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How Does DSD Help Us Teach About Community Conflict (and How Can Community Conflict Help Illustrate DSD)?

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INTRODUCTION

The purpose of this essay is to outline ideas for teaching Dispute System Design (DSD) in the context of topical, timely, and local issues that are compelling to students. Using DSD to talk about community conflict serves dual purposes. Students learn that Dispute Resolution (DR) theories can immediately be applied in well-known and challenging disputes. At the same time, by talking about these community conflicts in the context of DSD, the class is engaged in exercises that require empathy, listening, and an understanding of all stakeholders. The discussion of these conflicts, therefore, has a greater possibility of being free of the labeling and partisanship that has occurred in other public discourse over these conflicts. That open discussion promotes overall learning and understanding in law school.

This essay will outline the pedagogy of teaching DSD in a typical Alternative Dispute Resolution (ADR) class and how I have done that in the past. I will then turn to what I have done in the last two years to bring in class discussion of the events in Ferguson, Missouri as well as in Milwaukee, Wisconsin (and other cities with police shootings). The next section will demonstrate how conversations about these events done in a DSD framework can be productive for all students in the classroom in terms of understanding the "other" perspective. Finally, I will outline how the concepts of DSD are also taught in a way that students can understand and apply moving forward.

I.   Teaching DSD as Part of an ADR Class—
What, When, and How

DSD is the subfield of ADR that focuses on how processes can be designed to institutionalize DR in a variety of contexts. The theories behind DSD are a combination of conflict theory, organizational behavior, and alternative dispute resolution. The book *Getting Disputes Resolved* written by William Ury, Jeanne Brett and Stephen Goldberg in 1988, first presented dispute system design as a practical and thoughtful approach to organizational disputes.[1] Originally, designers focused on structures that would require disputants to escalate rather than start with a power-driven solution. Most disputes, they argued, could be resolved by using interests, then relying on rights, and only then moving to assertions of power for the most intransigent and difficult disputes.[2] In their book, Ury, Brett, and Goldberg outline six key principles for designing a presumptively interests-oriented dispute resolution system: (1) put the focus on the interests of the parties; (2) build in opportunities to return (or "loop-back") to a negotiation process; (3) provide rights and power backup processes to interest-based processes; (4) build in consultation with stakeholders before creating the dispute system and feedback after the implementation and use of the system; (5) arrange the procedures in a low-to-high-cost sequence; and (6) provide the necessary motivation, skills, and resources to permit participants to begin resolving their disputes with a focus on interests and then move to assertions of rights and power only as necessary. Flexibility of the process is provided by the looping process outlined in step two above. "Loop-backs" are defined as the opportunity to continue to move around in the process choices. So, for example, the parties should be able to go back and negotiate at *any* stage outlined in a dispute resolution process and not be limited to a "negotiation" stage that occurs early on. Similarly, the term "loop forward," developed in later dispute system design literature, also means that parties can choose to jump around among the process choices choosing to engage, for example, in fact-finding before negotiation.

The second generation of dispute system design, highlighted by Cathy Costantino and Christina Sickles-Merchant's book, *Designing Conflict Management Systems* published in 1996, more specifically discusses how ADR methods can be brought into an organization in advance of a particular conflict.[3] Costantino and Merchant outline their principles as: (1) developing guidelines for whether ADR is appropriate; (2) tailoring the ADR

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1. William Ury et al., Getting Disputes Resolved: Designing Systems to Cut the Costs of Conflict (1st ed. 1988).

2. *Id.* at 42.

3. Cathy A. Costantino & Christina Sickles Merchant, Designing Conflict Management Systems 52, 120–21 (1st ed. 1996). The book also examines *how* these new systems were developed, noting that some organizational leaders had used rights-based mechanisms to impose interest-based processes upon stakeholders.

process to the particular problem; (3) building in preventative methods of ADR; (4) making sure that disputants have the necessary knowledge and skill to choose and use ADR; (5) creating ADR systems that are simple to use and easy to access and that resolve disputes early, at the lowest organizational level, with the least bureaucracy; and (6) allowing disputants to retain maximum control over the choice of ADR method and selection of neutral wherever possible.

