KUKIN PROGRAM FOR CONFLICT RESOLUTION
2014-15 Summary of Activities

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HIGHLIGHTS FOR THE 2014-2015 YEAR INCLUDE THE FOLLOWING:

- The Dispute Resolution Program at Cardozo was ranked #6 in the country by US News & World Report.
- The Cardozo Journal of Dispute Resolution was ranked #8 in the country in law journal rankings in the Civil Litigation and Dispute Resolution category in the 2013 Washington & Lee rankings of law reviews, released February 24, 2014.

1. Student Writing Awards and Publication:

Joseph Kammerman, a student in the ADR Writing Seminar, won the 2015 Association of Conflict Resolution of Greater New York Writing Competition for his paper One Hundred Years of Local Conflict and One National Tragedy: Trayvon Martin & Dispute Resolution in Sanford, Florida.

2. The Cardozo Dispute Resolution Society

The Cardozo Dispute Resolution Society (CDRS) hosted many events introducing Cardozo students to Dispute Resolution courses, programs and luminaries. CDRS also worked to promote CDRS to students and professionals alike, through efforts such as the CDRS Weekly Newsletter.

CDRS Events

- **New Members Meeting** (9/16/2014). CDRS hosted a lunch event for all students interested in getting involved with the ADR community. The current Board Members brought in guest speaker Robyn Weinstein to provide background information on what the Kukin Program, including CDRS, has to offer students interested in ADR opportunities at Cardozo. Over 50 new names were added to the CDRS listserve as a result of this event alone.

- **From Volunteer to Career: How To Use Your Volunteer Mediation Experience to Build a Career in ADR**, a panel co-sponsored by the Association for Conflict Resolution of Greater New York and CDRS (10/28/2014). Speakers Justine Borer, Elizabeth Clemants, Patti Murphy, and Gary Shaffer provided insight on how law students can make the transition from student to practitioner in the field of ADR.

- **LLM Student Transaction Panel**, a panel co-hosted by Cardozo’s International Law Society, Cardozo’s Business Law Society, and CDRS (11/10/2014). At the event, four Cardozo LLM students discussed their
transactional, dispute resolution, and litigation experiences in their home countries, and compared certain foreign laws with U.S. laws.

- **Mediation in the Setting of Non-Traditional Family Disputes**, a CLE panel presented by CDRS (11/19/2014). Teresa Calabrese, Bob Collins, Joy Rosenthal, and Alla Roytberg, four experienced mediators and educators from the New York City community, spoke about the role of mediation in resolving family conflicts that are still inconsistently addressed by American law, including same sex partnership, adoption, surrogacy, multicultural, elder, and sibling disputes.

- **Lunch and Learn Event with David Abeshouse**, a lunch and learn hosted by CDRS (2/9/2015). David Abeshouse spoke candidly to students about his life as an attorney practicing ADR. Abeshouse is a practicing mediator and owner of his own firm, and an adjunct Professor of ADR at St. John’s, as well as a Chairperson at the Nassau County Bar Association ADR Committee, Co Founder of the Attorney Round Table, Charter Member of the New York Academy of Mediators and Arbitrators as well as a Member and Fellow of the College of Commercial Arbitrators. David provided attending students with insight into the different professional avenues for those wishing to practice in the field of ADR.

- **3rd Annual Cardozo Sports Law Symposium**, a series of panels co-hosted by the Cardozo Sports Law Society and CDRS (3/13/2105). The Symposium was an all day event and featured numerous practitioners in the field of sports law. Panelists discussed a plethora of topics including the role of ADR in sports contract disputes.

- **Innovation in Animal Law: The Use of Alternative Dispute Resolution and the Animal Welfare Act to Improve the Lives of Animals**, a lunch and learn co-hosted by Student Animal Legal Defense Fund and CDRS (4/1/2015). Debra Vey Voda-Hamilton, principal at Hamilton Law and Mediation, PLLC, and James F. Gesualdi, author of Excellence Beyond Compliance, discussed how together ADR and the Animal Welfare Act can be used to improve the lives of animals. More specifically, Mr. Gesualdi discussed the organizational framework and best practices for constructively using the Animal Welfare Act, and Ms. Vey Voda-Hamilton spoke about how ADR can be used to resolve conflicts involving animals.

- **Alternative Dispute Resolution in Music, Film, & TV**, a CLE panel hosted by CDRS (4/15/2015). Stacy Lefkowitz, Director of Legal Services at Volunteer Lawyers for the Arts, Eric Goldman of both Ampersand Mediation Services and Muse Coaching Services, along with Laverne Berry, an Entertainment and Media Business Affairs Attorney, addressed the importance of ADR in entertainment disputes, particularly in the music, film, and television industries.

