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## Kukin Program for Conflict Resolution Newsletter

Spring 2016

**Happy Birthday to Cardozo's Mediation Clinic!  
Three Decades and One Night to Remember**



The Mediation Clinic celebrated its 30th Anniversary on October 8, 2015, in high style! More than one hundred guests enjoyed cocktails and a dinner program and toasted the success of the Clinic.

Dean Melanie Leslie gave an energetic welcome, praising the efforts of the Clinic founder, Lela Love, and also of the many successful alumni. Attendees, led by Professor Bob Collins, sang a song composed by Professors Ellen Waldman and Hal Abramson praising Lela's efforts. Professor Love made remarks about the challenges and rewards of leading the Clinic—and Cardozo's Dispute Resolution Program—for thirty years. Her central themes were: 1) the **five hundred** inspiring, remarkable students who passed through the Mediation Clinic, many of whom went on to becoming leaders in the field—in practice as neutrals, in academia, and in court and program administration. And 2) the excitement of being central in the growth of the mediation field through students, faculty, and programs (our Dispute Resolution Journal, many courses, the ADR Competition Team, and Cardozo's national and international programs).



Special Master Ken Feinberg and the Hon. Daniel Weinstein (Ret.) engaged in a revealing and intimate conversation, moderated by Lela Love, ranging over many topics, including their best and worst moments as mediators. Accomplished guitarist, mediator and alum Lester Levy ('85) closed the evening with a beautiful guitar performance.

Thanks to our attendees and supporters who allow the program to thrive and who help Cardozo train the next generation of dispute resolution professionals!

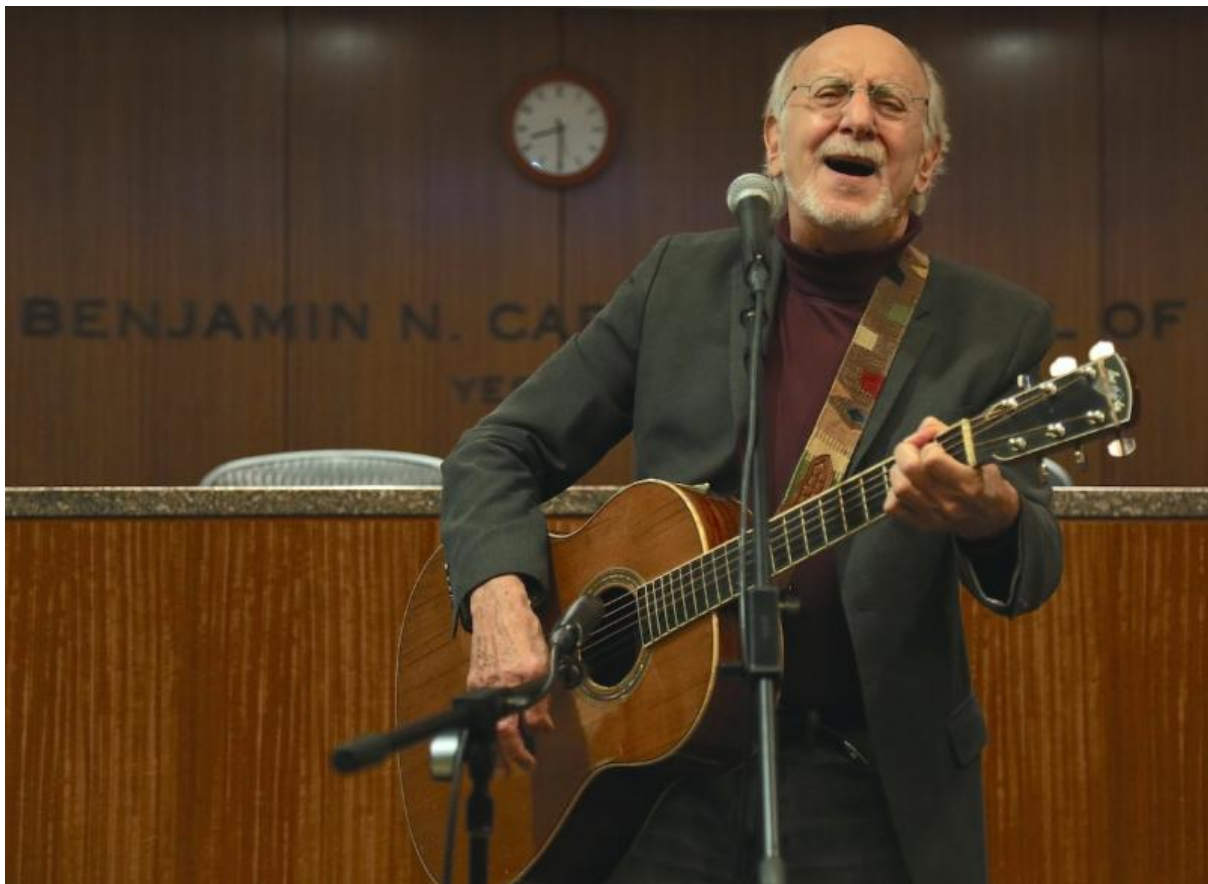
We thank the Event's sponsors and supporters:

- **Olive Branch:** JAMS and Weinstein Melnick LLC; David Waller ('89-'90).
- **Dove:** Clyde & Co; Stephanie Kaufman ('83).
- **Peace Sign:** ACE Bermuda Insurance Ltd.; Collaborative Law & Mediation Offices of Adam J. Berner - by Hila ('97) and Adam Berner ('94); Cardozo Journal of Conflict Resolution; Judge Susan S. Danoff ('86-'87); Roger M. Deitz; Genesis International Advisers in Honor of Arlene and Daniel Fisher; Tracey Frisch ('05-'06); Lester Levy '85; Lela P. Love; O'Melveny & Myers LLP; Seeger Weiss LLP; Robyn Weinstein ('07-'08); Walker Wilcox Matousek LLP.
- **Friend:** Simeon Baum, Resolve Mediation Services, Inc.; Laverne Berry ('94-'95); Russell Brunson ('96-'97); Ziva Cohen ('00-'01); Robert Collins; Nicole Doppelt; Donna Erez Navot ('05-'06); Brian Farkas ('12-'13); Christopher Fugarino ('05-'06); Emily Fusting ('11-'12); Catherine Hannibal ('09-'10); Kwanza Jones ('97-'98); Judith Lebson ('88-'89); Shu Lee ('94-'95); Cynthia Marshall ('05-'06); Kenneth Michaels ('91-'92); Charles J. Moxley, Jr.; Annie Noula ('13-'14); Raymond Patterson ('94-'95); Emily Raxenberg ('09-'10); Leonard Ritz; Maurice Robinson ('08-'09); Eric Saidel ('00-'01); Leslie Salzman; Joseph B. Stulberg; Peggy Sweeney; Troutman Sanders, LLP; David Weisenfeld.





## The *Cardozo Journal for Conflict Resolution*'s 2015 International Advocate for Peace Award Goes to Folk Legends Peter, Paul, and Mary



*Photo Courtesy of Sarah Coale*

It's a rare day that law students, alumni, administration, faculty, and practitioners raise their voices in a packed Moot Court room to sing together: "music speaks louder than words" and "light one light". Indeed, this was an unusual evening: the presentation of the 2015 International Advocate for Peace Award by the *Cardozo Journal of Conflict Resolution* to the legendary folk group Peter, Paul, and (posthumously) Mary.

In opening remarks, Dean Melanie Leslie noted that "people think of lawyers as combatants and litigators as seen on television and in film, but the truth is a great deal of legal work is about negotiation and mediation and bringing parties together." Dean Leslie praised the work of Cardozo's Kukin Program for Conflict Resolution for its pioneering leadership in the dispute resolution field.

Professor Lela Love, the director of the Kukin Program and Cardozo's Mediation Clinic, stated that it was fitting to give the Peace Award to such magicians of creating a positive vibe and movers towards attitudes of reconciliation and human connection--Peter, Paul, and Mary. Love introduced the *Cardozo Journal of Conflict Resolution's* editor-in-chief Lara Traum, praising Traum for her energetic and gifted leadership.

