

CENTER FOR  
DISPUTE  
RESOLUTION



## SCOTTISH PROFESSOR COMES TO MD TO STUDY COURT-BASED MEDIATION

Maryland Carey Law's Center for Dispute Resolution (C-DRUM) welcomes 2016 Weinstein JAMS International Fellow Derek Auchie, senior lecturer with the University of Aberdeen School of Law in Scotland. Auchie, who concentrates on procedural as well as legal aspects of Alternative Dispute Resolution (ADR), will study the successful integration of ADR throughout Maryland and take those lessons back to Scotland.



As the first Weinstein Fellow from Scotland, Auchie seeks to raise the profile of mediation and restorative justice within the Scottish government. "The prominence of mediation and restorative justice in Maryland makes this the ideal jurisdiction from which to learn," notes Auchie. "The sheer volume of this kind of resolution work and the depth of experience will allow me to understand what makes it successful."

Auchie will spend part of his Fellowship at Maryland Carey Law this fall.  
*(continued on page 4)*

*U.S. News and World Report* ranked Maryland Carey Law among the best Dispute Resolution Programs in the country for 2016!

# TOP 15



UNIVERSITY of MARYLAND  
FRANCIS KING CAREY  
SCHOOL OF LAW

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# C-DRUM HOSTS MD JUDICIARY ADR RESEARCH SYMPOSIUM

Five years after the Maryland Judiciary embarked on groundbreaking studies about the impact of Alternative Dispute Resolution (ADR) in the courts, Maryland Carey Law's Center for Dispute Resolution (C-DRUM) hosted a symposium of judges, local and national dispute resolution experts, and ADR program administrators to explore the results of the studies.

"The impact of ADR matters," said the Honorable Zuberi Williams, associate judge, District Court of Maryland and chairperson of the District Court ADR Subcommittee. "When we get this research it opens minds and helps make sure judges are informed."

Funded by the Maryland Judiciary, the ADR Research Symposium held June 2-3, 2016, highlighted the results of eight discrete research studies and examined the implications of the research for court-connected dispute resolution programs and the ADR field generally.

The research pushed beyond traditional ADR studies which rely largely on self-reporting by mediators and information such as settlement rates and participant evaluations. Instead, the Maryland studies used rigorous research methodology, including behavioral observation of actual mediations, control groups, and regression analysis to provide rich information about areas previously unstudied in the field. The outcome is a vast and informative amount of data to help mediators, court

administrators, and judges think critically about the benefits of ADR to the Judiciary and the public.

Jamie Walter, Ph.D. and Nick White, Ph.D. (left to right below) of the Maryland Judiciary shared their perspectives on the research at the MD Judiciary ADR Symposium.

*Photo credit: Ceecee Paisz*



One study found that ADR had significant positive impacts for the parties, regardless of whether they settled in mediation. In particular, three to six months after the process, participants who went through ADR were more likely than those who went through the court process to report:

- An improved relationship and attitude toward the other participant;
- Satisfaction with the outcome; and

- Satisfaction with the judicial system.

And, ADR participants were more likely to report the outcome was working and were less likely to go back to court. In civil District Court matters, "cases that reach an agreement in ADR are half as likely (21%) to return to court for enforcement actions compared to cases that reached a verdict (46%)." In criminal District Court cases mediation decreased the predicted probability of judicial action by 24%, jury trial requests by 11%, and supervised probation/jail by 7%.

"This research is important to all courts and to me in particular," said the Honorable John Morrissey, chief judge of the District Court of Maryland, during his opening comments at the symposium. "Statistics and findings is what others believe and give the validation to keep in the direction we are going."

The research also found that mediation improves the ability of parents to work out contested custody disputes. Specifically, participants were more likely to report a positive shift in their ability to work together, say that the other person listened and understood them better, and indicate that the underlying issues came out when the mediator used reflecting and eliciting strategies. The research also found that participants who identified the location of the mediation as convenient were more likely to reach an agreement. *(continued on the next page)*

According to Professor Lisa Amsler of Indiana University, the research has impacts for mediation quality, procedural justice, and system design. “Validation of court-connected programs gives us the ability to be bold in how people get to these processes and make sure what is happening is consistent with the research,” said Amsler.

Maryland boasts over 80 dispute resolution programs as detailed in the ADR Landscape, authored by C-DRUM’s Managing Director, Toby Treem Guerin ‘02.

“We are at the forefront now in the nation,” said the Honorable Thomas Ross, administrative judge, Second Judicial Circuit and chairperson of the Judicial Council ADR Committee. “I am very appreciative of the work that was done. The ADR Landscape in Maryland is booming and there is a lot more room to go.”

The symposium served as a springboard for discussions on the research. The research continues as courts and practitioners begin to integrate the findings into program design, best practices, and training of mediators.

As Lou Gieszl, assistant administrator for programs at the Administrative Office of the Courts stated, “It is no longer about justifying ADR but saying how can we do it that much better.” Each of the final research reports are accessible on the Maryland Judiciary’s website: [www.mdcourts.gov/courtoperations/adrprojects.html](http://www.mdcourts.gov/courtoperations/adrprojects.html)

## A Life Dedicated to Mediation: Ronna K. Jablow Mediation Fellowship Established

Ronna Jablow worked for several years in private practice before finding her true calling in 2004 when she made the transition to dispute resolution. “In mediation, she found a profession that was a near-perfect match for her best, and most prominent, qualities: a keen intellect, an open mind, and an ability to accept and appreciate the widest variety of people without judgment or undue criticism,” says Jablow’s husband, Matt.