**CDRS Initiatives**

- **CDRS Weekly Newsletter**. In addition to serving as a point of connection within Cardozo and the Kukin Program, CDRS seeks to connect students to regional professional opportunities in ADR. In Fall 2014, CDRS launched a weekly
member newsletter that provides updates on regional events, internships, and other professional opportunities in ADR.

- **CDRS Board Structure.** CDRS established a new Board structure, with a new Junior Board and Advisory Board. Both the Junior and Advisory Boards serve to support the Executive Board in different and important ways, as well as expand the reach and network of CDRS to Cardozo students and regional ADR professionals.
  
  o CDRS provides a unique opportunity for first year students to join the CDRS Junior Board. Junior Board members (formerly “1L Liaisons”) are given the opportunity to get involved in the ADR community, in and outside of Cardozo, and take a leadership role early on in their law school career.
  
  o The Executive Board realized the significant value of input from former CDRS leaders, and accordingly has created an Advisory Board for former Executive Board members who are interested in continuing to serve an active role in CDRS but are no longer able to commit to an Executive position.

3. **The Cardozo Journal of Conflict Resolution**

Generous funding was provided by Jed Melnick, a founding editor of the Journal, to sponsor the 2014 Jed D. Melnick Annual Symposium *Is Mediation a Sleeping Beauty?* on November 3, 2014. Scholars and practitioners in attendance included: Professor Hal Abramson, Professor Robert A. Baruch Bush, Professor James Coben, Professor Douglas Frenkel, Brad Heckman (the New York Peace Institute), Professor Giuseppe De Palo (ADR Center, Rome), Professor Donna Erez-Navot, Tracey Frisch (AAA), Eric Galton (Lakeside Mediation Center), Laurel Kaufer, Mediator Kimberlee Kovach, Professor Carol Liebman, Professor Lela P. Love, Professor Jacquelyn Nolan Haley, Professor James Stark, Professor Joseph B. Stulberg, Daniel Weitz (NYS Unified Courts), Professor Nancy Welsh.

CJCR gave its prestigious **2014 International Advocate for Peace Award** to Daniel Weinstein on March 16, 2015. In a packed Moot Courtroom, several of the international Weinstein Fellows discussed their works in many countries around the world—all made possible by Daniel Weinstein. The ceremony was followed by a reception in the first floor lobby.

4. **The Certificate in Dispute Resolution**

The following students received a Certificate at graduation: Victoriya Baratt, Dera Barlow, Young Suk Lim, and Spence Parker.

5. **Conferences and Presentations**
The Association of Conflict Resolution of Greater NY (ACRGNY) presented its annual conference at Cardozo (6/18/15).

The NYS Bar Association Section of Dispute Resolution presented a 3 day Commercial Arbitration Training for Arbitrators and Counsel CLE Program (6/1-3/15).

6. Competitions

The Cardozo/ABA Intraschool Negotiation Competition
This year 120 students competed in Cardozo’s Intraschool Negotiation Competition on March 23, 2015. The winning teams were as follows: 1st place to Alexa Kim and Rachel Walker; 2nd place to Michael Block and Spence Packer; 3rd place to Joseph Fielding and Harry Roberts; and Honorable Mention to Anelle Matza and Daniel Shapiro, Ryan Lavigne and Paul Pescovitz, Albert Laoui and Josh Thaller; and Lauren Kobrick and Patricia Zapata.

The American Bar Association Negotiation Competition (Central Islip, NY) The competition was held on November 9-10, 2014, at Touro Law Center. Representing Cardozo, Jennifer Beal and Scott Miller placed fifth.

The American Bar Association Representation in Mediation Competition
Cardozo sent two teams to the ABA Representation in Mediation Competition at New England Law School on February 21-22, 2015: Suleman Malik and Lara Traum; and Jennifer Edelson and Scott Miller. The team of Suleman Malik and Lara Traum came in 2nd place in the competition.

American University Washington College of Law LLM International Commercial Arbitration Moot Competition
This is the only moot competition solely for LLM students with teams competing from law schools throughout the United States. The competition includes written submissions as well as oral advocacy skills. Twenty four teams competed this year on March 6-7, 2015, in Washington, D.C. Cardozo was represented by Adilya Gambone and Benjamin Ruffet, who advanced to the quarterfinals.

