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SAVE THE DATE

March 2017
Healing Our Justice System: Restorative Justice and the Law

The Center on Negotiation and Mediation and the Journal of Law and Social Policy are hosting a symposium at Northwestern Pritzker School of Law in March 2017 that will explore restorative justice and examine how we can repair harm, heal relationships, and restore community to transform our justice system.

Northwestern
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Center on Negotiation and Mediation



Letter from Director

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

Greetings friends,

There are many issues going on in our communities, our cities, our country, and our world that would benefit from the mindset and skills at the core of dispute resolution curriculum. Yet, it can be challenging to know how to move beyond the classroom to use our expertise as peacemakers. The Center on Negotiation and Mediation's current focus has been on connecting our resources and teaching to real time conflicts in Chicago.

We have accomplished this in large part due to our recent mission to add restorative justice philosophy and processes to our curriculum thanks to a gift from the M.R. Bauer Foundation. Restorative justice is a value-based relational approach to wrongdoing that focuses on repairing harm instead of punishment. The philosophy focuses on engaging those most affected and empowering them to address the needs and obligations arising from the harm.

This is often accomplished through the circle process. The circle is a type of restorative practice used to create a safe space for building relationships through respectful dialog. Each participant is given equal voice and there is an emphasis on sharing personal stories and values. As you will read in the article on page 4, students in the restorative justice practicum, taught by our M.R. Bauer Foundation Fellow in Dispute Resolution Annie Buth (JD '07), worked with a number of organizations, many of them grassroots, to support restorative justice initiatives benefiting young people in schools, students with disabilities, offenders released from prison, and court-involved youth.

I personally co-taught a course on policing in Chicago that included healing circles comprised of students, community members, and Chicago police



Policing Class

officers. These powerful sessions allowed participants to explore their experiences and feelings related to the often fractured relationships between police and communities. Students in the class were also tasked with reinventing policing in Chicago and virtually every student highlighted the need for dispute resolution processes to minimize arrests and rebuild relationships.

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One guest in the class, media personality Robin Robinson, recently accepted a position focused on rebuilding the relationship between police and the communities most impacted by police intervention. Robinson engaged with academic experts in the class as well as the students and community guests, and we will continue to support her efforts to build relationships between police and community members through dialogue.

The center is also supporting a model restorative school project. This project would provide an alternative to the criminal justice system for high schoolers by referring them to either mediation or a circle process. Every skill that we teach in negotiation and mediation has been leveraged to explore options for meeting the needs of the various players involved in this project, including the police responding to school incidents; school administration and staff; school communities; students; parents; and various dispute resolution providers at the table.

Increasingly, we recognize that our work can be applied within Northwestern Law as well. To this end, the center hosts community circles for our own students and staff to provide much needed support and connection. In addition, we are uniquely situated to collaborate and act as a resource for other arms of the Law School. Examples include helping the Center on Wrongful Conviction of Youth with negotiation preparation, teaching for the LEAF: Legal English and Foundations program for LLM students, or participating in the Law School Admissions Conference for students from socio-economically disadvantaged backgrounds.

The call to connect internally and externally to provide avenues of healing has never been so great. In a city like Chicago, this need is overwhelming. I believe that there can be no greater opportunity for our students than learning from complex real world conflicts while supporting change.

Peace and love,
Lynn

Staff Transitions

After fifteen amazing years of service, Nancy Flowers has retired from the Center on Negotiation and Mediation. As the Program Coordinator, Nancy helped the center grow over 300% in its course offerings and programs for students. Nancy was beloved by students, her colleagues, and anyone involved with the center. While Nancy's cheerful presence will certainly be missed, the center is also excited to welcome Micah Brown as the new Program Coordinator. Micah's background and education as a paralegal supports the center's latest growth into client representation in its Mediation Advocacy clinic, where students represent clients scheduled to attend a mediation regarding employment discrimination matters. Welcome, Micah!