A graduate of Brooklyn Law School, Jablow went on to become director of the Alternative Dispute Resolution program for the Baltimore City Circuit Court. Judge Pamela J. White had the opportunity to work with Jablow for seven years, recalling “her good will, her sense of fairness, her good humor in all sorts of trying situations was her hallmark.”

Established in loving memory on February 10, 2016, the Ronna K. Jablow Mediation Fellowship will provide annual fellowship support for Maryland Carey Law students to work with a community mediation center, and will help continue Jablow’s work in advancing the cause of alternative dispute resolution. “This is a really special opportunity for our students to see mediation in a different context, and to really help individuals solve their disputes,” says Dean Donald B. Tobin.

“I am very excited about the fellowship. I think it brings together two things that were really important to Ronna,” says Professor Deborah Thompson Eisenberg, director of the Center for Dispute Resolution at Maryland Carey Law, who will be responsible for selecting fellowship recipients. “One is the education of law students and second is expanding community mediation and making that partnership between the law and community.”

*For more information on the Ronna K. Jablow Fellowship, please contact Assistant Director for Donor Relations and Stewardship Sarah Jackson at 410-706-5458, or visit [www.law.umaryland.edu/ronnajablowfellowship](http://www.law.umaryland.edu/ronnajablowfellowship).*

# IMPROVED CONFLICT MANAGEMENT FOR FOOD AND NUTRITION SERVICES IN SCHOOLS

Many things may change in schools, but one thing remains constant—lunch. The approximately 750 staff of the Baltimore City Public Schools Office of Food and Nutrition Service (FNS) are responsible for providing “nutritious and appetizing meals in a supportive and attractive atmosphere.” The job can be stressful. Most FNS employees work on-site at a school for only a few hours per day. These challenges impact the ability of FNS to meet its mission.

FNS turned to the Center for Dispute Resolution (C-DRUM) at Maryland Carey Law to help improve workplace communications and build management skills for dealing with difficult situations. The overall long-range goal of FNS is to build its internal capacity to manage conflict. To accomplish this goal, C-DRUM worked with FNS to develop a training and train-the-trainer materials, provide the trainings to key employees, and support the trainees.

strategic problem-solving, and relationship-building. Twenty-eight FNS leaders and managers received the initial training in 2015 and just over twenty completed the train-the-trainer program in May 2016. “We were impressed with how quickly the participants took the concepts such as listening before responding, understanding world views, and communicating expectations and began applying them in the workplace,” stated Barbara Grochal, principal trainer.



Participants work on a team building exercise during a training for Baltimore City Public School’s Food and Nutrition workers in December 2015.

In total, C-DRUM designed four customized, interactive training modules to build a broadened understanding of conflict and enhance skill-building for improved communication including conflict de-escalation,

Even with improved skills, FNS leadership recognized that support from a neutral professional can be beneficial. In the coming academic year, C-DRUM will continue to work with FNS to provide the training to all staff and will offer coaching and conferencing services with staff as needed.

## SCOTTISH PROFESSOR COMES TO MD TO STUDY COURT-BASED MEDIATION CONTINUED FROM PG 1

While here, he will teach a one-credit course in international arbitration and will meet with various individuals from court-annexed dispute resolution programs.

“International arbitration is one of the main choices of resolution of commercial and investment disputes,” says Auchie. “Anyone wishing to be involved in international commerce of any kind needs to have

an understanding of this important process.”

During the summer of 2015, Auchie and Maryland Carey Law’s Deborah Eisenberg, professor and C-DRUM director, co-taught a course on comparative dispute resolution at the University of Aberdeen as part of the five-week Summer Study Program, a collaboration between Maryland Carey Law, the University of Aberdeen, and

University of Baltimore School of Law.

Auchie has published and taught on the topic of dispute resolution and arbitration, most recently leading a new online LLM in dispute resolution at the University of Aberdeen.

# ADR TEAM UPDATE

This year the Alternative Dispute Resolution (ADR) Team expanded its competition opportunities and sent representatives to three new competitions for a total of seven competitions overall. The new competitions, Jeffrey S. Abrams National Mediator Competition and the Securities Dispute Resolution Triathlon, provided students the opportunity to broaden their skill sets by engaging in different roles. In addition to the valuable experiences as negotiators and attorney-client teams in mediation, the new competitions pushed students to serve in new roles including mediator and an attorney in a negotiation, mediation, and arbitration process.

The ADR Team also experienced some transitions. After coaching and teaching the Team for the last five years, Nick Scull '10, adjunct

professor and team founder, stepped down from his teaching position. "The ADR Team would not exist without Nick's hard work and dedication to this program," said Alex Montanio '16, former president of the ADR Team. In the spring, Jay Knight '96 assumed Scull's teaching responsibilities. Knight is currently a mediator for the Maryland Court of Special Appeals' ADR Division.

