



Ten Years of Collaborative Problem-Solving

by Deborah Thompson Eisenberg, Assistant Professor of Law and Director, Center for Dispute Resolution

The Center for Dispute Resolution at the University of Maryland Francis King Carey School of Law (C-DRUM) was founded ten years ago by Law School Professor Emeritus Roger Wolf. C-DRUM was on the cutting-edge of the ADR movement then, and it is even more relevant and critical now.

ADR processes are an integrated, important part of the courts, workplaces, and communities. Legal professionals, policymakers, and leaders need to understand how to navigate ADR processes, use integrative bargaining, and build consensus. UM Carey Law has always been dedicated to educating lawyers with a broader “public calling” and understanding ADR is central to that mission.

This year, UM Carey Law has expanded its ADR curriculum offerings. In addition to courses that provide students with intensive training in mediation, ADR, and negotiation theory and practice, we also offer specialized courses on Collaborative Family Law and Labor Arbitration. Our ADR Team now has a dedicated class component to allow deeper exploration of negotiation and mediation theory and skills.

Outside of the classroom, C-DRUM provides specially-tailored mediation trainings and systems design consultation for government agencies, businesses, and non-profits. In partnership with the Maryland Mediation and Conflict Resolution Office, we trained our fourth class of Public Policy Conflict Resolution Fellows in collaborative problem-solving and consensus building.

C-DRUM is especially proud to announce a partnership with the Straus Institute for Dispute Resolution to offer a Baltimore ADR Professional Skills Program at our law school on March 14-16, 2013. Our faculty will join many other national ADR experts to provide an eight-course, 2.5 day program. We hope you can join us! For details and registration, go to www.law.umaryland.edu/adrskills.

Finally, a special congratulations and thank you goes out to the grassroots coalition of mediators throughout

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Clinic Student Wins ABA Writing Competition



Mediation Clinic students and faculty, 2011-12. Front L to R: Joshua Feldman; Chaz Remus; Barbara Grochal, Toby Guerin, Deborah Eisenberg, and Franklin Branch.

Back L to R: Eric Brady, Lindsay Barnes, Tyler Moser, Jacob Stone, Kelley Umberger, and Jason Friedman.

Franklin Branch '12, a student in last year's Mediation Clinic, was awarded first prize in the 2012 James B. Boskey Law Student Essay Contest on Dispute Resolution. Mediation Clinic students worked with C-DRUM in providing attendance mediation services at certain Baltimore City schools. As part of the clinic, Franklin wrote a white paper analyzing the effective use of mediation to address the critical problem of truancy. Franklin won \$1,000, plus his paper entitled “Mediation over Prosecution: the Right Approach to Increasing School Attendance in Baltimore City” is published on the website of the ABA Section of Dispute Resolution, http://www.americanbar.org/groups/dispute_resolution/awards_competitions/james_b_boskey_law_student_essay_contest_on_dispute_resolution.html.

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PROFESSIONAL SKILLS PROGRAM BALTIMORE, MARYLAND

March 14-16, 2013

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- **Advanced Mediation** *Nina Meierding & Bruce Edwards*
- **STAR: A Systematic Approach to Mediation Strategies** *Peter Robinson & Randy Lowry*
- **Tools of Mindful Awareness** *Len Riskin & Rachel Wohl*
- **Advanced Family Collaborative Law** *Pauline Tesler & David Fink*
- **ADR Programs in the Public Sector** *Toby Guerin & Howard Gadlin*
- **Winning at Mediation in the Complex Case** *Honorable Diane Leasure & Deborah Eisenberg*
- **Strategic Negotiation Skills** *Don Gifford & Barry Gogel*
- **Dissecting the Complexities of Our Practice: Uncovering Unreflective Decisions**
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C-DRUM and Baltimore City Public Schools: A Decade of Creating Safer Schools

In partnership with the Maryland Judiciary's Mediation and Conflict Resolution Office and the Maryland State Department of Education, C-DRUM administers the Maryland Schools Conflict Resolution Program. In just ten years, 200 grants have been provided to 155 schools in nearly all of Maryland's local school systems. The programs are tailored to meet the needs of the individual schools and include: peer mediation, bullying prevention, staff training in conflict management, conflict resolution education curriculum, Positive Behavior Intervention Support, mentoring, parent training in conflict management, circle processes and more.

C-DRUM provides schools with a two-day summer training complete with a variety of resources and materials, a mid-year training, and support from a C-DRUM staff member or Mediation Clinic law student to develop their conflict resolution programs. Based on reports from participating schools, approximately 6,000 students have been impacted by these programs.

Chaz Remus, a student in the 2011-2012 Mediation Clinic, served as a liaison for Lakeland Elementary/Middle School. Here are his reflections on the experience.

Last year in the Mediation Clinic, I, together with Tyler Moser '12, worked with Lakeland Elementary/Middle School in south Baltimore, where we went twice a week throughout the year to assist them with their conflict resolution program.

