

Center on Negotiation and Mediation

LETTER FROM DIRECTOR

Lynn Cohn, Clinical Professor of Law
Director, Center on Negotiation and Mediation



Every year as I write this letter, I enjoy sharing exciting developments from the Center as well as new insights about our work. This year I am pulled in another direction by the social and political climate. Though the level of discord is high, I find that I am able to endure because of all that I have experienced as a mediator who often works in the midst of elevated conflict. The ease with which so many turn disagreement into personal animosity and hate, however, is disturbing and ultimately leads to the destabilization of our communities. For me, these developments have been a catalyst for clinging to some of the most fundamental wisdom from our field. I find comfort in returning to these truths:

- Listening and curiosity about contrary views as well as those who hold them does not signal agreement with those views;
- Sharing our stories in an authentic way is powerful and provides a platform like no other for connection;
- Knowing what really matters to you and others should guide the path;
- Creating options for ourselves and others increases our power;
- Seeking to understand before being understood remains effective and increasingly challenging;
- Doing what you say you will do builds trust and a reputation for integrity;
- Cultivating mindfulness is everything in a tense negotiation, difficult conversation and chaotic world, it's the gift you give yourself;
- Possessing a high IQ is nice but a high IQ coupled with a high EQ is potent; and
- Being heard and known is a basic human desire.

For those of us in the field of dispute resolution, there is nothing shiny and new about these basic teachings. Yet, if our students can learn and master them, they are likely to thrive in good times and survive in hard times; in both their professional and personal spheres. I am inspired and humbled that we can offer so many tools.

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FACULTY

Lynn Cohn
Director and Clinical Professor of Law

Alyson Carrel
Assistant Director, Clinical
Assistant Professor and Assistant
Dean of Law & Technology
Initiatives

Kevin Agnew
Adjunct Professor

Sara Buffett
Center Coordinator

Annalise Buth
M.R. Bauer Foundation Clinical
Fellow in Dispute Resolution

Paul Chadha
Adjunct Professor

Daniel J. Gandert
Clinical Assistant Professor

Stephen Goldberg
Professor of Law Emeritus

Janice Nadler
Stanford Clinton Research
Professor of Law

Leonard Riskin
Harris H. Agnew Visiting Professor
of Dispute Resolution

Edward D. Shapiro
Adjunct Professor

LETTER FROM DIRECTOR CONTINUED

Of course, as teachers and human beings, we also need to cultivate, in our students and ourselves, a growth mindset that fosters embracing challenges and mastering new skills. With support from my colleagues, including assistant dean of law & technology initiatives, Alyson Carrel, I have introduced polling, Google forms for student reflection, and online teaching into my courses. I admit that I suffered a bit trying to record online lectures in an empty room. The experience was unlike anything I had done before and helped me recognize the gift that we receive from our students when we are engaging in the classroom. Yet, I believe that these tech tools will create important educational opportunities for our students provided they remain the means to the end of improving options for optimal learning.



So the moral of this letter: new dogs, old tricks; old dogs, new tricks.

Peace and love,
Lynn

ALUMNI PROFILE

Kevin Agnew (JD '07)

Whether it's a part of a large corporate deal or a simple conversation, a good negotiator knows that nothing is more important than being adaptive to developing situations. Kevin Agnew (JD '07), head of the CareerLink Coaching Program at Kirkland & Ellis, learned the importance of this adaptiveness from the Center on Negotiation and Mediation and has successfully used it throughout his career.

Agnew considers the lessons learned from the Negotiations course at the Center to be fundamental to the development of his broad legal skills and interest in personal growth. He recognizes the experiential nature of the classes and the individual attention provided by the professors as a unique experience as compared to other law school courses.

As head of CareerLink, Agnew counsels individuals affiliated with Kirkland & Ellis, ranging from first-year associates to general counsels for Fortune 100 companies, and guides them towards finding fulfillment through their career. He often finds that the people he works with do not know what they want and by using the skills he developed in the Center courses, such as asking questions, framing situations, and active listening, he can move them towards an understanding of their own desires. Agnew believes that individuals can sometimes lose sight of their personal strengths and will seek out jobs that do not cater to them, which proves to be a hindrance to personal growth. It is Agnew's job to help people identify their strengths and to target careers in which they can thrive. Once this is accomplished, he assists individuals in best leveraging themselves to obtain these careers. This is done through strategic planning, centered on an individual's key attributes, that they can follow throughout the interview process to best maximize career and compensation goals.

