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CARDOZO LAW

Kukin Program for Conflict Resolution

Newsletter

The *Cardozo Journal of Conflict Resolution* Honors Jed D. Melnick '99 and Names its Symposium The Jed D. Melnick Annual Symposium of the *Cardozo Journal of Conflict Resolution*

In recognition of distinguished alumnus Jed Melnick's service to the law school and his generous gift in support of the Kukin Program for Conflict Resolution, Dean Matthew Diller has announced that the *Cardozo Journal of Conflict Resolution's* annual symposium will now be titled the Jed D. Melnick Symposium of the *Cardozo Journal of Conflict Resolution*.

Melnick '99 was a founder of the *Journal* and was its first Editor-in-Chief. In 2011, he joined JAMS as the youngest member of the panel, and quickly established a thriving practice.



Jed Melnick '99

"The same energy, vision and resolve that Jed Melnick displayed in starting and leading the *Journal of Conflict Resolution* has ultimately led to him being a star in the mediation field," said Professor Lela Love, Director of the Kukin Program for Conflict Resolution. "Jed would not quit until the *Journal* was founded. I am sure he never gives up as a mediator, and the parties benefit from that. Alumni like Jed are the reason that

Cardozo's program is so prominent."

Melnick was actively involved in the mediation program as a Cardozo student. He was a proud member of Professor Love's Mediation Clinic and, while in law school, was part of the team from the Center for Court Innovation (a public/private partnership that helps the justice system aid victims, reduce crime, strengthen neighborhoods, and improve public trust in justice) that founded and built the Crown Heights Community Mediation Center. The Crown Heights Mediation Center works to improve community problem-solving, collaboration, and inter-group relations in that diverse area of Brooklyn.

To read the full press release announcing The Jed D. Melnick Annual Symposium, click [here](#).

Cardozo Journal of Conflict Resolution's Annual Symposium: "Bioethics, Healthcare Policy, and Alternative Dispute Resolution in the Age of Obamacare"



Carol Liebman moderates a panel discussion on "End-of-Life Decision Making" amongst (from left) Ellen Waldman, Nancy Berlinger and Edward Bergman.



**Debra Gerardi makes a presentation on
"A Relational Approach to Conflict Engagement in Healthcare."**

The Annual fall Symposium of the *Cardozo Journal of Conflict Resolution* attracted an experienced and large audience, who energetically engaged with the interactive approach of many speakers (both Q & A and the fostering of conversations among experts). Led by Editor-in-Chief Shawna Benston, the symposium included keynote speeches by Edward Bergman, Nancy Berlinger, Arthur Caplan, Geoff Drucker, and Debra Gerardi; and panels delivered by Nancy Neveloff Dubler, Autumn Fiester, Mindy Reid Hatton, Michael Kosnitzky, Carol Liebman, Joe Miller, Thaddeus Pope, Charity Scott, Michelle Skipper, and Ellen Waldman.

The following synopses give a taste of the panels and keynote speeches:

- A panel on clinical ethics committees found Charity Scott moderating Nancy Neveloff Dubler, Autumn Fiester, and Thaddeus Pope, who participated in a role-play exercise, spliced with discussion, to illustrate both the benefits of and problems with clinical ethics committees.
- Arthur Caplan's midday keynote speech was a riveting and humorous talk on the reasons why evidence-based practice cannot continue serving as the foundation for healthcare inquiry and understanding.
- Geoff Drucker, in his closing keynote speech, pulled the day together by discussing the various levels of healthcare relationships and disputes (interpersonal, political, and practice-groups interactions). He asked how policy decisions on these various levels can best be made to serve citizens' healthcare needs.

The *Cardozo Journal of Conflict Resolution* was honored to host many of the country's

most prominent scholars and practitioners of bioethics ADR. The breadth of discussion topics and the expertise of the speakers, along with the audience's enthusiasm, made this event a success. The *Journal* has since published articles by many of the symposium participants in its special [Symposium Issue](#) this winter. This special issue was dedicated to Professor Adrienne Asch, who gave so much to the fields of bioethics and disability rights, and who had wished to deliver the symposium's closing keynote speech.

For more information, please visit CJCR [Symposia](#).