Now in the current generation phase of dispute system design, commentators have coalesced around several factors that highlight the best systems: (1) multiple process options for parties, including rights-based and interest-based processes; (2) ability for parties to "loop back" and "loop forward" between these process options; (3) substantial stakeholder involvement in the system's design; (4) participation that is voluntary, confidential, and assisted by impartial third-party neutrals; (5) system transparency and accountability; and (6) education and training of stakeholders on the use of available process options.[4] DSD theorists outline the qualities that usually distinguish effective systems: stakeholders have participated in designing them, the systems are fluid and flexible, and the system is transparent and accountable.[5] Organizations can gauge their success by measuring efficiency, effectiveness, and satisfaction.[6] Designers have applied these theories to everything from creating in-house corporate dispute resolution systems to mass tort claims to human rights courts.[7]

While some law schools have added a separate DSD class to their ADR curriculum,[8] most law professors will end up discussing DSD at the

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4. Stephanie Smith & Janet Martinez, *An Analytic Framework for Dispute Systems Design*, 14 HARV. NEGOT. L. REV. 123, 128 (2009).

5. *Id.*

6. *See* Bobbi McAdoo & Nancy A. Welsh, *Look Before You Leap and Keep On Looking: Lessons from the Institutionalization of Court-Connected Mediation*, 5 NEV. L.J. 399, 425–29 (2005) (It may be worthwhile to note that McAdoo and Welsh proposed a framework for evaluation that included efficient justice, substantive justice, and procedural justice.); *see also* Jeanne M. Brett, Stephen B. Goldberg & William L. Ury, *Designing Systems for Resolving Disputes in Organizations,* 45 AM. PSYCHOL. 162, 169 (1990) (exploring the relevance of procedural justice to dispute system design, in terms of "incentives associated with process").

7. Andrea Kupfer Schneider & Natalie Fleury, *There's No Place Like Home: Applying Dispute Systems Design Theory to Create a Foreclosure Mediation System*, 11 NEV. L.J. 368 (2011) (applying Dispute System Design to foreclosure mediation structure); Andrea Kupfer Schneider, *The Intersection of Dispute Systems Design and Transitional Justice*, 14 HARV. NEGOT. L. REV. 289 (2009) (applying Dispute System Design to human rights violations); Andrea Kupfer Schneider, *Using Dispute System Design to Add More Process Choices to Investment Treaty Disputes, in* Investor-State Disputes: Prevention and Alternatives to Arbitration II 93, U.N. Doc. UNCTAD/ WEB/DIAE/IA/2010/8 (Susan Franck & Anna Joubin-Bret eds., 2011) http://www.unctad.org/en/ docs/webdiaeia20108_en.pdf (applying DSD to international investment treaty disputes).

8. *See, e.g., Course Catalog: Dispute Systems Design*, HARV. L. SCH., http://hls.harvard .edu/academics/curriculum/catalog/index.html?o=68729 (last visited, Mar. 31, 2016); Moritz College of Law, *Course Explorer: Alternative Dispute Resolution*, OHIO ST. U., http://moritzlaw.osu .edu/academics/course-explorer/category/alternative-dispute-resolution/ (last visited, May 25, 2016); *Course Catalog: Dispute Systems Design*, STAN. L. SCH., https://law.stanford.edu/courses/ disputesystemsdesign/ (last visited Mar. 31, 2016).

end of their ADR class. The major textbooks all have some discussion of the principles of DSD.[9] Introducing DSD after covering all three of the major processes gives students the opportunity to see how the processes can be configured into systems for governments, companies, and institutions. I also have found that it is a nice wrap up to the semester. To test and summarize their knowledge of the different ADR processes, I focus on being sure that students can advise an individual client on which process to choose.[10] Teaching DSD and giving students class exercises on this (as well as putting this on the final exam) is a different way to test their knowledge of the DR processes by understanding from an institutional basis the advantages and disadvantages of each process. Broadly, my prompt to the students is as follows: "Determine a situation in which there are many individuals wronged—wrongful imprisonment, genocide, hurricane, foreclosure, political prisoner, product liability, medical mistakes, etc. Think about it from an individual perspective—use forum to fuss[11] and therapeutic jurisprudence[12]—to analyze this. Then think about it from an institutional perspective—How do you structure this? Who pays? Who are the neutrals? With whom should you consult? Other issues?"