The connection with Lakeland began with a meeting early in the year with Mr. Espinoza, Lakeland's Assistant Principal. We discussed the best way to introduce a mediation program in which the law students conducted mediations for Lakeland students. Mr. Espinoza and Lakeland's school psychologist referred students and disputes to us for mediations. We conducted the mediations at the school just as we would with real-life cases at Baltimore City District Court – in a professional, neutral, and confidential manner.

Although it took a little more time to explain the mediation process to the middle school students, the idea of mediation as an alternative form of resolving disputes spread quickly throughout Lakeland. By the end of the year, students were requesting mediations, confidentially or anonymously referring other students to mediations, and utilizing effective conflict resolution techniques to solve many of their everyday problems. According to Mr. Espinoza, these conflict resolution skills became “useful, preventative measures for resolving disputes at Lakeland.”

One of my most memorable mediations involved a group of middle schools girls, all of whom were former friends.



Barbara Grochal, Director of C-DRUM's school conflict resolution project, talking to clinic students Tyler Moser '12 and Chaz Remus '13

During the mediation, we discussed a number of issues, including Facebook disputes that had lasted for weeks. Although the girls did not come to an agreement during the mediation, they left with a better understanding of each other. I learned later in the week that all of the girls had overcome their disagreements. What made this mediation very memorable, however, was that I believed this particular conflict could not have been solved without a private mediation. It is difficult for middle school students to find a quiet, private place or time to talk out their problems without a scheduled mediation setting, and a quiet, private conversation was all that these girls needed.

Our work at Lakeland also involved a Lunch Buddy Program. On the days with no mediations, I had lunch with some of the students. This Title I school had students from all backgrounds, races, and income levels, and I used the Lunch Buddy Program to talk about mediation and to mentor students. By the end of the year, the number of disputes in the school decreased. I believe some of that can be credited to the fact that the students had a better understanding of mediation and how it could be used successfully to resolve their daily problems. Mr. Espinoza told me that he could tell many of the students looked up to me because of their improved behaviors and demeanors when they were around me.

Lakeland was re-funded for the 2012-2013 academic year and discussions have already begun to create a sustainable, student-led mediation program.

Chaz returns this year to the Mediation Clinic as a Clinic II student and will continue his work with Lakeland.

C-DRUM Trains Maryland Employers In Workplace Mediation

Workplace conflict, and the distractions it brings, can easily dominate a workplace and diminish productivity. Two of Maryland's largest employers—the Johns Hopkins University (JHU) and the Maryland State government—have turned to workplace mediation to tackle this problem. During the past year JHU and the state's Shared Neutrals Mediation Program (through a contract with MACRO) each engaged C-DRUM to assist in developing sustainable workplace mediation programs. For both clients, the strategy was the same: C-DRUM designed and offered a basic workplace mediation training to employees, provided a two-day train-the-trainer program to a select group of employee mediators, and then provided support to the new trainers as they offered another basic training. The specific content of each training was tailored to workplace disputes and the unique programs of each employer.

The mediation trainings provided to JHU were designed to serve as the launching point for an internal mediation program for JHU employees. The initial training served a dual purpose of exposing various human resources members to the role of mediation at the University and building a cadre of mediators. From the initial group a subset of four mediators were identified to serve as the core trainers for future mediation trainings. The goal was to build the institutional capacity to sustain the program moving forward. A total of 43 mediators were trained, and mediation is now available across the university system for eligible employees.

The SNMP, established three years ago within the Department of Budget and Management with the support of MACRO, is an interagency mediation program for workplace disputes among Maryland state employees. The program utilizes current state employees trained as mediators to provide mediation services to state employees in other agencies. The mediators are assigned from a roster of state employees who mediate disputes at agencies other than their own, in exchange for similar services from the program by the other State agencies. This concept is based on the successful Federal Interagency Program on Shared Neutrals. The SNMP had been relying on a limited roster of experienced mediators and sought to broaden its mediator base in response to growing demand. C-DRUM delivered a series of basic mediation and train-the-trainer trainings in May.



Trainers Tara Taylor and Toby Guerin lead a mediation demonstration at the Johns Hopkins University workplace mediation training.

C-DRUM commends these large institutions for their commitment to establishing high quality workplace mediation programs and taking these crucial steps toward sustainability and growth. To learn more about the role of ADR in the workplace, attend the training by Toby Guerin, C-DRUM and Howard Gadlin, National Institutes of Health on “ADR Programs in the Public Sector” at the Professional Skills Program at the University of Maryland Francis King Carey School of Law in March 2013. See www.law.umaryland.edu/adrskills for details and registration information.

The typical manager spends 25-40% of his or her time dealing with workplace conflicts.

*Washington Business Journal,
May 2005*

60-80% of organizational difficulties stem from strained employee relationships, not from deficits in employee skill or motivation.

