

Center for Dispute Resolution ADR Quarterly - Summer 2020

First and foremost, those of us here at the Center for Dispute Resolution hope that you and your loved ones continue to be safe and healthy as the novel coronavirus global pandemic presents ongoing challenges to all of us. Since the Spring issue of the *ADR Quarterly*, we celebrated the achievements of our third graduating class from USC Gould School of Law Center for Dispute Resolution during our Class of 2020 celebration, which was held online in May due to the pandemic. Our ADR graduates joined our worldwide Trojan Family network of more than 375,000 living alumni, including more than 11,000 Gould alumni.

USC Gould and the Center have been busy over the summer developing a fall 2020 schedule that will continue to provide an excellent and robust educational experience through an online format, in addition to impactful and meaningful extracurricular programming and value-added and community-building opportunities to support our students. We have also been working to ensure that international students who each year join Gould and the Center from 40 different countries are able to pursue their studies at Gould while complying with their visa requirements. As Dean Andrew Guzman said in early July to Gould's student community, "While the fall of 2020 will certainly be unique, the entire Gould faculty and staff are committed to answering the call and ensuring its success."

Expanding the Dialogue

**Appellate Mediation:
Driving Efficient, Effective Resolution**
A Profile of Justice Richard T. Fields, LL.M. in ADR Alumnus

In today's court system, a trial does not always end in peaceful resolution. Many cases continue through the appellate courts for years, resulting in higher costs and lower party satisfaction. So how do we integrate mediation in appellate courts, when one side has already "won" in an earlier decision?

Ending the Backlog

In 1991, the backlog of cases under appeal in Riverside, California, posed a crisis for the court system. With inadequate resources to continue prosecuting appeals, and a desire to resolve cases quickly, mediation was introduced as a compelling solution.

Enter Justice Richard T. Fields of the Riverside County Superior Court. Fields presided in the Riverside County courts for 26 years prior to his appointment and subsequent confirmation to the Court of Appeal in 2017. With celebrated experience across his career, he recently joined the appellate court's mediation program to help it develop and grow as a form of alternative dispute resolution in the unique appellate court setting.



"Everything that goes through the Superior Court comes



through [the appellate court]. We hear criminal, juvenile, family law, wrongful death and partnership dissolution cases and more, which means the types of cases we have to mediate are very broad,” said Fields.

[Read the full article on USC Gould's blog, *Redefined*, here.](#)



ADR for Families in Crisis

The current pandemic has caused chaos and crisis of global proportions. No doubt, the macro economic, political, legal, social and emotional impacts of our current circumstances will be the subject of many USC Gould seminars for years to come. However, right now, there is perhaps no greater need for creative and alternative forms of resolution than in the microsphere of the family. COVID-19 has resulted in increased stress, anxiety and conflict for individuals and families, who have been (and continue to be) managing job loss, school closures and health crises, while also

having to negotiate seemingly run-of-the-mill parenting decisions, like whether or not to let a child have a playdate.

Professor Jennifer Winestone, who teaches USC's divorce and family mediation course, discusses the impact of the current crisis on families and provides some conflict resolution tips for managing family law conflicts in the current climate in her [blog](#).

USC Gould/JAMS Arbitration Institute: The Future of Dispute Resolution

USC Gould/JAMS Arbitration Institute is pleased to present a free [three-part webinar series](#):



Webinar 1 of 3

The Future of U.S.-China Commercial Dispute Resolution

July 29 at 5 p.m. Pacific / July 30 at 8 a.m. Beijing / Hong Kong

[Register online here](#)

A discussion on what the future holds for U.S.-China dispute resolution given recent changes in the tenor of U.S.-China relations and of China-Hong Kong relations, which changes have been accelerated by the global pandemic.

Speakers: **Gary Born**, Chair of International Arbitration Practice, WilmerHale | **Cedric Chao**, Arbitrator & Mediator, Chao ADR | **Dr. Fuyong Chen**, Deputy Secretary General, Beijing Arbitration Commission (BAC/BIAC) | **Sarah Grimmer**, Secretary-General of Hong Kong International Arbitration Centre (HKIAC) | **Amb. (Ret.) David Huebner**, Arbitrator & Mediator, JAMS | **Lim Seok Hui**, Chief Executive Officer, Singapore International Arbitration Center (SIAC) | **David W. Rivkin**, Partner & Co-Chair International Dispute Resolution Group, Debevoise & Plimpton.

Webinar 2 of 3

ADR in a Time of Pandemics and Global Warming: How the System Must Adapt to the Future

August 5 at 12 p.m. Pacific / 3 p.m. Eastern

[Register online here](#)

A discussion on how clients, counsel and the ADR community should react to the challenge of serving the needs of globalized business in a time of pandemics, natural disasters and widespread socio-economic disruption.