What I have done for the last ten years is use a combination of the problems in our textbook to raise the issues of DSD and to give the students the opportunities in small groups to work through the problems. Problem 12-9 in our book falls in the hybrid process section of the textbook and asks:

> Where many people are hurt or injured at the same time, do you think ADR can deal appropriately with legal damages, the need for catharsis and other forms of redress, or should claimants retain their rights to go to trial? Does it depend on the kind of case—death or bodily injury, employment discrimination or civil rights violations, economic harm?[13]

Problem 14-4 is also a DSD problem, in the last chapter of the book on choosing a process, albeit focused more on the justice versus peace issues raised in ADR[14] and asks:

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9. CARRIE J. MENKEL-MEADOW ET AL., DISPUTE RESOLUTION BEYOND THE ADVERSARIAL MODEL 614–20 (2d ed. 2010); LEONARD L. RISKIN ET AL., DISPUTE RESOLUTION AND LAWYERS 857–921 (4th ed. 2009). *See generally* ALAN SCOTT RAU ET AL., PROCESSES OF DISPUTE RESOLUTION (4th ed. 2006).

10. Frank E.A. Sander & Stephen B. Goldberg, *Fitting the Forum to the Fuss: A User-Friendly Guide to Selecting an ADR Procedure*, 10 NEGOT. J. 49 (1994); Andrea K. Schneider, *Building a Pedagogy of Problem-Solving: Learning to Choose Among ADR Processes*, 5 HARV. NEGOT. L. REV. 113 (2000).

11. Sander & Goldberg, *supra* note 10.

12. Schneider, *supra* note 10, at 119–20.

13. MENKEL-MEADOW ET AL., *supra* note 9, at 563.

14. *See also* Andrea Kupfer Schneider, *Bargaining in the Shadow of (International) Law: What the Normalization of Adjudication in International Governance Regimes Means for Dispute Resolution* 41 N.Y.U. J. INT'L L. & POL. 789 (2009) (raising the question of justice versus peace

What is Justice? What is Peace? Imagine yourself a person grievously wronged—a terminated employee, an abandoned spouse, a victim of an urban American police beating, a victim of discrimination, a released political prisoner from an opposition party in a dictatorial state, a family member of a murder victim, a property owner in a former Communist state whose property was confiscated, an aged surviving Korean "comfort woman," or a survivor of the German Holocaust or the Rwandan genocide. What kind of process would you want in order to feel you had been "justly" dealt with? Would you want a public process to give testimony? A private ceremony of grief? Would you require compensation? An apology? Retribution? A formal determination of guilt with punishment? Would you want to create your own process, or would you be willing to use the same process as other people who suffered the same wrongs? How likely do you think it will be that all people who suffer these injuries would agree to the same process?[15]

In December 2014, instead of the more innocuous "think of a conflict" prompt, I directed students to think about the situation in Ferguson:[16] How would you advise the parents of Michael Brown? How would you advise the mayor of Ferguson (or, for that matter, the mayor of Milwaukee since we have had similar incidents)?[17] How would you advise the store owners whose property was vandalized? What processes should we create? What have we learned about conflict and conflict resolution that might be useful when we are faced with a real conflict?

I was completely nervous about doing this. Was I the "right" person to discuss this? Would the class discussion be respectful or harmful? And how would students react? It was a very large leap of faith regarding pedagogy.[18] It was totally worth it. A student later emailed to thank me for raising such a difficult issue in a constructive manner. As he put it:

[S]o often people are afraid to address issues related to race and act as if nothing did not occur. . . . Thanks again as I could not

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in human rights disputes and how DSD can be used to both establish and assess processes that deal with this challenge).

15. MENKEL-MEADOW ET AL., *supra* note 9, at 668.

16. *See generally* Emily Brown, *Timeline: Michael Brown Shooting in Ferguson, Mo.*, USA TODAY (Aug. 10, 2015), http://www.usatoday.com/story/news/nation/2014/08/14/michael-brown-ferguson-missouri-timeline/14051827/.

