



DUTY TO DISCUSS AND PREPARE: ADR OPTIONS FOR YOUR CLIENTS

A Program from the American Inns of Court

PROGRAM OVERVIEW AND EDUCATIONAL RELEVANCE

The National Conference of Bar Examiners will include negotiation and dispute resolution skills in the 2026 NextGen Bar Exam. This inclusion was driven by input from the legal profession, academia, and others who agreed that the current exam does not adequately measure the minimum competence to practice law and does not test essential skills needed in real practice, including negotiation, research, and client representation. This discussion focuses on how the decision is reflected in the Model Rules of Professional Conduct, the skills needed to assess and evaluate the value and costs of a case, and the importance for all attorneys to be familiar with processes like mediation, arbitration, and early neutral evaluation is necessary to provide competent representation. Learners will leave with information on:

- The most relevant MRPC
- Ethical preparation of mediations
- Ensuring the quality of the mediation process
- Using decision trees to organize your efforts
- Interacting with counsel

PRESENTERS

Laura A. Kaster is a Fellow of the Chartered Institute of Arbitration and the College of Commercial Arbitrators, the 2018 recipient of the Richard K. Jeydel for ADR Excellence, and the 2014 New Jersey Bar's Boskey Distinguished Neutral Award. She brings over 30 years of experience with arbitration and mediation of complex disputes. Ms. Kaster is past Chair of the New York State Bar Association Dispute Resolution Section 2020-21, a Fellow of the College of Commercial Arbitrators and a member of its Board, a member of the Executive Committees of the National Academy of Distinguished Neutrals and New Jersey Academy of Mediators and Arbitrators, on the Tech List of leading technology neutrals for the Silicon Valley Arbitration and Mediation Center, and past President of the Justice Marie L. Garibaldi ADR Inn of Court 2015-17 and the Dispute Resolution Section of the NJSBA. She serves as an arbitrator dealing with a wide range of employment, commercial, securities, partnership and technical and IP disputes. Ms. Kaster has been selected for the Master Mediator Panel of the American Arbitration Association. She is a member of the global panel for CEDR (Center for Effective Dispute Resolution - a premier worldwide trainer of mediators) and is a CEDR accredited mediator and has been certified as a mediator by the International Mediation Institute (IMI) and as an Online Mediator for Mediate.com. She is a founding Board Member of the New Jersey Academy of Mediators and Arbitrators and a member of the Executive Committee of the National Association of Distinguished Neutrals. Ms. Kaster has been an adjunct professor of Dispute Resolution Processes at Seton Hall Law School; she has presented at CCA Annual Meetings, AAA/ICDR Meetings, Annual ABA Dispute Resolution Meetings, NYSBA Annual Dispute Resolution Meeting, the New Jersey State Bar annual meetings and ADR Day, for PLI, and for NJAPM, the Garibaldi Inn of Court and the American Inns of Court, and for various corporations and law firms. She has presented webinars for the American Arbitration Association, ABA



and CPR and NJAPM and the American Inns of Court. She has published widely and most recently she has co-edited and written for the College of Commercial Arbitrators Guide to Best Practices in Commercial Arbitration (Juris 4th Ed. 2017). As chief litigation counsel for AT&T Corporation for almost 10 years before devoting herself full-time to dispute resolution, she was responsible for matters, including disputes involving multimillions of dollars, relating to complex technology, patent, supplier, shareholder actions, outsourcing, and major customer disputes and international arbitrations. Several of these matters involved multiple parties, including the resolution of AT&T's claims against 50 insurance carriers arising out of the damage to the World Trade Center on 9/11. She has handled matters under the AAA rules, CPR rules, ICC and other international proceedings. She handled all of AT&T's employment matter appeals. She served as AT&T's lead counsel on several seminal cases, including, AT&T v. Microsoft, a patent case which was settled at trial with a novel carve out for an appeal, and AOL v. AT&T, which she briefed and successfully argued before the Fourth Circuit Court of Appeals that "You've Got Mail" was generic for indicating the receipt of email. As counsel for AT&T Labs, she was involved in a wide variety of patent, trademark and intellectual property disputes focusing on audio and video compression. She was the advisor to the Multimedia Patent Trust, which holds video compression patents. Prior to her work at AT&T, as a partner at Jenner & Block, where she worked for over twenty years Ms. Kaster handled a wide variety of complex disputes and developed special expertise in disputes involving class actions, intellectual property, attorney's fees, appellate litigation. Ms. Kaster is a member of the NJ Supreme Court Committee on Complementary Dispute Resolution 2013- , and a member of the NJ Supreme Court Committee on Mediator Standards 2017- She is Co-Editor in Chief of New York Dispute Resolution Lawyer, the Journal of the NYSBA Dispute Resolution Section and a member of its executive committee. Ms. Kaster is admitted to the Bars of Massachusetts, 1973 (inactive); Illinois, 1975 (inactive); New Jersey, 2005; New York, 2006; U.S. District Court, Northern District of Illinois, 1975; the United States Supreme Court, The United States Court of Appeals for the Federal Circuit and for the First, Second, Third, Fourth, Fifth, Seventh, and Tenth Circuits. Ms. Kaster holds a BA from Tufts University; and a JD, magna cum laude from Boston University Law School, where she was Notes Editor for the Law Review and recipient of the Melville M. Bigelow Award "for the greatest promise as a teacher and scholar in the law". Following law school, she was a law clerk to then Chief Judge Frank M. Coffin of the Federal Court of Appeals for the First Circuit. Ms. Kaster is listed in "Who's Who Legal: Mediation" 2016-2023", and is a Life Fellow of the American Bar Foundation. More information is available at www.AppropriateDisputeSolutions.com.