Daniel Dana, Managing Differences: How to Build Better Relationships at Work and Home (2005, 4th ed.); Barbara J. Kreisman, Insights into Employee Motivation, Commitment and Retention (2002)

Moving Forward with Attendance Mediation

C-DRUM continues its commitment to creative problem-solving in Maryland communities and schools with the expansion of its innovative attendance mediation program. C-DRUM established the program, called “BSMART” in Baltimore City in 2007. The program’s success consistently demonstrated the value of inviting families to mediation in the school setting where communication can be established between teacher and parent, student or family needs can be identified, and support arranged.

Based on information from participating schools, more than half of all students referred to mediation improved their attendance. When the schools referred the student before the problem was severe, that percentage increased.

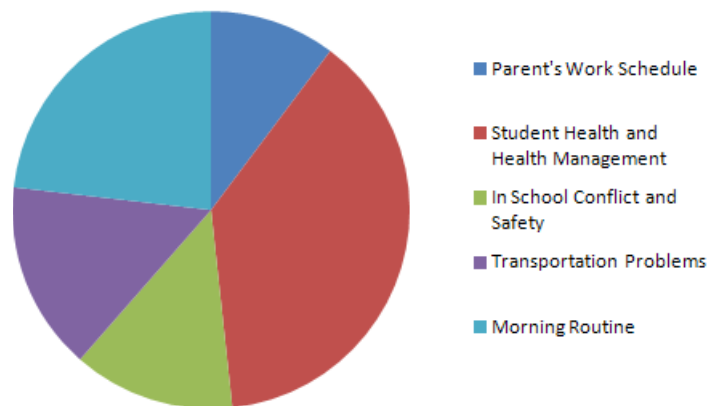
Last year C-DRUM received the generous support of the Maryland Governor’s Office on Crime Control and Prevention (GOCCP) to expand the program to three additional jurisdictions through a collaboration with Community Mediation Maryland (CMM). During the expansion, C-DRUM continued its role as the provider of attendance mediation in Baltimore City, and worked with CMM to identify appropriate jurisdictions, champion the program to school personnel, and provide advanced attendance mediation training to local mediators. Three local CMM affiliates agreed to offer this new program in their respective communities. Because of this initiative, truancy mediation is now available in Baltimore City, Anne Arundel County, Washington County, and the mid-shore area of Eastern Maryland. For this collaboration, CMM awarded the 2012 Commitment to Collaborative Conflict Resolution “Making it Happen” Award to C-DRUM at a gala in June.

In August the JAMS Foundation awarded C-DRUM an Opportunity Grant to continue its role in the expansion of the program. CMM anticipates continued expansion into Baltimore County in the coming year. The continued part-

Percentage of Students Whose Attendance Improved 2011-2012

After referral to mediation	62%
After early (6-10 absences) referral to mediation	68%
After early referral to mediation and mediation occurs	69%

Top Five Sources of Truancy 2007-2012



nership with CMM will allow existing programs to continue and new programs to emerge, providing alternative forums for families and schools to have important conversations about attendance.

Collaborative Problem Solving

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Maryland—led by Professor Wolf, C-DRUM’s Managing Director Toby Guerin, and Community Mediation Maryland Executive Director Lorig Charkoudian—in the successful effort to pass the Maryland Mediation Confidentiality Act, which ensures confidentiality for non-court referred mediations. This important legislation once again makes the State of Maryland a national leader in protecting the integrity of the mediation process.

As we proudly celebrate and reflect on all that C-DRUM

has accomplished over the past decade, we thank our partners and supporters who have brought us where we are today. We are thrilled to embark on a new chapter to promote effective, ethical conflict resolution practices in the legal profession and in society more broadly.

UM Carey Law Expands ADR Curriculum

Collaborative Law and Practice Course

Professor Jana Singer, Adjunct Professors Suzy Eckstein and Karen Robbins

This spring, the Law School will offer its first course on Collaborative Law and Practice. The course will be taught jointly by Professor Jana Singer and two well-known collaborative lawyers and trainers, Karen Robbins and Suzy Eckstein. It will explore the theory and practice of collaborative law – an interdisciplinary dispute resolution process in which lawyers work closely with other professionals to help clients resolve disputes respectfully, without resorting to court proceedings. The course will provide an understanding of collaborative practice and its relationship to other dispute resolution processes, including mediation, litigation and adversary negotiation. Through simulation and role play, students will gain the skills and experience to act as conflict resolution advocates and as effective collaborative professionals. Successful completion of the course will meet the International Academy of Collaborative Professionals' minimum membership standards and will provide students with knowledge of the theories, practices, and skills needed to practice collaborative law in both family proceedings and other civil disputes.



Professor Jana Singer



Karen Robbins



Suzy Eckstein

Labor Arbitration, Negotiation and Mediation

Adjunct Professor Edward Gutman

This course will provide students with a look inside labor-management labor arbitration, negotiations and mediation, their historical backgrounds, the laws governing the subject, the procedures governing the arbitration process; the powers and responsibilities of the arbitrator and the roles of arbitrating parties. The course offers traditional law school lecture class on the substantive law and procedure of arbitration and an examination and analysis of arbitration awards. In addition, through role playing, students will have the opportunity to participate in and represent clients in negotiations, mediations and arbitration.



