

Kukin Program for Conflict Resolution Newsletter Spring 2015

Judge Daniel Weinstein is the 2014 Cardozo International Advocate for Peace

On the evening of Monday, March 16, 2015, Judge Daniel Weinstein received the Cardozo International Advocate for Peace Award. Judge Weinstein was selected to receive this award for his ingenuity and vision in creating the Weinstein International JAMS Fellowship Program. The Fellowship Program has become a high-level, international peacemaking community, providing opportunities for dispute resolution scholars and professionals from around the globe to engage with one another, building networks in the United States and abroad, to advance dispute resolution globally.

Judge Weinstein joins previous recipients of the International Advocate for Peace Award which include among other distinguished recipients: President Bill Clinton, President Jimmy Carter, Archbishop Desmond Tutu, Senator George Mitchell and Seeds of Peace, Ambassador Dennis Ross, Stuart E. Eizenstat, and Eve Ensler.



Judge Weinstein and Ambassador Carden with participants of the International JAMS Fellowship Program. From left to right: Giulio Zanolla (Italy), Zimena Bustamante (Ecuador), Ihsanullah Khan (Pakistan), Laila Ollapally (India), Sherif Elnegahy (Egypt), Andrew Wei-Min Lee (China), Ambassador David Carden, Judge Daniel Weinstein, Farshad Ghodoosi (Iran), Francisco Giménez-Salinas Framis (Spain), Dimitra Triantafyllou (Greece), Peter Kamminga (Netherlands), Hagit Shaked-Gvili (Israel), Paola Cecci Dimeglio (France).

The Moot Court Room was full for the award ceremony which included an introduction by Ambassador David Carden, a long time friend of Judge Weinstein. As part of his acceptance speech, Judge Weinstein asked several of the fellows to share their experiences and achievements since completing the Program. JAMS International Fellows traveled to New York City from Italy, Ecuador, Pakistan, India, Egypt, China, Iran, Spain, Greece, the Netherlands, Israel, and France to be present for the ceremony.

A Story from Judge Weinstein's Acceptance Speech

In 1999 I was appointed by Secretary Albright to be the Special Representative in Bosnia, during which time I participated in an effort to mediate between the Croats, the Serbs, and the Muslims over the distribution of about fourteen billion dollars that were left from the process of privatization. Many of you know that the wagon wheels of history cut through what was Yugoslavia—the east and the west—and that this was a rather unusual country—the size of Vermont—where people spoke the same language but the Croats, the Serbs and the Muslims had many, many conflicts.

I remember one particularly frustrating afternoon when we were trying to mediate over the airport and each of the sides—the Muslims, Serbs, and Croats— wanted their own separate runway, which was a little impractical at the time, and we were having a good deal of trouble getting them to agree on a solution. Unexpectedly, a low level government employee came up to me and said, “I don't want to be intrusive, Judge, but there is a guy who has been doing this stuff for a long time and getting something done.” And I looked at him and said, “Take me to him.” That day's mediation had been unsuccessful, so I was eager for advice.

The bureaucrat drove me down to a little office outside a church and inside was the Magistrate whom he introduced me to. The Magistrate was a Muslim, whose English wasn't very good, so the interpreter jumped in. The Magistrate had been told that I and my colleagues were having trouble mediating and he said, “You know, you're not really going to get anywhere until you begin to understand these people, until you listen to them the way they want to be listened to, and until you develop a process that works for this kind of situation.” I was taken aback by his perspicacity and wisdom. I sat up and began to really listen.

The seventy-five year old Magistrate sat me down in this very avuncular way and said, “Now let me tell you about the Muslims, my people. They are still at the bazaar at Istanbul. Don't go for the first price on the rug. Be patient, ultimately they become reasonable. They are pretty easy to deal with because your system isn't that different, but just remember you are at the bazaar at Istanbul and give them a chance to play it out.”

“Now the Croats,” he said, “they're a little more difficult. They come from an Austro-Hungarian tradition and Roman law and church law. You have to find a rule for them. It doesn't matter where it comes from—you can go back to Justinian, you can go to some Austrian rule. Find an old law or rule, something from the sixteenth or seventeenth century, and point to it and tell them it means the runway goes one way or another. And they're yours. But you must find a rule. You don't have a rule with the Croats, and you lose.”