In the coming year, the ADR Team welcomes 17 new members selected during an intra-school competition featuring 80 impressive students. The Team will continue its rich competition schedule including serving as a Regional Host for the 2016 American Bar Association Law Student Division Negotiation Competition on November 12-13.

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ADR Team members (below left to right) 3L Kristen Echroad, coach Barry Gogel, and 3L Drew Ricci at the 2016 NFL Negotiations Competition hosted by Liberty University. 3L Linda Morris (below right) was named Champion Mediator at the 2015 Jeffrey S. Abrams National Mediator Competition at the University of Houston Law Center.



## Notable 2015-2016 Competition Results

### Negotiation:

- Liberty University Law Student Negotiation Competition- Semi-finalists

### Mediation:

- Jeffrey S. Abrams National Mediator Competition- Champion Mediator
- International ADR Mediation Tournament- Third Place Outstanding Individual Advocate/ Client Pair; Sixth Place Outstanding Individual Mediator; Ninth Place Mediator Team

## New Members for 2016-2018

Daniel Adamson  
Arjeta Albani  
Peter J. Artese  
Anthony Berlenbach  
Robert Berman  
Jacob Bloomberg  
Alex Chiang  
Meagan George  
Francesca Gibson  
Feza Kikaya  
Karli Lubin  
Andrea Marcin  
Elias Sherlock  
Austin Strine  
Andrew Sylvia  
Courtney Watkins  
Collin Wojciechowski

# GOODMARK: RESTORATIVE JUSTICE AS A FEMINIST APPROACH

Excerpt from Professor Leigh Goodmark's keynote address to the International Restorative Conference hosted by Dalhousie University in Halifax, Nova Scotia, June 27, 2016:

“I am a lawyer who has represented people subjected to abuse, primarily women, for the last twenty years. I have come to believe that the legal system, and in particular, the criminal legal system, is not always effective in addressing gender-based harms. For those who want a purely retributive response, the system sometimes works. But for many, many people, retributive justice does nothing to meet their goals. What they want is justice in some other form—economic or emotional, through voice, validation and vindication—and the criminal legal system is poorly suited to provide that sort of justice. Over the last several years, I've started to think more broadly about what justice really means to those who have been harmed and how we can achieve that justice.



Many feminists have thrown their lot in with the state, believing that the carceral system can and will deliver justice. I believe, though, that the feminist faith in the state, and particularly the carceral state, to end gender violence is problematic at best and misplaced at worst. The criminal legal system often does not hold those who do harm accountable and women are not always safer when they turn to that system.

Restorative justice offers us a radically different way—and I would argue, a feminist way—to think about achieving justice for people subjected to harm. *(continued on the next page)*

## Give to C-DRUM

Support our ongoing work by contributing to the Center for Dispute Resolution (C-DRUM). Your generous donation will expand our ability to facilitate the effective resolution of conflict. Your tax-deductible contribution will directly impact our efforts in schools, public policy, research, and teaching and support new initiatives. Every gift is deeply appreciated and allows us to continue to serve hundreds of teachers, students, lawyers, and community members every year.

There are two ways to give to C-DRUM:

1. Online at <http://www.law.umaryland.edu/CDRUMgift>
2. Mail, by sending a check made payable to UMBF, Inc./C-DRUM to 500 West Baltimore Street, Baltimore, MD 21201-1786.

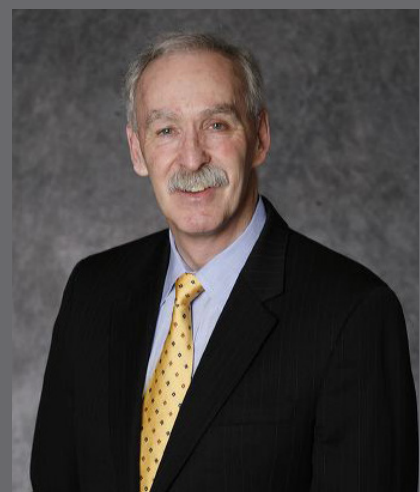
*Funds for the Center for Dispute Resolution are administered by the University of Maryland, Baltimore Foundation, Inc.*



2015-2016 Mediation Clinic

## Condlin: The ‘Nature’ of Legal Dispute Bargaining

Professor Robert Condlin’s recent law review article, *The ‘Nature’ of Legal Dispute Bargaining*, in the *Cardozo Journal of Conflict Resolution* adds to his growing body of dispute resolution publications. In the article, Professor Condlin argues that while the longstanding debate over the relative merits of adversarial and communitarian theories of legal dispute bargaining has been in somewhat of a holding pattern for several years, recent research in the field of cognitive neuroscience should break that impasse. Laboratory experiments and case studies in neuroscience, Professor Condlin argues, have shown how dispositions and capacities for social cooperation inherited from natural selection and evolution predispose humans to configure disputing as a mixture of argument over factual reality, disagreement over the interpretation of normative standards, and a search for impartial resolutions that protect the interests of everyone involved equally. This neurobiological inheritance can be difficult to appreciate, resist, and control, he asserts, but it is something all dispute bargaining theory, adversarial, and communitarian alike, must take into account. Theories that ignore it are limited to telling only part of the dispute bargaining story.



