

The Center on Negotiation and Mediation invites you to join us for a celebration of Professor Len Riskin in conjunction with a book launch for the forthcoming publication of *Discussions in Dispute Resolution: The Formative Articles*, Oxford University Press, edited by Professors Art Hinshaw, Andrea Schneider, and Sarah Cole. Over the course of four weeks, we will interview some of the authors to discuss the origin stories of their foundational pieces, culminating in an interview of Professor Len Riskin on March 25, celebrating the impact of his famous article, *Understanding Mediators' Orientations, Strategies, and Techniques: A Gift for the Perplexed*, as well as a broader selection of his work on mediation, internal family systems, and the negotiation within.



If you would like to receive an email when registration opens, please provide your contact information [here](#). We look forward to celebrating with you.



Co-Directors Letter

Professors Lynn Cohn and Alyson Carrel

In this year's newsletter, the Center on Negotiation and Mediation focuses on the achievements and adventures of our beloved students, current and past. We know their resilience, creativity, and ability to change the world, both within the law school and externally. These students and alumni have brought the Center's curriculum to life in essential ways. For example, below is an interview with Cyerra McGowan (JD '21), who worked with a group of students and intentionally used interests, rights, and power to bring up issues related to racial justice within the law school community.

This focus on exceptional students provides the perfect segue to share our big announcement that Professor Alyson Carrel has been appointed to serve as Co-Director of the Center. I remember meeting Alyson almost 20 years ago when she was competing in the ABA Negotiation Competition representing The University of Missouri-Columbia and I was coaching our Northwestern Law team, culminating in an interview of Professor Len Riskin on March 25, celebrating the impact of his famous article, *Understanding Mediators' Orientations, Strategies, and Techniques: A Gift for the Perplexed*.

We also celebrate our mentors and leaders who have shaped the field as we know it today. In March 2021, we will celebrate Professor Len Riskin's extensive impact on the field of dispute resolution in conjunction with a book launch for the forthcoming publication of *Discussions in Dispute Resolution: The Formative Articles*, Oxford University Press, edited by Art Hinshaw, Andrea Schneider, and Sarah Cole. This exciting new book features commentaries on selected formative articles of the field, including Len's famous article, *Understanding Mediators' Orientations, Strategies, and Techniques: A Gift for the Perplexed*.

In these times of uncertainty, we look to the foundations of the field as a Northstar to guide us and remind us of our core values while recognizing the need to create space to learn and hear from the next generation.

STUDENT & ALUM SPOTLIGHT

Interview with Cyerra McGowan (JD '21)

By Julia Nagle (JD '22)



Cyerra McGowan (JD '21) brings to life the skills and lessons she learns through courses and activities hosted by the Center on Negotiation and Mediation. She served as a President of Black Law Student Association (BLSA) last year and is currently BLSA's 3L advisor. She has contributed tremendous efforts and leadership as part of Concerned Students, a group bringing attention to diversity and inclusion issues on campus. Cyerra is also an advisor for the law school's Academic and Professional Excellence program, a 3L advisor to the Student Bar Association, and a fellow for the Black Student Initiative, a program designed to support prospective Black applicants to the law school. Upon graduation, she will be starting as a transactional associate at Latham and Watkins in Chicago. I had the opportunity to ask Cyerra some questions about her experiences in the Center, as well as how these experiences shape her efforts with the Concerned Students group.

Cyerra, you've taken many classes within the Center: Negotiation, Mediation, Mediation Practicum, International Business Law and Negotiation, and are currently enrolled in the Restorative Justice Seminar. What originally interested you in the Center and taking negotiation and mediation courses at Northwestern?