“Now the Serbs, that's the biggest problem of them all,” he said. “They're all paranoid. They've been living under the Kremlin, under Tito, for all these years and they think there is a conspiracy afoot all the time. I let them go in the corner and whisper for a while. Then I go over and talk to them about transparency and they look at me like I'm crazy. But eventually, I convince them there is no plot afoot and they come over. So, young man,” (I liked that appellation!) “unless you understand all this and unless you provide a vehicle for doing it, you're never going to get anything settled here.”

I had done many mediations in my career, but I was just stunned by the wisdom of this man and his knowledge of the mediation process. Despite my years of training and my interest in the Bosnian cultures, I realized how unequipped I had been in taking on this enormous task. Later that evening, the inspiration came to me that there must be people like this Magistrate all over the world. Men and women—just men and just women—with this blend of compassion and wisdom and determination, and that special magic in their souls for resolving conflicts. It occurred to me that if these folks could be found and given some help, and were able to share their wisdom and create an international dispute resolution community where people would feel supported...maybe then we could do some good in the world by voluntarily resolving conflicts instead of creating them. And so the idea of creating the Fellows was born.

SAVE THE DATE!

Mediation Clinic 30th Anniversary Celebration



Professor Lela P. Love

Dear Friends of Cardozo's Kukin Program for Conflict Resolution,

It is with great pleasure that I urge you to Save the Date of Thursday, October 8, 2015 to celebrate the 30th Anniversary of the Cardozo Mediation Clinic.

It is hard to believe that thirty years have passed and there are now more than 500 alumni of the Mediation Clinic and thousands who have taken courses and other clinics of Cardozo's Kukin Program for Conflict Resolution. We want to bring this important and vibrant community together.

To celebrate our thirtieth year of the Clinic, we are planning a dinner program featuring Key Note Speaker Kenneth R. Feinberg, together with other notable alumni of the Clinic. The evening will also include lively musical entertainment and of course lots of fun! More details about the event will follow over the coming months.

Your support and involvement is essential in ensuring that Cardozo's prominent dispute resolution program can continue to thrive and train students in mediation and dispute resolution processes for many years to come. I look forward to celebrating this exciting milestone of our program with each of you in October 2015!

Lela Love

A Busy Year for Cardozo Dispute Resolution Society

The Cardozo Dispute Resolution Society (CDRS) charged full speed ahead during the 2014-2015 calendar year. Under the leadership of co-presidents Zach Levy and Mary Beth Winningham, vice president Lara Traum, and Secretary Stephane Abitbol, CDRS hosted many successful events, developed a weekly CDRS newsletter, and grew and strengthened the infrastructure of the Society.

Its programs included:

- ***From Volunteer to Career: How To Use Your Volunteer Mediation Experience to Build a Career in ADR.*** 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 (co-sponsored by the Association for Conflict Resolution of Greater New York).
- ***The LL.M Student Transaction Panel.*** Four Cardozo LL.M students discussed their experiences with dispute resolution, litigation, and transactional work in their home countries (co-sponsored by Cardozo's International Law Society and Cardozo's Business Law Society) .

- **Mediation in the Setting of Non-Traditional Family Disputes.** Panelists Teresa Calabrese, Bob Collins, Joy Rosenthal, and Alla Roytberg discussed the role of mediation in resolving family conflicts that are inconsistently addressed by American law, including same sex partnership, adoption, surrogacy, multicultural, elder, and sibling disputes.
- **Lunch and Learn** seminar with practicing mediator and attorney David Abeshouse.
- **Third Annual Cardozo Sports Law Symposium.** The program focused on the use of dispute resolution in sports contract disputes (co-sponsored by the Cardozo Sports Law Society).
- **Innovation in Animal Law: The Use of Alternative Dispute Resolution and the Animal Welfare Act to Improve the Lives of Animals.** Panelists Debra Vey Voda-Hamilton and James F. Gesualdi discussed how ADR and the Animal Welfare Act can be used to improve the lives of animals (co-sponsored by the Student Animal Legal Defense Fund).
- **Alternative Dispute Resolution in Music, Film, & TV.** Stacy Lefkowitz, Director of Legal Services at Volunteer Lawyers for the Arts, Eric Goldman of Ampersand Mediation Services and Muse Coaching Services, and 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.

The CDRS Executive Board also launched a new CDRS 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 that includes a junior board. The junior board is designed to provide first year law students with an opportunity to take on leadership roles within the Society.

The executive board has also been working to strengthen the institutional memory of the organization and developed an advisory board of former executive board members. 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 weekly CDRS newsletter, you can send an e-mail to cardozocdrs@gmail.com.

