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Kukin Program for Conflict Resolution

Newsletter | Spring 2019

Sir James Paul McCartney to Receive the Cardozo Journal of Conflict Resolution's 2019 International Advocate for Peace Award

On May 28, 2019, Sir James Paul McCartney will be the 19th recipient of Cardozo Journal of Conflict Resolution's ("CJCR") Annual International Advocate for Peace Award ("IAP"). McCartney is being honored for the healing force of his music celebrating love and connection, a foundation of peace.

Since 2000, CJCR has presented an annual International Advocate for Peace Award to internationally recognized leaders for their achievement in promoting world peace. A few of the past recipients of the Award include: Presidents Bill Clinton and Jimmy Carter; Archbishop Desmond Tutu; Ambassadors Richard Holbrooke and Dennis Ross; Senator George Mitchell; American folk group Peter, Paul, and Mary; and filmmaker Abigail Disney.



Cardozo Journal of Conflict Resolution and Touro Law Host the 2019 Jed D. Melnick Symposium:

The Singapore Convention: Compliance with Cross-Border Mediated Settlements

On March 18, 2019, CJCR held a symposium to celebrate and explore the new Singapore Convention on Compliance with Cross-Border Mediated Settlements, co-sponsored with Touro Law School. Speakers, academics and drafters of the Convention explored the need for the Convention and its significance, the role of UNCITRAL, legal issues surrounding mediated settlements, and key issues debated in the Convention's adoption. In its fourth edition in 2018-19, CJCR will publish the collected papers from the Symposium which will hopefully serve as the authoritative text on the Singapore Convention.



Seated (left to right): Professor Donna Erez Navot (Cardozo), Israeli Delegate Itai Apter, Edna Sussman, International Mediation Institute and International Academy of Mediators Delegate Professor Hal Abramson (Touro), Professor Ellen Deason (Ohio State), and Head of International Mediation Institute Delegation Deborah Masucci.

Standing (left to right): Eric Tuchmann (AAA), EU Delegate Norel Rosner, Former US Head of Delegation Tim Schnabel, American Society of International Law Delegate Professor S.I. Strong (Missouri), Professor David Weiss (New Jersey City University Institute for Dispute Resolution), Professor James Coben (Mitchell-Hamline), Kim Taylor (JAMS), Professor Lela Love (Cardozo), Belgian Delegate Jean-Christophe Boulet, Professor Jacqueline Nolan-Haley (Fordham), Canadian Delegate Allan Stitt, Mexican Delegate Hector Flores Senties, and International Academy of Mediators Delegate Mich Kallipetis.

Missing: Legal Officer of UNCITRAL Corinne Montineri.

The Symposium hosted a multitude of interesting panels led by key drafters and promoters of the Singapore Convention. The panels inspired active audience participation and debate, and a greater understanding of the process surrounding the adoption of the Convention.



Professor Lela Love and Professor Hal Abramson

We would like to thank our generous sponsors including:

International Academy of Mediators (IAM)
Federal Bar Association, Alternative Dispute Resolution Section
Federal Bar Association, International Law Section
Federal Bar Association, Federal Litigation Section
JAMS
International Centre for Dispute Resolution - American Arbitration Association
New York State Bar Association Dispute Resolution Section
Professor David Weiss, New Jersey City University Institute for Dispute Resolution

**[Read More About the
Convention](#)**

Cardozo Dispute Resolution Goes to Brazil

In February, 2019, Professor Jocelyn Getgen Kestenbaum (Benjamin B. Ferencz Human Rights and Atrocity Prevention Clinic) joined forces with Professor Lela Love (Kukin Program for Conflict Resolution), and two Cardozo LLM students, to train Federal Prosecutors in Amazonas, Brazil, and help Federal Prosecutors strategize about initiatives to control illegal mining and lumber operations, as well as prevent unlawful land grabs.



Monitoring the Genocide Hearings in the Amazon.



Brazilian federal prosecutors holding up their certificates from Cardozo.