7th Annual AALS Alternative Dispute Resolution Section's Works-in-Progress Conference



[Sean Nolon makes a presentation for the Works in Progress Conference at JAMS.](#)

On November 7-9, 2013, the Kukin Program for Conflict Resolution and the *Cardozo Journal of Conflict Resolution* hosted a three day event, where distinguished professors and practitioners in the ADR field presented their works-in-progress and got feedback from colleagues.

The 7th Annual AALS Alternative Dispute Resolution Section's Works-in-Progress Conference, organized by Kukin Program Director Lela Love and the *Cardozo Journal of Conflict Resolution's* Editor-in-Chief, Shawna Benston, was staffed by many of the *Journal's* editors. It attracted many of the most prominent alternative dispute resolution

scholars and practitioners from around the country, and fostered lively conversation throughout its three days.



Jennifer Schulz, Nancy Welsh and Andrea Schneider watch Jackie Font-Guzman make a presentation for the Works-in-Progress Conference at Cardozo Law.

Conference participants presented their current research ideas in a variety of formats that invited substantive feedback from their fellow ADR professionals. From explorations of morality in mediation to navigating the challenges of publishing one's work to ADR in environmental and social governance, participants introduced an abundant array of ideas that will undoubtedly enrich ADR scholarship once they are published papers.

Participants included:

Hiro N. Aragaki, Loyola (LA); Michael T. Colatrella, Jr., McGeorge; Deborah Thompson Eisenberg, Maryland; Douglas Frenkel, UPenn; Jackie Font-Guzmán, Creighton; Art Hinshaw, Arizona State; Jonathan Hyman, Rutgers; Ethan Katsh, UMass; Maureen Laflin, Idaho; John Lande, Missouri; Jeremy R. McClane, Harvard; Lauren Newell, Ohio Northern; Sean Nolon, Vermont; Lydia Nussbaum, UNLV; Glen Parker, Cardozo; James Lewis Parks, Missouri; Carol Pauli, Texas Wesleyan; Orna Rabinovitch-Einy, University of Haifa; Richard Reuben, Missouri; Jennifer Reynolds, Oregon; Andrea Schneider, Marquette; Jennifer Schulz, University of Manitoba; James Stark, UConn; Jean Sternlight, UNLV; Elizabeth Tippett, Oregon; and Nancy Welsh, Penn State.

Read Professor Lela Love's thoughts on the Conference [here](#).

Cardozo Competes!

This year, Cardozo's Alternative Dispute Resolution Competition Team transitioned into a student-run model, guided by 3L returning student-competitors Lindsay Melworm, Karina DuQuesne, Evan Kass, and Daniella Isaacson, and professor-coaches, including Professors Marcia Levy, Lela Love, and David Weisenfeld. Twelve dedicated student-competitors, under the guidance of the 3L team leaders and professor-coaches, earned distinction for Cardozo in regional, national and international competitions in mediation, arbitration, and negotiation.



Cardozo's 2013-14 ADR Competition Team at the ABA/Cardozo Intra-School Negotiation Competition.
L-R: James Diskint, Nicholas Chionchio, Victoria Serigano, Dera Barlow, Katelyn Siegel, Glenn Thompson, Lindsay Melworm (Team Leader), Daniel Weiss, Daniella Isaacson (Team Leader), Evan Kass (Team Leader), Ella Voloshina, Casey Anis

Student competitors represented Cardozo at the **St. John's Annual Securities Dispute Resolution Triathlon**, the **Southwestern Entertainment Law Negotiation Competition**, the **ABA Negotiation Competition**, the **ABA Arbitration Competition**, the **ABA Representation in Mediation Competition**, the **Fordham National Basketball Negotiation**, and the **ABA Client Counseling Competition**.

Cardozo also sent a team of four students to Paris, France, in February 2014, for the week-long **9th ICC International Commercial Mediation Competition**.



Cardozo at the ICC Competition in Paris
L-R: Victoria Serigano, Professor Lela Love (Coach), Karina DuQuesne, Ella Voloshina, and Daniella Isaacson

"Each year, a notable event on the calendar of mediators worldwide is the annual Mediation Week, hosted by the International Chamber of Commerce (ICC) at their headquarters in Paris, France. One of the central events of Mediation Week is the annual ICC International Commercial Mediation Competition, and this year Cardozo was honoured to host an incredible team of four dedicated students: Karina Duquesne, Daniella Isaacson, Victoria Serigano, and Ella Voloshina. This group of talented women travelled to Paris, together with Professor Lela Love (director of Cardozo's Kukin Program for Conflict Resolution), to compete against sixty-six teams in this challenging competition. With more than 600 participants from forty different countries, the Cardozo team's 19th-place finish was a fantastic accomplishment."