Cardozo Students Travel to ABA Dispute Resolution Section Conference in Seattle

Lara Traum (2L) and Bobby Ellis (2L) traveled with Professor Lela Love to Seattle, Washington for the ABA Dispute Resolution Section Conference on April 15-18, 2015. Lara is the incoming editor-in-chief of the Cardozo Journal for Conflict Resolution, and Bobby is the incoming symposium editor. Lara explains that, “crossing the country to gather with professionals from the Dispute Resolution community was an incredible experience. Being at the conference in my role as incoming editor-in-chief reinforced the importance of the work that we do as students on



From Left to Right: Bobby Ellis (2L), Lara Traum (2L), Professor Lela P. Love, Brian Farkas '13

the Journal. It was wonderful to meet so many of the scholars that have been published in the Journal, and to be approached by new authors interested in submitting their work.”

Lara said “being displaced from New York helped me to realize the vibrancy of the national dispute resolution community. To meet professionals from various states that commit their lives to this work was inspiring.”



From Left to Right: Lara Traum (2L), Bobby Ellis (2L)

Lara and Bobby also had the opportunity to attend several of the workshops offered at the conference. They found the workshops to be “incredibly interesting,” and Lara described a workshop she attended as “changing my outlook as a mediator and about life in general.” The workshop was about mediating between different age groups and how to be cognizant of the perspectives of people born in different generations. Lara explained that as an aspiring family mediator, the skills learned at this workshop were invaluable.

Lara and Bobby also had the opportunity to visit and enjoy the sites of Seattle. They enjoyed lunch at Pike Place Market, took a walking tour of the underground city, and visited the Chihuly Glass museum.

FACULTY SPOTLIGHT

David Weisenfeld, Visiting Professor from Practice

Tell me about the classes you teach at Cardozo.

My substantive background is labor & employment, and my process background is dispute resolution, so my favorite class is the one that combines them: ADR in The Workplace. It’s a hybrid combining the doctrinal background of arbitration and mediation in the context of labor and employment disputes, with skills-based simulations, and it seems to appeal to a lot of different types of students. Some are hard-core labor and employment folks, interested in anything having to do with workplace law. Others have backgrounds or interests in dispute resolution, but don’t necessarily come in knowing anything about labor or employment. And then there are students who have a general litigation focus, but want some practical exposure to dispute resolution. The mix of backgrounds and perspectives works really well in terms of raising and discussing issues. Over the course of a semester students write a labor arbitration



decision, conduct two full arbitration hearings, write a post hearing brief, and conduct two employment mediations. It's especially fun to see some of the students seriously get into the client roles in the mediations.

I also teach one of the sections in our new contract drafting program. That might seem like a departure from dispute resolution, but it's really a natural extension. In addition to learning some of the technical aspects of contracts, like representations and warranties, covenants, and conditions, and how to organize a contract, students learn to spot business issues and prevent disputes by expressing those issues clearly in their contracts. There is a lot more to lawyering than just litigation, and contract drafting is part of the puzzle. I also teach Negotiation Theory and Skills and help coach the Cardozo ADR Competition Team, and next year I'll be teaching Employment Law.

When did you join the Cardozo faculty?

I joined the Cardozo faculty in January of 2013. I've changed career paths a number of times. After I graduated from law school in 1981, I was a judicial clerk at the Massachusetts Court of Appeals. Then I spent 22 years in private practice. I started out as a labor & employment associate at Proskauer, and later became a partner at Reid & Priest, which became Thelen Reid. But I had become increasingly interested in dispute resolution, so I took a chance and walked away at the end of 2004 to be an independent arbitrator and mediator. For eight years, I focused primarily on that, while also an adjunct at Emory, Boston University, and Fordham. Over that time, I found that I really loved teaching, so when the chance came here at Cardozo, I grabbed it. I'm still active as an arbitrator and mediator, but teaching is now my primary focus.

How did you first become interested in labor and employment law?

I grew up with it to some extent. My family was in the wholesale jewelry business and most of the employees were represented by a union. I heard a lot about those labor negotiations, but didn't really understand much of it, except that it seemed interesting how labor and management would oppose each other on some issues, but cooperate on others. Then, almost by happenstance, I had a chance to take a course on labor relations during my sophomore year in college. Once I really got into it, I fell in love with it and haven't ever looked back. I was really lucky in terms of when I came out of school, because I was able to get a solid grounding in traditional labor law, as well as the then-developing field of employment law. Throughout my years in practice, I was able to stay active in both, which has served me well in terms of my work as a neutral and teacher. My practice was almost entirely on the management side, and what I especially loved was the chance to become part of the management team, getting involved in business strategy, and counseling them about how to avoid problems. I didn't really think about it at the time, but looking back, I was starting to get interested pretty early in dispute resolution and teaching.