Our Faculty and Alumni Lead the Field



Robyn Weinstein



Maurice Robinson

On October 30, 2018, alumni and Cardozo adjunct **Professor Robyn Weinstein** organized the panel **Understanding the Basics of Representing Federal Pro Se Employment Discrimination Plaintiffs for the Limited Purpose of Settlement** at the New York City Bar Association. Alumni and Cardozo adjunct **Professor Maurice Robinson** was a featured speaker. Topics discussed included the mediation programs in the Southern District of New York and the Eastern District of New York for employment discrimination cases and the difference between mediation and a settlement conference before a magistrate, opportunities in the SDNY and EDNY for pro bono representation of pro se employment discrimination litigants for the limited purpose of settlement, and the legal issues that commonly come up in connection with settlement of pro se employment discrimination cases.

Robyn Weinstein is the current ADR Administrator for United States District Court for the Eastern District of New York. Maurice Robinson is the current Equal Employment Opportunity Officer and Executive Agency Counsel for the New York City Housing Authority ("NYCHA").



Professor Halprin introducing the esteemed panel and student competitors at the Showcase Showdown, a pre-moot for the Willem C. Vis International Commercial Arbitration Moot in Vienna.

On November 8, 2018, alumni and Cardozo adjunct **Professor Peter Halprin** was a featured speaker on Expanding ARIAS U.S. to Policyholder and Direct Insurer Disputes: Delivering the Best Arbitrators and Mediators for ALL Insurance Disputes held at Anderson Kill. The panel discussed the status of ongoing ARIAS U.S./Policyholder counsel efforts to bring policyholder-insurer disputes to ARIAS U.S., meeting the challenge to ARIAS U.S. in expanding, training and promoting its pool of certified arbitrators and mediators for policyholder-insurer disputes that both sides can confidently accept and exploring the expansion of ARIAS U.S. to direct insurer disputes.

Peter Halprin is a shareholder in Anderson Kill's New York office.

On December 10, 2018, Cardozo alumni **Tracey Frisch** was a featured speaker on the topic of Balance Between Efficiency and Justice in Arbitration. The program was hosted at the American Arbitration Association International Center for Dispute Resolution.

Tracey Frisch is the current Senior Counsel for the American Arbitration Association.



Tracey Frisch

ADR Competition Honor Society Enjoys Success



Cardozo's 2018-2019 ADR Competition Team placed in the following national and international competitions:

- First Place in Arbitration and Third Place in Negotiation at the Tenth Annual St. John's/FINRA Securities Dispute Resolution Triathlon.
- Distinction in Creative Solution Generator Award at the 14th Annual ICC Commercial Mediation Competition in Paris, France.
- Two ADRCHS teams advanced to the Semi-Final Round at the Fordham Basketball Negotiation Competition.
- Second Place at the 2019 Regional ABA Representation in Mediation competition.
- Third Place in Mediation and the team advanced to the Semi-Final Round at the INADR International Law School Mediation Tournament in Athens, Greece.
- Second Place at the Thomas Jefferson School of Law National Sports Law Negotiation Competition.
- Chana Zelcer (2L) received Honourable Mention for Best Oralist at the Willem C. Vis International Commercial Arbitration Moot in Vienna, Austria.



The ADR Team wins Distinction in "Creative Solution Generator" at the ICC Mediation Competition in Paris. Pictured from left to right are: Aaron Slanksy, Professor Lela Love, Nick Anselmi, Courtney Kaplar, Federico Zepeda, Professors Donna Erez Navot and Eian Weiner.

The Cardozo ADR Team and Esteemed Judges Host Successful 2019 Cardozo/ABA Intra-School Negotiation Competition

On March 13, 2019, the ADR Competition Honor Society with the help of distinguished volunteer judges hosted the 2019 Cardozo/ABA Intra-school Negotiation Competition. 112 Cardozo students participated in this year's competition!

The Cardozo Dispute Resolution Society (CDRS) Hosts an Exciting Array of Events

For the 2018-2019 school year, CDRS co-hosted The Wonderful Story of the Repeal of "Don't Ask, Don't Tell" and of How the Military Did ADR Proud with the Cardozo Journal.