First, restorative justice could provide meaningful accountability in the aftermath of gender-based harm. A system that requires offenders to face those they have harmed—their victims, their families, their communities—may be more likely to give feminists the kind of accountability we have hoped for.

Second, restorative justice could help us to change community norms around gender-based harms. The early feminist movement believed that passing laws declaring violence against women a crime would begin to create this change. But we have had such laws for at least the last thirty years, and community norms have not changed as much as we would hope.

Restorative justice is empowering in ways that the criminal legal system can never be. It puts power into the hands of the person who has been harmed, who decides whether the conference takes place and what supporters she will have at the table, whether to accept an apology, and what reparations will make her whole. It enables her to tell her story as she wishes, without the mediation of the legal rules and norms.

There is, in fact, a continuum of restorative practices available—victim offender dialogues, post-conviction dialogues, conferences, and community based justice forums. The goal of these practices is societal reconstruction—challenging community complicity and acceptance of gender-based harms, creating community norms that reject such harms, and conceptualizing the pursuit of justice as the right of the individual subjected to harm rather than as society’s right and responsibility. That’s why restorative justice is a feminist project.

Are there limitations to restorative justice? Absolutely. The requirement that an offender take responsibility before engaging in restorative practices will mean that many cases involving gender-based harms will be screened out. Restorative justice will not meet the justice goals of some people subjected to abuse. Restorative justice will be difficult to scale up and there’s a danger that in making restorative justice part of a systemic approach to gender-based harm, some of what makes it unique and special could be lost.

It took a long time to build the sexist society we have—regardless of the tools we use, it will take a long time to dismantle. The charge, then, for those of us who study these issues and who worry about how badly restorative processes could go if they are initiated by those who are not sensitive or knowledgeable is to create, cultivate and evaluate such practices ourselves. Until we do so, people subjected to gender-based harms won’t have any choice but to seek justice through the legal system—or not to seek justice at all.”

# MAKING AN IMPACT IN THE PUBLIC SECTOR

Whether negotiating a collective bargaining agreement or mediating a workplace discrimination claim, public sector employees share common challenges unique to the civil service environment. Authority issues, budget cycles and legislative stalemates, and political changes can complicate the job. Over the past year, Maryland Carey Law’s Center for Dispute Resolution (C-DRUM) has worked with several federal agencies to build their negotiation skills and increase their conflict competency to better serve the public and further the mission of their organization.

Negotiation is a key skill for most attorneys and individuals working in regulatory enforcement, yet most learn through “on-the-job” experience. This past year, the Maryland Department of the Environment and the U.S. Environmental Protection Agency took proactive steps to increase the negotiation skills of its employees. C-DRUM staff developed and led tailored “Strategic Negotiation” trainings which integrated realistic simulations. The workshops explored foundational negotiation topics such as preparation, integrative

and distributive bargaining, and negotiation style versus strategy.

In July, C-DRUM Managing Director Toby Guerin presented to over 350 employees of the U.S. Department of Agriculture (USDA) on the topic of “Keeping Conflict at Bay.” The presentation, a part of the Early Resolution and Conciliation Division’s monthly dispute resolution training workshop, discussed how conflicts impact the workplace and explored specific strategies to prevent and resolve disputes. “With training budgets tightened, employees hunger for valuable training that is so important to daily workplace life,” said Mya Mya Myaing, conflict resolution specialist with the USDA Office of the Assistant Secretary for Civil Rights.

C-DRUM and the Straus Institute for Dispute Resolution designed a course to address this gap in traditional mediation trainings. The course, “Public Sector Mediation: Skills and Drills” debuted at the East Coast Professional Skills Program in 2015 and was repeated in 2016 at both the East Coast and the Malibu



C-DRUM Managing Director Toby Treem Guerin ‘02 presented at the Straus Institute for Dispute Resolution Professional Skills Program in June 2016.

programs. Taught by C-DRUM’s Toby Guerin and Straus’ Stephanie Blondell, the course was described by one participant as “perfect for what I need to keep my skills current and advancing in the public mediation arena.”

As a state institution, C-DRUM has a special commitment to expanding the capacity of public sector organizations to manage and resolve conflict effectively. The recent programs build upon C-DRUM’s pre-existing public sector work through the Maryland Public Policy Conflict Resolution Fellows Program and the long-standing partnership with the Maryland Judiciary.



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*Director, School Programs*

**Anastasia W. Smith**  
*Director, Special Projects*

**Teresa Christian**  
*Paralegal*

**Jason Rubinstein**  
*Fellow*



# COLLABORATIVE PROJECT OF MD ESTABLISHES COURT-BASED PARTNERSHIPS

Maryland Carey Law students will soon have an opportunity to participate in an exciting dispute resolution project designed to expand access to the collaborative process. As part of the “Collaborative Law and Practice” course to be co-taught this spring by Professor Jana Singer and several leading collaborative attorneys, students will help conduct court-based intake sessions under the supervision of a collaboratively trained professional from the Collaborative Project of Maryland. Students may also have the opportunity to attend collaborative meetings and to shadow attorneys who are representing clients through the Collaborative Project.

