

APPROPRIATE Dispute Resolution Center 2009

ADR Center Welcomes New Faculty Member

Jen Reynolds will join the law faculty as an assistant professor beginning in the fall of 2009. Reynolds currently teaches at the University of Missouri–Columbia, where her courses



Jen Reynolds

include Negotiation, Conflict Theory, and Lawyering.

“We are very fortunate to have Jen join us in the ADR Center,” says Michael Moffitt, associate director of the ADR Center. “She will enable us to expand our permanent course offerings, and her research is poised to be among the most cutting-edge in the country. Students are drawn to her background, and they’ve already begun to ask me when she will arrive.”

Reynolds earned her law degree from Harvard Law School, where she helped teach courses in the Program on Negotiation. She also holds a master’s degree in English from the University of Texas and a bachelor’s degree from the University of Chicago. Reynolds’ research interests lie in negotiation and deal making, and she is a coauthor of “Selling Neiman Marcus,” which was published last year in Harvard’s *Negotiation Law Review*.

IN THE CLASSROOM

Cutting-Edge Courses Invite Critical Thinking and Build Skills for Students

“We are teaching students to think critically about when litigation, arbitration, mediation, negotiation, or any number of other methods is appropriate for a given situation,” says Tim Hicks, director of the master’s program in conflict and dispute resolution. “We believe our students should have a thorough understanding of the reasons for choosing one method over another for a particular conflict.”

Teaching Arbitration: When Parties ‘Get to No’

“You can try to ‘get to yes’ but sometimes someone’s going to be unhappy,” says Mike Tedesco, labor relations attorney and adjunct instructor who has taught Arbitration at the University of Oregon for the past seven years. “My class happens at this stage, when it becomes a different game, when settlement is not likely to happen and winning becomes the goal.”

Tedesco’s leanings toward ADR, and arbitration specifically, began early in his legal career. His first job was doing administrative hearings as part of the Civil Rights Unit at the state Attorney General’s office.

“Traditional litigation seemed a terribly wasteful and cumbersome process,” he says. Tedesco wanted to explore a different approach.

See **Arbitration**, page 2



Mike Tedesco

Seeing Multiple Perspectives



Jane Gordon

Conflict resolution is an inherently interdisciplinary field. Perspectives in Dispute Resolution, taught by Jane Gordon, ADR Center director, brings together experts with varying expertise. Structured around weekly presentations from faculty members from across the university, the class makes visible connections between multiple disciplines, including law, labor relations, economics, public policy,

philosophy, sociology, psychology, international relations, and communications.

“This course really allowed me to see the breadth of conflict and dispute resolution as a field,” said one of this year’s students.

“Having a wide range of presenters was inspiring for thoughts of my future. There are so many ways to apply conflict resolution, and I think the variety of presenters exemplified this,” added another.

“I find that this course energizes students,” notes Gordon. “Because of the significant work being done by our colleagues across campus and in the community, students begin to appreciate the complexity of conflict and its resolution. They also begin to see how different disciplines can help bring understanding and clarity to these issues.”

On the cover: Michael Moffitt, associate dean for academic affairs of the University of Oregon School of Law and associate director of the ADR Center, is pictured with Shaffer Claridge, Ashley Glassman, and Lauren Charles. Moffitt recently coauthored the book *Dispute Resolution: Examples and Explanations* (Aspen 2008). His most recent research involves an empirical examination of the evolution of ADR faculties in law schools.



Arbitration

Continued from page 1

Nearly thirty years later, Tedesco's private practice is comprised entirely of labor relations, doing arbitration, administrative hearings, and mediation. "I love what I do. It's dynamic and about preserving relationships, in spite of disagreements."

Tedesco's students emerge from his courses sharing not only his appreciation for the arbitration process, but also his critical perspective on arbitration's potential limitations.

"Like any method of dispute resolution, arbitration will be more appropriate and successful for some parties," remarked Erika Norman, a law student in Tedesco's class. "Sometimes, it is faster and cheaper to resolve a dispute through arbitration. But consumers or parties in a weaker bargaining position often have arbitration clauses forced upon them."

And it is Tedesco's intent that students grapple with these

complex issues as best they can within the classroom. "Instead of just telling us what arbitration is," says

Jason Poss, a second-year law student at the UO, "he showed us how it worked and allowed us to try it ourselves."