- From an article in The Cardozo Jurist (March 2014)

25th Annual ABA/Cardozo Intra-School Negotiation Competition



Cardozo student teams negotiate in the Intra-School Negotiation Competition.

On April 9, 2014, the Kukin Program for Conflict Resolution and the ADR Competition Team hosted the 25th Annual ABA/Cardozo Intra-School Negotiation Competition. Eighty-eight students participated in teams of two. The competition consisted of two rounds of negotiation regarding issues arising out of a small business venture. Judges

included current members of the ADR Team, professors, ADR practitioners, and distinguished Cardozo alumni.



First place winners Zachary Beal and Jennifer Edelson.

The 1L team of Zachary Beal and Jennifer Edelson placed first. As a result of winning, both students will automatically have a place on the 2014-15 ADR Competition Team. Two teams tied for second place: Matthew Kennedy and Alan Gray, and Daniel Joy and Jonah Zweig. The team of Sam Lerner and Alisa Gdalina came in third.

2013 Cyberweek eMediation Competition

Cornell University's Scheinman Institute on Conflict Resolution, in conjunction with the Modria Mediation Room, hosted the 2013 Cyberweek eMediation Competition from November 4 to 8, 2013. The competition used cases involving workplace and/or community disputes with asynchronous mediations conducted on Modria's platform throughout the 4-day period.

Cardozo students Lillian Wang and Justin David competed as a lawyer/client team for the Plaintiff, who brought a suit against a former employer for wrongful termination. The team came in first place among the plaintiff category.



Cardozo's winning team of the Cyberweek 2013 eMediation Competition.
L-R: Lillian Wang and Justin David

2014 National Transactional LawMeet

This past February, Cardozo hosted the Mid-Atlantic Regional Meet for the 2014 Transactional LawMeet. Now in its fifth year, the meet is the country's premier transactional law competition, designed to give law students a hands-on experience in developing and honing transactional lawyering skills. Last year, under the initiative and the supervision of The Heyman Center, Cardozo's team won first place in the Mid-Atlantic Region, advancing to the National Rounds (in which we placed fourth).

International Commercial Arbitration LL.M. Moot



Cardozo LL.M. Teams

Top L-R: Justin Santagata, Bianca Piccoli, Yunfeng (Jackie) Liang, Madeleine Bayzelon, Daniel Decacche

Bottom L-R: Hector Jerome Bondoc, Marko Budrovac

The Cardozo LL.M. team advanced to the Semi-Finals of the LL.M. International Commercial Arbitration Moot Competition at American University and received an Honorable Mention for Oral Advocacy.

The American University Washington College of Law International Commercial Arbitration LL.M. Moot is the only competition of its kind: a moot only for LL.M. students. Seventeen schools participated in the competition in 2014, the third annual competition, including, among others: Pepperdine University School of Law; University of California, Berkeley School of Law; University of Pennsylvania Law School; Columbia University; Georgetown University Law Center; and American University Washington College of Law.

The competition, which includes the preparation of an outline of participants' arguments on behalf of both the claimant and the respondent, emphasizes oral advocacy skills before panels of arbitration experts. The competition is conducted under strict conditions of anonymity until the announcement of the final winner.

Two teams represented Cardozo in the 2014 competition. Both of the teams reached the quarterfinals, and one reached the semifinals. The team of Daniel Decacche, Marko Budrovac, Yunfeng (Jackie) Liang, and Bianca Piccoli reached the quarterfinals. The team of Justin Santagata, Hector Jerome Bondoc, Madeleine Bayzelon, and Victoria Syreizol reached the semifinals. Cardozo team member Daniel Decacche also received

first Honorable Mention for his oral argument skills.

Annual Willem C. Vis International Commercial Arbitration Moot



Cardozo's Vis East Team in Hong Kong
L-R: Ran Bi, Garima Vir, Carolina Velez, Hector Jerome Bondoc, Matthew Ringold

The Annual Willem C. Vis International Commercial Arbitration Moot was created as a clinical tool for training law students in crucial aspects of the procedure of arbitration, as a means for resolving trans-boarder commercial disputes.