I was originally drawn to the Center to take Negotiation. I had heard many great things about the course and all the professors who teach it. During the summer before my 2L year, I was still on the fence on whether I wanted to pursue transactional law like my parents. I thought that having great negotiation skills would serve me well regardless of whatever path I chose, and it was the first time I felt that I could pick a class that was not doctrinal that would give me practical and useful skills to utilize going forward. I initially thought Negotiation would be the only class I would take in the Center. I took the summer Negotiation workshop with Lynn Cohn, who's amazing, and honestly, it was one of the best classes I had taken at Northwestern. I gained a lot of skills even just in the short weekend we were together. I grew a lot as a person, and my communication skills advanced tremendously. My TA had done the Mediation Practicum and told the whole class about it. Getting certified as a mediator to be able to actually mediate real cases at the Daley Center and in the Cook County Court system sounded amazing, so I decided to keep going and take more classes in the Center. I kept growing along the way, and I've also had some of the most amazing professors in the Center who are so kind and care about their students a lot, which makes a difference. They also care about us growing and developing as people and professionals, which has helped me so much and get as much as I can out of them.

You also continued on to participate in the INADR Mediation Competition and some scrimmages between Northwestern and Cornell, so this didn't even stop with just taking courses.

Yeah, I think that a lot of the skills you learn in the Center don't stop in the classroom or even at those competitions. A lot of the skills I've gained in those classes I've taken beyond school and Northwestern, and it really doesn't stop in the classroom.

How did Northwestern's curriculum support your efforts [to address racial injustices during] the Townhall with Concerned Students that happened last fall [former] Dean Yuracko?

[For more information about the Townhall and continued efforts by Concerned Students to address racial injustice at the law school, please see [this article](#) in the Chicago Sun-Times.]

Full transparency, I never expected to be involved in something like the Townhall. Not to say that it's not a topic that I care a lot about, because it is, obviously. That's why I did it, but I didn't ever see myself being someone that would step forward and take on that role along with the other organizers of the Townhall. When the planning began, that was right when I had wrapped up Negotiations and had gained a lot of communication skills just from that course alone. I think that it helped me frame the way we went about the town hall and all of the follow-up efforts and efforts that happened throughout the year. It helped me sit down and think about what our strategy should look like. In negotiations, we think a lot about what are your goals, what are you trying to get out of this, what are your aspirations, and what are your needs and interests? It's not just your position, it's really what are you trying to get out of this – your aspiration, your target, and reservation point. It also helped me try to think from the Dean's perspective and think about what her needs and interests are, what she is trying to accomplish. What makes the most sense from her position? How do we align and figure out how to frame the conversation in the best way possible, so we can create creative solutions that make the most sense for both sides. I really helped me frame the way I thought about approaching these types of conversations. As many people know, these conversations didn't just stop at the Townhall, that was just the beginning. A lot of the continuation was about creating a narrative, which is another lesson I learned from the Negotiation class. Putting all of the facts out there and helping people gather information, like asking great questions and figuring out where we stand, is really the beginning of any negotiation. That's what the Townhall was intended to do, for not just us, but for the entire student body, faculty, and staff that were there. So, it helped frame that and the way we structured subsequent conversations with the Dean, communication with the student body, faculty, and staff. It helped us shape that in a way that made sense strategically.

You mention that you had taken Negotiations over the summer. One of the exercises in the course involves a group of neighbors who collectively negotiate with the executive of a construction company. How did your experience with this exercise shape your thinking on the Townhall?