The Collaborative Project of Maryland is a nonprofit organization dedicated to expanding access to the collaborative dispute resolution process—an out-of-court settlement process that fosters a safe, supportive environment and helps parties come to mutual and respectful agreement. Working in partnership with the Maryland Judiciary and with collaborative professionals across the state, the Project offers individuals and families of modest means the option of using the collaborative process to resolve their disputes respectfully, without resorting to contested court proceedings.

Over the past year, the Collaborative Project has established a successful partnership with the Circuit Court for Baltimore City to expand access to the collaborative process in

family law cases. Under this pilot program, a family division judge or magistrate identifies cases that might be appropriate for collaborative dispute resolution. Volunteers from the Project conduct on-site intake during initial scheduling hearings; the volunteers explain the collaborative process and determine if the parties are interested in and eligible for the Project. Parties are then matched with volunteer collaborative professionals who provide services on a pro bono or low bono basis. These professionals include a collaboratively-trained attorney for each party, as well as mental health professionals and financial specialists where appropriate.

Collaborative practice requires all parties to commit to resolve their dispute without asking the court to intervene. In addition, each party commits to provide full disclosure of all relevant information and to participate fully in the collaborative process for the benefit of all adults and children involved. The parties, together with their collaborative professionals, meet face-to-face in a series of meetings. The Project has developed a series of protocols designed to guide these deliberations and maximize their effectiveness. If the parties are unable to resolve their dispute through the collaborative process, the collaborative professionals must withdraw and cannot represent the parties in court. This “withdrawal obligation” aligns the interests of parties

and professionals and ensures that everyone’s efforts are fully focused on achieving a durable out-of-court resolution.

Initial results of the Baltimore City pilot program have been extremely encouraging. More than two dozen self-represented parties have participated in the court-based intake process, and more than a dozen individuals have been referred to collaboratively trained attorneys through the Collaborative Project for resolution of their disputes. As a result of this success, the Project recently initiated a similar pilot program in the Circuit Court for Prince George’s County. Other court systems, such as the Circuit Court for Montgomery County, have also expressed interest in enhancing access to collaborative representation.



Professor Jana Singer serves on the Board of the Collaborative Project of Maryland and is available to provide further information about the pilot and other collaborative process projects.

# 6TH MD PUBLIC POLICY CONFLICT RESOLUTION FELLOWS PROGRAM PROMOTES CONSENSUS BUILDING

Effective leadership requires the ability to engage in strategic negotiation and build consensus. For three days in April, twenty-five of Maryland's top leaders in state and local government, businesses and nonprofits, and educational and faith-based institutions came together for intensive training to enhance these skills and increase their effectiveness to address challenging public policy issues.

The Maryland Public Policy Conflict Resolution Fellows Program began in 2007 and is a collaborative effort sponsored by the Maryland Judiciary, the University of Maryland, Baltimore, and Maryland Carey Law. A total of six classes have contributed to a network of 122 Fellows. C-DRUM and the Maryland Judiciary's Mediation and Conflict Resolution Office (MACRO) support the Fellows Program and the network of Fellows upon graduation. This year's program featured nationally recognized trainers Nina Meierding and Senator David Landis as well as a presentation from 2008 Fellow, Attorney General Brian Frosh.



Upon graduation, the Fellows are encouraged to take the consensus building principles highlighted during the Fellows Program and apply them to an issue or concern facing their organization or constituency. This past year, with support from MACRO, several Fellows initiated projects designed to meet particular needs of their constituents:

## Youth Employer/Employee Training Curriculum and Training, Baltimore

Youth employment is a major focus of the work of two Fellows, Sarah Hemminger (Fellows Class of 2012), chief executive officer of THREAD, a Baltimore-based nonprofit which mentors at-risk youth, and Jason Perkins-Cohen (Fellows Class of 2013), director of the Mayor's Office of Economic Development, an office which places thousands of Baltimore City youth in summer positions through the YouthWorks program. Both wanted to build relationships between the youth and the employers and prevent some of the conflicts that arise in the workplace. To address this need, the co-sponsors worked with C-DRUM—well-experienced with youth and conflict resolution—to create a training. The two-part training emphasized effective communication skills, conflict prevention and resolution, and relationship-building. The initial training in April was offered to the employees. A training for employers and their summer employees followed in June at Maryland Carey Law. For most of the youth it was the first opportunity to meet their new employers. The Mayor's Office of Economic Development and THREAD hope to build upon the curriculum and continue the training in future years.

## Local Capital Access Center Facilitation, Silver Spring

The Silver Spring region has two major commercial centers—the core of downtown Silver Spring and Takoma Park—and a series of smaller commercial hubs. Each hub has a distinctive commercial character and unique local business communities. Communication and coordination of efforts across these small business centers remains challenging, but essential for the future commercial vibrancy of these communities. After identifying this issue, Reemberto Rodriguez (Fellows Class of 2013), director of the Silver Spring Regional Services Center, and Gustavo Torres (Fellows Class of 2007), executive director of CASA de Maryland, received support for a series of dialogues among the diverse small economic hubs in Silver Spring. CASA invited community stakeholders to participate in facilitated conversations in February and March of 2016. The sponsors are hopeful that the connections and relationships which were strengthened through the dialogue process can form the basis for continued discussions and support. Rodriguez noted, "This was a greatly useful process. We will be following it up with more small group dialogues. These smaller gatherings are more productive to building community trust."

