



SECTION ON **ALTERNATIVE  
DISPUTE RESOLUTION**

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**A message from the Section Chair:**

Greetings! And congratulations to us all for making it through the fall semester. Our best wishes go out to all our colleagues, students, and communities affected by Hurricanes Katrina and Rita. We look forward to the day when the AALS annual meeting will once again be in New Orleans.

Meanwhile, we hope to see many of you in Washington, D.C. We've been fortunate to obtain an extended program slot on **Wednesday, January 4, 2006 from 9 am until 12 noon**, to allow a highly interactive, in-depth discussion on the topic "**Integrating ADR into Law School Curricula: The Example of Family Law.**" (Listed in the registration materials as # 4140.) For registration see [www.aals.org/am2006](http://www.aals.org/am2006)

ADR and family law have become nearly inseparable in most jurisdictions throughout the U.S. However, traditional law school curricula have not kept pace with this change. The Association of Family and Conciliation Courts working through Hofstra University and AALS have co-sponsored a Family Law Education Reform Project to develop a course of study that effectively prepares future lawyers for the practice of family law, using a multi-disciplinary focus. John Lande (Univ. of Missouri – Columbia), Phyllis Bernard (Oklahoma City Univ.) and Andrea Kupfer Schneider (Marquette Univ.) have participated in this project on behalf of the Section. The workshop on January 4th will feature project leader Andrew Schephard (Hofstra Univ.), Jennifer Lorraine Rosato, immediate past chair of the AALS Section on Family and Juvenile Law (Brooklyn Law School), Andrea Schneider and Kelly Browe Olson (University of Arkansas – Little Rock). Draft findings and recommendations of the Family Law Education Reform Project can be found through a link on the AALS ADR web site, prepared by project reporters J. Herbie DiFonzo and Mary O'Connell. Thanks, Michael Moffitt, for chairing this timely program.

AALS has graciously permitted us additional time to have a more extensive, relaxed business meeting than we have in prior years. After attending to the duties of electing officers and seeking volunteers to serve on the executive committee, we will have time available for small group discussions about our workshop themes for the past two years: integrating ADR into law school curricula. We have had well-attended

sessions for structured dialogue, such as last year's joint workshop with the Section on Litigation. That workshop demonstrated and analyzed the use of fishbowl methods to teach law students about ADR in the pre-litigation stages of a family business dispute. A lively discussion ensued, which was captured in teaching points posted to the AALS ADR web site. (Our web site will soon add the full text used by the panelists last year, including the scripted portions of the role plays, in case other instructors wish to use these materials in class.) Still, we have not had many opportunities to share our own experiences informally among colleagues. Especially for the large number of section members who may be the only (or one of the only) tenure-track ADR specialists on their faculty, opportunities to share perspectives with others who share a passion for ADR may be few and far between.

We hope to see you there!

With best wishes for the new year,

Phyllis Bernard

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#### **AALS-ABA Programs:**

The AALS ADR Section has long fostered a close working relationship with its companion section in the American Bar Association to the benefit of both law teachers and law students.

- The **Representation in Mediation Competition** places law students in role play simulations as advocates and clients in a mediation setting, measuring appropriate preparation for and representation of a client in mediation. **The deadline for applications for the 2006 competition is January 20, 2006.** For registration, check the ABA DR Section web site at [www.abanet.org/dispute/mediationcomp](http://www.abanet.org/dispute/mediationcomp). Regional competitions will be held at the end of February/beginning of March. Winners of the regional competitions will compete in the National Finals in conjunction with the law teachers' colloquium held at the ABA DR Section Annual Meeting, in Atlanta, GA on April 5-6, 2006. A thought based on conversations among some faculty friends earlier this year in Los Angeles: please consider participating as judges in the regional competitions if asked, or consider recruiting other faculty or practitioners to serve as judges. Staffing the regionals can be a tough job for the host school, any help would be appreciated.
- The **Legal Educators Colloquium will be held April 8, 2006** in partnership with the ABA DR Section Annual Meeting in Atlanta, GA. Suzanne Schmitz (S. Illinois) and Kelly Browe Olson co-chair the ADR in Law Schools Committee of the ABA DR Section. They have developed an exciting array of panel discussions and workshops for full-time and adjunct ADR faculty. This year's Colloquium will expand to 8, rather than 6 topics. It includes a look at use of ready made DVDs to teach mediation, a new project from Gerald Williams to teach negotiation, use of theater to teach mediation and other skills, as well as reflections on issues of justice and neutrality in arbitration and mediation. The Colloquium will also focus on the revised model standards for mediators in the lawyer as problem solver competition. Look for the chance to submit your exercises. Be sure to invite adjuncts and others who help with your ADR programs to attend the conference, April 8, 2006, in Atlanta. Go to [www.abanet.org](http://www.abanet.org) for more information.
- The **James Boskey ADR Writing Competition** is held in honor of the beloved creator of The Alternative Newsletter whose passionate interest in ADR inspired and supported many. The competition seeks to promote among law students greater interest in and understanding of ADR and collaborative decision making. The first prize is \$1000 plus an invitation to publish in a