I think that's an amazing comparison. In the example you mentioned, there is a group of neighbors who have many different interests and needs they are trying to fulfill and satisfy. They all had to come to sit down with the construction executive and work through what solution made sense for everyone at the table. That is kind of what Concerned Students has felt like. Concerned Students has always been a coalition of voices that speaks for the students. It isn't meant to be one singular voice or leader; it is meant to incorporate everybody's voices and what they desire to see Northwestern look like. Obviously, not everybody wants or needs the same things. Not every student who is involved in Concerned Students has the same perspective on how to approach things, what are your goals, what are you trying to get out of this, what are your needs and interests? It's not just a coalition. A lot of the skills I learned in Negotiation and subsequently, Mediation came into play when we were sitting down together as a group to figure out what we want to see happen. Everybody's voice is equally important, and we really wanted to see everyone get what they need out of it. What does that look like? Getting past positions to figure out what everyone's needs and interests are, what their values are, what they want to see accomplished, and figuring out that even if that doesn't look like how you envisioned, as long as the need or interest is met we're happy and on the same page. Obviously, that takes a lot of work and practice, and not all the time were we successful in meeting everyone's needs and interests. There is always going to be a difference of opinion on how to approach things and what strategy to use when deciding on next steps. Taking from that negotiation exercise, and more broadly a lot of the other skills that I've learned in Negotiation and Mediation were helpful in figuring out how to align all of those needs and interests.

What is one thing you wish was in the curriculum that would have supported your efforts?

I think the curriculum is pretty perfect as is, the one thing I would add is more classes. If I could take Mediation Practicum again, I absolutely would. Or, I would love a chance to take another class with Lynn or Alyson. To be able to practice these skills, be engaged, and negotiate and have more practice, I would love to do it. I know that I can take Mediation Practicum twice, which is very sad, but I think what I would add is more classes because now I'm kind of capped.

It sounds like the experiential aspect has been really beneficial, and that you wish there were more opportunities for hands-on practicum experiences.

Definitely, I think that the biggest value I get out of these courses is that even with the non-practicum courses like Mediation and Negotiation, there was still a huge experiential component, which I don't always have in all of my courses. For me, and the way I learn, it's helpful to have that experience to practice, get feedback, come together with peers, and to hear what they're learning. It's a really great way to learn, grow, and be self-reflective. If I could take more classes in the Center, I would do that in a heartbeat.

Student Reflection

by Emilie McConachie (JD '21)

I started law school as many students do—feeling excited and terrified at the same time. I am a first-generation law student with a background in science, so I had only a vague idea of what law school entailed. As a result, I was eager to find a supportive community and a field I was passionate about. Luckily, I found this with the Center for Negotiation and Mediation.

My relationship with the Center began when I took an introductory negotiations class with Professor Gandert. There, my interest in dispute resolution was piqued. I learned about BATNA and ZOPA, participated in numerous simulations, and improved my strategic thinking. When Professor Gandert and Professor Carrel sent a school-wide email about the Center's upcoming try-outs for the ABA Negotiation Competition, I immediately called my friend, Corner Collins, (JD '21) and convinced him to compete with me. He was taking negotiations with Professor Carrel and, like me, had yet to find a subject that he was passionate about, but was loving his negotiation class. We agreed that the competition would be a great opportunity for us to learn practical skills, create new connections, and have a fun time competing together. We never thought we would get far in the competition—we were freshly crowned 2Ls, completely new to the skill of negotiating, who joked between rounds and "schemed" up strategies for fun. Yet, we placed third at regionals, moved on to the national competition, and there, placed second out of 179 teams in the United States. This was largely thanks to the guidance, support, and instruction of our coaches, Northwestern teammates (shoutout to Ramia Mitchell (JD '21) and Edward Saint-Vit (JD '21)), and other faculty and staff of the Center.

I have taken other courses offered through the Center including Advanced Negotiations, a coveted, three-day intensive class in which the entire Center faculty unite to teach deeper lessons on the intersection of negotiation and implicit bias, emotional intelligence, and mindfulness. Professor Cohn led the class, with substantial contributions from Professor Gandert, Professor Carrel, Professor Buft, and Professor Riskin. I was struck by the cohesion of the Center's professors and admired the collaborative approach and complementary skillsets they demonstrated throughout the course.