Edward Gutman

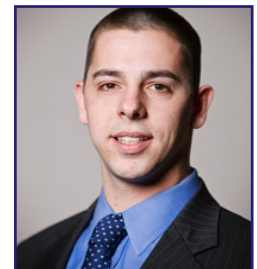
Alternative Dispute Resolution Team Seminar

Adjunct Professors Barry Gogel and Nicholas Scull

This two-semester course provides a complementary classroom component to the activities of the Alternative Dispute Resolution Team. Focusing on negotiation during the fall semester and mediation advocacy in the spring semester, students will explore the practice and theory of individual and third-party negotiations. The foundation of substantive legal and negotiation theory serves as support to the practical role of the attorney in negotiated settlements and interactions with mediators. Students will engage in moots and receive faculty and practitioner feedback during preparation for competitions.



Barry Gogel



Nicholas Scull

Mediation Clinic Assists in Passage of Maryland Confidentiality Law

by Rachel W. W. Granfield '11

UM Carey Law's Mediation Clinic has always been at the forefront of helping people resolve their own disputes. Now, with the passage of the Maryland Mediation Confidentiality Act (MMCA), the Law School's faculty, students and alumni are helping Marylanders ensure the privacy of their mediation discussions.

Prior to the passage of this law, mediation confidentiality protections in Maryland varied a great deal and no specific law extended confidentiality to mediation outside the courts. In other words, if two neighbors disputed a property boundary and sought mediation before instead of after filing suit, they had no statutory guarantee of confidentiality later. The mediator could also be called to testify by one side or the other, destroying his or her neutrality. Yet, says Toby Treem Guerin, Managing Director of C-DRUM and Clinical Law Instructor, "confidentiality is one of the tenets of mediation that most people tout."

Maryland's mediation community called for the legislation to protect both itself and the parties it helps. "The potential for lack of confidentiality to be an issue is high," notes Guerin. "Parties need clear and consistent information regarding the consequences of statements they make in mediation."

The process started in 2010 with a meeting at C-DRUM that included mediators from various arenas of both the public and private sectors. Meanwhile, students in the 2010-2011 Mediation Clinic performed a 50-state review of how confidentiality is treated in mediation. They found that most states guarantee confidentiality in court-sponsored mediation, and eleven have adopted the Uniform Mediation Act, which extends confidentiality to out-of-court mediations. The students' research helped shape the legislation and also informed the lawmakers themselves, particularly in the final crunch before the bill's passage, said Roger Wolf, Law School Professor Emeritus.

A number of major constituents testified on behalf of the MMCA, including representatives from the Maryland State Bar Association's Alternative Dispute Resolution Section,



Maryland State House in Annapolis

the Maryland Chapter of the Association for Conflict Resolution, the Maryland Council for Dispute Resolution, and Community Mediation Maryland. The Mediation Clinic submitted written testimony, on which Franklin Branch '12, Josh Feldman '12, and Jacob Stone '12 did preparatory work and which Lindsay Barnes '12 wrote.

Sponsored in the House of Delegates by Del. Kathleen M. Dumais '83 (D-Montgomery County) and in the Senate by Sen. Jamie Raskin (D-Montgomery County), the Maryland Mediation Confidentiality Act passed both houses unanimously, and will take effect in October 2012.

"I was so excited when I heard it passed," said Wolf, who led the collaborative effort by the Maryland mediation community. "The passage of the act is a benefit to mediation consumers and a recognition of the value of the process outside the court system."

Maryland Public Policy Conflict Resolution Fellows Learn Consensus Building

In April 2012, the Center for Dispute Resolution at UM Carey Law (C-DRUM) and the Maryland Mediation and Conflict Resolution Office (MACRO) trained their fourth class of Public Policy Conflict Resolution Fellows. This program invites leaders in Maryland state and local government, businesses and non-profits, and educational and faith-based institutions to come together for intensive training in negotiation, conflict resolution, and consensus-building skills to enhance their effectiveness in addressing challenging public policy issues.

The Fellows Program is a collaborative effort sponsored by the Maryland Judiciary, the University of Maryland, Baltimore, and the University of Maryland Francis King Carey School of Law. Fellows are invited to attend the program by the Honorable Robert M. Bell, Chief Judge, Maryland Court of Appeals; Dr. Jay A. Perman, President, University of Maryland, Baltimore; and Dean Phoebe A. Haddon, University of Maryland Francis King Carey School of Law.

After graduating from the Public Policy Conflict Resolution Fellows Program, C-DRUM and MACRO work to help build the capacity of Fellows and their organizations to more effectively address conflict and contentious public policy issues. In addition, Fellows are offered the opportunity for additional training. In February 2012, for example, graduates of the Fellows Program were invited to participate in a training with the Public Conversations Project on “reflective structured dialogue,” aimed at providing Fellows with tools to design and facilitate conversations on divisive issues to promote civil engagement and communication.



