

Center for Dispute Resolution ADR Quarterly - Winter 2019

From launching new coursework that meets growing career paths to inviting leaders in the field to campus, USC Gould School of Law Center for Dispute Resolution continues to expand its impact within ADR.

As 2019 comes to a close with this issue of our *ADR Quarterly*, we celebrate the Center's recent activities and recommit to USC Gould's mission of developing the discourse and deepening the education for its increasingly diverse and international student body in 2020.

Expanding the Dialogue

Assessing the Future of Arbitration

On November 19, Morgan Lewis partner and former National Labor Relations Board member, Harry I. Johnson, III, spoke to the Center's students and alumni about the changing perceptions of arbitration, specifically how arbitration has been addressed by both legal doctrine and in public discourse.



The discussion was titled, "The Future of Arbitration: Public Enemy #1 or the Best Pathway to Modern Civil Justice?" and Johnson addressed both old and new issues within the uneasy coexistence of the public legal system and arbitration, posing crucial questions for ADR scholars to inform and challenge our students. USC Gould Lecturer in Law, Joseph Latham, introduced the event and joined the networking reception following with our students and alumni.



Sponsoring SCMA Annual Conference

On November 2, the Center was an educational co-sponsor of the Southern California Mediation Association (SCMA) Annual Conference. Over 30 students (sponsored to attend by the Center), alumni and professors attended to learn, share and network.

Several USC Gould ADR faculty, including Jason Harper, Richard Erhard, and Richard Peterson led workshops during the conference on topics ranging from becoming a mediation professional to mediation niches and how to manage negative emotions during mediations.

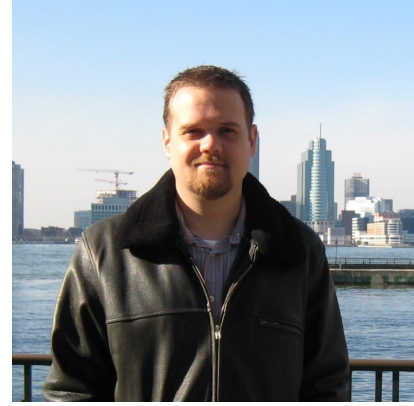
Additionally, one of our own alumni, Jim Sullivan (MDR '18), was among a panel of speakers covering the topic "Operational Side of Running a Mediation Practice – Tips and Lessons Learned."

Building the Center's Ombuds Education

Organizations – both private and public – are increasingly looking to build internal capacity to resolve

workplace disputes early, quickly, and efficiently.

A key part of this capacity comes from utilizing the unique services of organizational ombuds. These are neutral ADR practitioners who offer confidential, safe spaces within their organizations where individuals can raise concerns and explore resolution options without the need to involve more formal channels. In this way, individuals retain ownership of the issue and are empowered to work with their organizations to collaboratively solve problems.



The new Organizational Ombuds course from the Center is designed to not only introduce key concepts and foundational standards of practice, but also provide learners the opportunity to apply those to real world situations. With 38 students enrolled for Spring 2020 in its initial offering, it will explore why ombuds are valuable, how to promote the model, and the ways in which ombuds help people know about, and use, powerful ADR techniques in their daily lives.

The course will be taught by Nicholas K. Raichart (JD, MDR), an Associate Ombudsperson at University of California San Diego, who has advocated for special needs students and handled grievance cases in the private sector and as an ombuds. At USC Gould, he will bring real-world experience to apply theory to practice for our students.



Hosting SCMA's Litigation Nuts & Bolts for Mediators

Attended by 20 of the Center's students and nearly 30 other attendees, the first-ever Litigation Nuts and Bolts Training for Mediators on November 16 was another successful collaboration between USC Gould and SCMA.

This one day, three-hour training covered litigation terminology, processes, rules and procedures, including distinctions between federal and state court actions, different phases of civil lawsuits and special statutes that affect the mediation settlement. Open to both non-lawyers and lawyers, the training fulfilled part of the MC3 mediation certification process and provided MCLE credits, giving our dispute resolution students access to experiential, applicable learning beyond their coursework that will shape their professional lives.

Tackling Third-Party Funding in International Arbitration

Featured in the California International Law Journal (CILJ), Sean P. Galliher (LLM in ADR '18), published a comprehensive article evaluating the current state of international litigation funding mechanisms, assessing the impact these funding mechanisms have on international arbitration, and discussing the financial future of international arbitration. [Read the article here.](#)

Sean Galliher is in-house counsel with SKECHERS USA, Inc., and serves on the Board of Directors for the SKECHERS Foundation in addition to lecturing for the Center.