# Public Policy Conflict Resolution Fellows Program Class of 2016

Sam J. Abed  
Secretary, Maryland Department of  
Juvenile Services

Sheila R. Tillerson Adams  
Administrative Judge, Seventh  
Judicial Circuit and Prince George's  
County Circuit Court

Peter Beilenson  
President and CEO, Evergreen Health

Mark Belton  
Secretary, Maryland Department of  
Natural Resources

Pamila J. Brown  
Associate Judge, District Court  
of Maryland

Zainab Chaudry  
Maryland Outreach Council Manager,  
Council on Islamic Relations

Michelle Daughtery Siri  
Executive Director, Women's  
Law Center

Kathleen Dumais  
Maryland State Delegate

Angela M. Eaves  
Administrative Judge, Circuit Court  
for Harford County

Gary Gillespie  
Executive Director, Central Maryland  
Ecumenical Council

Ben Grumbles  
Secretary, Maryland Department of  
the Environment

Elizabeth Harris  
Chief Deputy Attorney General,  
Maryland Office of the  
Attorney General

Alvin Hathaway  
Senior Pastor, Union Baptist Church

Michael Hough  
Maryland State Senator

Melvin Jews  
Associate Judge, District Court  
of Maryland

Nic Kipke  
Maryland State Delegate

Dena Leibman  
Executive Director, Future Harvest  
(Chesapeake Alliance for  
Sustainable Agriculture)

Brooke Lierman  
Maryland State Delegate

Faye D. Matthews  
Deputy State Court Administrator

John P. Morrissey  
Chief Judge, District Court  
of Maryland

William M. Palozzi  
Secretary, Maryland State Police

Robert Scholz  
Chief Legal Counsel, Office of  
the Governor

Joel Suldan  
Vice President and General Counsel,  
Lifebridge Health

Donald Tobin  
Dean, University of Maryland Francis  
King Carey School of Law

Brett Wilson  
Maryland State Delegate



# C-DRUM NEWS AND NOTES 2015-2016

## Professional Trainings

### Negotiation, Mediation, and Conflict Resolution:

- “Advanced Negotiation,” Maryland Department of the Environment, Baltimore, Md., Oct. 26, 2015
- “Strategic Negotiation,” United States Environmental Protection Agency, Washington, D.C., Nov. 12, 2015 and Jan. 14, 2016
- “40-hour Basic Mediation Training,” Staff, Judges, and Magistrates of the Maryland Judiciary, Annapolis, Md., Dec. 2015; May 2016; Jun. 2016
- “STAR: Systemic Approach to Mediation Strategies and Public Sector Mediation: Skills and Drills,” East Coast Professional Skills Program with the Straus Institute for Dispute Resolution at Pepperdine University, Baltimore, Md., Mar. 17-19, 2016
- “Are You Confused About the Rules?” Baltimore City Bar Foundation, Mediation Ethics Workshop, Baltimore, Md., Apr. 21, 2016
- Mediator Education, Talbot County Circuit Court, Easton, Md., May 18, 2016

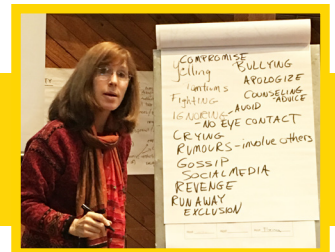
### Conflict Management in Interprofessional Settings:

- “Keeping Conflict at Bay: Understanding Conflict and Conflict Styles,” Dental Hygiene Health Care Management, University of Maryland School of Dentistry, Baltimore, Md., Feb. 11, 2016; Research Institute Trainee Association, Nationwide Children’s Hospital, Columbus, Oh., Mar. 25, 2016; Department of Physical Therapy and Rehabilitation Science, University of Maryland School of Medicine, Baltimore, Md., Jun. 14, 2016
- “Conflict Resolution for Interprofessional Teams,” Interprofessional Education Faculty Development, University of Maryland, Baltimore, Baltimore, Md., Mar. 23, 2016
- “Keeping Conflict at Bay: Conflict Resolution in Interprofessional Teams,” Center for Global Health, University of Maryland, Baltimore, Baltimore, Md., Apr. 25, 2016

### School Conflict Resolution:

- “Restorative Practices: Building a School Climate Conducive to Learning,” Charles County Public Schools Creative Discipline Workshop, Waldorf, Md., Oct. 10, 2015
- “Restorative Practices for Safe and Supportive Schools,” Callaway Elementary School, Baltimore, Md., Oct. 7, 2015 (with Athina Manoli ’16)
- “Introduction to Restorative Practices” and “Using Circles Effectively,” Worcester County Public Schools, Oct. 28-29, 2015
- “Restorative Practices: Strengthening Relationships for Safe and Supportive Schools,” Milbrook Elementary School, Baltimore, Md., Dec. 9, 2015; Golden Ring Middle School, Rosedale, Md., Feb. 1, 2016; Towson University School of Education, Towson, Md., Mar. 28, 2016