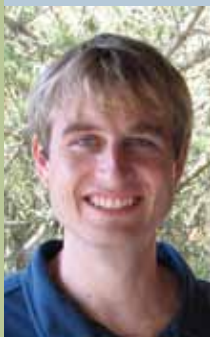
"I was able to try things in this class that I wouldn't have felt comfortable attempting in the 'real world,'" explains Darci Van Duzer, who went on from the class to serve as one of Tedesco's law clerks. "The mock arbitration gave us the opportunity to handle a full arbitration, start to finish. Actual arbitrators from around the state volunteered their time and heard our cases. The realism of the experience and the usefulness of the feedback were priceless."

As to where arbitration fits into the field of ADR, Tedesco says, "The questions I want students to be asking are: 'Is this form of adversarial process going to work?' and 'Are we leaving the parties' long term relationship unharmed?'"

Visiting Faculty Members and Fellows

In addition to the strong, interdisciplinary team of University of Oregon teachers and researchers, the center routinely attracts and benefits from visiting professors and faculty fellows.

Visiting professor **Chad Carr** joined us from the practice of corporate law at Boston's Ropes & Gray, LLP. This fall he taught two sections of Negotiation and assisted with the center's Competition not Conflict project. Carr



Chad Carr

earned his B.A. in economics from the College of William and Mary and his J.D. from Harvard Law School. While in law school, Carr was a mediator with the Harvard

Mediation Program where he served as a court liaison, training and supervising new mediators.

Dwight Golann is professor of law at Suffolk University in Boston and is currently teaching Mediation and Commercial Mediation as a visiting professor at Oregon this spring. An accomplished teacher, writer, and mediator, he is the immediate past chair of the ADR Section of the American Association of Law Schools. During his time at Oregon, Golann has assisted the student team competing in the national negotiation competition.



Dwight Golann

He is the author or coauthor of several publications including the law school text, *Resolving Disputes: Theory, Law, and Practice*, and a new book, *Mediating Legal Disputes*.

As a faculty fellow at Oregon, **Paul Godin** has expanded the center's curriculum this spring by offering a Dispute Systems Design workshop and a variety of ADR trainings for students and faculty members across the university. Godin is a Toronto-based mediator, lawyer, negotiator, facilitator, trainer, and alternative dispute resolution systems designer at the Stitt Feld Handy Group. He has designed and led workshops on ADR and negotiation worldwide.



Paul Godin

**LEARNING THROUGH SPORT
Competition not
Conflict (CnC)**

It has been a very busy inaugural year for the ADR Center's program that aims to reduce destructive conflict in sport and promote the positive values of competition. Highlights of the initiative's recent activities include:



Leslie Preto

- The Mediating Sports Conflict course links undergraduate student athletes and nonathletes together as they develop conflict resolution skills through the lens of sport.

- CnC joined with the O Heroes Program in a presentation at the NCAA CHAMPS-Life Skills Continuing Education Conference.

- CnC will also participate at the PAC-10 Student Athlete Advisory Committee (SAAC) Spring Conference by exploring the connection between diversity, culture, and conflict in sports.

- CnC partnered with Portland Parks and Recreation to train middle-school athletes during the 2009 basketball season. Training components ranged from conflict resolution and race to sportsmanship and team building. CnC is also working with the YMCA and Kidsports in Eugene to provide training for youth coaches, fans, and referees.

- After two successful trainings for collegiate coaches, CnC is organizing future trainings that will assist coaching staff members in exploring conflict resolution as an organization, while also continuing to provide dispute resolution skill training to individual team leaders.

For more on CnC, visit competitionnotconflict.com.

**ADR
APPROPRIATE
DISPUTE
RESOLUTION
CENTER**

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Director, Appropriate Dispute Resolution Center

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Administrator, Oregon Office for Community Dispute Resolution

TIM HICKS



Director, master's degree program in conflict and dispute resolution

JESSICA WALKER-KELEHER



Assistant director, Appropriate Dispute Resolution Center

TORI KLEIN



Program director, Competition Not Conflict program

Voices from the Field

As part of an effort to highlight the work of practitioners and policy makers in the field, the center hosts a full range of speakers each year. Students and community members had the opportunity to learn from the following, among others, this year.

Francis McGovern, the pre-eminent international leader in creatively resolving these complex cases, discussed “Mediating Disasters: From Katrina to Iraq, From 9/11 to the ‘Nightclub Fire.’”

In “Shifting Sport Culture,” **Don McPherson**, College Football Hall of Fame quarterback and founder of the Sports Leadership Institute at Adelphi University, was featured by the Competition not Conflict Project



Don McPherson

in a presentation about reducing destructive conflict in sports.

DeEtte Beghtol Waleed, attorney and mediator who spent six years in southern Africa coordinating an international



Francis McGovern

nongovernmental organization’s efforts to support grassroots peace building in central Africa, shared insights from that experience in “Building Peace: A View from Africa.”