Tech Driven ADR

Technology is impacting many aspects of the legal profession, but when it comes to dispute resolution, the application of technology is highly debated. Scholars and practitioners caution the adoption of online dispute resolution amidst concerns that technology negates the interpersonal communication and benefits of many dispute resolution processes. At this year's ABA-Dispute Resolution Section's Annual conference, Professor Alyson Carrel was on a panel discussing tech-driven dispute resolution and the role technology plays in ADR (with fellow panelists Colin Rule, Chairman and COO of Modria; Ethan Katsch, Director, National Center for Technology and Dispute Resolution; Larry Bridgesmith, Program on Law & Innovation at Vanderbilt Law School; and Andrew Arruda, CEO & Co-Founder ROSS Intelligence). Professor Carrel asked the audience to expand their definition of online dispute resolution as either the resolution of disputes in an online environment or the resolution of online disputes to also include the notion that practitioners can use technology to enhance more traditional face-to-face mediation practices. The use of technology can create efficiencies in traditional dispute resolution processes. For example, online case management tools and apps can simplify scheduling for mediators and parties, and real-time collaboration using online word processing applications can reduce confusion and allow for more efficient information exchange in mediation.



Our center is working to reflect Northwestern Law's commitment to preparing graduates to succeed in the technologically driven global economy. For example, Professor Carrel asks students in her Mediation courses to use technology to create mediation tools and guides. Her students have developed unique

promotional videos, mediation preparation apps, Buzzfeed-like quizzes to determine if a case is appropriate for mediation, and Twitter campaigns to promote the use of mediation. She hopes to inspire students to become innovators in the new technology driven economy and utilize technology to enhance interpersonal communication based processes and services.



Student Profile Mackenzie Drutowski (JD '16)

In order to be a successful attorney, Mackenzie Drutowski (JD '16) believes you must know how to get a deal done. She begins her legal career this fall as an associate at Kirkland & Ellis and says taking

classes through the Center on Negotiation and Mediation at Northwestern Pritzker School of Law gave her a more holistic perspective of the law and approach to legal services. As a law student, Mackenzie became a certified mediator for the Cook County courts and continued to mediate through the Center for Conflict Resolution as a Public Interest Law Interest (PILI) fellow this summer. But it was her experience in the negotiation curriculum, taking both the basic negotiation and advanced negotiation courses, as well as competing in the ABA Negotiation Competition (see page 6) that best prepared her for the practice of law.

Mackenzie is a masterful negotiator who approaches deals with a level of professionalism usually reserved for far more experienced attorneys. She attributes her ability to stay focused and calm in the face of incredible pressures to her experiences working with highly emotional parties in the mediation practicum, as well as the intensive and thorough coaching she received during the ABA Negotiation competition practices. Her masterful skills have been recognized across the board: classmates awarded her the 2016 Legal Profession Award, the Center for Conflict Resolution selected her as a PILI fellow to manage Cook County mediation programs in the Cook County courts this summer, and practicing attorneys recognized her steadfast ability to collaboratively negotiate great deals for her client awarding her and her teammate, Jeff Wysong, as the first place team in the ABA's National Negotiation competition. In conjunction with her other law school classes, Mackenzie says the courses she took through the center helped give her a broader perspective on the practice of law and its connection to the world around her. She wants to use her skills and knowledge of ADR processes to enhance her work as an attorney, recognizing that to be a great lawyer, you must be an excellent problem solver.

Through all these activities, Mackenzie says she was able to work on her skills and learned how to magnify her strengths and mitigate any weakness so that she can confidently approach negotiations under pressure. Mackenzie embodies the lawyer as problem solver. She is every bit deserving of the accolades she has already received and more are sure to come.

Research Focuses on Contemporary Issues in Sports Dispute Resolution

With the conclusion of the 2016 Summer Olympic Games, Clinical Assistant Professor Daniel Gandert (JD '07) is researching timely topics in sports dispute resolution. He is completing a chapter for the *Routledge Handbook of Global Sports Law* centered on the recent changes to the World Anti-Doping Code, which increase the discretion given to arbitrators for determining doping offence penalties. Along with other issues, Professor Gandert discusses the concerns about independence relating to doping arbitrations and examines the case of German speedskater Claudia Pechstein who challenged her suspension in the Court of Arbitration for Sport ("CAS"). Upon losing and having her appeal dismissed, she filed suit in LG München, a German court. Although this court found that the arbitration clause requiring athletes to go to CAS

for all disputes was monopolistic, an appellate court overturned the decision and affirmed the CAS suspension. This is paramount for the sports dispute resolution field because it upholds CAS arbitration and mediation as the primary means of resolving doping disputes and circumvents the issue of conflicting local court decisions.



