

Center for Dispute Resolution ADR Quarterly - Spring 2020

USC Gould School of Law's Center for Dispute Resolution continues to provide exceptional student and career opportunities for experiential learning online as we work through the Spring semester.

The Center would also like to congratulate our upcoming 2020 graduating class, dedicated to making an impact in the field of ADR!

From the Director

A World in Commotion

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

The COVID-19 crisis has been described as the worst crisis the United States has encountered since World War II. While there are many differences between the two events, there are similarities in the ways people become empowered to respond to emergencies that threaten their lives and their manner of living. The passing of so many years since the days of World War II has dimmed the national collective memory of what was accomplished during that time.

Military historian and World War II veteran, Thomas D. Morgan, referred to the United States as "the arsenal of democracy during World War II, producing about 40% of the world's total munitions during the crucial years of 1944-45." This may not sound impressive based upon military advances that have occurred over the years since then, but when put in context with the comparative strength of the U.S. military and that of other countries, it is nothing short of miraculous.

At the time President Roosevelt implemented the Protective Mobilization Plan in 1939, the United States Army "totaled less than 190,000 men and ranked seventeenth among the armies of the world, just behind the army of Rumania...The Army Air Corps had 20,000 men and 1,700 mostly obsolete aircraft." In 1939 the total production of U.S. military aircraft was 5,865.

In comparison, Morgan reports that during the war years the U.S. produced "...over 300,000 planes, 124,000 ships, 41 billion rounds of ammunition, 100,000 tanks and armored vehicles, 2.4 million other vehicles, 434,000 tons of steel, and 36 billion yards of cotton textiles." Additionally, "A skeleton army of less than 200,000 in 1939 had grown by 1944 to more than 8 million men in 89 combat divisions, plus a large air corps." This transformation occurred with the leadership of a newly formed organization, The War Production Board. Describing the mechanism for the miraculous accomplishments referred to above, Morgan writes, "The WPB worked by democratic collaboration, using negotiation, compromise, delegation, and individual initiative to achieve a common objective. Democratic participation in individual mobilization during World War II required a 'defense in depth' that reached from individual homes and factories to the battlefields overseas. This meant production by all elements of the economy in industrial mobilization, while preserving individual initiative and a sense of justice within the limits imposed by the war emergency."



We are now called upon to respond to a crisis which threatens the well-being of every person and the economy by which our lives are sustained. The final history of our response to this crisis has yet to be written but the initial signs are promising. That is not to say our response has been free from conflict and partisan disputes; neither did all such disagreements completely disappear during World War II. But all around is evidence of the human spirit that has sustained us in times past. Large corporations are responding to the need for medical supplies and equipment by converting their manufacturing facilities in order to meet the increasing need for these items. Major corporations have committed to donate millions of dollars. Distilleries are converting their equipment to make desperately needed hand sanitizers and some, such as the 10th Mountain Whiskey and Spirit Company in Vail, Colorado, are planning to hand it out free of charge to people who drive by the distillery. NBA players and owners are pledging to help those who work to take care of the teams and fans, whose incomes have been disrupted by the crisis. Some of the most moving gestures of compassion and action come from simple acts of compassion by individuals and organizations in communities across the country.

A recent Twitter thread shared the story of Rebecca Mehra, a young woman who responded to the desperate plea of an elderly couple as they sat in their car outside a grocery store. "Afraid to get sick as they are in their 80's and hearing that the novel coronavirus is affecting older people disproportionately. And they don't have family around to help them out. Through the crack in the window she handed me a \$100 bill and a grocery list and asked if I would be willing to buy her groceries. I bought the groceries and placed them in her trunk and gave her back the change. She told me she had been sitting in the car for nearly 45 minutes waiting to ask the right person for help."



A teenager in my neighborhood with newly-found extra time on her hands posted a notice in the community volunteering to run errands and shop for those most vulnerable to this virus. Just this morning, I received a text and photograph from my son who lives in Virginia with his family. The teachers and staff of their local elementary school drove through every neighborhood within their school attendance area to wave "hi" and let all the children know that their teachers were thinking about them.