17. Meg Kissinger & Lydia Mulvany, *Victim of Milwaukee Police Shooting Was 'Running Scared,' Brother Says*, MILWAUKEE JOURNAL SENTINEL (May 2, 2014), http://www.jsonline.com/news/crime/at-downtown-rally-family-weeps-for-man-killed-by-milwaukee-police-b99261006z1-257683611.html; Ashley Luthern, *Ex-Milwaukee Officer Won't Be Charged in Dontre Hamilton Shooting*, MILWAUKEE JOURNAL SENTINEL (Dec, 22, 2014), http://www.jsonline.com/news/milwaukee/former-officer-wont-be-charged-in-fatal-shooting-of-dontre-hamilton-b99398655z1-286559211.html.

18. *See* Andrea Kupfer Schneider & Julie MacFarlane, *Having Students Take Responsibility for the Process of Learning*, 20 CONFLICT RES. Q. 455 (2003).

have asked for a more timely and close to home subject matter. I think it's a conversation that needs to take place more often throughout this country. It's uncomfortable but it is something that if done correctly can effectuate change. Even if that means just changing one person's perspective, which I am sure you were able to do tonight. Thanks again.[19]

II.   WHY WAS DSD A HELPFUL LENS?

I know that the exercise was meaningful for many students; I was particularly concerned for my African American students about whether this exercise was supportive or insightful. Several months after the exercise, I asked my student, Larry Whitley (who had written the email above), to reflect again on whether this was an exercise I should repeat in class. Here was his response:

> For the last eight years I have been a student at predominately white institutions. As an African American male, I have stood out like a dash of pepper in a sea of salt. To answer your question, in my experience, the students and faculty at these institutions have shied away from the tough conversations. Ferguson was not the first nor will it be the last example of just how far we still have to go as a society in terms of understanding race and equality. I really appreciated the exercise in ADR in which we applied the facts of Ferguson because for the first time in eight years, a member of the faculty did not shy away from the tough conversation.[20]

It is useful to take a step back and to analyze why DSD was such a helpful teaching tool. First, by assigning roles in groups, students were free to argue positions from all sides of the issue. In fact, they were assigned to do so—they had to look at the conflict from different perspectives and try to understand, as best they could, the history and perspective of each group in terms of how they viewed the situation. Earlier in the semester, we had reviewed the concept of partisan perceptions.[21] Here was the real world example of how different life experiences and different expectations will force a different view of the same set of facts. Before assigning them into roles, we discussed how some roles would be easier for them to naturally understand and other roles would not. And we also discussed how the task of the exercise was to truly stretch out of your comfort zone in order to try to see the world from each of those perspectives. So the assignment was,

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19. Emails from Larry Whitley, Marquette University Law School, to Andrea K. Schneider (Dec. 1, 2014) (on file with author).

20. Email from Larry Whitley, Marquette University Law School, to Andrea K. Schneider (Nov. 9, 2015) (on file with author).

21. CARRIE MENKEL-MEADOW ET AL., NEGOTIATION: PROCESSES FOR PROBLEM SOLVING 295 (2d ed. Aspen 2014); *see also* ROGER FISHER, ELIZABETH KOPELMAN, & ANDREA KUPFER SCHNEIDER, BEYOND MACHIAVELLI: TOOLS FOR COPING WITH CONFLICT 32–35 (1996); RICHARD B. ROSS, *The Ladder of Inference*, *in* THE FIFTH DISCIPLINE FIELDBOOK, 242–46 (1994).

first and foremost, an exercise in partisan perceptions. As Larry noted in his email:

> Conversations on race relations are not easy and in my experience are avoided at all costs. I appreciated that you were willing to recognize that everything is not okay in the world and moreover that we needed to discuss the incident as a class. When we were divided into groups the conversation was definitely uncomfortable at first. I did not want to come off as the angry black man and I suspect that my white counterparts did not want to come off as racists. But as the conversation progressed I learned that many of my peers shared the same sentiments. Even if a classmate shared a perspective that I did not agree with I appreciated the opportunity to hear their logic and reasoning. At times I felt that people were giving the politically correct answers and at other times people just flat out said the wrong thing. But I think in order to progress as a society sometimes the politically correct statements need to be placed to the side and the wrong things must be said in order to educate and enlighten.[22]