(From l to r:) Maia Estes, Chief of Staff, Lt. Governor Anthony Brown; Samuel L. Ross, MD, CEO, Bon Secours Health System; The Honorable Peter B. Krauser, Chief Judge, Maryland Court of Special Appeals; The Honorable Marcella Holland, Baltimore City Circuit Court; The Hon. James Mathias, Jr., Maryland State Senator; Secretary Gloria G. Lawlah, Maryland Department of Aging; Nina Meierding, trainer; The Honorable Robert M. Bell, Chief Judge, Maryland Court of Appeals; The Honorable Dorothy Wilson, District Court of Maryland.

2012 Public Policy Conflict Resolution Fellows

Dr. Reginald S. Avery
President, Coppin State University

Kenneth R. Banks
President, Banks Contracting

Lily Bengfort
President and CEO, CenGen Inc.

Andrew Bertamini
Regional President, Wells Fargo Bank

Alvin C. Collins
Secretary, Maryland Department
of General Services

Maia Estes
Chief of Staff, Lieutenant Governor
Anthony Brown

Sarah Hemminger
Director, Incentive Mentoring Program

The Hon. Marcella Holland
Administrative Judge, 8th Circuit and
Baltimore City Circuit Court

Virginia Knowlton
Executive Director, Maryland Disability
Law Center

The Hon. Peter B. Krauser
Chief Judge, Maryland Court of Special Appeals

Gloria G. Lawlah
Secretary, Maryland Department of Aging

The Hon. James Mathias, Jr.
MD State Senator, District 38

Karen Myers
Owner, Wisp Ski and Golf Resort

The Hon. Jamin (Jamie) Raskin
MD State Senator, District 20

Samuel L. Ross, MD
CEO, Bon Secours Health System

The Hon. Thomas G. Ross
Administrative Judge, 2nd Circuit and
Queen Anne's County Circuit Court

Alexander M. Sanchez
Secretary, Maryland Department of Labor,
Licensing, and Regulation

Rabbi Gerald Serotta
Executive Director, Clergy Beyond Borders

The Hon. Christopher B. Shank
MD State Senator, District 2

Robert Summers
Secretary, Maryland Department of the Environment

The Hon. Dorothy Wilson
Associate Judge, District Court of Maryland, District 8



Students Extern at the Maryland Court of Special Appeals ADR Division

In Fall 2011 and Spring 2012, Maram Salaheldin and Chelsea Treadwell participated in externships with the Court of Special Appeal's (COSA) ADR Division. Through this hands-on externship, Maram and Chelsea gained a deeper understanding of alternative dispute resolution, Maryland appellate procedure, effective ways of engaging with attorneys, judges, and mediators, and several unexpected lessons regarding lawyer-client relationships.

Maram and Chelsea had the opportunity to participate in all phases of the mediation program, from screening cases, to preparing orders, to remanding cases to the lower court. One of their main responsibilities was to help screen cases to determine whether they could benefit from mediation. By screening cases, they learned about legal issues on appeal and substantive law. In order to effectively screen cases, Maram and Chelsea learned to think beyond mere litigation positions and adversarial posturing to determine whether the matter could be resolved outside of the courtroom.

A highlight of the externship for both Maram and Chelsea was observing actual mediations—something that is typically only possible for the mediator, parties, and attorneys. The observations enabled them to observe various mediation styles, co-mediation techniques, and interactions between attorneys and clients. These types of conversations are rarely heard by anyone other than the lawyer and client; and for a law student to be privy to them on both sides of an issue is invaluable.

Students at UM Carey Law have the opportunity to serve as externs for the COSA ADR Division and other ADR-related public interest and government organizations through the law school's ADR Externship Program. For more information on externship opportunities contact Toby Guerin at tguerin@law.umaryland.edu.

This summer the UM Carey Law and University of Baltimore School of Law celebrated their 25th year of the joint Summer Comparative Law Program with the University of Aberdeen School of Law in Scotland. Seventeen law students, including one Scottish student and three non-Maryland students participated. Law School Emeritus Professor Roger Wolf and Professor Robert Rhee co-taught Comparative Dispute Resolution and Comparative Business Entities with Aberdeen faculty members.

The course on comparative dispute resolution included classes on negotiation, mediation, and arbitration from both an international and American perspective. In addition, three classes focused on laws and alternative processes relevant to claims of ownership asserted by heirs, tribal groups, or a nation, for the return of art and artifacts currently in museums or in other collections that were allegedly wrongfully taken from the original owners. The students had the unique opportunity to meet with the director of the University of Aberdeen's Museum and discuss the real life example of the museum's return of a tribal head dress from the museum's collection to an American Indian Tribe.