Whether in our roles as mediators, business leaders, teachers, community members, or neighbors, as global citizens in a world in commotion we too, can employ the necessary skills of "...collaboration...negotiation, compromise, delegation, and individual initiative to achieve a common objective."

Expanding the Dialogue



Career-Building Mediation Seminar

On February 8, Wendy Kramer presented her acclaimed "10-Steps to Building Your Mediation Practice" seminar to USC Gould students and alumni.

Ms. Kramer detailed how to translate the mediation skills and experience students accrue at the Center into an effective and sustainable mediation practice.

The seminar featured candid discussions and career advice from guest speakers, including President and Founder of ADR Services, Inc., Lucie Barron, and two recent alumni from the Center: Ricci Appling of Appling Consulting and Melody Wang of Wang Mediation.

Gould/Caruso Student Partnership

Recently, USC Gould teamed up with Pepperdine's Caruso School of Law to offer students at each school access to the other's premier ADR event in 2020. Several USC Gould LLM students attended the Pepperdine Caruso Law Dispute Resolution Law Journal's recent

event "International Commercial Arbitration 2020: The New Restatement."

The Symposium centered on the completion of a twelve-year-long project to produce the Restatement of the Law, The U.S. Law of International Commercial and Investor-State Arbitration. Students appreciated the exposure to such an exceptional and thought-provoking development in the field of arbitration.

We look forward to hosting Pepperdine students at the 2020 USC Gould Center for Dispute Resolution Fifth Annual Symposium this year.



The Center Named a Top 10 LLM Program in ADR

The Center is proud to be again listed among LLM GUIDE's [Top LL.M. Programs for Alternative Dispute Resolution 2020!](#)

Alongside leading schools from around the world, the Center is dedicated to advancing the future of dispute resolution and providing essential career and student support services that place us among this distinguished list. Fight on!

Furthering Career Development

USC Gould is proud to present our 2020 Spring ADR Speaker Series. We've invited several prominent mediators, arbitrators and advocates to chat with interested students and alumni about their current practice and career path in the ADR field.

Meet the Mediators: Gail Nugent | March 10

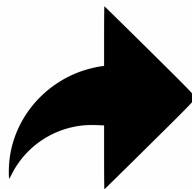
Gail Nugent, Disaster Relief ADR Specialist - FEMA

An experienced mediator and trainer, Ms. Nugent's areas of expertise include special education and IEP mediation, disaster relief ADR, and family mediation. In addition to FEMA, Gail has contracted with several LA and OC school districts to provide mediation services.

Arbitration Advocacy: Jeff Kichaven | March 23

Jeff Kichaven, Commercial Mediator

Principal Mediator at Jeff Kichaven Commercial Mediation
Independent mediator of business disputes with an international practice, based in Los Angeles. California Lawyer Attorney of the Year award in ADR, 2006. Instructor, Master Class for Mediators, Harvard Law School, 2007. Award for Excellence in Mediation, Asian Pacific American Dispute Resolution Center, 2010.



Up Next: Experiential Learning Opportunities for the Center

Meet the Mediators: Talin Bahadarian | March 31

Online via Zoom

Talin Bahadarian, Attorney Mediator

Ms. Bahadarian is a mediator, arbitrator, instructor and consultant in the field of alternative dispute resolution. She is passionate about helping people resolve conflict peacefully, often bringing resolution to long-standing, seemingly hopeless disputes. She has contracted with several government agencies including TSA, the Veterans Administration, and USPS.

Students from the Center's Mediation Advocacy class, with the guidance of Professor Jason Marsili, will spar against the University of Illinois' team while engaging with an experienced mediator via video conference.

