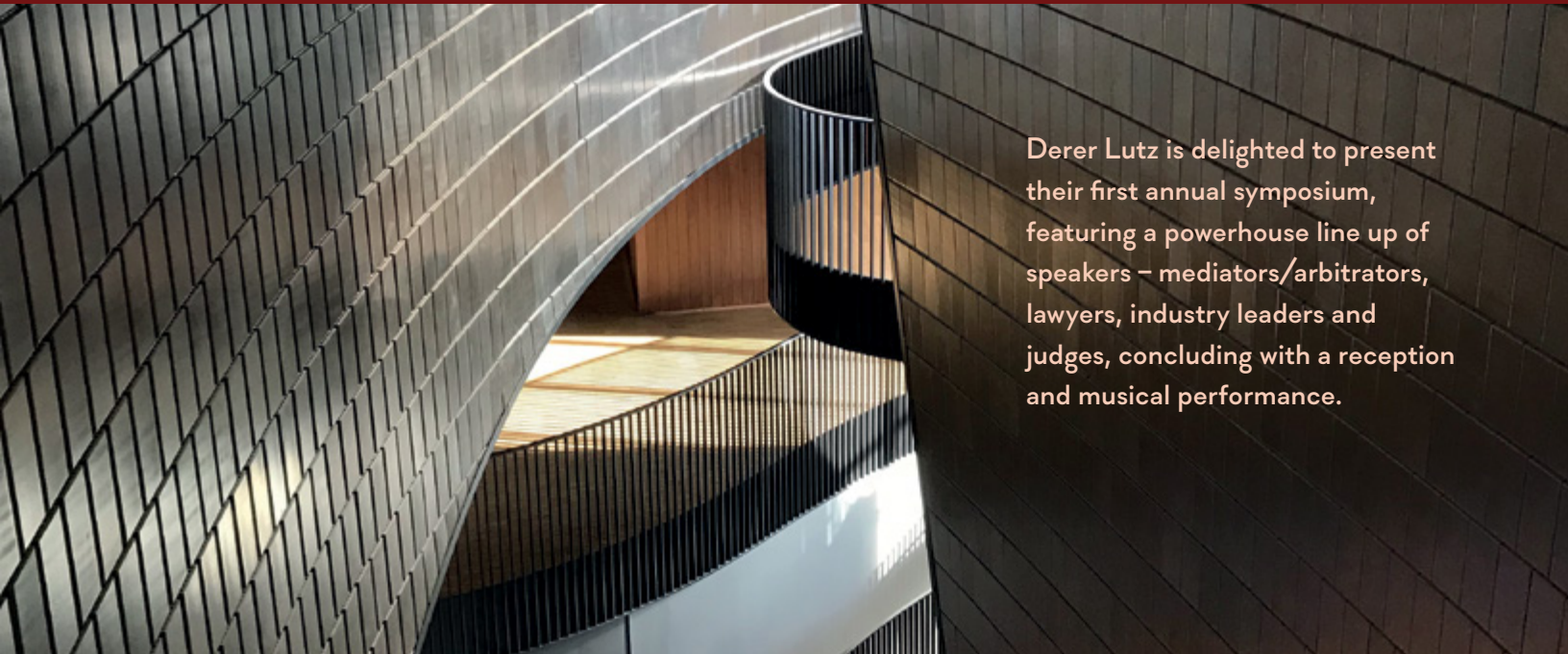
DERER LUTZ

NO  
LONGER

# Alternative Dispute Resolution Symposium

Studio Bell - National Music Centre • Calgary, AB

May 6, 2019 • 8:30am - 6:00pm



Derer Lutz is delighted to present their first annual symposium, featuring a powerhouse line up of speakers – mediators/arbitrators, lawyers, industry leaders and judges, concluding with a reception and musical performance.

## BACKGROUND AND PURPOSE

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Private dispute resolution (mediation, arbitration and med/arb) has emerged, over the past decade in particular, as a significant parallel system to traditional litigation. The exploding demand for and use of private dispute resolution services, while encouraging, has also revealed less than optimum understanding and utilization of these dispute resolution platforms by counsel, clients, mediators and arbitrators.

## A reboot is needed and essential.

Through high level presentations and discussion, the emphasis of the symposium will be on educating and sensitizing counsel, clients, mediators and arbitrators to the fundamentals of practice in the field, principles to be understood and implemented and ways and means to maximizing the effectiveness of all manner of private dispute resolution processes. This focus will include considerations related to advocacy, effective negotiation strategies and the essential need to preserve and respect the integrity of private resolution processes and the parties involved with them.