Agnew relishes the lessons that he learned from the Center in law school, and enjoys staying involved as an adjunct professor. His favorite aspect of teaching is



tailoring the universal lessons to the specific needs of each group of students. He often finds that students like to present specific scenarios and want right or wrong answers, something that is rarely available in a field of inherently unique situations.

STUDENT PROFILE

Salma Taleb (JD '18)

Long before law school, Salma Taleb (JD '18) was writing as an act of courage and freedom to create change in the world. Taleb was born and raised in Syria. In 2014, she published an Arabic novel *Lan Tamout* (English Translation: *Will Not Die*). She also writes short stories and op-ed articles concerning issues important to her, such as the treatment of adolescent Syrian refugees.



Taleb is a leader who advocates for others. While in law school, she further developed her skills for creating change and resolving conflict. Center courses and trainings in negotiation, mediation, and restorative justice prepared her for navigating and responding to challenges in both law school and legal practice. Through these courses, Taleb learned the importance of knowing herself and understanding her interests, and she saw the need for creating space for people to be heard. She believes that connecting with others through stories and experience enables people to ultimately transform conflict.

Taleb applied what she learned in Center courses as a mediator in small claims and evictions cases, and as co-founder of the Northwestern Middle Eastern Law Student Association, which provides a forum for all Middle Eastern students and others to come together for dialogue and discussion. This summer, following the bar exam, Taleb continued to develop her dispute resolution skill set at a mindfulness retreat. She looks forward to beginning the Denniston Fellowship with General Electric in the fall where she hopes to grow as a lawyer who is also a problem solver.

ADR + DESIGN

In March, Northwestern Law invited Margaret Hagan, director of Stanford's Legal Design Lab, to discuss design thinking and its use in expanding access to justice. Design thinking is a problem-solving toolkit focused on meeting the needs of the end user. Hagan guides students through the design thinking approach to first understand the challenges facing users in the legal system. Then she works with students to brainstorm potential solutions before building prototypes for the users to test. The design thinking process shares a lot of values with mediation including the importance of empathy and understanding underlying needs as well as approaching problems creatively to find the best solution.

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ADR + DESIGN CONTINUED

During Hagan’s visit, she met with faculty from the Center to talk about fostering community dialogue in our respective roles as designers and ADR professionals. We share a common goal to understand and honor the needs of our parties and end-users and wanted to explore the unintended barriers created by the inherent privilege of an outsider’s role. We discussed strategies and techniques that designers might borrow from mediators for understanding and uncovering interests and the potential for mediators to utilize the designer’s approach of prototyping and iteration to expand party self-determination.



BACK ROW: Annalise Buth, Margaret Hagan, Bianca Serrato (JD '18). FRONT: Alyson Carrel

Our Center is exploring how we can incorporate more design thinking in some of our curriculum. Last year, Professor Carrel incorporated a design-thinking exercise in her Mediation & Advocacy course and shifted Hagan’s application of a design thinking approach to solving legal service delivery issues and applied it to current challenges in the delivery of mediation services. This year, our M.R. Bauer Foundation Fellow, Annalise Buth, is developing a new course that will provide students with the opportunity to use design thinking to create restorative justice program models that serve the needs and interests of Chicagoland communities.

FACULTY AWARDS



FROM LEFT TO RIGHT: Lynn Cohn, Alyson Carrel

This year, both Professor Lynn Cohn and Professor Alyson Carrel received awards from their dispute resolution colleagues. Cohn received the 2018 International Institute for Conflict Prevention and Resolution (CPR) Award for Outstanding Professional Article (Short Article), one of the organization’s Annual Academic Awards for Outstanding Scholarship. At the ABA Dispute Resolution Annual Spring Conference, Cohn joined a panel of experts to discuss her article and her unique disbursement process highlighting the importance of procedural justice. At the same conference, Professor Ben Davis presented the ABA Dispute Resolution Section Chair's Award to Professor Alyson Carrel, along with fellow honorees John Lande and Harold Coleman Jr., recognizing their years of dedication and service to the organization.



FROM LEFT TO RIGHT: Michael Lewis, George McReynolds, Linda Friedman, Lynn Cohn, Linda Singer

YOUTH RISING: A RESTORATIVE JOURNEY

Annalise Buth (JD '07), M.R. Bauer Foundation Fellow in Dispute Resolution, is collaborating with Thalia González (JD '04), an associate professor at Occidental College and senior visiting scholar and adjunct professor at Georgetown Law, and the Restorative Practices Class from Alliance High School located in Milwaukee, Wisconsin, to explore restorative justice and youth experiences. The collaboration has included program development, a written case study, and continuing research.