- Peer Mediation Train-the-Trainers Workshop, Columbia, Md., Apr. 5-6, 2016



- “Facilitating Restorative Conferences,” University of Maryland, Baltimore, Baltimore, Md., May 24-25, 2016

## Publications

### Deborah Thompson Eisenberg

- “What We Know and Need to Know about Court-Annexed Dispute Resolution,” 67 S.C. L. REV. 245 (2016)
- “The Restorative Workplace: An Organizational Learning Approach to Discrimination,” 50 RICHMOND L. REV. 487 (2016)
- “Reflections on ‘Innovations in Family Dispute Resolution,’” 75 MD. L. REV. ENDNOTES 1 (2016)
- “A Simple Metaphor for More Sophisticated Thinking about Conflict,” *ABA Dispute Resolution Magazine*, Winter 2016, 40-41 (Review of *The Conflict Paradox* by Bernard Mayer)

## Leigh Goodmark

- “Law and Justice Are Not Always the Same: Creating Community-Based Justice Forums for People Subjected to Intimate Partner Abuse,” 42 FL. S. U. L. REV. 707 (2015)
- Parent-Partners and Intimate Partner Violence [Blog post], ConcurringOpinions.com, Oct. 27, 2015
- Police perpetrators of domestic violence [Blog post], TheConversation.com (Australia), Nov. 2, 2015 (with Heather Douglas)
- “Hands Up at Home: Militarized Masculinity and Police Officers Who Commit Intimate Partner Abuse,” B.Y.U. L. REV. (forthcoming 2016) (excerpted in *Domestic Violence Report*, Feb./Mar. 2016)

## Robert Condlin

- “The ‘Nature’ of Legal Dispute Bargaining,” 17 CARDOZO J. OF CON. RES. 393 (2016)

## Jana Singer

- “Moving Family Dispute Resolution from the Courts to the Community,” 75 MD. L. REV. ENDNOTES 9 (2016) (with Jane Murphy)
- “Divorce American Style,” 50 FAMILY L. Q. 139 (2016) (with Naomi Cahn) (Review of *Splitopia: Dispatches from Today’s Good Divorce* by Wendy Paris)
- Is Marriage Equality a Zero-Sum Game? [Blog post], ConcurringOpinions.com, Mar. 3, 2016 (Symposium on Katherine Franke’s *Wedlocked*)

## Training and Curriculum Development

“Effective Communication and Collaborative Resolution,” a four module curriculum and train-the-trainer materials, Baltimore City Public Schools Food and Nutrition Service, Baltimore, Md., Nov. 30 – Dec. 2, 2015; Train-the-Trainer, Baltimore, Md., May 17 and 19, 2016

THREAD/Mayor’s Office of Employment Development, Youth Employee/Employer Communications and Conflict Resolution two day training and training materials, Baltimore, Md., Apr. 2 and Jun. 23, 2016

## Presentations

### Deborah Thompson Eisenberg



- Presenter, “Community-Engaged Scholarship: Restorative Practices in Schools,” University of Maryland, Baltimore Community Grants Awards Celebration, Baltimore, Md., Sept. 21, 2015
- Presenter, “What Works in Mediation,” AALS Dispute Resolution Section Works-in-Progress Conference, Fort Worth, Tex., Oct. 23, 2015
- Moderator, “Child Access Mediation in Maryland: What Works and Why,” Innovations in Family Dispute Resolution, Baltimore, Md., Nov. 12, 2015
- Panelist, Mediation Ethics, “Keeping Up with the Kredentials,” Maryland State Bar Association, ADR Section Council, Ellicott City, Md., Mar. 3, 2016
- Presenter, “The School to Prison Pipeline,” Baltimore, Md., Mar. 4, 2016 (invited presentation for the California Agricultural Leadership Foundation during their visit to Sandtown-Winchester neighborhood in Baltimore)
- Presenter, “Mediation Confidentiality,” Montgomery County Bar Association ADR Section, Rockville, Md., Mar. 10, 2016
- Presenter, “Title VII and the Equal Pay Act,” The Rose Zetzer Lecture Series, Baltimore, Md., Mar. 23, 2016
- Panelist, “What Works in Mediation? What Do Mediation Consumers Value in the Process?: A Community Townhall,” ABA Dispute Resolution Section Annual Conference, New York, N.Y., Apr. 7, 2016
- Panelist, “Next Steps for Progress on Equal Pay,” Center for American Progress, Washington, D.C., Apr. 14, 2016 (<https://www.americanprogress.org/events/2016/04/06/134980/next-steps-for-progress-on-equal-pay/>)
- Panelist, “Restorative Approaches in Clinics and Communities,” AALS Clinical Law Section Annual Conference, Baltimore, Md., May 2, 2016

- Facilitator, ADR Working Group, AALS Clinical Law Section Conference, Baltimore, Md., May 2-3, 2016

## Leigh Goodmark

- Keynote, International Restorative Conference, Dalhousie University, Halifax, Nova Scotia, Jun. 27, 2016

## Richard Boldt

- Presenter, "The Modern Problem-Solving Court Movement: Taking Stock After 25 Years," Section of Alternative Dispute Resolution at the American Association of Law Schools Annual Meeting, New York, N.Y., Jan. 9, 2016