Before leading the initially reticent audience in song, Peter Yarrow accepted the award from Traum, with Noel Paul Stookey accepting by video from his home in Ojai, Calif. The folk trio's selection departed from the Journal's peace award tradition in two ways: the award was made to a group, rather than an individual, and to musicians, rather than mediators, politicians or statesmen. Previous award winners have included, for examples, the late Richard Holbrooke, who helped broker the historic peace accord in Bosnia, Archbishop Desmond Tutu, former Presidents Bill Clinton and Jimmy Carter, Senator George Mitchell and filmmaker Abigail Disney.

Traum, who had met Yarrow at a conference on family mediation that he keynoted, explained the groundbreaking choice this way: "I had worked in the music industry and devoted a number of years to musical activism prior to law school, so it seemed natural to me that musicians should be recognized for their tireless commitment to social change, peace advocacy, and the unification of humanity. Peter, Paul, and Mary, together, embodied everything that the Award stands for, in their tireless devotion to using their craft to advance a mission during periods of strife in the United States and abroad."

Peter, Paul, and Mary began their decades of activism in 1963 with the civil rights movement, when they led the massive march on Washington in song. They were vocal in their opposition to the Vietnam War. In the early 1980s, they traveled to El Salvador to protest U.S. involvement in the civil war there. They protested apartheid in South Africa. And over the years they "stayed the course," Yarrow said. "I'm honored to accept this award for two reasons: first, it reinforces to a very important group of people – future lawyers – the idea that this kind of work is meaningful. Further, it is proof that the value system that was embraced in 'the movement' is still active, isn't naïve, isn't yesterday. It's every bit today."

### **Cardozo Journal of Conflict Resolution Hosts the Jed D. Melnick Symposium: All in the Family: Intimate Parties, Intimate Issues, and ADR**



*Renowned panelists and moderators, including keynote speaker David Hoffman, Michael Broyde, Robert K. Collins, Herbie DiFonzi, Rachel Green, Joanna Grossman, Lela Love, Jody Miller, Forrest Mosten, Kelly Browe Olson, Stacey Platt, Alla Roytberg, Peter Salem, Nadia Shahram, Jacqueline Silberman, Ed Stein, Abby Wittlin Tolchinsky, Ellie Wertheim, and Zena Zumeta, came from Arkansas, California, Georgia, Illinois, Michigan, Massachusetts, New York and Wisconsin to share their expertise.*

On October 19, 2015, the *Cardozo Journal of Conflict Resolution* hosted this year's Jed D. Melnick Annual Symposium "All in the Family: Intimate Parties, Intimate Issues, and ADR." This full-day symposium, attracting over 250 registrants, was incredibly successful and left attendees clamoring for more.

The symposium explored family law topics in the ADR field, focusing specifically on issues concerning changing laws around same-sex marriage, the important role of mediation for same-sex couples, domestic violence and ADR, cultural and religious tensions and ADR, ethical and practical issues for divorce mediation training and services, access to ADR and to justice for families, and the role of children in mediation.

The *Cardozo Journal of Conflict Resolution* will publish a compilation of Articles authored by many attending panelists in its Symposium Issue, Volume 17.3, forthcoming in May, 2016.

**Professor Love Co-Chairs the Program for the NYS Dispute Resolution Section Annual Meeting and Moderates Panel Entitled "Resuscitating Mediation: How Lawyers and Mediators Can Revitalize the Mediation Process" at 2016 NYS Bar Association Meeting**



*On January 28, 2016, Professor Hal Abramson, Touro Law Center, Professor Lela Love, Eric Galton, Esq., and Brad Heckman, CEO of the NY Peace Institute, participated in the NY State Bar Association Annual Meeting and discussed the various ways to revitalize the mediation process.*

## Cardozo Mediation Clinic Student Joseph Kammerman Wins Several Writing Awards



Joseph Kammerman's paper, "One Hundred Years of Local Conflict and One National Tragedy: Trayvon Martin & Dispute Resolution in Sanford, Florida," has won several awards. It won the ABA's 2015 James B. Boskey Law Student Essay Contest on Dispute Resolution. In February 2016, the International Institute for Conflict Prevention & Resolution (CPR) invited Joseph to its annual meeting in New Orleans to receive an Honorable Mention award for the Joseph T. McLaughlin Original Student Article or Paper Award. The paper also won the Greater New York Region of the Association of Conflict Resolution's 2015 student writing competition. Joseph wrote the paper during his 2L year while a member of Cardozo's Mediation Clinic and ADR Writing Seminar, taught by Professor Lela Love.

