



**The Eighth John A. Speziale
Alternative Dispute Resolution Symposium
October 19, 2012**

**“ADR in Hard Times:
Can Alternative Dispute Resolution
Maintain Access to Justice
When Resources Are Limited?”**

PROGRAM

8:15 a.m. Registration and Continental Breakfast - *Lobby*

8:45 a.m. Introductions and Welcome - *Grand Courtroom*
David S. King, Associate Dean and Associate Professor of Law,
Quinnipiac University School of Law
Timothy S. Fisher, President, Connecticut Bar Foundation; McCarter & English LLP
Jennifer G. Brown, Chair, ADR Symposium Committee; Professor of Law,
Quinnipiac University School of Law

9:00 – 9:45 a.m. Keynote Speaker - *Grand Courtroom*
Professor Ethan Katsh, Director, National Center for Technology and
Dispute Resolution; Professor Emeritus of Legal Studies,
University of Massachusetts

“Dispute Resolution in a Digital World: Efficiencies and Beyond”

9:45 – 10:30 a.m. Plenary Session - *Grand Courtroom*
Dispute Resolution in Hard Times: Perspectives
A distinguished panel of experts will discuss the recession’s impact from the
perspectives of dispute resolution providers and consumers – in both private and
public contexts. They will also engage the themes sounded by Professor Katsh’s
keynote address.

Moderator: **Jennifer G. Brown**, Professor, Quinnipiac University School of Law

Panelists: **John T. Broderick**, Dean, University of New Hampshire School of Law;
Chief Justice, New Hampshire Supreme Court, Retired
Brenda Cavanaugh, Executive Director, Community Mediation, Inc.
Steven Eppler-Epstein, Executive Director, Connecticut Legal Services
Duncan MacKay, Deputy General Counsel, Northeast Utilities

10:30 - 10:45 a.m. **Break**

10:45 - 12:00 p.m. **Concurrent Breakout Sessions**

Private Arbitration – *Faculty Commons*

This session will address the impact of the recession on private arbitrations. We will look at the economy's impact on caseloads and filing rates. We will consider whether particular industries have been hit by tough times in ways that give rise to a greater number of arbitrations. We will also focus on the effect of the economy on the arbitration process, including measures to gain efficiency and cost-savings. At the same time, we will consider whether there are minimum requirements for justice in arbitration that preclude further abbreviation of the process. We will also look at the debate over the availability of class actions for consumer disputes, and any patterns we are seeing in contracting for or against class actions.

Moderator: **Timothy S. Fisher**, President, Connecticut Bar Foundation;
McCarter & English LLP

Resource

Participants: **Joseph D. Garrison**, Garrison, Levin-Epstein, Chimes, Richardson &
Fitzgerald, P.C
Jill I. Gross, Professor of Law, Pace Law School
Hon. Alan H. Nevas, Levett Rockwood P.C.; Senior U.S. District Court
Judge, Retired

Private Mediation – *LC203*

This session will address the impact of the recession on private mediations. We will look at the economy's impact on the number and types of disputes being submitted to mediation and on the manner in which mediations are conducted. We will also address the growing number and backgrounds of those entering the field of mediation.

Moderator: **James K. Robertson**, Carmody & Torrance, LLP

Resource

Participants: **Elayne E. Greenberg**, Professor of Legal Practice; Director, Hugh L.
Carey Center for Dispute Resolution, St John's University
Duncan MacKay, Deputy General Counsel, Northeast Utilities
Joseph A. Mengacci, Conflict Solutions Services, LLC
Donald B. Reder, President, Dispute Resolution Inc.

Court-Connected Dispute Resolution – *Grand Courtroom*

This session will address how resource constraints have affected priority settings in the Judicial Branch. In what ways has traditional adjudication been constrained (do Connecticut and its neighbors experience “the vanishing trial?”)? In what ways have “alternative” processes been constrained or cut? How has the increase in pro se representation affected the functioning and even the results emerging from area courts? What additional skills might be desirable in a neutral when one or both sides in a dispute are self-represented?