DeEtte Beghtol Waleed

COMMUNITY PROGRAMS

Grassroots Collaboration

Grant Supports Probate Mediation Project

The Oregon Office for Community Dispute Resolution (OOCDR), an integral part of the ADR Center, has recently awarded a grant to develop a collaborative probate mediation program in central Oregon.

Central Oregon Mediation, a nonprofit providing dispute resolution services to residents in Crook, Deschutes, and Jefferson counties, and Deschutes County Circuit Court are partnering in the joint venture.



Susan Gary, professor of law at the University of Oregon and author of *Mediation and the Elderly: Using Mediation to Resolve Probate Disputes over Guardianship and Inheritance*, states, “The personal and family aspects of many probate issues make mediation particularly appropriate in this area of the law . . . It is hoped that the use of mediation to resolve

some probate cases will lead to benefits for the disputing parties, including the rebuilding of important family relationships.”

Law and graduate students are working in conjunction with the OOCDR to provide research and other support to the project team. Keith Leitz, a fellow with the ADR Center, shares that, “The opportunity to help bring a pilot probate mediation program to my hometown has been an absolute highlight of my ADR Fellowship and my first year as a law student.”

For more information on community dispute resolution centers, visit oocdr.uoregon.edu.

LEARNING FROM THE FIELD

Mediation Clinic

Students in the center’s Mediation Clinic are learning priceless lessons while providing an alternative for parties in the local

court system. “I learned how to be more patient in waiting for people to come to resolutions on their own,” says Adam Schurle, a second-year law student, who took

part in the clinic this fall because he wanted experience dealing with real issues outside of the classroom. “I was surprised to learn how far some people will take a grudge.”

Six students per term are accepted into the Mediation Clinic. After receiving mediation training, they spend one morning each week first observing

and then mediating small-claims cases in Lane County Circuit Court under supervision of clinical faculty members. During the



Mediation clinic participants

weekly classroom component, students explore and reflect on their experiences as mediators. The program is viewed as a successful collaboration between the

courts and the law school.

“The Mediation Clinic is an amazing experiential learning opportunity for students,” Jane Gordon, clinic director, said. “They really get the chance to practice their skills in very complex, human situations. It is eye-opening as well as humbling for them.”

MASTER’S PROGRAM

From Local to International Engagement

Students in the Conflict and Dispute Resolution Master’s Program receive not only a solid foundation upon which to build,



Tiffany Moore

but also support in developing specializations and opportunities for application. Many students use internships as a vehicle for making the transition from the classroom to the field. Last year, for example, three master’s students chose to go to Northern Ireland for their internship under the supervision of Shaul Cohen, an associate professor of geography and codirector of the Peace Studies Program at the university. Students will return to that conflict zone for additional internships this summer.

“Doing an international internship expands your global understanding. It forces you to stop and really listen,” says Tiffany Moore,

one of last year’s participants. “You don’t have the credibility to jump in and ‘fix’ things, like Americans tend to want to do. So you are forced to listen and to really understand things, like how actions can impact a conflict thousands of miles away.”

As part of a collaboration with the center’s Competition not Conflict project, master’s students have been invited to intern in Kenya with a youth organization, SACRENA, that uses sports as a tool and a means of advocacy for disseminating messages about health, education, and life-skills. Students will assist in assessing how best young people can be supported in developing life-skills related to dispute resolution. Tim Hicks notes that, “This internship offers a life-changing experience. I can’t predict exactly what the result of that experience will be but studying dispute resolution offers a window to what it means to be human.”

For more information on the Master’s Program in Conflict and Dispute Resolution, visit conflict.uoregon.edu.

Dispute Resolution at Oregon

www.law.uoregon.edu/org/adr

- **Courses include** Alternative Dispute Resolution, Negotiation, Mediation, Arbitration, Commercial Mediation, Federal Judicial Settlements, Environmental Conflict Resolution, Managing Conflict in Organizations, Understanding Divided Societies, Cross-Cultural Dynamics in Conflict Resolution, Basic Facilitation, and Mediating Sports Conflict
- Thirty-two Hour Basic Mediation Training
- Mediation Clinic
- Representation in Mediation Student Competition
- ADR Board (ADRB) Student Group
- Moot Court Negotiation Competition
- Public Policy Collaborative
- Master's Degree Program in Conflict and Dispute Resolution
- Oregon Office for Community Dispute Resolution
- Competition not Conflict Program
- American Bar Association Directory of All Law School Dispute Resolution Offerings

**COMING
SOON!**

**Conflict and Dispute
Resolution Program to
sponsor undergraduate
writing contest.**

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