Of course, the COVID-19 pandemic produced several novel difficulties for legal educators, including the sudden transition to remote learning in March 2020. The Center's faculty and staff worked tirelessly to adapt its courses to the virtual learning environment while continuing to offer collaborative meetings and small group or pair-based simulations. Professor Carrel—who was also Northwestern's first Dean of Law and Technology Initiatives—ran her negotiations courses with an emphasis on Zoom's breakout room feature for both simulations and small-group discussions, and integrate interactive Flipgrid videos into her online lesson plans. In doing so, these newly online courses continued to achieve the Center's goal of providing high-quality, engaging, simulation-based training.

This summer, I was a Teaching Assistant for Professor Cohn's first completely virtual negotiations course. Building on the lessons learned in the spring, we implemented the first completely virtual semester of negotiations with the help of Professor Carrel and the rest of the Center. Students reflected positively on their experience and noted that being able to negotiate over Zoom, email, and telephone calls is an increasingly important skill that they were glad to have developed. Moreover, they reflected on the teaching team's skill at adapting the course and effectively coordinating multiple simultaneous virtual simulations. Personally, I have seen the course run both in-person and virtually, and I can confidently say that the quality of teaching and engagement of the class remain superb across platforms. This semester, I am a Teaching Assistant for Professor Gandert's "hybrid" negotiation course. This means that some exercises and lessons are online while others are in person. Ideally, this model allows students to hone both in-person and virtual negotiation skills.

For this year's ABA Negotiation Competition, Corner and I were student coaches rather than competitors. We helped Professors Carrel and Gandert grow Northwestern's competition team and created a more robust, two-tiered team structure of competitors and alternates. The competition was completely virtual this year, but because of the Center's adaptability to online learning, our team was ready. This year, our teammates from last year, Ramia and Edward, once again competed along with competition newcomers, Audrey Merkle (JD '21) and Lara McDonough (JD '21). Our alternate teams were the dynamic duos of Jordan Farrell (JD '22) and Victor Hillner (JD '22), and Marie Allison (JD '22) and Arma Busch (JD '22). Every member of our team was crucial to the team's preparation for the competition and overall success, with Ramia and Edward placing fourth in regionals.

As I continue my 3L year, I still feel that I'll excitement, without the fear. This change is in large part because of the Center for Negotiation and Mediation. Through the Center, I have developed my problem-solving, communication, teamwork, and strategic thinking abilities, while also building robust, enriching relationships with faculty, staff, and fellow students, all of whom I consider brilliant colleagues and wonderful friends. I am so excited to see what these individuals and the Center accomplish in the coming years.

Alumni Spotlight: Kwaku Osebreh (JD '17)

By Taylor Todd (JD '22)



Kwaku Osebreh (JD '17) is an associate at Mayer Brown in the Corporate practice group, with a focus on Capital Markets and Corporate Governance. His approach to life and continued support of students through his work with the Center provides a shining example of how this year has been different from anyone's expectations. It has forced us to be adaptable and engage in more self-reflection. We have reconnected with ourselves and brought that connection to our interactions with others, in both personal and professional contexts.

Kwaku began his involvement in the Center when he took negotiations as a law student. He went on to become a certified mediator and trained circle keeper, but his involvement with the Center didn't end upon those achievements or upon his graduation. Kwaku continues to work with the Center and community, providing facilitation, mediation, and circle keeping as part of his pro bono practice.

Kwaku is both a first-generation American and a first-generation professional. He has lived around the country and experienced a variety of paces of life. After finishing both his undergraduate and master's degrees and then working, he decided to finally pursue his dream and go to law school. Kwaku was drawn to Northwestern for its professionalism and its focus on preparation for the practice of law. He has stayed in Chicago since his graduation and built a successful career.

His approach to his practice, career building, and personal life are all rooted in his values. At its core, Kwaku is driven by family and faith, and his philosophy around transitioning from small-town Southern life to Chicago practice is that "You are who you are before you got here", meaning to not lose sight of who he was before the Northwestern degree or title of Attorney were earned. In the competitive and privileged "bubble" that law school is, it is easy to forget that that. However, Kwaku's work with the Center has bridged the gap between his values and career aspirations by humanizing the negotiation process. One of Kwaku's greatest strengths, which he learned through the Center, is the human aspect of negotiation and managing emotions.