The paper explores how Trayvon Martin's death may be analyzed as part of the historical conflict in Sanford between its African American community

and the city, which stemmed back to post-Civil War Florida. The paper assesses the dispute resolution techniques used to calm the unrest that ensued after Trayvon was killed and argues that it is essential to deeply understand local history and dynamics when resolving community-scale disputes. "It's been extremely exciting and rewarding to see the paper receive so much positive attention. It was focused on an incredibly fascinating and timely issue. At times it felt like the paper wrote itself. I'm glad others enjoyed the story and felt that it contributed to the discussion on how to manage the recent wave of community-based conflicts we're seeing around the country," said Kammerman.

## A Busy Year for Cardozo Dispute Resolution Society

The Cardozo Dispute Resolution Society (CDRS) charged full speed ahead during the 2015-2016 calendar year. Under the leadership of co-presidents Elad Bronstein and Kelsey Weiner, Vice President Brandon Fremed, Secretary Stephen Wah, and Treasurer Michael Luke, CDRS hosted many successful events, developed a bi-weekly CDRS event email blast, and grew and strengthened the infrastructure of the Society.



Its programs included:

- **Lunch and Learn with Dr. Martin Svatoš**, a leading Czech mediator and arbitrator, was held on 9/20/15. Dr. Svatoš has mediated more than 100 domestic and international cases. His experiences in alternative dispute resolution were recognized when he became the Secretary to the mediation working group of the ICC Czech Republic. Martin has conducted several ad hoc arbitrations and, since 2015, he is listed as an arbitrator by the VIAC (Vienna International Arbitral Centre).
- **Co-sponsored event with Labor and Employment Law Society**, featuring a lecture on 10/29/15 with David Reinman, who is a federal mediator at the Equal Employment

- Opportunity Commission (EEOC). Mr. Reinman, a Cardozo LLM, discussed the mediation process, how it is used in the context of employment law, and how the employer and employee sides approach mediation differently.
- **Lunch and learn with Cardozo alum Mara Weinstein**, who was the Symposium Editor for the Cardozo Journal of Conflict Resolution and was also a member of the Mediation Clinic, where she mediated small claims court diversion cases at the New York Peace Institute. The event was held on 11/2/15. Mara joined the International Institute for Conflict Prevention and Resolution (CPR) in 2012 after receiving her J.D. from Cardozo. At CPR, she was the Director of Dispute Resolution Services and Training & Education. Currently, Mara is a Neutral Recruiter and Trainer at the Financial Industry Regulatory Authority (FINRA).
  - **Cardozo Dispute Resolution Society and In The Benches** mixer was held on 11/5/15 at Amity Hall where students from Cardozo were paired with professionals (for example Kenneth Feinberg, who was responsible for mediating Agent Orange, the BP Oil spill & 9/11 victim compensation fund) to learn more about careers within the Dispute Resolution field from successful practitioners.

The CDRS Executive Board maintains the CDRS bi-weekly newsletter aimed at connecting Cardozo students with regional professional opportunities in alternative dispute resolution. The newsletter provides updates on events, internships, and various networking and professional opportunities.

In an effort to develop future leaders for the Society, the CDRS Executive Board instituted a new board structure, which not only includes a junior board but also an L.L.M representative. The L.L.M. representative allows L.L.M students to engage with J.D. students and to take on leadership roles within the Society.

The Executive Board has also maintained the advisory board of former Executive Board members, who have been very helpful to the current board in planning events and offering their feedback and assistance on recruiting professionals for events. The advisory board now provides guidance and support to the current executive board members as well as members of the Society.

For more information about CDRS, or to subscribe to the bi-weekly CDRS newsletter, you can send an e-mail to [cardozocdrs@gmail.com](mailto:cardozocdrs@gmail.com).