Furthering Career Development

ADR Fall Career Development Series

This fall, the Center hosted a number of

engaging, career-building events specifically geared toward our students and alumni in the ADR field.

Launching Your Career in Arbitration

As a primer for students and graduates interested in pursuing a career in arbitration, this event brought together notable panelists, lecturers, leaders and JAMS professionals to discuss their early approach to entering arbitration, including advice, resources, insights and more.

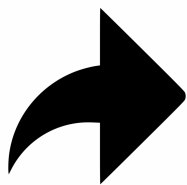


Beyond Private Practice: Alternative Careers in ADR

To educate our students beyond the well-known career titles in ADR, the Center hosted a dynamic panel of dispute resolution specialists from non-typical career paths in the field. Panelists included the Senior Program Director for the Institute for Nonviolence in LA (INVLA), an Ombudsman, and professionals in specific areas of diversity, finance and human resources. This moderated conversation opened up the possibilities for students' career paths upon graduation and offered a networking discussion around the many opportunities available.

Building Your Mediation Practice

As an introduction to getting started with a career in mediation, the Center's students and alumni were invited to an intimate 2-hour seminar with Wendy Kramer, "10 Steps to Building Your Mediation Practice." The fun and interactive event enabled students to take away actionable insights and engage with a leader in the Los Angeles mediation community.



Up Next: Experiential Learning Opportunities for the Center

Vis East International Commercial Arbitration Moot Competition
| March 22-29, 2020

USC vs. Cornell ADR Virtual Scrimmage | March 2020 TBA

2020 ABA DR Section Spring Conference | April 22-25

Facilitating Parent/Educator Collaboration in Special Education under the IDEA
presented by Richard Peterson, USC Gould School of Law Center for Dispute Resolution

Alumni Spotlight



Justin Hoyt (LLM in ADR '18)

Justin is an arbitrator, discovery referee and mediator, a research attorney at JAMS, as well as a Lecturer in Law at the Center. An experienced litigator who has also clerked for federal and state judges in California and New York before studying ADR at USC Gould, Justin has steered his career toward arbitration upon graduation.

Why did you choose to pursue your LLM in ADR at USC Gould? In researching ADR programs, the faculty at USC stood out to me. I ended up choosing USC for the impressive group of renowned legal and ADR professionals teaching there. It was clear they were serious about preparing ADR students for careers in the field. Also, I was excited to enroll in a program in which many of my fellow students were already established professionals in the field. Finally, I have to mention the "Trojan Family" benefit. It's real!

Tell me about your current work? In addition to co-teaching Arbitration in the US and ADR Clause Drafting at USC, I primarily serve as a research attorney to a select group of JAMS arbitrators and discovery referees. The work is

great. JAMS is the leading domestic provider of ADR services, and the cases are all top-notch in terms of complexity and interest. At the same time, I have my own growing practice as a neutral.

[Read the full interview here.](#)

Terry Bayer (ADR Certificate '18)

After retiring from her career in health care, Terry Bayer redefined her career in dispute resolution by becoming a mediator - with the help of her education at the Center.

Why did you choose to pursue your ADR certificate at USC Gould?

After retiring as a senior executive at Molina Healthcare, and having worked for many different companies over the course of my career, I decided to pursue my goal of a career in mediation. I received my JD almost 25 years ago, but never practiced law, and continued pursuing my career in health care. I always believed in alternative dispute resolution as a better alternative to litigation in many situations and I attended a 40-hour mediation training about 15 years ago. Upon my retirement, I realized that the time had come to further pursue this critical area of interest.

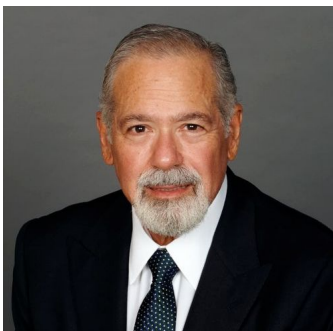


What is the most memorable experience or learning from your USC studies?

There were many but one highlight was the class I took with Richard Peterson in which we were able to volunteer in small claims court. Academic learning is good, but the experience of actually mediating in real cases was invaluable as a learning experience. In addition, I really enjoyed the course on Organizational Conflict that I took from Ken Cloke and Joan Goldsmith. It was a privilege to take the class and it definitely influenced the work I am now doing with Upfront Resolution.