Second, there was no arguing on the facts. Each role was told to assume that the facts of "their story" were true. So, from the police perspective, students had to assume that the shooting of Michael Brown was justified, and from the parents' perspective, students had to assume that the shooting was not. This frame kept students from arguing right versus wrong—instead, the conversation focused on how each side told their story and how they viewed the situation. Our goal was not objective truth, and that too is a great lesson for students in conflict resolution—rarely do we want or need to find that "truth" in which all parties agree in order to move forward toward resolution or management of the conflict.

Third, without the need to find the truth, students were freed from the blame game of what happened in this particular incident. Much of the conversation about these conflicts has been to blame the police (and need to fix them)[23] or blame the community ("Who destroys their own neighborhood?")[24] or blame the person shot ("What did he do to deserve this? No cop would just shoot.").[25] Blame conversations quickly become personal and, therefore, more dangerous in a law school setting. No one wants to be

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22. Email from Larry Whitley, *supra* note 20.

23. Marc Fisher & Wesley Lowery, *Ferguson Violence Broke the Mold in Three Ways – One of Which is Just Unfolding Now*, WASH. POST (Nov. 25, 2014), https://www.washingtonpost.com/politics/ferguson-decision-and-its-aftermath-more-a-media-event-than-organic-moment/2014/11/25/b506ff72-7256-11e4-ad12-3734c461eab6_story.html; Jake Halpern, *The Cop*, THE NEW YORKER (Aug. 17, 2015), http://www.newyorker.com/magazine/2015/08/10/the-cop.

24. *Ferguson Unrest: From Shooting to Nationwide Protests*, BBC NEWS (Aug. 10, 2015), http://www.bbc.com/news/world-us-canada-30193354; Larry Buchanan et al., *What Happened in Ferguson*, N.Y. TIMES, http://www.nytimes.com/interactive/2014/08/13/us/ferguson-missouri-town-under-siege-after-police-shooting.html?_r=0 (last updated Aug. 10, 2015).

25. Kissinger & Mulvany, *supra* note 17; Fisher & Lowery, *supra* note 23.

seen as a racist; no one wants to be seen as condoning violence; no one wants to be seen as excusing criminal activity.

The upshot is that without searching for the truth or who to blame, and with the forced exercise of understanding different perceptions, groups then had to look to the future. With the lens of each of those perspectives, students could then analyze how different DR processes would serve the needs of each group. By using the perspectives to then make choices on process, students were again engaging in partisan perceptions exercises. Perhaps students might resist articulating a worldview from a side they could not understand—on the other hand, choosing a process and analyzing why that process would serve certain needs (vindication, safety, understanding, fairness) gave students a second opportunity to understand how partisan perceptions can play out in the process. This gave them a deeper understanding of their perceptions and why those perceptions mattered.

Discussing which process to choose was an exercise looking to the future—an inherently more hopeful and positive exercise than figuring out what went wrong. Much of our mediation literature already focuses on how mediators can help parties move forward to figure out what the future might look like.[26] We know that this future orientation can help parties be less negative, more hopeful, and more constructive. Similarly, using DSD to think about how cities can move forward, brings the same optimism to a class exercise. Something awful has happened (in our community as well as others)—what can we do differently in the future? How can we use the tools we have learned in class to make this better and to prevent this in the future?

III.   How Community Conflict Teaches DSD

Using the lens of relevant, topical community conflict to teach DSD also has benefits in terms of understanding the academic material. First, each element of DSD can now be framed with a particular problem in mind—and this problem is immediately accessible to students.[27] When we discuss a design with multiple process options (including looping), students debate whether a neutral fact finder is necessary, the advantages of trying to negotiate with the police (or mediate or arbitrate), and when looping back to other processes might be necessary. Analyzing stakeholder involvement in the design is definitely more salient—the roleplay forces the students to take the perspectives of the stakeholders. And they clearly ask the question

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26. MENKEL-MEADOW ET AL., *supra* note 9, at 227–28.