In addition to the classes, the program included visits to the Parliament House and the Superior and Criminal courts in Edinburgh, a visit to the Scottish Parliament, a tour of one of the nearby castles, and a civic reception and tour of the Aberdeen City Council as well as talks by a Scottish legislator, and the head of the local Sheriff's Court.



2012 Comparative Law Program participants in Aberdeen

ADR Team Continues to Grow

For the past four years, the ADR Team has continued to expand its presence at the law school and at ADR competitions around the world. Last year the team participated in four competitions and held an intra-school negotiation competition to select new members. For the first time, Maryland Carey Law sent a team to the International Competition for Mediation Advocates in Toronto, Canada. The team members, 2L Maram Salaheldin and 3L Jessica Russell were accompanied by their coach, Nicholas Scull to the one week, tournament style competition where teams participate as attorney and client in simulated mediations. Maram and Jessica advanced to the semi-final round, unprecedented for the first year of competition, impressing the judges with their problem-solving skills and effective use of the mediation process to advance the client's goals.

At the regional ABA Dispute Resolution Section Representation in Mediation Competition, the team of Dimitri Tagaropoulos and Anna Hadijtheodosiou advanced to the regional finals where they were defeated in a close final mediation. ADR Team competitors also placed respectably at the American Bar Association's Law Student Division Negotiation Competition and the Liberty University Negotiation Competition.

During the spring intra-school negotiation competition, the ADR Team accepted 16 new team members who join the returning team members. In addition, the ADR Team will benefit from the addition of a weekly classroom component taught by Adjunct Professors Barry Gogel and Nicholas Scull. The year-long course will emphasize



Maram Salaheldin, Coach Nick Scull, and Jessica Russell at the International Competition for Mediation Advocates.

negotiation techniques and practice in the fall semester and mediation advocacy and techniques throughout the spring semester.

On November 10-11, 2012, Maryland Carey Law will serve as host school to the ABA's Law Student Division Negotiation Competition. It is anticipated that 24 teams will travel to Baltimore for the two-day competition.

Individuals interested in serving as a judge for the competition or assisting with the ADR Team in any way should contact Toby Guerin at tguerin@law.umaryland.edu.



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Anastasia W. Smith
Director, Special Projects

Roger C. Wolf
Founder and Professor Emeritus

Angela Tate
Administrative Assistant

UM Carey Law, C-DRUM and Partners Discuss Arbitration in November 2012

Business Arbitration: Redefining the Landscape of Efficient Business Practices

The University of Maryland Francis King Carey School of Law's *Journal of Business & Technology Law* and C-DRUM are co-sponsoring a symposium titled, "Business Arbitration: Redefining the Landscape of Efficient Business Practices." The Symposium is also being sponsored in part by Proskauer Rose LLP. The event is open to students, lawyers, and scholars.

The symposium will take place on November 2, 2012, from 9 a.m. - 4 p.m. at the University of Maryland Francis King Carey Law School, and will consist of three segments: a morning panel, a keynote lunch, and an afternoon panel. Both panels will feature an introduction speaker, who will also serve as moderator for the remainder of the discussion. Each panelist will provide a 10-15 minute presentation, with time reserved for questions.

Speakers, consisting of practitioners and academics in the field of arbitration, will present on a range of topics related to arbitration in the modern business world. We are proud to present our current speakers:

- Ms. Linda D. Fienberg (President, FINRA Dispute Resolution and Chief Hearing Officer) (keynote)
- Mr. Brian S. Harvey (Arbitrator/Mediator from the Law Office of Brian S. Harvey, AAA Roster of Neutrals)
- Judge Curtis E. von Kann (JAMS, Washington DC Office)
- Mr. Daniel Winslow (Senior Counsel, Proskauer Rose LLP)
- Mr. Mark Weidemaier (Professor of Law, University of North Carolina School of Law)
- Mr. Stephen Ware (Professor of Law, University of Kansas School of Law)
- Mr. Thomas Stipanowich (Professor of Law, Pepperdine University School of Law)
- Ms. Jill Gross (Professor of Law, Pace Law School)

More information on the event can be found at: <http://www.law.umaryland.edu/academics/journals/jbtl/symposia.html>. There is no charge for the event, although a RSVP is requested. Please contact the Journal's Executive Sympo-



sium Editor, Claire Rollor, at Claire.Rollor@umaryland.edu with questions about the Symposium or to RSVP for the event.

Great Conversations: The Role of Arbitration in Consumer Lending

On November 7, 2012, the Carey Law will continue the arbitration discussion by hosting "Great Conversations: The Role of Arbitration in Consumer Lending." The six-person moderated panel promises to be a lively discussion on the complex issues around the role of arbitration in consumer lending. The event will take place from 4-6 p.m. at the law school in the Ceremonial Moot Court Room, with a reception to follow. Current speakers include:

- F. Paul Bland, Jr., Esq., Public Justice, P.C.
- Christopher R. Drahozal, Professor of Law, University of Kansas School of Law
- Christine A. Edwards, Esq., Winston & Strawn, LLP
- Alan S. Kaplinsky, Esq., Ballard Spahr, LLP
- Nicole Frush Munro, Esq., Hudson Cook, LLP
- The Honorable Randall J. Newsome, JAMS mediator
- William R. Wade-Gery, Esq., Consumer Financial Protection Bureau

This program is made possible by the generous support of the UM Carey Law Business Law Program and The Pittler Fund for Excellence in Business Law.