"That strength is evident from meeting Kwaku. His demeanor is calm and thoughtful. He is the kind of person who believes in treating others with respect and lives based on his values. That connects with me because I've often heard students who attend the approach espoused by the Center to be, "soft on people, hard on issues". Acknowledging people and the emotional nature of the situations we deal with every day as attorneys (and attorneys in training) is the key to being able to make people feel heard and move towards a creative solution for the issue at hand. These conflict management strategies transfer over to our personal lives as well and foster richer relationships with both ourselves and others when we learn to acknowledge surrounding circumstances and strive for solutions, which is what makes both a successful attorney and fulfilling life outside of work. As we reflect on ourselves, our values, and what we strive for in the future, two lessons we have been learning since we were small children ring true: be a good listener and, treat others the way you would want to be treated in their situation.

Faculty Activities

Reflections on 2020

Across the field, ADR faculty heeded the call to support our students, law schools, and larger community during this challenging year. We shared in this sense of urgency and over the past six months have been leading circles and writing students a place to be together and reflect, facilitating faculty dialogue on racial injustices, book clubs on racism, providing weekly live meditation sessions, or just hosting a fun and funny *Tiger King* or playing *JackBox* games. More than ever, we need each other, to support each other but also to push each other to reflect, be curious, and wonder how we can and should do better.

Below is a list of some of the faculty's more significant activities from the past twelve months. For a more detailed look at our efforts, please check out our website [here](#).

ANNALISE BUTH

Publications

- "Restorative Justice at the Crossroads: Politics, Power, and Language," *Contemporary Justice Review*, Volume 2, Issue 3, 2019, co-authored with Thalia Gonzalez
- "Restorative Reflections," *University of Saint Thomas Law Journal*, Forthcoming, co-authored with Monica Costak



Presentations

- "Restorative Justice," Edgewater Mutual Aid Network, August 2020
- "Miss Demeanor: Women of Color in Law," DePaul University, May 2020
- "Tribalizer Travel" and "Mock Class: Pathways to the Legal Profession" Law School Admissions Conference, March 2020
- "Restorative Justice, Law, & Healing," *University of St. Thomas Law Journal* Fall Symposium, October 2019

Awards

- Northwestern Pritzker School of Law 2019-20 Outstanding Small Class Professor, June 2020

LYNN COHN

Presentations

- "Cross-Fertilization: Learning from Mediators Who Do Different Stuff Than You Do," Center for Conflict Resolution, May 2020
- "Community Building," Northwestern Prison Education Program, St. Louis Correctional Center, February 2020
- National Association of Realtors Mediation Program, September 2019
- Real Conversations, Race, Allyship and Police Reform, Panelist, June 2020



Appointments

- Special Master for race discrimination settlement, *Senegal v JP Morgan Chase*
- Co-mediator, Coalition responding to Police Community Mediation Program, Summer 2020

Awards

- I Grow Chicago Hummingbird Award for Social Justice, October 2019

DANIEL GANDERT

Presentations

- "Doping Control in US Sports: A Comparison with Doping Control in Olympic Sports," China University of Political Science, October 2020
- "Advanced Workshop for Improved Negotiation, Mediation, and Arbitration Skills: Sophisticated Strategies to Become a Better Advocate and Mediator," Chicago Bar Association, March 2020
- "Ten Tips for Your Practice: Representing Clients Effectively in Mediation," American Bar Association, November 2019
- "The Court of Arbitration for Sports Anti-Doping Division: Where Athletes Only Get One Shot but the Prosecution Gets Two on Appeal for an Opportunity That's Once in a Lifetime," American Association of Law Schools Alternative Dispute Resolution Works in Progress Conference, October 2019