Curriculum Impact by the Numbers

Center on Negotiation and Mediation Offers Breadth and Depth

TOP 10 U.S. News & World Report
Top Ten Dispute Resolution program

487 enrollments in courses
taught by the center

AT LEAST 80 of those enrollments were
students choosing to enroll
in at least 2 different courses

14 different course offerings

1 course—
Negotiation, ran **12** different
sections

Experiencing Restorative Justice in Chicago

In the Spring 2016, Restorative Justice Practicum, students experienced restorative justice in action across the city of Chicago, from North Lawndale on the West Side to Albany Park on the North Side to Brighton Park on the Southwest Side. Practicum students worked twelve hours per week at a field placement and met weekly as a group for a seminar taught by Annie Buth, the M.R. Bauer Foundation Fellow in Dispute Resolution.

In the course, students were challenged by a restorative paradigm shift, which required them to reexamine the way they thought about conflict and wrongdoing. Restorative justice focuses on the “ripple” effect of an action and repairing the resulting harm instead of simply

holistic approach that pairs clients with social workers and mentors. Laura Pone (JD '16), another practicum student, worked with Equip for Equality, which provides legal services for people with disabilities. As part of her placement, Pone helped draft a restorative justice toolkit for Chicago Public School administrators and examined ways to adapt restorative practices for students with special needs.

Other placements included working with Judge Colleen F. Sheehan on the creation of a restorative community court in North Lawndale; a youth development agency managing high school diversion programs that prevent in-school arrests, suspensions, and expulsions; a community mediation center designing a reentry mediation program; a non-profit organization providing restorative programming in schools, churches, detention centers, and jails; and a non-profit organization drafting a restorative justice legislative report.

At the beginning of the semester, the class went through an intensive two-day circle training where they learned firsthand about deep and active listening, connection through shared experiences, and collective wisdom and strength. This training not only helped equip students for their field placements, but it also inspired them to think about ways to incorporate restorative practices into the Northwestern Law community.

At the end of the semester, practicum students facilitated a circle for Northwestern Law students. The circle underscored the community’s need for connection and understanding in most of the challenges of everyday life. Returning students are working with Buth to create ongoing circles for the school year to support the Northwestern Law community as it grapples with issues of violence, racism, and stress of living in these times, as well as the ups and downs of law school life.

Through the practicum, the center is providing students with the opportunity to experience restorative justice; study restorative justice theory, principles, and history; explore the application of restorative justice in their professional and personal lives; develop emotional and social intelligence; and gain a broader understanding of justice and advocacy. At the end of the course, Mennemeier opined, “One of the things that I’ve taken away from the class and from my practicum is that there isn’t just one model for restorative justice, and there are ways that one can live or practice restoratively without having formal circles or victim-offender dialogues—so I hope to incorporate that into my life.”



Laura Pone (JD '16) (right) with her supervisor Margie Wakelin (JD '08), worked at Equip for Equality, an advocacy organization providing legal services to people with disabilities, during her spring restorative justice practicum.

the rule or law that was broken. Wrongdoing is viewed as a violation of relationships. Thus, restoring relationships is often crucial to addressing needs and obligations arising from the harm.

A critical part of the practicum was learning about restorative justice in practice in different Chicago communities. Buth worked with students to set up field placements at organizations with a variety of different restorative initiatives. Kelly Mennemeier (JD '16) was interested in juvenile justice and worked with Lawndale Christian Legal Center (LCLC), a restorative justice hub that provides criminal defense representation to youth. LCLC uses a



Alumni Profile

Andrew Stroth

Andrew Stroth is a pro when it comes to negotiating high-stakes, multimillion dollar deals. As a sports and entertainment attorney, Stroth negotiated NBA star Dwyane Wade’s T-Mobile endorsement, which featured Wade in

television commercials with NBA legend Charles Barkley. When NFL quarterback Michael Vick returned after serving a federal prison sentence, Stroth negotiated Vick’s new endorsement deal with Nike. Stroth has also represented television personalities such as Robin Robinson, an award winning journalist who is now special adviser to the Chicago Police Department’s Superintendent for Community Affairs.

Stroth’s path to success has been fueled by his drive and passion. When Stroth began law school at Northwestern Pritzker School of Law, he had already founded Impact Talent Associates, a sports and talent management and marketing firm. Stroth honed his skills and learned the importance of interest-based negotiation and the “soft on people, hard on issues” approach from the Center on Negotiation and Mediation. These enhanced skills helped him represent his first NFL client, Chicago Bears defensive tackle Chris Zorich.

Stroth recognizes the power of a positive reputation and the importance of relationships. He is known for his integrity, sincerity, and honesty, and his achievement is a testament to the saying that “it is not a one-shot world”. Stroth has always had a gift for making key connections, and while he was a

student, he successfully brought then Senator Barack Obama to Northwestern Law for diversity week.