## FACULTY SPOTLIGHT

### Michael Tsur, Adjunct Professor of Law



*Tell me about the class you teach at Cardozo.*

I teach a class entitled “Negotiation Skills and Theory,” which is a combination of two classes that I often teach around the world: one is entitled “Negotiation in a Challenging Reality” which focuses on how to negotiate in your professional, personal and commercial life and the other is entitled “Challenging Conversations” which is based on the book written by Douglas Stone, Bruce Patton, and Sheila Heen. The class is designed to be very interactive so that by the end of the first class, every student can actually implement the concepts and methods. Negotiations are part of everyday life so I like the class to be very practical. The main goal is to give students an experience negotiating, it

is a very personal skill and we all negotiate in our own way. In the course, we review basic concepts and students are asked to implement the concepts in order to adapt it to their own personal tendencies. We start with easy negotiations and progress to more challenging. At the end of the course, students should feel more confident in all of their interactions.

*When did you join the Cardozo faculty?*

I began teaching in 2010. I had the privilege of meeting Professor Lela Love at the American Bar Association Dispute Resolution Section Conference over 10 years ago. At the time, I was invited as a guest of the Dispute Resolution Section as a mediator from the Middle East. Once Professor Love and I began to talk, we realized that we shared a common language about conflict and dispute resolution.

Professor Love invited me to give a talk at the Cardozo Law School's Mediation Clinic. At the time, I was also teaching at Hamline Law School. I gave that one talk and I stayed on at Cardozo. I feel very privileged to be part of the faculty at Cardozo Law School.

#### *How did you first become interested in negotiation and conflict resolution?*

During my last year of Law School in 2001, I enrolled in a seminar entitled "Alternative Dispute Resolution." (Coincidentally this was the same year that mediation was introduced into the legal system in Israel). After 5-10 minutes in the seminar, I immediately knew that this is what I wanted to do in my career. Nevertheless, after graduation, I spent several years as a prosecutor for the District Attorney's Office in Jerusalem. The more experience that I had litigating, the clearer it became that ADR and mediation was right for me. I was invited as a pioneer to design the ADR system in Israel. I was one of the first mediators in the Supreme Court in Israel. I continue in conflict studies because it is my passion.

Today, I practice negotiation in five arenas: 1) security high risk situations (army and police); 2) teaching in academia (law, business, and public policy students); 3) escorting and training individuals in management and political situations (including politicians in actual negotiations); 4) training different companies and NGO's and exposing them to updated concepts of negotiation; and 5) professional studies of negotiation at my school, Shakla Tariya. Students at Shakla Tariya receive a certificate after 3 years that includes 1 year of studies and a period of practice.

#### *Tell me about your work as a hostage negotiator with the Israeli Defense Force*

In 1999, I was invited to interview for the hostage negotiation team by its Commander through word of mouth. I was interviewed by the Commander and I believe that my practical/business approach to negotiations appealed to him. I do not believe in an aggressive approach; I bring more of the pragmatic approach to the negotiations. Others on our team view negotiations through a political lens and others from a psychological perspective. The hostage negotiation team at the Israeli Defense Force is very unique because it consists of civilians from different backgrounds who are former members of the IDF. Each member comes with a specific background and expertise. I have also had the privilege to become one of the trainers of the IDF hostage negotiation team, and I have designed clear methodologies for high risk/emergency situations. These same methodologies are used for in training non-military organizations to help deal with high risk situations as well.

#### *What prompted you to become a professor?*

Being a professor is a privilege: I believe that if you have something that is worthy that you should share it with as many people who are willing to listen and they can be the judge of its worth. It keeps your mind fresh, since you are constantly interacting with young people and need to stay current with language and technology. In order to be a good practitioner, it is vital to be involved in academia. In order to validate what you do as a practitioner, you need to be exposed to academics. There is a different mindset when you teach in an academic setting as opposed to when you are practicing in the field.