[Read the full interview here.](#)

ADR Faculty: News & Notes



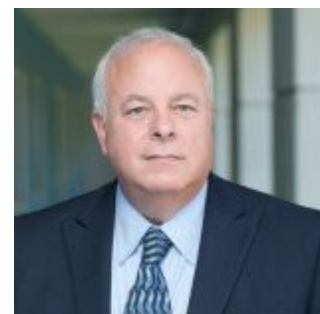
Richard Chernick | WJC Champion of Justice Award

The Western Justice Center awarded Richard Chernick with the Champion of Justice Award in October. The award honored Mr. Chernick's accomplishments in the field of ADR and for serving as a leader in the Los Angeles community.

Mr. Chernick has also been actively involved in philanthropic work both inside and outside the legal community, including as a principal benefactor and founding member of the JAMS Foundation. USC Gould also made a donation to the Western Justice Center in his honor. [Read more here.](#)

Dr. Jack R. Goetz | MC3 Launch

Dr. Jack R. Goetz spearheaded MC3, the Mediation Certification Consortium of California, which officially launched during SCMA's 31st annual conference this November. MC3 is a non-profit credentialing organization created to ensure user and public confidence in the mediation process by setting standards for mediator training, education, and ethics, and by maintaining those standards through its certification program.



Dr. Goetz and others have conscientiously worked to establish a standard of mediation education, training, and practical experience that will set a benchmark

for mediators working in courtrooms, professional panels and other forums where mediation is conducted in California. It is hoped that this standard, as it becomes more established, will further elevate and professionalize the ADR work performed by mediators throughout our courtrooms and communities.

The MC3 Board also includes another ADR faculty member, Jason Harper. Both Mr. Harper and Dr. Goetz served as past presidents of SCMA.



Richard Peterson | Immersive Speaking Engagements
Sept. 25-26: *An Approach for Understanding and Resolving Conflict* for firefighters with the Los Angeles Fire Department

Nov. 1: *Beyond Reason, Using Emotions as You Negotiate – Training from Book by Roger Fisher and Daniel Shapiro* at Cerritos College for their Falcon Days Professional Development

Nov. 3: *Beyond Reason, Using Emotions as You Negotiate – Training from Book by Roger Fisher and Daniel Shapiro* at the

SCMA Annual Conference

Nov. 16: *Litigation Nuts and Bolts Training for Mediators (Co-Presenter with Phyllis Pollack)* for SCMA members and USC Gould students and alumni

Nov. 20: *Negotiation, A Mixed Motive Exchange* for members at the San Juan Capistrano Rotary Club Dinner

From the Director

Finding the Eighteenth Camel

Richard Peterson, Director of the USC Gould School of Law Center for Dispute Resolution

There is an old Middle Eastern tale that is told concerning a certain man who had a caravan of 17 camels. The man died, leaving the camels to be divided between his three sons according to the terms of his will. The will stated that the eldest son would receive one half of the camels, the middle son would receive one third of the camels, and the youngest son would receive one ninth of the camels.

"But, this is impossible!" cried the eldest son.
"This cannot be done!" declared the middle son.
"This is not fair!" complained the youngest son.

And, seeing that 17 camels could not be divided into halves, or thirds, or ninths, the three sons fell to arguing bitterly among themselves.

At last, unable to discover any solution to their dispute, the three sons agreed to seek the advice of a wise old man in the village. The wise old man listened patiently as each son presented his own idea about the fair distribution of the camels.

"I see that you are honest men who desire to honor your father's wishes; however, none of your proposals will satisfy the terms of his will. Give me leave to consider this dilemma and, when I return, we will find a resolution."

The wise old man returned a short time later leading one of his own camels which he added to the caravan in question, increasing the total number of camels to 18.

"Now," said the wise old man, "let us see if we cannot answer the terms of your father's will."

To the oldest son he gave nine camels, which was one half of the caravan. To the middle



son he gave six camels, which was one third of the caravan. And to the youngest son he gave two camels, which was one ninth of the caravan. There was one camel remaining, which belonged to the wise old man. Having settled the brothers' dispute and satisfied the requirements of their father's will, the wise old man took his camel and returned to his home.

This fascinating fable is often presented as a mathematical mind bender, yet there are profound lessons to be learned from the story in its application to negotiation and dispute resolution. Frequently, the key to resolving seemingly impossible disputes lies in finding the eighteenth camel. This effort requires an attitude of optimistic perseverance. One must be willing to believe that resolution is possible and then be willing to be creative in finding solutions that meet the needs and interests of the parties.

As we prepare for a new year and a new semester, we are optimistic about the future of our Alternative Dispute Resolution students in affecting positive change in the world through their amazing creativity and persistence.

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

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

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