What made you switch from advocate to neutral?

A lot of my earliest experiences in practice involved observing and participating in the collective bargaining process. It was an eye opener to see union and management resolve issues for a common goal. As a junior associate I handled labor arbitrations and one of the first things I noticed was that individual disputes could be handled quickly and without any unnecessary rancor, so as not to damage the larger collective bargaining relationship.

As my practice evolved, I became more involved in employment litigation and saw first-hand how destructive that process often was for everybody involved. It was frustrating to see resources and energy being spent without building or achieving anything. Over time, I decided I would rather be the guy helping to stop the fight, rather than one of the fighters. It turned out to be the right choice for me, at the right time. Looking back, I'm glad I spent those years in practice because, without them, I wouldn't be able to do all of the things I'm doing now. But I'm even more glad to have made the transition.

What type of cases do you handle as a neutral?

I've been lucky enough to be able to maintain the same sort of mixed practice that I had back when I was representing clients. It varies a bit year to year, but overall I'm split just about 50/50 between arbitration and mediation. The

arbitrations are, again, a mix of labor, employment and securities cases. The mediations are almost exclusively employment cases. I'm a panelist for the American Arbitration Association, the Federal Mediation and Conciliation Service, the New York City Office of Collective Bargaining, the Financial Industry Regulatory Authority, the Equal Employment Opportunity Commission, and the SDNY and EDNY.

What prompted you to become a professor?

Looking back, and seeing how teaching is a natural extension of the counseling and training I enjoyed while I was in practice, I guess it's just the way I'm wired. But what I really enjoy is working with students, both in class and one-on-one, to pass along lessons learned, whether about substantive law, legal process, or how law firms and legal practice really work. And I like to think that the time I spent in practice, and the time I still spend as an active neutral, help me to provide students with a unique perspective on what's waiting for them and what they need to do to succeed.

CARDOZO ADR COMPETITION TEAM UPDATE

Cardozo's ABA Intraschool Negotiation Competition is the Largest Yet

On March 23, 2015 the Cardozo ADR Competition Team organized the ABA Intraschool Negotiation Competition. One hundred and twenty students participated in this year's event - the most in the history of this competition.

In teams of two, students negotiated a dispute involving contract law. Students were judged based on a variety of criteria by attorneys, mediators, professors, and former and current members of the Cardozo ADR Competition Team.



Professors Love and Weisenfeld with the Cardozo ADR Competition Team.

The organizers of this year's competition were ADR Competition Team Leaders Dera Barlow, Glenn Thompson, Victoria Sergano, and Ella Voloshina. Upon the completion of the competition, a reception with food and drink was held for competitors and judges to mingle, followed by an opportunity for students to receive general feedback from the judges. At the end of the evening the results of the competition were announced.

Cardozo Students Compete in ADR Competitions from Paris to Portland

In 2015 Cardozo sent student to compete across the nation and the globe. Students competed in the following national and international competitions:

- **ABA Negotiation Competition** (Central Islip, NY) Jennifer Beal and Scott Miller placed fifth.
- **ABA Representation in Mediation Competition** (Boston, MA) Suleman Malik and Lara Traum placed second.
- **Cyberweek EMediation Competition** (Co-sponsored by Cornell University's Scheinman Institute on Conflict Resolution and Modria Mediation Room) Noelle Forde and Glenne Fucci placed second as parties/representatives in mediation. Lara Tram placed first as a mediator.
- **Fordham National Basketball Negotiation Competition** (New York, NY)

- **ICC International Commercial Mediation Competition** (Paris, France)
- **International Commercial Arbitration Moot Competition** (Washington, D.C.) LLM Adilya Gambone and Benjamin Ruffet advanced to the quarterfinals.
- **The Jeffery Abrams Mediation Competition** (Houston, TX) Zachary Beal placed second.
- **Nelson Mandela International Negotiation Competition** (Portland, OR)
- **St. Johns Annual Securities Dispute Resolution Triathlon** (St. John’s School of Law, NY)
- **Willem C. Vis International Commercial Arbitration Moot** (Vienna, Austria)

ALUMNI SPOTLIGHT



Maurice Q. Robinson '09

Maurice Q. Robinson is an adjunct professor of mediation at Seton Hall University School of Law School. He co-teaches an intensive Family Law and Mediation course, and assists with the law school’s SDNY Representation in Mediation Program. Maurice also serves as the Diversity Champion for the Conflict Management Program at Seton Hall Law School, and works to increase diversity in the field and at the school.