Cyberweek EMediation Competition
Co-sponsored by Cornell University’s Scheinman Institute on Conflict Resolution and Modria Mediation Room, the EMediation Competition takes place during the annual Cyberweek Conference, Nov. 3-4, 2014, which focuses on the world of online dispute resolution. Noelle Forde and Glenne Fucci participated in the competition as parties and placed second as parties, and Lara Tram placed first as a mediator.

2015 International eMediation Competition
This competition was hosted by Cornell University's Scheinman Institute on Conflict Resolution, in conjunction with Modria Mediation Room in May-June 2015. Lara Tram, representing Cardozo, won 1st place as a mediator in the competition.

Fordham National Basketball Negotiation Competition
Glenn Thomson & Scott Miller and Suleman Malik & Jonny Pena Nunez represented Cardozo at the competition on March 20-22, 2015.

**ICC International Commercial Mediation Competition**
Since 2007, Cardozo has sent a team to the ICC International Commercial Mediation Competition. This year, from February 5-11, 2015, Joenni Abreu, Zack Beal, and Kori Clanton competed in Paris against 66 teams from around the world.

**Jeffrey Abrams Mediation Competition**
In this competition, students serve as mediators and are judged on their effectiveness as such for a simultaneous representation in mediation competition of the University of Houston’s law students. Zachary Beal came in 2nd place in the Jeffery Abrams Mediation Competition at the University of Houston Law School on October 24-25, 2014. Nicholas Schmitt also competed for Cardozo. Professor Lela Love and Team Leader Ella Voloshina served as coaches.

**BALSA Nelson Mandela International Negotiation Competition**
The Mandela International Negotiation Competition was held in Portland, Oregon on March 12-14, 2015. Cardozo sent a team of three students: Claire-Noelle Forde, Nicholas Schmidt and Shakira Wallace.

**St. Johns Annual Securities Dispute Resolution Triathlon**
A joint initiative of the Hugh L. Carey Center for Dispute Resolution at St. John’s School of Law and the Financial Industry Regulatory Authority (FINRA), St. John's Annual Securities Triathlon was held at St. John’s University’s Manhattan Campus in Tribeca on October 18-19, 2014. The competition consisted of a negotiation, mediation, and arbitration round. Coached by Professor David Weisenfeld and Team Leader Victoria Serigano, the two Cardozo teams consisting of Daniel Joy, Shakira Wallace, Mary Beth Winningham, Victoria Serigano, Kori Clanton, and Joenni Abreu competed against 20 other teams from around the country.

**Willem C. Vis International Commercial Arbitration Moot Competition**
The Annual Willem C. Vis Competition in Vienna promotes the study of international commercial law and arbitration for law students from around the world. Cardozo’s team is coached by Professor Curtis Pew, together with Adres Verrios in Vienna. Students are selected based on their performance in the International Arbitration Practicum, a year long course dedicated to studying oral and written advocacy in arbitration. Course participants prepare for the William C. Vis Competitions, and the actual teams are competitively selected after a three-round intra-school competition. This year’s team was: Ran Bi, Young Suk Lim, Andrew Redd, Matthew Ringold, and Kimberly Stewart. The competition was held on March 24-April 2, 2015.

7. Clinics

- Mediation Clinic
The Mediation Clinic is an 8 credit, 2 semester clinical program in which 16 students are trained and supervised in mediating cases at community dispute resolution centers, small claims and the pro se civil courts, high schools, and the Equal Employment Opportunity Commission (EEOC), while studying the broad field of alternative dispute resolution. The Mediation Clinic was founded in 1985 and has been offered each year since. In addition to the educational value of the Mediation Clinic, Cardozo is proud of the community service the Clinic provides. Clinic participants are trained to be mediators in the fall semester of their program. However, in the spring semester they are approved community mediators servicing difficult and diverse cases in a variety of venues. In addition, each student gives a presentation on conflict resolution to community or other groups. Students may elect after the fall semester to take only a 2-credit Advanced Mediation Practicum and/or a 2-credit ADR Writing Seminar in the spring.

This year Cardozo students reported participation in 344 cases, either as an apprentice mediator (observing or co-mediating) or as a mediator. For all the cases, the agreement or resolution rate was 41%.

As in past years, the Mediation Clinic was very popular. A total of one hundred and fifteen students applied for the sixteen clinic openings.