Professor Hal Abramson and
Colonel Linell A. Letendre

of Conflict Resolution. Speaker Colonel Linell A. Letendre presented her experience as a member of the team that helped spearhead the Pentagon's review that eventually led to the repeal of 'Don't Ask, Don't Tell'.

Colonel Letendre explained her perspective on being a part of such a momentous change in history: "This multi-party negotiation [for the repeal of "Don't Ask, Don't Tell"] allowed the military to have a conversation with itself. It allowed us to look through the lens of objective standards, to have an assessment that was credible, that was transparent. And, what we saw at the end of it was a great deal of acceptance and it became the biggest non-event. Although, what I think the military took from it is the importance of this process, the importance of bringing together parties and stakeholders from across a range and from across a spectrum. And, how do

you work through hot-button topics like this in order to get to an end result where maybe not everyone is happy, but where the outcome is accepted?"

CDRS also hosted Professor Michal Alberstein of Bar Ilan University in her talk, The Changing Roles of Judges in an Age of Vanishing Trials. Professor Alberstein led a dynamic discussion on the shift of traditional judicial roles. Judges are no longer limited to traditional decision making, and instead play a diverse set of roles including mediator and settlement master. Professor Alberstein presenting data showing that judges' alternate dispute resolution roles are usurping their classical judicial roles.



Pictured from left to right:
Professor Michal Alberstein (Bar Ilan University) and
Professor Donna Erez-Navot (Cardozo Law)

CDRS also co-sponsored an Alumni Mixer with the ADR Competition Honor Society.



Alumni Spotlights

Clymer Bardsley '04 is an Assistant Professor at Temple University's College of Education. He teaches a graduate course in Mediation, two undergraduate courses in Negotiation Processes, and one course in Conflict Resolution. He also teaches in the Policy Organization and Leadership studies program and works with intensive courses at the Teacher's College as part of Morton Deutsche International Center for Conflict Resolution. In addition to teaching, he mediates special education cases between school districts and parents around Pennsylvania.

Clymer graduated from Cardozo in 2004. Prior to attending law school he worked as a school teacher. In 2008, he began working with Professor Love within the Kukin Program for Conflict Resolution and then moved to Ohio State Law School for a year as the Langdon Fellow teaching in their mediation clinic. In 2010, he moved to Philadelphia and held a position for five years at the Good Shepherd Mediation Program, a community mediation center, where he mediated and supervised others. Clymer has also worked as

a private mediator and conflict resolution consultant, while teaching as a adjunct. In 2019, he was appointed as a full-time Professor at Temple University.

Clymer believes that the Mediation Clinic was the seminal experience he had in law school and that his clinic experience helped him realize his calling. He thanks Professor Love for her kindness in allowing him to work with her during the height of the recession.

Clymer advises current ADR students to look for all possible opportunities in the field, and not be pressured into pursuing litigation. He believes that Cardozo has an incredible ADR program and that students need to take advantage of the courses and experiences offered.



Clymer Bardsley '04. Assistant Professor at Temple University's College of Education



Steven Saltiel '88 at the 9th Circuit Court of Appeals

Steven Saltiel '88 is currently a mediator in the 9th Circuit Court of Appeals. He is one of eight circuit mediators in the 9th Circuit Court of Appeals. While appeals are pending, he mediates cases in order to facilitate settlement.

Steven started working in private practice in a small New York law firm before moving to San Francisco where he joined the US Attorney's Office in the Civil Division. In the US Attorney's Office, he represented the United States and several government agencies in civil litigation. Eventually, he trained with the US District Court in the ADR Unit. After his ADR training, he became a member of a panel of volunteer mediators who agreed to mediate cases pending before the district court. He continues to voluntarily mediate these cases outside of his work.

Steven never imagined he would be a litigator, let alone a mediator. He believes his career took him on a path, and that law students should be open to diverse experiences. He advises students to learn about the importance of ADR, even within the context of civil litigation if that is their ultimate goal.



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