prominent national ADR journal. The winner for 2005 was Nivine Zakhari from the University of Houston, for her essay "Is the Class Action Fairness Act of 2002 a Misnomer? The Impact on Class Action Waivers in Consumer ADR Clauses." Entries for the 2006 competition must be submitted by June 15, 2006. For further information see [www.dsl.psu.edu/academics/boskey.cfm](http://www.dsl.psu.edu/academics/boskey.cfm) at Penn State's Dickinson School of Law .

- Finally, just a reminder that the Washington, D.C. office of the ABA DR Section has **law student internship** opportunities. Law student interns conduct research and contribute to a number of ongoing projects in the dispute resolution field under the supervision of an attorney. For more information, see [www.abanet.org/dispute/disputeinternship](http://www.abanet.org/dispute/disputeinternship).

#### News from and about AALS Section Members:

- **A fond farewell:** Professor L. Randolph Lowry, who has provided dynamic leadership and vision as the founder and director of the Straus Institute for Dispute Resolution at Pepperdine University School of Law, for the past nineteen years recently was appointed as President of Lipscomb University in Nashville, Tennessee. We shall all miss Randy's vibrant involvement in the teaching of ADR. So many of us have been touched by his work at Pepperdine. Congratulations to Randy and to Lipscomb!
- **Kudos to William Mitchell College of Law:** In January 2005, William Mitchell College of Law's Advanced Alternative Dispute Resolution course won top honors for "Problem Solving in the Law School Curriculum" from the CPR International Institute for Conflict Prevention & Resolution. Working with Education Minnesota, the state's largest teachers' union, the class created an alternative dispute resolution system for the union to address conflicts that arise between teachers.
- **Congratulations to ASU:** In the summer of 2005, the Arizona State University College of Law was awarded the inaugural Ninth Circuit Court of Appeals' ADR in Education Award. The award, the first of its kind in the nation, seeks to recognize those law schools that have significantly advanced ADR scholarship and research. Specifically, ASU's Lodestar Dispute Resolution Program was recognized for its well rounded approach to ADR education emphasizing research, innovative course offerings, and community service.
- **State of the art at Southwestern:** Southwestern Law School in Los Angeles has developed a state of the art dispute resolution facility, the Julian C. Dixon Courtroom and Advocacy Center. The Dixon Center, occupying 10,000 square feet in Southwestern's historic, art deco Bullocks Wilshire Building, contains among its many cutting-edge technology features a multi-media, web-based evidence presentation system, a technology-augmented jury deliberation room, and webcast and broadcast capabilities. The Dixon Center's ADR suite provides an excellent forum for mediations and arbitrations and its courtroom can host tripartite arbitrations, mini-trials and summary jury trials. For more information about Southwestern's Dixon Center, please visit Southwestern's web-site at [www.swlaw.edu/campus/dixon](http://www.swlaw.edu/campus/dixon). Our colleagues at Southwestern graciously hosted a visit to their new facility during the Legal Educators Colloquium at the ABA DR Section Annual Meeting in Los Angeles in April. The visit was much appreciated. We also must congratulate Southwestern on bringing Dean Bryant Garth to Los Angeles.
- **Good news:** Michael Green has received tenure and was promoted to full Professor at Texas Wesleyan School of Law. Michael's scholarship on race, diversity and ADR has been prolific. Keep an eye out for "Tackling Employment Discrimination with ADR: Does Mediation Offer a Shield for

the Haves or Real Opportunity for the Have-Nots?" in the fall 2005 issue of the Berkeley Journal of Employment and Labor Law.