Sue McSorley is Senior Of Counsel in the Princeton, NJ office of Stevens & Lee, where she concentrates her practice in complex commercial litigation and dispute resolution, counseling clients in the pharmaceutical, health care, manufacturing, construction and insurance industries, with a particular emphasis on construction matters. In addition, she has served as a mediation neutral since 1997, is an arbitrator on the AAA roster for complex commercial and construction disputes and has counseled and represented lawyers on professional responsibility and ethics matters since the early 1990s. Sue devotes a substantial part of her construction practice to representing parties, especially owners, in negotiating and drafting agreements of all types relating to construction projects, and in providing advice to clients during construction, aimed at avoiding and resolving disputes before they become claims. Sue has received certificates from the National Institute for Trial Advocacy and the Center for Mediation in Law. She is a charter member of the National Academy of Distinguished Neutrals, an invitation-only professional association for mediators and arbitrators who are well



established as trusted neutrals in the legal community. In 2021, the Marie L. Garibaldi American Inn of Court for Alternate Dispute Resolution (of which Sue is a past President) conferred its Richard K. Jeydel Award on Sue; in 2005, the New Jersey State Bar Association Dispute Resolution Section named her the 2005 “ADR Practitioner of the Year” for her contributions to advance the cause of mediation and other forms of alternative dispute resolution in New Jersey. She served on the New Jersey Supreme Court’s Committee for Complementary Dispute Resolution from 2001-2012, and served in the Supreme Court’s Advisory Committee for Mediator Standards from 2006 to 2012. Sue has been active in the ABA Forum on Construction Law for many years, and is a past Chair of the Owners and Project Finance Division of the Forum. She is an editor of the Forum’s 2021 Publication, *Construction Defects* 2d edition, as well as *MORE Sticks & Bricks*, published in 2018, and the first edition of *Construction Defects*, published in 2012. She has spoken widely on dispute resolution and construction law topics and is a frequent mediation trainer with NJ ICLE. Sue received her AB from Princeton University and her JD from Columbia University. She clerked for the Hon. Warren W. Eginton, USDJ, D. Conn. before starting practice.

Hon. Douglas C. Mintz (ret.) has acted as the mediator in numerous disputes ranging from complex business disputes to product liability. The disputes have included personal injury matters that resulted from motor vehicle accidents and slip and falls. One nine-hour mediation, conducted over Zoom, included 32 participants two of whom were self-represented. Due to all the participants’ patience and perseverance, the dispute came to a successful resolution. Doug is a member of the Justice Marie L. Garibaldi American Inn of Court, the National Academy of Distinguished Neutrals and became a Panelist, as an Arbitrator and a Mediator, for the American Arbitration Association. He is also Vice-chair of the ABA Dispute Resolution Section and a Fellow of the American College of Civil Trial Mediators. Doug was appointed to the Superior Court in 1993. He retired from the bench in January, 2020 and became a partner at Carmody Torrance Sandak Hennessey LLP. Prior to his service on the bench, he was a State Representative from Norwalk (1987-1992) and served as the Vice-chair of the Judiciary Committee for most of that time. As a Judge, in 2008, Doug worked collaboratively with the Legislature to craft legislation that created the Foreclosure Mediation Program (the first statewide mediation program in the nation). This Mediation Program was created in response to the mortgage foreclosure crisis of 2007-08 and helped thousands of families retain their homes.

CONTINUING LEGAL EDUCATION

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