- **Divorce Mediation Clinic**

  In the Spring of 2010, Cardozo Law School was selected by the New York State Office of Court Administration to create a divorce mediation program in order to bring the benefits of family mediation to the public. Over the last five years, the Cardozo Divorce Mediation Clinic established as a result has offered a dozen competitively-selected law students each semester an opportunity to gain practical mediation experience and develop matrimonial drafting skills, while offering critical, cost-free divorce services to residents of New York City and the metropolitan region.

  The Cardozo program provides mediation services at the courthouse at 80 Centre Street in Manhattan four days each week, working with couples screened by the Office of Court Administration; it is remarkable among law school clinical programs in affording students the responsibility to mediate the complete range of a couple’s economic issues as well as parenting provisions. Working under the direct supervision of Robert Kirkman Collins, a professor with over thirty-three years of divorce mediation experience in private practice, students assist separating couples resolve the full range of the issues presented by their divorce – the parenting schedule and decision-making protocols for their children, the equitable division of their assets and liabilities, a calculation of basic child support and allocation of major parental expenses, the setting of spousal support, the negotiation of appropriate insurance coverage, and a navigation through the tax issues triggered by divorce. Upon completion of catalyzing the couples’ discussions (which typically require from two to five mediation sessions) students assume responsibility for drafting the parties’ legal Separation Agreement and preparing and filing the complex set of papers and forms needed to obtain an uncontested decree of divorce.

  During the five years of its operation, the Cardozo Divorce Mediation Clinic has assisted over 300 couples traverse the bewildering process of marital separation – without cost to them and with a minimization of rancor—and contributed what’s been calculated as more than $600,000 in legal services to the City. The program has directly benefited members of the public who could not otherwise have afforded experienced guidance.
through their divorce, and aided the judiciary by resolving several complex cases directly referred to the Cardozo Clinic from the bench. In addition, many law students have reported the Divorce Mediation Clinic to have been the highlight of their educational experience at Cardozo, and a number of Clinic alumni have gone on to incorporate divorce mediation into their practices after graduation.

- **Securities Arbitration Clinic**

The Securities Arbitration Clinic represents claimants who cannot afford an attorney and who have securities or commodities-related claims arising from improper actions by retail securities brokers and/or broker-dealers, and/or to correct mistakes or problems with executions of customer orders. The majority of the Clinic’s clients are elderly and retired, others include disabled persons, persons for whom English is not their first language and young adults who have inherited some small sum of money on the passing of their parent(s). The clients’ cases are mostly arbitrations, which are tried primarily before FINRA, but the Clinic also handles matters before the NFA and AAA arbitration forums, the CFTC, and in the New York State and federal courts. During the past year, the Clinic received 33 inquiries, settled, mediated to settlement, or otherwise resolved more than 18 cases and currently has two cases pending before FINRA, two pending in the Eastern District of New York and one case pending in the United States Court of Appeals for the Ninth Circuit. Four cases are currently under investigation. The remainder of the cases either presented claims that were not actionable; were barred by the statute of limitations and/or arbitration eligibility rules; or were presented by parties who were in jurisdictions to which the Clinic's student practice order does not extend. To date, the Clinic has recovered over $1.8 million on behalf of its clients.

The Clinic is staffed by eight students, and one full-time Director/Clinical Faculty member.

8. **Global Perspectives on ADR: Mediation Course in Budapest**

Cardozo once again offered students the opportunity to attend a week-long program offered by Central European University in Budapest in June 2015. The program brought together students from 20 different countries to study mediation.

9. **Lela P. Love**

**Most Recent Publications**


*Success and Failure in ADR: A Dialogue between Partners* (with Joseph Stulberg), *INTERNATIONAL JOURNAL ON CONFLICT ENGAGEMENT AND RESOLUTION* 1-2014.

Mediation: Practice, Policy and Ethics, 2nd Edition (with Carrie Menkel-Meadow and Andrea Schneider) (Wolters Kluwer 2013)


Silver Linings: Reimagining the Role of ADR Education in the Wake of the Current Great Recession, Northeastern University Law Journal, Vol. 6, No. 1, 2013 (with Brian Farkas)

Stories Mediators Tell (editor, with Eric Galton) (ABA Publishing 2012)


Teacher’s Manual for Dispute Resolution: Beyond the Adversarial Model, 2nd Edition (with Carrie Menkel-Meadow, Andrea Schneider and Jean Sternlight) (2011)


Dispute Resolution: Beyond the Adversarial Model, 2nd Edition (with Carrie Menkel-Meadow, Andrea Schneider and Jean Sternlight) (2011)

Courses, Conference and Other Presentations:

Lunch Address on Images of Justice and Panel on Ethics and Heuristics, NYS Bar Association Commercial Arbitration Training (3/2015)

Mediation Theory and Practice, Straus Institute for Dispute Resolution, Pepperdine University School of Law (5/26-29/15)

Presenter, Ethical Consideration in Mediating Disputes Involving Self-Represented Parties, at the 2015 ABA Dispute Resolution Section Conference (with Michael Colatrella, Sharon Press and Ellen Waldman) (Seattle, 4/15).