### Cardozo Hosts the ABA Regional Negotiation Competition and the ABA Regional Representation In Mediation Competition

Cardozo's ADR Team Leaders, Elana Freeman, Noelle Forde, Shakira Wallace, and Joseph Lieberman, helped the Kukin Program organize and host two prestigious ABA Regional ADR Competitions at Cardozo this year.

On November 1-2, 2015, Cardozo hosted the Annual ABA Regional Negotiation Competition. Twenty-four teams from law schools from the New York region participated in this event. In teams of two, the students acted as lawyers and negotiated a series of legal problems.

On March 6-7, 2016, Cardozo hosted the ABA Regional Representation in Mediation Competition. Competitors representing schools from all around the northeast region traveled to Cardozo for this Competition. Students competed in teams of two with one acting as legal counsel, the other as his/her client. Prominent mediators from the New York City area acted as the mediator in these moots.

### Cardozo Students Compete in Mediation, Negotiation and Arbitration Competitions from Texas to Vienna

Cardozo's 2015-2016 ADR Competition Team attended the following national and international competitions:

- Jeffrey S Abrams National Mediator Competition (Houston, TX)
- St. John's 2015 Securities Dispute Resolution Triathlon (Queens, NY). **Damali Slowe, Stephen Wah, and Justin Gindi placed first in Mediation, receiving the award for Mediation Champion.**
- ABA Law Student Division 2015-16 Negotiation Competition (New York, NY). **Coached by Professor David Weisenfeld, Allen Shehebar and Justin Gindi placed 6th.**
- NYSBA Dispute Resolution Section's AAA Moot Arbitration Competition (New York, NY)
- ICC International Commercial Mediation Competition (Paris, France)
- William C. Vis International Commercial Arbitration Moot (Vienna, Austria)



- ABA Representation in Mediation Competition (New York, NY). **Coached by Joseph Lieberman and Elana Freeman, Allen Shehebar and Justin Gindi placed 4th.**
- Intra-school Negotiation Competition (New York, NY). **Ninety Cardozo students participated in this competition!**
- Fordham Basketball Negotiation Competition (New York, NY)



Cardozo sent a team of three students, Michael Kar, Brian Salazar, and Jordan Simon, to the 11th International Chamber of Commerce Commercial Mediation Competition in Paris. Sixty-six teams came from thirty countries; 500 people participated in the competition as a judge, mediator, coach or competitor. Cardozo's team was coached in Paris by Professor Lela Love, who also presented at session at the ICC for all participants on *Stories Mediators Tell*. Cardozo competed against teams from New South Wales, Oxford, Poland, and the Ukraine.

## ALUMNI SPOTLIGHT



### Jenna Powers '04 at Amazon

Jenna Powers is a Director of Associate Experience at Amazon. She is responsible for associate and leader training and development, as well as helping to ensure a culture of positive engagement in Amazon's Seller Support contact centers around the world. Prior to working at Amazon, Jenna worked for the Coca-Cola Company, where she was involved in upholding the company's human and workplace rights policies, covering freedom of association, child labor, forced labor and human trafficking, among other things.

Powers uses her ADR training on a daily basis.

"The corporate environment is filled with people trying to solve problems from different vantage points. Knowing how to help them find alignment is an invaluable skill."

After graduating from Cardozo Law School in 2004, Powers moved to Atlanta and worked for several years at two different law firms as a labor lawyer.

When Powers started law school, she wasn't sure what she wanted to do with her law degree. She attended a presentation about sports arbitration during her first year that peaked her interest and when she asked the panelists what kind of law she needed to focus on to work in their field, they all said labor law. "Workplace law resonated with me because it impacted people's livelihood." While a student at Cardozo, Jenna participated in the Cardozo Mediation Clinic, interned with the Patrolmen's Benevolent Association and clerked with the NLRB.

Powers urges students in law school to think outside of law firms and "in house" roles. She believes that graduates who have successful and fulfilling careers after law school increasingly do

not work at firms or in traditionally “legal” roles. “Human resources departments, compliance, public policy, and corporate social responsibility are all areas in which a law degree is desirable, if not required. And the opportunities to implement ADR skills in the corporate environment are endless.”