C-DRUM News and Notes

Professional Trainings

C-DRUM has been busy providing conflict resolution, mediation, and negotiation trainings this year, including the following:

- Basic Workplace Mediation Training (40+ hours), Basic Mediation Train-the-Trainer, the Johns Hopkins University, Baltimore, Maryland, September 2011 and April 2012.
- Basic Workplace Mediation Training (40+ hours), Basic Mediation Train-the-Trainer, Maryland Shared Neutrals Mediation Program, Maryland, January 2012 and March 2012.
- Ethics: Exploring the ADR Practitioner's Web of Options, District Court of Maryland ADR Program Volunteer Appreciation Training, Linthicum, Maryland, May 23, 2012.
- Negotiation Workshop, Scholars Program Orientation, Jack Kent Cooke Foundation, Leesburg, Virginia, August 3, 2012.

Through C-DRUM's conflict resolution education program, trainings are provided to public schools throughout the state:

- Peer Mediation Train-the-Trainers Workshops, Annapolis, Maryland, October 25-26, 2011 and May 1-2, 2012.

- Schools Conflict Management Winter Training, Arbutus, Maryland, February 16, 2012.
- Summer Conflict Management Training for Schools, Columbia, Maryland (July 29 – 30, 2012); Annapolis, Maryland (August 1 – 2, 2012).

A series of attendance mediation trainings were provided in partnership with Community Mediation Maryland:

- Advanced Attendance Mediation Training, Conflict Resolution Center of Baltimore County, September 19-20, 2012.
- Advanced Attendance Mediation Training, Washington County Community Mediation Center, February 12 and 19, 2012.
- Advanced Attendance Mediation Training, Mid-Shore Mediation Center, February 18 and 25, 2012.

As part of the Maryland Public Policy Conflict Resolution Fellows Program, C-DRUM coordinated a variety of programs for past and future Fellows:

- Fostering and Facilitating Dialogues Across Divides, Public Conversations Project, Annapolis, Maryland, March 28-30, 2012.
- Fourth Maryland Public Policy Conflict Resolution Fellows Program, Baltimore, Maryland, April 25-27, 2012.

C-DRUM Receives "Making it Happen" Award

C-DRUM received the 2012 Commitment to Collaborative Conflict Resolution "Making it Happen" Award from Community Mediation Maryland for its leadership in the development of an attendance mediation program and the passage of the Maryland Mediation Confidentiality Act. All staff and Professor Emeritus Roger Wolf received individual recognition for their efforts.

This award is given annually by CMM to an organization that has worked with community mediation centers to implement conflict resolution state-wide.



Lorig Charkoudian (right), Executive Director of CMM, presents Professor Eisenberg (center) and Stacy Smith with the award.

Professor Eisenberg trained Maryland judges about employment contracts and mandatory arbitration clauses at the Maryland Judicial Training Institute, Annapolis, Maryland, March 14, 2012.

Toby Guerin served as a co-trainer for a workshop on the Maryland Mediation Confidentiality Act for the Maryland Roster Managers Group, Baltimore, Maryland, August 9, 2012.

Teaching

- Professor Emeritus Roger Wolf taught Comparative Alternative Dispute Resolution for the Baltimore/Maryland Summer School in Comparative Law at the University of Aberdeen in Aberdeen, Scotland over the 2012 summer.
- C-DRUM collaborated with the law school's Mediation Clinic—taught by Professors Eisenberg and Guerin—to train law students to be mediators in the courts and in the community, including public school mediation.
- Professor Eisenberg was appointed to the Executive Committee of the Legal Education, ADR, and Practical Problem-Solving (LEAPS) Project of the ABA Section of Dispute Resolution's Law Schools Committee.
- C-DRUM hosted a panel of judges who discussed "What Every Law Student Needs to Know about ADR" at the law school during Conflict Resolution Month, October, 2011.
- Professor Guerin served as advisor to the ADR Team and coach to students in the ABA Section of Dispute Resolution Representation in Mediation Competition.

Publications

- Professor Eisenberg published *Wal-Mart Stores v. Dukes: Lessons for the Legal Quest for Equal Pay*, 46 NEW ENG. L. REV. 229 (2012), which was selected for republication in *WOMEN AND THE LAW* (2012) (forthcoming) and *Money, Sex, and Sunshine: A Market-Based Approach to Pay Discrimination*, 43 ARIZ. ST. L.J. 951 (2011), which explore the unique dynamics of compensation negotiation that facilitate pay discrimination and the need for better legal responses to the problem.
- Professor Robert J. Condlin published *Bargaining Without Law*, 56 N.Y.L.S. L. Rev. 271 (2012) which explores the evolution of legal bargaining scholarship



Pictured left to right, Toby Guerin, C-DRUM; The Honorable Susan Gauvey, Magistrate Judge United States District Court; The Honorable Diane Leasure, Circuit Court of Maryland; The Honorable Dorothy Wilson, District Court of Maryland; and Professor Deborah Eisenberg, C-DRUM at the 2011 conflict resolution awareness event at UM Carey Law.

and argues for the need to describe how legal claims can be argued within the social conventions of face-to-face conversation.