Speakers: **Laura Abrahamson**, Senior Vice President, Deputy General Counsel, Head of Litigation, AECOM | **Lorraine M. Brennan**, Arbitrator & Mediator, JAMS | **Howard Carsman**, Global Construction Claims Manager, Intel Corporation | **Marek Krasula**, Counsel, International Court of Arbitration (ICC) - New York | **Nathan O'Malley**, Partner, Musick Peeler.

Webinar 3 of 3

Global Construction Dispute Resolution Update

September 14 at 7 a.m. Pacific / 11 a.m. Sao Paulo / 4 p.m. Geneva

Register online here

A discussion on the most significant dispute resolution developments in the engineering and construction industry amid the evolving COVID-19 pandemic and coinciding socio-economic upheavals, with perspectives from several corners of the globe, including Australia, North and South America, Europe and the wider MENA region.

Speakers: **Adriana Braghetta**, Independent Arbitrator | **James Dierking**, Assistant General Counsel, Fluor | **John Hinchey**, Arbitrator & Mediator, JAMS | **Sam Moss**, Counsel, LALIVE | **Nathan O'Malley**, Partner, Musick Peeler | **Caroline Swartz-Zern**, Council, Australian Centre for International Commercial Arbitration.

Co-sponsored by:



Furthering Career Development

ADR Spring Speaker Series, 2020

This past spring, the Office of Graduate & International Programs presented its ADR Spring Speaker Series. This collection of live and virtual events brought together leading practitioners and advocates from the field of alternative dispute resolution with Gould ADR students for informal conversations and Q&A in small-group settings. Featured speakers included prominent LA-area mediators and ADR trainers, an international ombuds practitioner and domestic and international arbitration advocates.



Speakers discussed their individual career pathways, providing students with a unique set of roadmaps for pursuing careers in ADR. Gail Nugent, Jeff Kichaven and Talin Bahadarian provided three distinct snapshots of a mediation career. Each blends their unique background and education into a successful mediation practice in Los Angeles, but in distinctly different sectors: education, not-for-profit and commercial mediation.



Brian Condon and Anton Ware of Arnold & Porter shared their thoughts on the status and trajectory of arbitration. Working domestically, Condon shared examples of opportunities in medical malpractice arbitration and commercial arbitration from his perspective as an expert advocate. Ware, speaking to students over Zoom from the

firm's Shanghai office, shared his perspective on the intricacies of international business arbitration, particularly as practiced in the large Asian arbitration centers.

Finally, Tamar Gur shared her experience as a training and conflict resolution consultant at the Office of the Ombudsman for United Nations Funds & Programs. Gur, who holds a Master of Dispute Resolution, described the projects, tasks and extensive travel this role requires.

As with most career-development events, recordings of these events are posted and available to current students and alumni on demand.

Alumni Spotlights



Rakesh Reddy Rajammagari (LLM in ADR '20)

As a recently graduated LLM in ADR student, Rakesh is a leading advocate for mediation and continued learning of the law, all while using the Center's career development resources and support services to further his career. In the Q&A below, he shares the reasons behind his pursuit of the degree and advice for future students:

What sparked your interest in learning about law?

I've always had a strong desire to achieve something that enabled me to stand out from others in the field, and have always been interested in knowing my rights and

those of that in a society. I wanted to learn about the evolving challenges of society and how to explain their importance to others through an understanding of law.

What made you pursue your degree in particular, and why at USC Gould?

During my three years of practice as an advocate in India, I was inspired by the thought of amicable settlement of a dispute and creating a win-win situation for both parties. This interest sparked me to learn more about dispute resolution techniques, and, during my research, I found USC Gould's Center for Dispute Resolution and learned of its stellar reputation globally. USC offers a diverse culture and the scope of the curriculum provides the ability for each individual to learn more.

[Read the full interview with Rakesh here.](#)

Flora Mweseli (LLM in ADR '20)

Flora also earned her LLM in ADR this spring, driving her passion for advocacy work through dispute resolution as sparked by her home country of Kenya. In the Q&A below, she shares how the degree will give her a competitive edge in her career and her most memorable experiences from her time at the Center:



What sparked your interest in learning about law?

My interest in law stemmed from a childhood fascination in the justice system. When I was growing up in Kenya, lawyers were held in high esteem because of the work they did in helping the underprivileged in society get access to justice through advocacy work. I really admired that. As I grew older, I began to understand how law impacts society and governs various facets of life from determining civil rights and liberties to determining environmental policies and business practice and realized that law would make for a very versatile career worth pursuing.

What made you pursue your degree in particular, and why at USC Gould?

We are living in a world where ADR plays a bigger role in the dispute resolution process, deviating from the traditional litigation process and more people and businesses are embracing the use of alternative dispute resolution methods, particularly in my home country of Kenya. The Judiciary of Kenya has recognized ADR as a more effective dispute resolution mechanism and pushes parties to settle cases using ADR methods such as mediation. It is because of this shift that I wanted to pursue LLM in ADR to gain more knowledge in this area.