### **Robyn Weinstein '09 at the US District Court for the Eastern District**

Robyn Weinstein is the current ADR Administrator for United States District Court for the Eastern District of New York. As the ADR Administrator, Robyn is responsible for managing the alternative dispute resolution department which includes recruiting neutrals, monitoring quality of service, managing case referrals, assisting parties with neutral selection, developing criteria for neutral qualifications, and developing trainings and educational programming in dispute resolution.

During a stint in LA after law school, Weinstein worked at California Lawyers for the Arts and administered their Arbitration and Mediation Program. She also taught in the Mediation Clinics at both Cardozo Law School and Pepperdine Law School. In her relatively short sojourn in LA, Robyn became the president of the Southern California Mediation Association. On returning to NY, Robyn became the Fellow of the Kukin Program for Conflict Resolution at Cardozo.

While at Cardozo, Robyn was the symposium editor for the Cardozo Journal of Conflict Resolution (CJCR), was the president of the Cardozo Dispute Resolution Society (CDRS) and was a member of the Mediation Clinic. She was also the Student Director of the Kukin Program working side by side with Professor Love. In addition to her ADR pursuits, Robyn was also active in the Cardozo chapter of the Unemployment Action Center.

One piece of advice Robyn offers is that you “shouldn’t limit yourself to a job search in only one practice area.” Her first job after graduating from Cardozo was not in ADR, instead she worked for a non-profit organization that provided pro bono legal services for individuals denied unemployment insurance. She found that her experience working as an advocate and also as a program director, helped develop skills for the ADR jobs she later pursued. Robyn found that diversifying her interests in law school beyond ADR and being active in other organizations including the Unemployment Action Center was critical in making her marketable upon graduation. Also, Robyn urges students to get involved in professional associations. Robyn’s involvement with the ABA Dispute Resolution Section, the New York City Bar Association, and the Southern California Mediation Association were integral in helping her learn about the field, and connecting with individuals who are knowledgeable about pursuing careers in dispute resolution.

### **Peter Halprin '09 at Anderson Kill**

Peter Halprin is currently an attorney at Anderson Kill in New York where he was a summer associate in the Summer of 2008 and has been employed since graduating Cardozo in 2009. Peter is also the coach of the Benjamin N. Cardozo School of Law Wilhelm C. Vis International Commercial Arbitration Moot Team. Mr. Halprin's practice concentrates in commercial litigation and insurance recovery, exclusively on behalf of policyholders. He engages in different forms of dispute resolution processes including domestic and international mediation, arbitration, and litigation. His international



arbitration work has involved both institutional and ad hoc arbitration. He finds the latter particularly interesting and challenging because the parties, and arbitrators, must work together to make the process work in the absence of institutional case management, guidance, and rules.

While attending Cardozo, Mr. Halprin was a participant in the Sixteenth Annual Wilhelm C. Vis International Commercial Arbitration Moot in Vienna, Austria. He was also an Articles Editor of the Cardozo Journal of International and Comparative Law. In addition to taking traditional classes that focused on arbitration with Professor Pew, Peter enrolled in an independent study course with Professor Pew in which he wrote a paper about anti-suit injunctions in arbitrations. The paper has since laid the foundation for professional publications on the subject. Peter credits Professor Pew with sparking his interest in international arbitration and giving him the tools to succeed in the area.

Peter's advice to current students is to "try everything." He said that if you are interested in an area of law, you should try it – do an internship or take a course in the area. He experimented with election law, employment law, and international arbitration during law school. Once one graduates from law school and is practicing, it is very hard to find time to try new areas of law or to experiment. An internship is a great way to try things and, with international arbitration being so popular, there are many internship opportunities. One could go to Paris and work for the ICC, or go to London and work for the LCIA, or go to Hong Kong and work for the HKIAC. And that is just the tip of the iceberg!

Finally, Peter says that, "If you want to learn more about a subject, then do an LLM or register for a certificate program." To buttress his professional work in the area without taking a leave of absence, he did a diploma program, primarily online, in international commercial arbitration at Queen Mary, University of London. Since many scholarship programs exist, such as the Miami Law/Young ICCA Scholarship, it is worth inquiring about those opportunities if you are interested in pursuing an LLM in this area.

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