Coach for Cardozo ADR Competition Team at the 10th ICC International Commercial Mediation Competition (2/6-11/15 Paris).

Presenter, The Hopes and Fears of 30 Years in Mediation for Horizons: Conversations About Critical Challenges of the Dispute Resolution Field, Ohio State Journal of Dispute Resolution 2015 Symposium (Columbus, Ohio 1/30/15).

Silver Linings: Reimagining the Role of ADR Education in the Wake of the Current Great Recession, ABA Business Law Section, Dispute Resolution Committee (with Brian Farkas) (12/17/14).

On-line Bioethics Mediation Course, NYU (2014-15)

Stories We Tell: First-Hand Accounts of Mediation and the Lessons We Learn, New York Peace Institute Peace Talk (11/13/14)

The Hopes and Fears of 30 Years in Mediation, Boot Camp for Mediators: How to Start Strong and End Well, Stories Mediators Tell, Minnesota State Bar ADR Institute (10/31/2014)

Mediation, Central European University, Summer University (Budapest, 6/22-27/14)

Mediation Theory and Practice, Straus Institute for Dispute Resolution, Pepperdine University School of Law (5/27-30/14)

Basic Civil Mediation 40-hour training/course, Northwest Institute for Dispute Resolution, University of Idaho (5/19-23, 2014)

Presentation for the NYC Dispute Resolution Breakfast Roundtable at John Jay College, ACR and CUNY Dispute Resolution Center, Stories Mediators Tell, (5/1/14)

Presentations for the 16th Annual ABA Section of Dispute Resolution Spring Conference, Storytelling as a Mediator Intervention, What I’m Reading, and Presentation for the Section’s Scholarly Award (Miami 4/14)

Presentation for New York Surrogate’s Court on Estate Litigation in New York County Surrogate’s Court: Resolving Family Disputes Through Mediation (2/25/14)

Presentation for the ICC International Chamber of Commerce as part of Mediation Week 2014 on Mediation Stories(2/12/14).

Presentation for Annual Meeting of the New York State Bar Association Section of Dispute Resolution on Has Success Changed Mediation? How Has – or Might – the Growth and Institutionalization of Mediation Change the Culture, Opportunities, Strategies, and Practices of Mediators, Counsel and Parties? (1/30/14).

ABA Webinar Program on Stories Mediators Tell (with Eric Galton and Joan Stearns Johnsen) (by teleconference on 11/19/13).
Presentation to the Arbitration and Mediation Committee of the **NY County Lawyers Association**, *Deciding Your Mediation Approach: a look at options and consequences.* (11/5/13).

Presentations on *Stories Mediators Tell: And Lessons to be Learned from the Telling* and *Mediating Complex Public Disputes*, and presence in the **Author’s Corner**, **Association for Conflict Resolution Annual Conference** (Minneapolis 10/13).

Presentation for the Yeshiva Leadership Development Program, *Conflict and Conflict Resolution* and *Negotiation and Influence in a Higher Education Environment*, **Yeshiva University** (Stern College 10/12/13 and 11/21/13).


**Committee and Other Service:**

Advisory Board, International Journal on Conflict Engagement and Resolution, Bar-Ilan University (2012- )

Member, International Board of Distinguished ADR Professionals of the Center for Mediation and Law in Moscow (2011- )

Chair, Academic Standards Committee, Benjamin N. Cardozo School of Law (2011-2013)

Member, Surrogate’s Court Mediation Pilot Project (2009- )

Member, CPR Executive Advisory Committee (2010- ) and Mediation Committee (2010- )

Mediator, mediated first case in a Surrogate’s Court (2010)

Judge, *James B. Boskey ADR Writing Competition*, sponsored by the ABA Section of Dispute Resolution in association with Penn State Dickinson School of Law. (2008- )

Member, Mediation Ethics Advisory Committee, Unified Court System of New York State (2006-2009).

Member, Committee on Mediator Ethical Guidance, ABA Section of Dispute Resolution (2006-2010). Chaired subcommittee that drafted response to first ethical query to the Committee on Mediator Ethical Guidance.

Vice President, Archbold Expeditions (ongoing)