ALYSON CARREL

Publications

- "Disarming the Facilitative Evaluative Dichotomy: Reflecting on Riskin's Grid and Predicting the Future," in *Discussions in Dispute Resolution: The Formative Articles*, Oxford University Press, edited by Hinshaw, Schneider, and Cole, Forthcoming
- "The Delta Model: A Framework for Reimagining the Legal Profession Pipeline," *Law Insider Blog*, July 2020
- "Remaking Settlement with Multi-Party Competition," *Northwestern Journal of Technology and Intellectual Property Blog*, May 2020
- "Opportunity to Influence at the Intersection of Dispute Resolution and Technology," in *Theories of Change for the Dispute Resolution Movement: Actionable Ideas to Revitalize Our Movement*, edited by John Lando, 2020
- "The Delta Model: Simple, Accurate, Versatile," *Legal Evolution*, No. 125, Co-Author with Natalie Runyon, Cat Moon, Shellee Rest, and Gabie Terribum, November 2019
- "New White Paper: Delta Competency Model See Entrepreneurial Mindset & Adaptability as Top Lawyer Skills," *Thomson Reuters Legal Executive Institute*, Co-Author with Natalie Runyon, September 2019



Presentations

- "Remaking Family Mediator," Annual Academy for Professional Family Mediation Conference Keynote, in Colin Rule, October 2020
- "Delta Model Framework," Minnesota State Bar Association Practice Law Conference Keynote, October 2020
- "Remaking Negotiation for the 21st-Century," 2020 Lawrence Lecture, The Ohio State University Moritz College of Law, September 2020
- "Remaking Mediation in the 21st-Century," Promoting Model Solving: 28th Annual Conference Plenary, Florida Dispute Resolution Center, August 2020
- "Next-Gen Talent Development: A Dynamic Approach to Professional Development for Information Professionals," Annual Association of American Law Libraries (AALL) Conference, with Natalie Runyon, Kris Neidinghaus, and Zack DeMeola, July 2020
- "Assess Your Practice-readiness using the Delta Model," Passports to Practice, June 2020
- Innovations in Teaching, Research and Technology Conversation Series, Innovations in Teaching, Research and Technology Conversation Series, June 2020
- "21st Century Mediation Practice: Human-Driven, Technology-Enhanced," ABA Dispute Resolution Annual Spring Conference, with Lucy Bassi and Gary Doernhoefer, May 2020
- "What Should Law Schools Be Doing Now?," Emory TRISTAR Innovation Conference, with Cat Moon, Charlotte Alexander, David Colanusso, Keith Robinson, and Nicole Morris, January 2020
- "Artificial Intelligence and its Impact on the Future of ADR," New York State Bar Association Dispute Resolution Annual Meeting, with Lucas Berio, Diana Colon, Vikki Rogers, and Colin Rule, October 2019
- "Delta Model: A New Competency Model for the 21st-Century," University of Nevada Las Vegas Salzman Center, October 2019

Appointments

- Co-director, Center on Negotiation and Mediation, Northwestern Pritzker School of Law, August 2020

LEONARD RISKIN

Publications

- "Don't Believe Everything You Think: Mindful Conflict Management, Outside in and Inside Out," Forthcoming



Presentations

- Opening Plenary Address, Presented at the Southern California Mediation Association Annual Conference, November 2019

Awards

- Oskye-Miles Peacemaker of the Year Award, Southern California Mediation Association, November 2019



Professor Len Riskin, Opening Plenary Address, Twenty-First Century Mediator: Take Your Practice to the Next Level, Southern California Mediation Association Annual Conference, November 2019



Reimagining Negotiation for the 21st-Century

©AlysonCarrel
General Associate Professor
Center on Negotiation and Mediation
Northwestern Pritzker School of Law

Professor Alyson Carrel, Reimagining Negotiation, The Ohio State University Moritz School of Law '20 Lawrence Lecture, October 2020

To subscribe to our newsletter, please share your contact information below.

Email Address

Subscribe