In addition to his work in dispute resolution, Maurice is a full-time Administrative Hearing Officer at the New York City Department of Housing Preservation and Development where he presides over section 8 appeals. Maurice said he is often using his dispute resolution skills in order to assist parties in resolving their claims.

Prior to working at the NYC Department of Housing Preservation, Maurice worked as the Queens County Family Court Custody and Visitation Mediation Manager for the New York Society for the Prevention of Cruelty to Children. In 2013 Maurice was competitively selected to be a fellow in the AAA Higginbotham Fellowship

Program.

When he has additional time, Maurice volunteer mediates for several organizations including: Family Kind, the New York Peace Institute, and the International Center for Ethno Religious Mediation.

While a student at Cardozo, Maurice participated in the Cardozo Mediation Clinic, and took Intensive Mediation Advocacy Program (IMAP), Negotiation, and Divorce Mediation courses. Upon graduation Maurice obtained a Certificate in Dispute Resolution. He also competed in the 2008 ABA Representation in Mediation Competition, and the Intraschool Negotiation Competition. While in law school, Maurice worked as an intern for Roger M. Deitz, Esq. a mediator who specializes in commercial and securities disputes.

Mara Weinstein '12

Mara Weinstein is the current Director of Dispute Resolution Services and Training & Education at the International Institute for Conflict Prevention and Resolution (CPR). As director of dispute resolution services Mara manages a roster of more than six hundred neutrals. Additionally, she works directly with parties, assisting them with neutral selection for both mediation and arbitration. Mara is also responsible for CPR’s educational initiatives and programs which include annual and regional meetings.



While at Cardozo, Mara was the symposium editor for the Cardozo Journal of Conflict Resolution (CJCR) and was a member of the Mediation Clinic. Mara also took Negotiation Theory and Skills, and International Dispute Resolution.

It was while taking the International Dispute Resolution course that Mara first met Professor Kathy Bryan, the President and CEO of CPR. Mara developed a rapport with Professor Bryan and when Mara became the symposium editor for CJCR she invited Professor Bryan to speak on a panel hosted by the Journal. From there Mara requested an informational interview with Professor Bryan, and when a job opportunity arose at CPR Professor Bryan contacted Mara.

Once piece of advice Mara offers for those interested in working in dispute resolution is, “don’t let ego get in your way. If you want to work in dispute resolution you will have to pay your dues.” Mara’s position at CPR began as administrative position, but since accepting that role, Mara has received two promotions and earned her current title of Director.

During law school, Mara worked as an intern for mediator Roger M. Deitz, Esq. Prior to attending law school, Mara worked as a corporate paralegal at Proskauer Rose LLP. In high-school, Mara volunteered as a peer mediator, which sparked her passion for dispute resolution.



David Reinman LLM '12

David received his LL.M. in Dispute Resolution from Cardozo in 2012 and was hired as a staff mediator for the U.S. Equal Employment Opportunity Commission (EEOC) New York District Office in August of 2014. He mediates employment discrimination disputes.

David stated that when he graduated from law school, and after passing both the New York and New Jersey bar exams, “the job market really wasn’t there.” As a result, he decided to pursue the passion for mediation that he developed in law school by enrolling in Cardozo’s Dispute Resolution LL.M. Program.

For David, the Cardozo LL.M. Program was an important step in obtaining his current position at the EEOC. As a Cardozo LL.M., he participated in the Cardozo Divorce Mediation Clinic, Intensive Mediation Advocacy Program (IMAP), and met Professor David M. White, who has since served as his mentor. According to David, “Cardozo exposed him to influential mediators in the New York community,” and he was able to take advantage of the connections and resources available to him through the Kukin Program. While at Cardozo, David obtained an internship with the EEOC’s Mediation Program, where he is now employed.

While pursuing his LL.M. and for some time after, David worked closely with Seton Hall Law’s Conflict Management Program, instructing law students on topics such as negotiation and mediation advocacy. David also served in the U.S. Marine Corps and worked as a legal assistant in federal immigration court.