The presentations and discussion to unfold at the symposium will touch on and be relevant to a broad cross-section of disputes – insurance, corporate/commercial, energy, employment/workplace, wills and estates, family, etc. Generous opportunities will be afforded for discussion about challenges in the practice for all participants involved.

## WHO SHOULD ATTEND?

Lawyers • Mediators & Arbitrators • Judges • Industry Leaders (insurance and non-insurance) • In-House Counsel • Academics

## Timing & Structure

8:00am	Registration opens – refreshments served
8:30am	Opening comments and the day's overview by hosts
9:00am	Panel #1 – Mediation Fundamentals and Best Practices
10:15am	Morning refreshment break
10:30am	Panel #2 – Best Practices in the Conduct of Mediation – Insurance Disputes
11:30am	Panel #3 – Best Practices in the Conduct of Mediation – Non-Insurance Disputes
12:30pm	Lunch with Keynote Address by the Right Honourable Beverley McLachlin, P.C.
1:45pm	Conversation between Beverley McLachlin and audience
2:30pm	Afternoon refreshment break
2:45pm	Panel #4 – Arbitration Fundamentals and Best Practices
4:00pm	Closing remarks from hosts including overview of topics being formulated for 2020 Symposium
4:30pm	Closing reception featuring Ruthie Foster

## PANEL #1

### Mediation Fundamentals and Best Practices

With Ivan Derer, Q.C., Marney Lutz, The Honourable Madam Justice Janice Ashcroft, The Honourable Adelle Fruman and Sabri Shawa, Q.C.

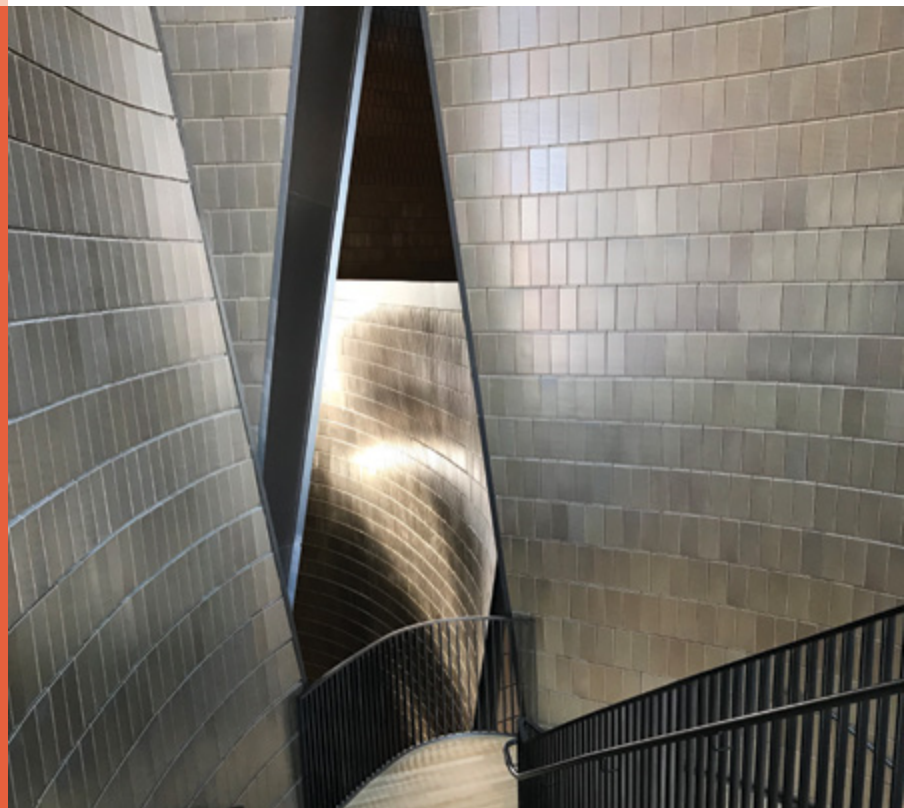
This session will consist of a high end presentation on fundamental principles of mediation against the backdrop of current practices. Various process models will be discussed and clarified ranging from interest-based, through facilitative and transformative, to evaluative. Points of connection and disconnect between theory and practice will be explored. The importance of an informed selection of a mediator, prudent and effective advocacy, progressive negotiation strategy, civility and respect for the parties and process will be discussed – all aimed at maximizing the benefits of mediated resolutions to disputes.