Arbitration Advocacy: Brian Condon | April 13

Online via Zoom

Brian Condon, Partner – Arnold & Porter

Mr. Condon is a litigator with more than 30 years of experience in federal and state courts, private arbitration, and advocacy before local government agencies. His talk will focus on enforcing arbitration awards.

Student Spotlights



Disha Bhagwat, India (LLM in ADR '20)

As a graduating LLM in ADR student, Disha is a leading advocate for ADR and continued learning of the law, all while encouraging others to live in the moment and work hard for their future successes. In the Q&A below, she shares the reasons behind her pursuit of the degree, love for USC and the law and advice for future students:

What sparked your interest in learning about law?

There is no retirement in the profession of law, because there is always something new to learn. There will always be some emerging area of law being explored and, as times evolve, so does the law, so LEARNING NEVER STOPS. That is what sparked my interest in the law.

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

What better way to speed up the overly burdened legal systems than to pursue Alternative Dispute Resolution? ADR mechanisms like negotiation are immensely helpful in all walks of life and we negotiate with everyone every day. Being a good negotiator will always prepare you for navigating conflict, be it legal or personal.

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

Katia Tyra, USA (MDR '21)

With a background as a volunteer mediator and studying for her degree while working full time at a non-profit, Katia is an advocate for building a strong network while gaining essential skills to pursue her ultimate goal of becoming an ombudsman. In the Q&A below, she shares the reasons she chose to pursue her MDR at USC and how her studies are immediately applicable to her current work and future career:

What sparked your interest in learning about law?

What sparked my interest in learning about law through dispute resolution was through my time as a volunteer mediator in small claims, civil harassment and unlawful detainer court. While my previous training greatly helped me help others, I knew there were still gaps in my knowledge, especially in law. I realized that if I wanted to progress in my career I would need a master's degree in this field.



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

I chose the Masters of Dispute Resolution (MDR) because the curriculum best matches what I wanted to learn. I chose to pursue my degree at USC Gould because of its renowned connections and experienced professors. Before choosing USC, I took a sports law arbitration class and toured [other universities] to make sure I picked the best program for

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

ADR Faculty: News & Notes

Professors Jack R. Goetz & Jason Harper | MC3 Certification

Professors Jack R. Goetz and Jason Harper, President and Vice-President respectively for the Mediator Certification Consortium of California (MC3), a universal certification for mediators, continue to engage the mediation community in elevating the educational and training requirements for mediators that would more closely resemble the model utilized by many formalized professions.

On February 1, 2020, the first dozen MC3 certified mediators were welcomed with a video meeting and dialogue about continuing to grow the profession of mediation.



Professor Lisa Klerman | 2020 SuperLawyer & IAM Distinguished Fellow

Congratulations to Lisa Klerman, a Clinical Professor of Law and Director of the USC Gould School of Law Mediation Clinic, for being selected a Southern California SuperLawyer for 2020 in ADR and being inducted as a distinguished fellow to the International Academy of Mediators (IAM)!

SuperLawyers rates outstanding lawyers who have attained a high-degree of peer recognition and professional achievement, while IAM is an invite-only organization consisting of successful commercial mediators around the world. We are proud to have Professor Klerman among these leaders in ADR!

Professor Todd Smith | NADN Member

We are thrilled to announce that lecturer Todd Smith has recently been inducted into the National Academy of Distinguished Neutrals (NADN).

As a recognition of his commitment to excellence in the field of dispute resolution, NADN membership is granted by invitation only, demonstrating the impact of Prof. Smith's reputation for leadership and experience in the field of employment disputes.



Professor Richard Peterson & Lecturer Richard Erhard | ABA Dispute Resolution Spring Conference Presenters

Professor Richard Peterson and Richard Erhard are scheduled to present at the 2020 ABA Section of Dispute Resolution Spring Conference on the topic, *Effective Mediator Management of Strong Emotions: Facilitating Parent/Educator Collaboration in Special Education under the IDEA*.

The Conference will be moved online with details to follow on how to register and engage with their session.