27. For two excellent and recent applications of DSD to community conflict, *see* Susan Podziba, *Negotiating Social Conflict: Imagining A Civic Fusion Approach in Ferguson, Missouri*, 31 NEGOT. J. 441 (2015) (suggesting a dialogue-focused process called civic fusion); and Nancy Rogers, *When Conflicts Polarize Communities: Designing Localized Offices That Intervene Collaboratively*, 30 OHIO ST. J. ON DISP. RESOL. 173 (2015) (suggesting the creation of local Community Relations Service offices and using DSD principles to design their interventions).

to themselves of whether or not stakeholders were involved in the current design in place in many cities. As stakeholders in the roleplay, students then debate whether or not they would want to meet each other (Do the parents really want to mediate with the cop? Does the police officer or the department even want to be part of any process?). Of course, any system has neutrals—the roleplay invites the students to think about who would be these neutrals. Is it possible in a community conflict to find citizens who can be impartial (or will be perceived as impartial)?[28] How can the system designed remain accountable to the citizens and what would transparency look like? Does every citizen complaint get logged and published? What if the citizen does not want that? What if the complaint is found to have no merit? And, finally, what should the community itself be taught about the system that is designed? How can you ensure proper utilization of the system?

In debating each of these elements of DSD, students can also delve more into the details of a civilian review board (or similar structure). If there is more class time that can be devoted to teaching DSD or focused on community conflict, students could learn about the current structure in their own city and if there have been any recent changes in light of any conflict or incidents.[29] More particularly, students could also compare their design that they came up with in the exercise with what exists locally or around the country.[30] Particular questions for students to address include: who investigates citizen complaints;[31] who is on the review board;[32] how are members selected and what is their term;[33] whether there is a review of the deci-

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28. *See* Rogers, *supra* note 27, at 180–88 (describing the story of Andrew Thomas in Sanford, Florida).

29. *E.g.*, in the wake of the Michael Brown incident, the city of Ferguson developed a new Civilian Review Board System. *Civilian Review Board*, City of Ferguson, https://www.fergusoncity.com/544/Civilian-Review-Board (last visited Feb. 25, 2016) [hereinafter *Ferguson CRB*].

30. *See, e.g.*, *Ferguson CRB*, *supra* note 29; Baltimore, MD., Code §§ 1641–54 (2015) [hereinafter Baltimore CRB]; Milwaukee Police Dep't, *Citizen Complaints*, City of Milwaukee, http://city.milwaukee.gov/Directory/police/Information—Services/Citizen-Complaints .htm#.Vs9cIJMrJE4 (last visited Feb. 25, 2016) [hereinafter Milwaukee Citizen Complaint Process]; Cleveland Ohio Code § 157 (2015) [hereinafter Cleveland Community Relations Board].

31. The party responsible for investigating complaints generally varies from one city to the next and may involve: the Police, the civilian review board itself, or the Fire and Police Commission. *See, e.g.*, *Ferguson CRB*, *supra* note 29, at http://www.fergusoncity.com/DocumentCenter/ View/1845; Baltimore CRB, *supra* note 30; Cleveland Community Relations Board, *supra* note 30, at § 157.02; Milwaukee Fire & Police Comm'n, *How to File a Complaint*, City of Milwaukee, at http://city.milwaukee.gov/ImageLibrary/Groups/cityFPC/Brochures/Complaint_Brochure .pdf.

32. *See, e.g.*, Baltimore CRB, *supra* note 30, at § 1643; Cleveland Community Relations Board, *supra* note 30, at § 157.01; *Ferguson CRB*, *supra* note 29, at http://www.fergusoncity.com/ DocumentCenter/View/1846.