[Read the full interview with Flora here.](#)

News & Notes

Jason Harper

Lecturer in Law Jason Harper, an MC3-Certified Mediator, will present peer mediation as part of the "MOTivating Teens" program at the Museum of Tolerance (MOT) on August 6, 2020. The MOT program serves students from different parts of the country and provides skills-based workshops that allow them to become active participants in being allies and resolving conflicts in their own communities. Professor Harper is in his third year teaching cross-cultural dispute resolution.



Michael Leb

In 2020, Lecturer in Law Michael Leb was selected as both mediator and arbitrator by the National Academy of Distinguished Neutrals, appointed to the Arbitrator Roster of the Federal Mediation and Conciliation Service and the Arbitrator Roster for City of Los Angeles Employee Relations Board, and obtained his mediator certification from MC3. His column "Legislation Cannot Prevent Sexual Harassment in the Workplace," was published in the *Daily Journal* January 27, 2020, and he also wrote the article "Lawyers Behaving Badly and How to Deal with Them," published in *AWI Journal*, Volume 11, No. 1, in March 2020. Most recently, he was quoted in the article "Supreme Court Lets Stand Ruling Vacating Arbitrator's Award," published in the *Daily Journal* July 1, 2020. Professor Leb teaches negotiation strategy.

Richard Peterson

At the American Bar Association Section of Dispute Resolution's 2020 Virtual Spring Conference on May 19, 2020, Professor Richard Peterson presented the workshop "Effective Mediator Management of Strong Emotions: Facilitating Parent/Educator Collaboration in Special Education under the IDEA." In addition to teaching at Gould, Professor Peterson is also the director of the Center for Dispute Resolution.



Crystal Williams

Congratulations to our continuing MDR student Crystal Williams for being named Claremont Graduate University's 2020 Alumna of the Year!

Each year, Claremont University honors a graduate who has made extraordinary contributions in their academic or professional fields. We are very proud of Crystal for continuing her mission of advocating for equality in the education system.

Katia Yannaca-Small

Lecturer in Law Katia Yannaca-Small served as a panelist at the University of St. Thomas Law Journal's Editor-in-Chief Lecture: "Innovative Strategies for Conflict Management: Improving Investor-State Relations to Propel Global Growth" on February 21, 2020, in Minneapolis, Minnesota. Professor Yannaca-Small's presentation was on "Corporate Social Responsibility and Investment-Related Disputes" (click [here](#) for more info). The proceedings of the lecture, including her presentation, will be published in the *University of St. Thomas Law Journal* at the end of 2020.



From the Director



Challenging times bring opportunities for expanding education and growth

As we near the beginning of a new semester for the USC Gould Center for Dispute Resolution, we look forward to welcoming (virtually) our new and returning students. This is indeed a unique and challenging time as we all grapple with the COVID-19 pandemic and adjust our ways of living, working and learning to keep ourselves and our families safe and healthy.

Although challenging, it is also a time of opportunity and growth as we engage in learning environments, skill development and dispute resolution using technologies and tools that were previously unfamiliar to many students and even some professors. For example, toward the end of last semester all our classes transitioned to an online format in

response to health risks associated with students and professors meeting together on campus. This unprecedented situation created a crisis that, inarguably, no one could have foreseen. For many, this was the first experience to teach or learn in this context. Although not without challenges, frustrations and problems, I was impressed by the dedication and effort put forward by professors and students alike in ultimately making a successful transition, allowing students to complete their courses and, for many, to complete their degree programs.

During this summer season, our administration and professors have been working tirelessly to assure that our students receive the quality educational experience for which USC Gould is known. Our online platform will allow students to engage with professors and other students and participate in simulated learning exercises utilizing online tools. In this way students will be able to have the important experiential learning opportunities traditionally presented in our on-campus courses.

Utilizing this technology will also allow students to learn and use technology and tools necessary for online dispute resolution, in particular mediation. Since the pandemic began, dispute resolution professionals have been required to utilize online platforms to conduct negotiations, mediations and other dispute resolution processes. With students utilizing these tools in their education, they will have the opportunity to learn how to use them in their own work outside of the educational environment. Further, students will also learn the practical and ethical issues associated with this technology and these processes as the practice of dispute resolution continues to evolve in response to ongoing challenges.

We look forward to the fall term and the beginning of a new semester, along with the wonderful relationships and experiences we are confident await us all. Enjoy the remainder of your summer and stay safe!

Richard Peterson
Director

Why Dispute Resolution at USC?

Renowned influencers in dispute resolution on faculty

Recognized Course Provider in the U.S. for CIArb

Curriculum based in real-life application

Scholarships that drive diversity & dedication

CURIOUS? LEARN MORE: [ADR AT USC](#)

QUESTIONS? CONTACT US AT ADR@LAW.USC.EDU