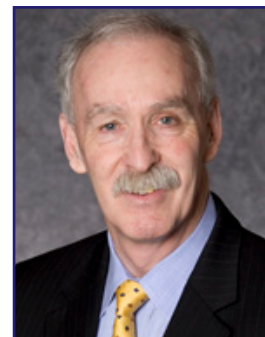
Presentations

C-DRUM:

- "An Overview of Alternative Dispute Resolution in the United States" to three different delegations of judges from China at the law school in December 2011, June 2012, and September 2012.
- "Bullying in the Law" at the annual Law Day event hosted by the Maryland State Bar Association Public Awareness Committee, Towson, Maryland, April 30, 2012.

Professor Robert J. Condlin:

- Presented at the 25th Anniversary Legal Theory Workshop at the New York Law School on his forthcoming manuscript, *The Curious Case of Transformative Dispute Resolution: An Unfortunate Marriage of Intransigence, Exclusivity, and Hype*, which examines and critiques the defense of transformative



dispute resolution.

Professor Deborah Thompson Eisenberg:

- Presented “The Overuse of Summary Judgment in Equal Pay Cases” at the symposium “Trial by Jury or Trial by Motion?” New York Law School, April 23, 2012.
- Provided a work in progress about the Department of Labor’s strategic use of amicus briefs to establish policy at the Sixth Annual Employment & Labor Law Scholars Forum, Seton Hall Law School, on October 29, 2011 and presented “Regulation by Amicus: The Department of Labor’s Policymaking in the Courts” at the Law & Society Annual Conference in Honolulu, Hawaii in June 2012.
- Testified about pay discrimination and alternative dispute resolution before the Equal Employment Opportunity Commission in Washington, D.C., July 8, 2012.

Barbara Grochal:

- Participated in a roundtable on restorative practices in schools at the Circle of Restorative Initiatives in Maryland, Catonsville, Maryland, November 3, 2011.
- Accompanied three other panelists discussing “Protecting Our Children: A Critical Look at LGBT Youth and Anti-Bullying Policy,” for the *Journal of Race, Religion, Gender and Class* Symposium hosted by the University of Maryland Francis King Carey School of Law on November 8, 2011.
- Co-presented “Successfully Communicating with Parents and Families” at the Baltimore City Public Schools New Teacher Training in Baltimore, Maryland on November 21, 2011.
- Member of the Planning Team Committee and Keynote Speaker for the annual Peer Helpers Conference in Ocean City, Maryland on December 7-9, 2011.
- Co-presented, “Teambuilding and Collaboration: A Replicable Exercise” at the Schools Conflict Management Winter Training in Arbutus, Maryland on February 16, 2012.
- Invited by the Governor-appointed Task Force to Study the Feasibility of School Safety Center to present, “An Overview of Conflict Resolution Education” in Bowie, Maryland on March 12, 2012.



Professor Deborah Eisenberg leads a discussion on mediator ethics at the District Court ADR Volunteer Appreciation event.

- Co-facilitated a World Café on “Building Campus Community Partnerships and Peace and Conflict Studies: Thinking Globally Acting” at the annual International Conference on Conflict Resolution and provided a presentation on the Maryland Conflict Resolution Grants Program in Cleveland, Ohio, March 15-17, 2012.

Toby Guerin:

- Presented, with others, on the Maryland Judiciary’s ADR research project at the American Bar Association’s Section on Dispute Resolution spring conference in Washington, D.C., April 19, 2012.

Stacy Smith:

- Presented on engaging families and attendance mediation at the Baltimore City Public Schools Training for Pre-K and Kindergarten Teachers, August 9, 2012.

Media

Professor Eisenberg discussed the EEOC’s new guidance about criminal background checks on the radio program Maryland Morning, WYPR, May 30, 2012.

Professor Eisenberg’s work on pay discrimination was featured in the New York Times Economix blog: Nancy Folbre, Paycheck Fairness and Market Failure, June 25, 2012 and in Irin Carmon, The Case for Telling Everyone What You Make, Salon.com, May 31, 2012.



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C-DRUM is dedicated to the study and promotion of effective,
ethical conflict resolution in law and society.

We are excited to celebrate Conflict Resolution Month with the following events:

Participation in the Walk for Peace in our Communities

Presentation on C-DRUM at the law school's October Faculty Forum

Mediation Awareness Workshop for law students

Business Arbitration Symposium

Collaborative Law Panel