Law students participate in two separate phases: the research and writing of memoranda for both claimant and respondent and oral arguments based upon the memoranda. Both phases are judged by panels of international arbitration experts. Cardozo sends teams to the Vis Competition in Vienna and in Hong Kong. This year's moot problem involved a contract dispute arising out of a transaction relating to the sale and purchase of goods under the United Nations Convention on Contracts for the International Sale of Goods (CISG).

Cardozo sent one team (pictured above) to the Vis Moot (East) in Hong Kong. The team was comprised of Ran Bi, Garima Vir, Carolina Velez, and Matthew Ringold to this year's April competition in Hong Kong. The team, coached by Professor Curtis Pew and student coach, Hector Jerome Bondoc, received Honorable Mention for the Fali Nariman Award for Best Respondent Memorandum—an honor shared by both the East and West teams.

Cardozo Law School sent one team (pictured below) comprised of Daniel Deccache, Gaudys Sanclemente, Spencer Meade, and James Ng to this year's Vis Moot in Vienna, Austria. The team was coached by Professor Curtis Pew.



Cardozo's Vis Team in Vienna
L-R: Daniel Deccache, Spencer Meade, Gaudys Sanclemente, Professor Curtis Pew, James Ng

Students in Action Cardozo Dispute Resolution Society

The 2013-14 academic year has been a stellar one for the Cardozo Dispute Resolution Society (CDRS). The student society has spearheaded many initiatives, bringing excellent speakers and panels to Cardozo whose discussions and presentations addressed a wide range of topics. Not only has CDRS welcomed professors and professionals from near and far, but it also



organized and implemented two major CLE symposia during the spring semester.

[Professor Michal Alberstein presenting on the Law of Alternatives and Non-Adversarial Justice.](#)



[Kathy Bryan, CEO of CPR and a Professor at Cardozo, addresses CDRS.](#)

During the fall semester, CDRS held a movie screening in conjunction with the New York Peace Institute, as well as co-sponsored a sports law alternative dispute resolution seminar with the Sports Law Society. One standout event was a brown bag lunch talk with Professor Michal Alberstein, the Head of the Conflict Management and Negotiation Interdisciplinary Program at Bar-Ilan University in Israel, presenting her current research topic: "The Law of Alternative and Non-Adversarial Justice."

The student society also held a blow-out career services event at the end of the semester, where Kathy Bryan, former President and CEO of the Center for Conflict Prevention and Resolution, presented on how to find a career in alternative dispute resolution.

During the spring semester, the society held two major symposia. The first, in conjunction with the *Cardozo Journal of International and Comparative Law*, presented cutting edge [issues in International Dispute Resolution](#), such as ethics in the arbitration process. The symposium welcomed panelists from White & Case, Cozen O'Conner, Neville Peterson and other major law firms in the field.



[Panelists Addressing: Practitioner Insights into International Dispute Resolution.](#)
[L-R: John Peterson, Ruth Teitelbaum, Simeon Baum, Claudia Muffetone, Moderator Russell Semmel](#)

CDRS also spearheaded a symposium focused on startups titled "Alternative Dispute Resolution in the Founding Process," with assistance from Stern Entrepreneurs

Exchange, the Heyman Center, Brooklyn ADR Society, the Cardozo Entrepreneurship Society, and the Cardozo Startup Society.

Additionally, during the spring semester, CDRS held lunchtime lectures, which included a discussion focused on labor arbitration by Professor David Weisenfeld in conjunction with the Cardozo Labor Society, as well as a discussion led by Professor Simeon Baum on "Mediating in the Shadow of the Law," following up the International Law Symposium.

Cardozo's ADR Seminars

January Intensives: New Course Offerings

During the two week winter break each January, in addition to various seminars abroad, Cardozo offers students the opportunity to enroll in intensive ADR courses. This year's January courses included Representation in Mediation (taught by Ellen Waldman and Hal Abramson), Negotiation Theories and Skills (taught by Michael Tsur), Collaborative Family Law (taught by Adam Berner) and a new program, called the Intensive Transactional Lawyering Program.

The Intensive Transactional Lawyering Program (ITRANS) is a ten-day immersion course that was launched in January 2014. Fifteen students participated in a meaningful and engaging simulation of transactional practice. Essential skills like drafting, client consultation, matter management and negotiation were taught through interactive workshops and guided practice sessions. Negotiation simulations were evaluated by 12 practitioners who work at various firms and companies in areas of transactional law.