Through the years, Stroth has shared his negotiation knowledge and experience with Northwestern Law students both as an adjunct professor and guest lecturer for the center. When talking about negotiating deals with companies like Nike, Converse, and Vitamin Water, Stroth demonstrates to students that “win-win” deals are both possible and profitable. He helps them see that there is more to a deal than simply profit—there is value in equity, building a client’s brand, and satisfying a client’s long term interests. Stroth’s wisdom and experience brings negotiation concepts to life for students.

Stroth is now using his negotiation and advocacy expertise to give back. Instead of negotiating deals on behalf of sports stars and celebrities, he is producing results for clients who have been injured or treated unjustly. Stroth is the founder and managing partner of the Action Injury Law Group, a civil rights and personal injury law firm dedicated to supporting victims of police misconduct.

Action Injury Law Group provides critical access to legal services. Stroth has assembled a team of high-profile trial lawyers to provide representation for clients who have been largely underserved. Stroth explains, “When something happens in the community, we want to mobilize a team on the ground to fight for justice.”

Andrew Stroth is a dealmaker and advocate who understands the importance of believing in people and communities. Stroth makes a positive impact for his clients, whether they are an NBA all-star or victim of police brutality.

Publications and Presentations

ANNALISE BUTH

“Restorative Approaches in Clinics and Communities,” AALS Conference on Clinical Legal Education, May 2016

ALYSON CARREL

“Tech Driven Dispute Resolution” with Colin Rule, Ethan Katsh, Andrew Arruda, and Larry Bridgesmith, ABA-DR Annual Conference, Showcase Program, April 2016

“Legal Education Response to Emerging Technology & the Law,” Chicago Legal Innovations and Technology Meet-Up, February 2016

“Impossible Realities, Infinite

Loops and Movable Staircases: The Impact of Institutional Marginalization on the Tricky, Unpredictable, and Inconsistent Trajectory of the Non-Tenured Track Career Professor,” with Deborah Borman, Mel Weresh, Anna Hemingway, and Dean Susan Duncan, AALS Annual Conference, January 2016

“Disrupt the Norm: Technology for Today’s Classroom,” AALS Teaching Methodologies Video Series

LYNN COHN

The Case for Including Negotiation, Dispute Resolution

and Problem Solving Teaching in the Law School Curriculum and How to Get Started, FGV Global Law Book, forthcoming 2017

“Getting What She Wants,” Mesirow Financial Women Connect, May 2016

“How to Deal With Difficult People and Tactics,” ABA Section of Dispute Resolution,” ABA-DR CLE Webinar, April 2016

DANIEL J. GANDERT

“Clinical Engagement in Communities and the year of Mercy,” AALS Conference on Clinical Legal Education, 2016 (poster presentation)

“The Intent to Dope Versus the Intent to Cheat,” International Association of Sports Law World Congress of Sports Law, 2015

LEONARD L. RISKIN

“Mindfulness and Food in Law and Legal Education,” Kormendy Lecture, November 2015 (a written version will appear in the *Northern Ohio Law Review*)

“Mindfulness for Judges,” with Rachel Wohl and Hon. Michael Zimmerman, Annapolis, MD, November 2015

Northwestern

PRITZKER SCHOOL OF LAW

Bluhm Legal Clinic

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Faculty

Lynn P. Cohn, Director and
Clinical Professor of Law

Alyson Carrel, Assistant Director
and Clinical Assistant Professor

Kevin Agnew, Adjunct Professor

Micah Brown, Program 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, Benjamin Mazur Summer
Research Professor of Law

Leonard Riskin, Harris H. Agnew Visiting Professor
of Dispute Resolution

Edward D. Shapiro, Adjunct Professor

List of 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

Lawyer as Problem Solver

Mediation Advocacy Clinic

Mediation Practicum

Mediation Process
and Advocacy

Negotiation Workshop
(12–15 sections per year)

Power, Status, and
Negotiation

Restorative Justice
Practicum

Negotiation Team Wins 1st Place at National Competition

The Center on Negotiation and Mediation would like to congratulate Mackenzie Drutowski (JD '16) and Jeffrey Wysong (JD '16) for their first place win at the 2016 ABA National Negotiation Competition in San Diego. This victory follows the team's taking first place at the regional competition earlier in the school year. The team was coached by Professors Alyson Carrel, Lynn Cohn, and Daniel Gandert.