## Jana Singer

- Presenter, "Bringing Collaborative Practice into the Law Schools," International Association of Collaborative Professionals Annual Educational Forum, Washington, D.C., Oct. 16, 2015
- Presenter, "Rethinking Family Lawyering," Saltman Center for Conflict Resolution, University of Nevada, Las Vegas, Nev., Oct. 25, 2015
- Presenter, "Dispute Resolution for Diverse Families," Temple University Beasley School of Law, Philadelphia, Pa., Nov. 11, 2015
- Panelist, "Enhancing Access to Justice Through New Lawyering Models," Innovations in Family Dispute Resolution Conference, Baltimore, Md., Nov. 13, 2015
- Presenter, "Responding to the Needs of 21st Century Families: A Challenge for Family Courts," Association of Family and Conciliation Courts Annual Conference, New Orleans, La., May 28, 2016
- Presenter, "Family Dispute Resolution and Family Violence," Battered Women's Justice Project Webinar, Dec. 3, 2015
- Presenter, "Family Law in a Post-marital World," Law & Society Association Annual Meeting, New Orleans, La., Jun. 2, 2016

## Toby Treem Guerin

- Presenter, "What are We Doing and What Matters: The Impact of Specific ADR Strategies and Approaches," Academy of Professional Mediators Annual Conference, Reston, Va., Oct. 22, 2015
- Panelist, "Negotiation and Consensus Building," Maryland State Bar Association Leadership Academy Fellows, Baltimore, Md., Jan. 20, 2016
- Presenter, "Negotiating from a Place of Nice," Leadership and Ethics Initiative, University of Maryland Francis King Carey School of Law, Baltimore, Md., Feb. 28, 2016
- Presenter, "Maryland's ADR Landscape," Maryland Judiciary ADR Research Symposium, Baltimore, Md., Jun. 2, 2016

- Moderator, "What Works in Court ADR and Why it Matters," Maryland State Bar Association Joint Bench-Bar Meeting, Ocean City, Md., Jun. 17, 2016



- Co-trainer, "Public Sector Mediation: Skills and Drills," Straus Institute for Dispute Resolution Professional Skills Program, Malibu, Calif., Jun. 23-25, 2016

## Barbara Sugarman Grochal

- Presenter, "Consequences: Hard or Soft?" Callaway Elementary School, Baltimore, Md., Dec. 17, 2015
- Facilitator, James McHenry Elementary School, Baltimore, Md., Mar. 14, 2016
- Presenter, "Conflict Resolution Workshop for Youth Empowerment Program," University of Maryland Francis King Carey School of Law, Baltimore, Md., Apr. 8, 2016
- Trainer and coach, "Restorative Practices Implementation," Worcester County Public Schools, May 10-11, 2016

## Media

### Deborah Thompson Eisenberg

- Quoted, Kirkwood, Lauren, “New law school courses, clinics delve into criminal justice issues,” *The Daily Record*, Aug.15, 2016

### Leigh Goodmark

- Author, “Why Giving Abusers Longer Sentences Won’t Stop America’s Domestic Violence Epidemic,” *Fusion.net*, Oct. 3, 2015
- Author, “Mandatory Domestic Violence Prosecution May Truamatize Victims,” *Baltimore Sun*, Oct. 18, 2015 (<http://www.baltimoresun.com/news/opinion/oped/bs-ed-dv-judge-20151017-story.html>)
- Quoted, Kirkwood, Lauren, “Rethinking the Response to Domestic Violence,” *The Daily Record*, Dec.16, 2015

C-DRUM faculty Deborah Eisenberg, Leigh Goodmark, and Toby Guerin were among other university faculty awarded the Dr. Martin Luther King Diversity Specialty Recognition Award for faculty led efforts to design an eight-week course, “Freddie Gray’s Baltimore: Past, Present, and Moving Forward.”



## Accolades

Toby Treem Guerin will serve as vice-chair for the Maryland State Bar Association Section of Alternative Dispute Resolution for the next year.

## Recognizing Service to Children and Youth

Molly Boyd '16 was recognized with the Anne Barlow Gallagher Prize for Service to Children and Youth. While in the Mediation Clinic, Molly helped train mediators and support peer mediation programs at four different schools in Baltimore City.

Recently, Molly reflected upon this defining experience during law school. “Working with local schools was far and away the highlight of my law school career and certainly the most rewarding thing that I’ve ever done. We would begin each peer mediation meeting by sharing particular instances of conflict in our lives and how we used conflict resolution skills to defuse the situation. For such young people they had an incredibly mature grasp of the world around them and their unique situation. Knowing what these kids encountered on a daily basis only increased the respect that I already had for them. I am so proud to have worked with such creative and intelligent students.”

Molly began a clerkship with the Honorable Alison Asti '79, associate judge for the Anne Arundel County Circuit Court, in August 2016. Upon completion of her clerkship she plans to pursue a legal career in family law.





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C-DRUM will host the  
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Contact the **ADR Team** [adrt@law.umaryland.edu](mailto:adrt@law.umaryland.edu) for more  
information or to volunteer as a judge.