## PANEL #2

### Best Practices in the Conduct of Mediation – Insurance Disputes

Moderated by Marney Lutz • With James Cuming, Bruce Kemle, Lisa Lawson, Simon Muller and Corinne Petersen

Building on the presentation and discussions from Panel #1, practical considerations from the perspective of client, counsel and mediator will be explored with a focus on interaction with audience.



## PANEL #3

# Best Practices in the Conduct of Mediation – Non-Insurance Disputes

Moderated by Ivan Derer, Q.C. • With Fausto Franceschi, Tony Friend, Q.C., Chris Holmes and Heidi Schubert

Insurance disputes have led the way in the utilization of mediations in the past two decades. Drawing lessons from practices that have evolved, both good and problematic, this segment will apply such experiences to disputes in other realms of law – corporate/commercial, employment and workplace, family, wills and estates. Non-insurance disputes typically lend themselves to more creative options in both process and components to resolution.

## LUNCHEON

# Keynote Address by the Right Honourable Beverley McLachlin, P.C. - former Chief Justice of the Supreme Court of Canada

Followed by moderated conversation between Beverley McLachlin and the audience

## PANEL #4

# Arbitration Fundamentals and Best Practices

Moderated by Marney Lutz • With Ivan Derer, Q.C., Tony Friend, Q.C., The Honourable Adelle Fruman, Sabri Shawa, Q.C. and Kemm Yates, Q.C.

A brief review of med/arb is an appropriate segue from mediation to arbitration. Fundamental principles to arbitration will be reviewed and applied to practice considerations. Lessons from both domestic and international arbitrations will be explored. The perspective of parties to disputes, both big and small, will be discussed in the arbitration context. And, as with mediation, the question will be posed as to whether arbitration has lost its way somehow and how to remedy any such reality or perception.

## CLOSING RECEPTION

# Featuring a performance by multi-Grammy award nominee, internationally acclaimed blues recording artist Ruthie Foster

## ENQUIRIES

iderer@dererlaw.com • marney@marneylutzmediation.com

Studio Bell 850 4<sup>th</sup> St SE Calgary, AB T2G 0L8



The Right Honourable Beverley McLachlin

## Register Now

Registration Fee: \$450 plus GST

Call us at 403-277-3560

Email us at [reception@dererlaw.com](mailto:reception@dererlaw.com)

Payment by credit card or cheque

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344 8<sup>th</sup> Avenue NE Calgary, AB T2E 0P9

\*Accreditation will be available



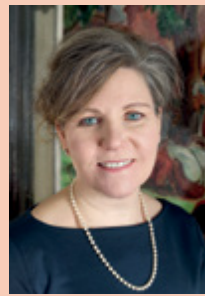
Ruthie Foster





## IVAN DERER, Q.C.

Over the past 35 years Ivan has pursued a diverse litigation and dispute resolution practice that spans the areas of insurance, professional negligence, construction, products liability, estate, personal injury, life and disability, matrimonial matters as well as high end energy and commercial disputes. Since obtaining his LL.M. from Osgoode Hall Law School in ADR in 2006, Ivan's practice is now focused exclusively on retainers as mediator and arbitrator. Ivan has conducted over 2,500 mediations across western Canada and numerous arbitrations. His complete CV can be found at [dererlaw.com](http://dererlaw.com)



## MARNEY LUTZ

Marney received her mediation training through Straus Institute for Dispute Resolution at Pepperdine University. She has been mediating for five years and in June, 2017, transitioned to a full time mediation practice. She brings to her mediation practice nearly 25 years' experience in personal injury, property, commercial and insurance litigation, on both Plaintiff and Defence sides of disputes. Marney's approach to mediation is as "connector", attempting to bring parties together to work creatively and collaboratively through the issues at play.



## THE HONOURABLE MADAM JUSTICE JANICE ASHCROFT

Janice was appointed to the Court of Queen's Bench of Alberta in 2017. Prior to her appointment, her legal career focused on civil litigation, particularly family law. She moved to the Alberta Human Rights Commission in 1998 as director's counsel. Janice has appeared at all levels of court, litigating numerous cases affecting the human rights of Albertans involving administrative law issues.



## JAMES CUMING

James is a partner of Cuming & Gillespie. His area of practice focuses on serious personal injury claims.

James is past President of ACTLA and a Governor of AAJ, as well as recipient of the ACTLA Presidents Award. James has been continually listed in Best Lawyers in Canada.



## LISA LAWSON

Lisa began her insurance career in 1987 in a multi line insurance culture. As her career unfolded, her focus has been in commercial and auto with the handling of older, complex litigation matters. She brings a focus on cost effective and innovative approach to resolving claims through the mediation process while at the same time building and maintaining positive relationships with claimants, their counsel, her counsel and the integrity of the insurance industry.