33. *See* Baltimore CRB, *supra* note 30, at § 1643; Cleveland Community Relations Board, *supra* note 30, at § 157.01; *Ferguson CRB*, *supra* note 29, at http://www.fergusoncity.com/DocumentCenter/View/1846; Milwaukee Fire & Police Comm'n, *Frequently Asked Questions*, City of Milwaukee, http://city.milwaukee.gov/fpc/FAQs#Q11.

sion;[34] how are decisions reported to the public;[35] and what is current usage of the system?[36] These questions could also be addressed for students to really understand that each of these elements are part of DSD. And, of course, students might have suggestions based on their own understanding (or outside research if added into the exercise) as to how these review boards could be improved. For example, in Milwaukee, a 2007 survey of the Milwaukee Citizen Complaint Process showed 539 complaints with Milwaukee Police Department and eighty-five with Milwaukee Fire Department.[37] When participants were asked about the process, 38% of respondents described the process as useless and another 20% as intimidating. Only 16% described the process as friendly.[38] Close to 75% felt they were not adequately informed during the process.[39] These very troubling numbers (which are likely replicated in other locations) make for interesting and practical class discussion in terms of what could be improved.

A final advantage to teaching DSD this way is that students can see immediately the relevance of all of the DR materials they have learned. One can teach and share examples of successful interventions in community conflict.[40] They see real and different ways of using the tool. Perhaps, they also start to think of the variety of ways that DR is used in different professions and settings. An ADR class teaches students each of the main DR processes and how to advise an individual client in choosing among these processes as well as going through them. By taking a DSD lens at the end of the semester, students hopefully recognize the importance and opportunity to scaling up these processes to be able to deal with larger public and community issues.

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34. The presence of an appeal or review of the board's decision is a hit or miss proposition across certain cities. *Compare Ferguson CRB*, *supra* note 29, at https://www.fergusoncity.com/DocumentCenter/View/1845, *with* Baltimore CRB, *supra* note 30, *and* Cleveland Community Relations Board, *supra* note 30.

35. *See Office of Professional Standards Civilian Police Review Board, 2011 Annual Report*, City of Cleveland (2011), http://www.city.cleveland.oh.us/sites/default/files/forms_publications/2011OPSandCPRBAnnualReport.pdf [hereinafter Cleveland Annual Report]; Baltimore CRB, *supra* note 30, at § 1646; *Ferguson CRB*, *supra* note 29.

36. Brian Hammock, *Give Baltimoreans a Voice in Fixing Police-Community Relations*, Baltimore Sun (June 3, 2015), http://www.baltimoresun.com/news/opinion/oped/bs-ed-civilian-review-board-20150603-story.html; Cleveland Annual Report, *supra* note 35, at 15–21; *Compare* Cleveland Annual Report, *supra* note 35, *with Ferguson CRB*, *supra* note 30.

37. *Milwaukee Police Department Civil Complaint Process*, City of Milwaukee http://city.milwaukee.gov/ImageLibrary/User/jdimow/Joanpdfs/Citizen_Complaint_Process_Review_090416.pdf.

38. *Id.*

39. *Id.*

40. *See, e.g.*, Rogers, *supra* note 27, at 181–85 (detailing the story of Andrew Thomas' successful work in Sanford, Florida following the Trayvon Martin shooting). *See also* Beth Roy & John Burdick, *Struggling in the Street and at the Table*, 31 Negot. J. 155 (2015) (discussing case studies of successful dialogues in Syracuse, New York, and San Francisco).

CONCLUSION

A pedagogical leap of faith has led me to a broader understanding of how to teach DSD in a way that students will immediately latch onto as more relevant and helpful. At the same time, discussing community conflict in the context of DSD gave our class the opportunity to address tense, stressful, and challenging issues in a safe and secure manner. Mr. Whitley further stated in his email:

> Long story short, I felt the exercise was an effective and important tool that more professors need to emulate. Universities always boast that they are focusing on diversity, but are they actually fostering inclusion? Among other things, to foster inclusion means to have a curriculum that touches on more than the white perspective. I can truly say that on that night in ADR, I felt included.[41]

This was an empowering experience for the students, giving them both a vocabulary to use their DR skills and to be able to talk about pressing current events. Our goals for our DR classes are all about giving our students the tools to solve problems, for themselves, for their clients, and for the community.

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41. Email from Larry Whitley, *supra* note 20.