Moderator: **Robert L. Holzberg**, Chair of ADR Practice, Pullman & Comley, LLC;
Connecticut Superior Court Judge, Retired

Resource

Participants: **John T. Broderick**, Dean, University of New Hampshire School of Law;
Chief Justice, New Hampshire Supreme Court, Retired
Aggie Cahill, Counsel - Complex Claim Group, The Hartford Inc.
Steven Eppler-Epstein, Executive Director, Connecticut Legal Services
Stephen R. Grant, Director of Juvenile and Family Services, State of CT,
Judicial Branch
Carolyn W. Kaas, Associate Professor of Law, Quinnipiac University
School of Law
Patricia R. Kaplan, Law Office of Patricia R. Kaplan; Former Executive
Director, New Haven Legal Assistance Association
Hon. Linda K. Lager, Judge, Connecticut Superior Court
Roberta Palmer, Program Manager, Judicial Branch, Court Operations

12:00 p.m.

Break and Box Lunch Pick-Up - Lobby - Return to *Grand Courtroom*

12:30 p.m.

Luncheon Keynote Speaker – *Grand Courtroom*

Diane Kenty, Director, Office of Court Alternative Dispute Resolution,
Maine Administrative Office of the Courts

“Emerging from Hard times, Preparing for a Vibrant Future”

1:30 - 3:00 p.m.

Concurrent Breakout Sessions

Consumer ADR – *Grand Courtroom*

This session will address the impact of the recession on consumers' access to justice. The phrase "consumer ADR" encompasses a wide range of cases and sectors, including contract, tort and real property disputes. One might predict that individuals are more likely to be affected in their disputing patterns in hard times than are medium or large businesses. We will compare and contrast the impact of the recession on individuals in these different sectors, examining effects on the psychology of disputing, the nature and incidence of cases being brought or foregone, and the quality of dispute resolution processes being provided.

Moderator: **James H. Stark**, Professor of Law and Director of the Mediation Clinic,
University of Connecticut School of Law

Resource

Participants: **Jill I. Gross**, Professor of Law, Pace Law School
Duncan MacKay, Deputy General Counsel, Northeast Utilities
Michelle Seagull, Deputy Commissioner of Consumer Protection,
State of Connecticut

Family, Elder and Probate Law – Room 306

This session will address the impact of the recession on dispute resolution processes (mediation, arbitration and collaborative practice) in three substantive areas: family, elder, and probate law. We will look at the level of DR utilization in each substantive area and at the economy’s impact on the number and types of disputes being submitted to DR processes in these arenas. Our interactive discussion will address both positive and negative effects of limited economic resources and potential strategies for capitalizing on the positive and mitigating the adverse.

Moderators: **Frances Z. Calafiore**, Law Office of Frances Z. Calafiore
Carolyn W. Kaas, Associate Professor of Law, Quinnipiac University School of Law

Resource

Participants: **Barry F. Armata**, Brown, Paindiris & Scott LLP
Jane Beddall, Dovetail Resolutions, LLC
Michael A. Albis, Hilcoff & Albis LLC

Employment Law – Faculty Commons

This session will focus on the effect of the economy on ADR for employment matters. We will consider what influences the decisions of the parties to engage in which forums (arbitration, mediation, court sponsored/agency sponsored processes), how those processes could be improved, and whether we could and should facilitate greater collaboration by providers of public, community, and private dispute resolution services.

Moderator: **William DeVane Logue**, The Logue Group

Resource

Participants: **Joseph D. Garrison**, Garrison, Levin-Epstein, Chimes, Richardson & Fitzgerald, P.C
Charles Krich, Principal Attorney, Connecticut Commission on Human Rights and Opportunities
Lawrence Peikes, Wiggin and Dana LLP

ADR Symposium Planning Committee

Professor Jennifer G. Brown, Chair

Frances Z. Calafiore
Timothy S. Fisher
Hon. Robert Holzberg
Professor Carolyn W. Kaas
Hon. Linda Lager
William Logue

Harry N. Mazadoorian
Charles A. Pillsbury
James K. Robertson, Jr.
James F. Stapleton
Professor James H. Stark

Connecticut Bar Foundation Staff

Sandy Klebanoff, Executive Director
Elizabeth Drummond, Assistant Director
Anne Goico, Finance Director

Katilyn Carling, Administrative Assistant
Claire Howard, Intern

SPONSORS

Connecticut Bar Foundation/Quinnipiac University School of Law

Roy L. De Barbieri, Arbitrator

**Connecticut Bar Association
Alternative Dispute Resolution Section**

Litigation Alternatives, Inc.

Pullman & Company LLC

James F. Stapleton Mediation