In March, the Center hosted a youth-led program at Northwestern Pritzker School of Law designed to examine restorative justice as a means of empowering young people, strengthening relationships between youth and adults, and addressing bias and misperceptions. This youth-led program attracted a diverse audience of law students, lawyers, restorative practitioners, and educators. González discussed the Georgetown Center on Poverty and Inequality research report “Girlhood Interrupted: The Erasure of Black Girls’ Childhood,” and

Alliance students shared their research regarding youth experiences of adultism. The program included opportunities for critical reflection, connection, experiential learning, and participation in circles.

Following the March event, González and Buth worked with Alliance teacher Heather Sattler to further study Alliance’s restorative whole-school implementation model. Their descriptive case study, “New Directions in Whole-School Restorative Justice Implementation,” (forthcoming in the *Conflict Resolution Quarterly*, 2019), highlights the innovative way Alliance’s model integrates theory and practice directly into the academic curriculum and democratizes restorative justice through student leadership and assumption of key roles as circle keepers.

Sattler, Alliance students, González, and Buth are partnering on research regarding the impact of restorative practices on student health and wellbeing outcomes. Understanding these outcomes has implications for the conceptualization of restorative justice and its transformative potential.

EVENTS HOSTED BY CENTER

The Center hosted a variety of events this year about restorative justice, negotiation, and dispute resolution in sports.



Students from Alliance High School Restorative Practices Class



Lainey Feingold
Author, Structured Negotiation



Eugene Lee
Sports Agent

Center on Negotiation and Mediation

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www.law.northwestern.edu/legalclinic/negotiations

Courses

Advanced Dispute Resolution

Advanced Negotiation Workshop

Colloquium on Negotiation and
Alternative Dispute Resolution

Conflict Management in Legal Practice

Dispute Resolution

Dispute Resolution in Sports

International Business Negotiation

Mediation Advocacy Clinic

Mediation Practicum

Mediation Process and Advocacy

Negotiation Workshop (12-15 sections
per year)

Restorative Justice Practicum

Restorative Justice Seminar

PUBLICATIONS, PRESENTATIONS & APPOINTMENTS

Annalise Buth

Publications

Annalise Buth and Lynn Cohn, Looking at Justice Through a Lens of Healing and Reconnection, 13 Nw. J. L. & Soc. Pol'y. 1 (2017).

Presentations

"Dream Deferred: Racial Disparities in the Criminal Justice System", Northwestern Law Collaboration for Justice Panel, January 2018

"Youth Rising: A Restorative Journey", Northwestern Pritzker School of Law Center on Negotiation and Mediation, March 2018

"Community and Restorative Justice", Cook County Juvenile Probation, June 2018

Appointments

Board Member, Chicago Alternative to Incarceration, April 2018

Advisory Board Member, Circles and Ciphers, June 2018

Alyson Carrel

Publications

Regulating Mediator Practice: Highlights from Europe and the United States, Dispute Resolution Magazine, page 21 (Fall 2017)

Presentations

ODR: How Technology Impacts Client Expectations in Mediation, World Mediation Congress, March 2018

Incorporating Tech Fluency Across the Law School Curriculum, Summit on Law & Innovation, Vanderbilt, April 2018

Sparking Innovation in the Classroom: How to Introduce Law Faculty to Instructional Technology, TEACHx, May 2018, CaliCon, June 2018

Appointments

Executive Committee, AALS Technology Law & Legal Education Section

Board Member, Resolution Systems Institute

Lynn Cohn

Publications

Annalise Buth and Lynn Cohn, Looking at Justice Through a Lens of Healing and Reconnection, 13 Nw. J. L. & Soc. Pol'y. 1 (2017).

Presentations

"Balance and Efficiency in Design: The Many Touch Points for Dispute Resolution and Procedural Justice in the Settlement of a Class Action Race Discrimination Case," Showcase Program Presenter, ABA-Dispute Resolution 20th Annual Spring Conference, April 2018

"What Would You Do? Being Ethical and Effective at the Negotiation Table," Session Chair, 38th Annual Ray Garrett Jr. Corporate and Securities Law Institute, April 2018

Appointments

Special Master, Slaughter v. Wells Fargo

Special Master, Creighton, et al., v. Metropolitan Life Insurance Company

Daniel Gandert

Publications

"The WADA Code: Optimal on Paper," Maryland Journal of International Law, volume 32 (2017).

"The Court of Arbitration for Sport: The Insurer of Fairness in Doping Cases," in Sports Law: Present and Future (edited by Kee-Young Yeun (2017)).

Leonard Riskin

Presentations

Plenary & Workshop on Qi Gong and Mindfulness, Mindfulness in Law Conference, August 2018