## PERRY MACK, Q.C.

Perry is senior litigation counsel at Peacock Linder Halt & Mack LLP with over thirty years' experience in litigation, arbitration and mediation. He has appeared as counsel in administrative and regulatory hearings, at all levels of Alberta and Canadian courts including the Supreme Court of Canada. Perry's counsel work has covered a wide diversity of private and public law matters for commercial, governmental, insurance, regulatory, professional and individual clients. Perry has an extensive private mediation and arbitration practice involving a variety of disputes including construction, corporate commercial, professional liability, class action and personal injury.



## FAUSTO FRANCESCHI

Fausto is a senior litigator and managing partner of the Edmonton office of Dentons Canada LLP.

His practice is focused on employment and labour law. He has developed skill and a keen appreciation for creative and effective dispute resolution efforts through his practice. He presents papers and talks on a regular basis in areas encompassed by his areas of expertise. Fausto has appeared as counsel before all levels of court in Alberta as well as the Federal Court and various administrative tribunals.



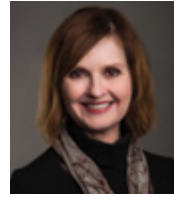
## SIMON MULLER

Simon is a seasoned litigator with over 24 years of experience in personal injury and insurance law. Fiercely protecting his clients' interests and securing their future is his top priority. Simon spent 10+ years working for insurance companies, so he understands the importance of supporting his clients while obtaining a fair and reasonable outcome. A Lexpert-ranked Leading Practitioner, Simon has represented people and corporations at trial, appeal, and the Supreme Court of Canada.



## ANTHONY FRIEND, Q.C.

Tony is a litigation partner at Bennett Jones LLP. His practice includes corporate, securities and energy industry litigation, arbitration and mediation. Tony has appeared as counsel before all court levels in Alberta and the Supreme Court of Canada. Tony has training in Arbitration and Mediation from the Straus Institute for Dispute Resolution at the Pepperdine School of Law.



## CORINNE PETERSEN

Over the course of her 30 year litigation career, Corinne has studied and practiced conflict management and dispute resolution procedures to enhance her ability to achieve fair and desired results through negotiation, mediation/dispute resolution and litigation. Corinne practices with Kingsgate Legal in Edmonton. Corinne currently serves as a Bencher for the Law Society of Alberta.



## THE HONOURABLE ADELLE FRUMAN

Adelle served as a judge of the Court of Queen's Bench of Alberta and the Courts of Appeal of Alberta, the Northwest Territories and Nunavut for 14 years. She attended the Harvard University Mediation program, has successfully mediated a broad range of cases and has also been appointed an arbitrator in a variety of energy, construction and commercial disputes. In private practice, Adelle specialized in corporate and commercial law.



## HEIDI SCHUBERT

Heidi is a lawyer and senior leader with over 26 years of commercial litigation, legal operations and in-house counsel experience. Heidi was admitted to the Alberta bar in 1991. Currently the Executive Director and Registrar of the Court of Appeal of Alberta, Heidi is a former Vice President, Legal and global head of litigation with an international public company.



## CHRIS HOLMES

Recently retired after 40 years of practice, 20 with the Province of Alberta, based in Edmonton. Chris has been an ardent proponent of and participant in mediation. He brings a litigator's perspective honed in the context of the public service.



## SABRI SHAWA, Q.C., FCIArb

Sabri is an arbitrator, mediator, and litigator who has practiced in Calgary for nearly three decades. He has Bachelor's degrees in law and engineering and a Master of Laws degree with a major in dispute resolution. Sabri has been listed in Best Lawyers, for Alternative Dispute Resolution, since 2013. His resume includes a long list of speaking engagements, publications, and community involvement.



## BRUCE KEMLE

Bruce brings close to 20 years of experience in insurance claims with the majority focused on bodily injury claims. Bruce is currently employed by Aviva as Technical Manager, Casualty Claims, based in Calgary. In the recent past, his work is focused on attending mediations, JDRs, settlement meetings and conferences in both personal and commercial lines claims.



## KEMM YATES, Q.C.

Kemm joined Calgary Energy and Commercial Arbitrators ([calarbs.com](http://calarbs.com)) in 2018. His legal career has focused on regulatory litigation and dispute resolution in the energy industry. Kemm has acted as counsel or adjudicator in arbitrations relating to contractual issues, natural gas and power pricing, energy transportation tariffs and asset evaluation.