### Curricular Trends:

Certificate programs are increasing, with an emphasis on advocacy skills in ADR settings. Oklahoma City University's certificate program in Client Representation in ADR began in 2000, and is now transitioning toward closer integration with the trial practice program. ADR programs are evolving in many schools, transitioning beyond ADR as part of the spectrum of civil processes toward the Lawyer as Problem Solver. For example:

- The University of Dayton School of Law launched the "Lawyer as Problem Solver" curriculum in Fall 2005. All graduates will take a dispute resolution course, geared to their particular track. Those in the Advocacy and Dispute Resolution track will take an ADR Survey course during their first year; the Intellectual Property, Cyberspace and Creativity students will take a Conflict Management & ADR course; and those in Personal and Transactional Law will take Interviewing, Counseling & Negotiation. These small section offerings will ensure that each Dayton graduate has some exposure to ADR beyond the first-semester Civil Procedure course. Additionally, all students will have exposure to basic client interviewing and counseling skills during a first-year intrasession course. Faculty members are developing advanced ADR offerings as elective courses. The new curriculum emphasizes skills, with a mandatory externship and capstone experience for all students as well as a skills proficiency test. For more information, visit Dayton's website ([www.law.udayton.edu](http://www.law.udayton.edu)) or call Dean Lisa Kloppenberg at (937) 229-3795.
- The faculty of the Appalachian School of Law recently voted to establish ASL's first certificate program, which will begin this academic year. The Lawyer as Problem Solver program focuses on the role of the modern attorney in facilitating problem solving for clients both inside and outside of the courtroom. The program seeks to provide students with the skills they need to effectively serve their clients, including skills in oral and written communication, interviewing and counseling, negotiation, dispute resolution, coalition-building, decision-making, teamwork, and leadership.

Some programs have reached beyond the law school itself to create interdisciplinary programs available to non-J.D. candidates. For example:

- The University of Oregon has embarked upon a truly interdisciplinary program in conflict resolution housed in the law school, but with a curriculum and faculty that span the campus. The two-years master's degree is a university master's degree (M.S. or M.A.) not an LL.M. program, and many in the first cohort have had no legal training. In their first year of study, all entering degree candidates form a learning cohort to study the foundational ideas and concepts of conflict resolution theory, research, and practice. These courses form the base on which all other aspects of the program are built. In addition to traditional mediation, negotiation, and adjudication courses, the first-year curriculum explores the implications of ethical, cross-cultural and third-party dynamics in the field of conflict resolution. Michael Moffitt, the Associate Director of the Appropriate Dispute Resolution Center at Oregon said, "This program has created an opportunity for students to take classes simultaneously from professors in philosophy, in economics, in communications, in cultural studies, in international relations, in public policy. And we have only begun to tap the wealth of faculty interest across the campus."

### **International Online Dispute Resolution Competition:**

The 5<sup>th</sup> Anniversary International Competitions for Online Dispute Resolution are open for registration. Hundreds of students from around the world have participated in these competitions. They are free and are open to law students who compete through internet access without needing to travel. Their performance is evaluated anonymously by experienced professionals from ADR and litigation worldwide. The competitions for **arbitration** begin **February 1, 2006**; **mediation** competitions begin **February 6, 2006**; **negotiation** competitions begin **February 27, 2006**. To register see [www.odr.info/icodr2006](http://www.odr.info/icodr2006) or contact Prof. Ben Davis [ben.davis@utoledo.edu](mailto:ben.davis@utoledo.edu).

### **ADR Section Listserv:**

The ADR Section operates a listserv to promote discussion of academic and legal issues of interest to Section members. It is an excellent medium for sharing and soliciting information about upcoming events, publications, or other matters. Only members of the AALS ADR section or other law faculty teaching ADR-related courses are eligible to participate. Postings on the listserv are archived at <http://po.missouri.edu/archives/aals-adr-1.html>. To subscribe to the list, send an e-mail message to: [listserv@po.missouri.edu](mailto:listserv@po.missouri.edu). In the body of the text, write: **subscribe AALS-ADR-L**. For more information, e-mail Jim Levin (Missouri-Columbia) at [levinj@missouri.edu](mailto:levinj@missouri.edu).

### **ADR Section Web Site:**

The ADR Section maintains a web site at <http://www.law.missouri.edu/aalsadr/index.htm>. The web site includes information about the Section, syllabi and other teaching materials for dispute resolution courses, and links to law school ADR programs and other resources. If you would like to contribute syllabi or other teaching materials, e-mail John Lande (Missouri-Columbia) at [landej@missouri.edu](mailto:landej@missouri.edu).

*AALS Disclaimer: This newsletter is a forum for the exchange of points of view. Opinions expressed here are not necessarily those of the Section and do not necessarily represent the position of the Association of American Law Schools.*