Seminars Abroad: Back to Budapest

Once again, Cardozo is offering students the opportunity to study conflict resolution processes abroad in Budapest, Hungary this summer. This intensive one-week, two-credit course, offered the week of June 23-27, 2014, and sited at Central European University, facilitates the exchange of ideas and cooperative projects among mediation scholars, practitioners, trainers, and students from around the world. American students learn side-by-side with scholars from Central and Eastern European countries and elsewhere. In addition to offering an introduction to mediation, the program provides a teaching and training template for mediation training for scholars and practitioners to adapt for use in their home countries. Through lecture, discussion, demonstration and role plays,



CEU's Eva Gedeon, Director of the Summer University,

students will be introduced to mediation theory and skills and examine the impact of culture and context on the consensus building approach adopted.

with Professors Lela Love
and Josh Stulberg.

Congratulations and Honors

2014 Recipients of the Certificate in Dispute Resolution

Justin David
Karina DuQuesne
Lindsay Melworm
Carolina Velez
Jade Wallace

Recipients of the LL.M. in Dispute Resolution and Advocacy

January 2013:

Michael Camaj

May 2013:

Hector Jerome Endaya Bondoc
Marie Cassard
Daniel Fernandes Deccache
Yunfeng Liang
Carmen R. Pelaez
Justin D. Santagata
Maria Paz Zarzar Encina

Recognition for Excellent Writing

A 2L staffer, **David Fogel** of the *Cardozo Journal of Conflict Resolution*, won the Phil Cowan Memorial/BMI Scholarship Writing Competition for the student note he wrote for *CJCR* called, "Labor Relations and the Anti-Flopping Policy: Has the NBA Dropped the Ball?" The article will be published by the New York State Bar Association's Entertainment, Arts and Sports Law Journal (Spring 2014). In addition to being published, David will be awarded a \$2,500 scholarship.

Jared Bloch's note: "From the People's Court to American Idol: The Relationship Between Reality Television and Arbitration, On-air and Off," 14 *Cardozo J. Conflict Resol.* 503 (2013) will be used in the 4th ed. of a casebook, *Entertainment Law Cases and Materials*.

The Kukin Program for Conflict Resolution is proud to be ranked 7th in the nation and 1st

among New York State Law Schools for Dispute Resolution by [U.S. News & World Report](#) (2014). The program has now been ranked among the Top 10 in the nation for the past 13 years.

Alumni Spotlight



Brian Farkas ('13 J.D.)

Brian Farkas is an associate at Goetz Fitzpatrick LLP, a litigation firm in New York. At Cardozo, he was Editor-in-Chief of the *Journal of Conflict Resolution* and participated in the Mediation Clinic. He graduated in 2013 with a Certificate in Dispute Resolution, and remains passionate about using his training to find innovative ways to resolve conflicts.

Through his work at Goetz Fitzpatrick, Brian has been able to engage in the mediation and arbitration that he studied at Cardozo. Outside of work hours, Brian has stayed connected with the ADR world. He teaches in Brooklyn Law School's Mediation Clinic, training students in Small Claims Court every Thursday night on how to efficiently and fairly resolve disputes. He also followed Professor Lela Love's advice on the benefits of staying engaged through writing. Since graduating, Brian has published on ADR topics in the *Dispute Resolution Journal* (published by the American Arbitration Association), *Resolutions Roundtable* (published by the New York State Bar Association), *Alternatives to the High Cost of Litigation* (published by CPR), and the *Northeastern Law Journal*. He also has an article forthcoming on international arbitration's expansion in New York City in this summer's *ABA Litigation Journal*, co-authored with Marie Cassard (Cardozo LL.M '14).

During his time as Editor-in-Chief of the *Journal*, he organized a symposium on the First Amendment challenge to the Delaware Court of Chancery's experimental program to allow judges to act as arbitrators. As a result, Brian was [quoted in the Wall Street Journal](#) on the case this past October and recently did an [extensive Q&A](#) for *Commercial Litigation Insider* in March after the Supreme Court reviewed cert petitions in the case.

Brian looks forward to continuing to engage with the ADR community while remaining connected to his roots and family at Cardozo.

For a full listing of Brian Farkas' scholarly publications, click [here](#).

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