

Center for Dispute Resolution

Fall 2015

Maryland Carey Law Alumni Lead Maryland ADR Innovations

What do the leaders of the Maryland Judiciary's alternative dispute resolution programs have in common? They are all graduates of the University of Maryland Francis King Carey School of Law. Rachel Wohl '88 recently retired executive director of the Maryland Judiciary's Mediation and Conflict Resolution Office (MACRO); Mala Malhotra-Ortiz '04, director of the Maryland Court of Special Appeals ADR Division; Scottie Reid '82, deputy director of the Maryland Court of Special Appeals ADR Division; Jonathan Rosenthal '91, executive director of the District Court of Maryland ADR Office; and Maureen Denihan '04, deputy director of the District Court of Maryland ADR Office, sat down to discuss their work, their time at Maryland Carey Law, their vision for ADR in Maryland, and their ideas concerning the important role that the Center for Dispute Resolution at the University of Maryland Carey School of Law (C-DRUM) can play in the



(from l to r:) Mala Malhotra-Ortiz '04, Scottie Reid '82, Jonathan Rosenthal '91, C-DRUM Managing Director Toby Treem Guerin '02, Rachel Wohl '88, and Maureen Denihan '04.

ADR community.

All of these Maryland ADR leaders take great pride in overseeing programs that create opportunities for people

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Maryland Law Faculty and Students Study Comparative Conflict Resolution in Scotland

Twenty-eight law students, including eight students from Maryland Carey Law, traveled to Aberdeen, Scotland this summer to learn about international conflict resolution.

Co-sponsored by Maryland Carey Law and the University of Baltimore (UB) School of Law, the Summer Abroad program features two courses, co-taught by faculty from the United States and Scotland. The subject matter of the courses varies each year. This summer, Professor Eisenberg and Aberdeen faculty member Derek Auchie taught Comparative Conflict Resolution, in which students learned about the range of processes—especially mediation and arbitration—used to resolve legal disputes in the United States, Scotland, England and Wales. Professor Christopher Peters from UB Law taught Comparative Constitutionalism, together with Aberdeen faculty members Robert Taylor and Mike Radford.

The program allows students to learn both academically and culturally. The program coordinates visits to historical sites and opportunities to connect with Scottish legal practice. This year the students visited a castle, interacted with an Aberdeen Sheriff (the equivalent of a trial judge in the U.S.), observed superior and criminal court proceedings in Edinburgh, and toured Scottish Parliament. Many students also took advantage of opportunities to explore Scotland and other places throughout Europe on their own. The Baltimore-Aberdeen Summer Abroad Program is approved for law school credits by the American Bar Association. The program is open to law students who have completed their first year courses and remain in good academic standing.



Prof. Eisenberg (left) with Maryland Carey Law Students in Aberdeen.



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- **Strategic Negotiation Skills** *Randy Lowry & John Lowry*
- **Narrative Mediation: Transforming Conflicts Through Better-Formed Stories** *Sara Cobb*
- **Restorative Practices in an Organizational Setting** *Barbara Grochal & Kay Pranis*
- **Advanced Decision Making for Neutrals and Lawyers** *Bob Creo & Selina Shultz*

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For additional information, please visit
www.law.umaryland.edu/adrskills or straus.pepperdine.edu

Third Annual East Coast ADR Professional Skills Program Expands Offerings

On March 19-21, 2015, more than 100 attendees from 24 states and 32 federal agencies learned mediation and conflict resolution skills from nationally renowned faculty during the third annual East Coast Professional Skills Program at Maryland Carey Law. A partnership between the Straus Institute for Dispute Resolution at Pepperdine University and C-DRUM, the program featured eight distinct course offerings over 2.5 days.

The courses included previous popular subjects such as Advanced Mediation, STAR: A Systematic Approach to Mediation Strategies, and Conflict Resolution Consulting and new courses, such as Preventing Bad Settlement Decisions and Impasse, Public Sector Mediation: Skills and Drills, and Restorative Practices in an Organizational Setting.

With increased interest in restorative justice and related practices in courts, workplaces, and schools, internationally-recognized author and circle practitioner Kay Pranis teamed up with C-DRUM's Barbara Grochal, school conflict resolution specialist and past management consultant, to create the new course, "Restorative Practices in an Organizational Setting."

Attendees can look forward to next year's program on March 17-19, 2016 with many returning courses and some first-time offerings. Details can be found at www.law.umaryland.edu/adrskills.

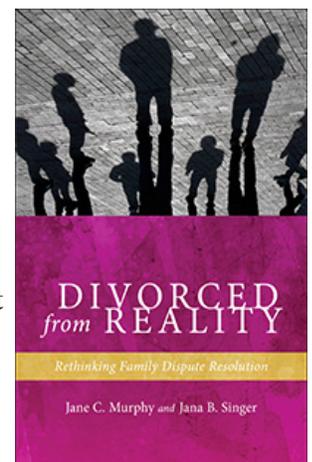


Barbara Grochal co-leads a session on restorative practices.

Divorced from Reality: Rethinking Family Dispute Resolution

Over the past thirty years, there has been a dramatic shift in the way the legal system approaches and resolves family disputes. Traditionally, family law dispute resolution was based on an "adversary" system: two parties and their advocates stood before a judge who determined which party was at fault in a divorce and who would be awarded the rights in a custody dispute. Now, many family courts are opting for a "problem-solving" model in which courts attempt to resolve both legal and non-legal issues.

Professors Jana Singer and Jane Murphy (University of Baltimore School of Law) explore the dramatic shift in the way the legal system approaches and resolves family disputes in their new book. *Divorced from Reality* suggests that while today's dispute resolution regime may represent an improvement over its more adversary predecessor, it is built largely around the model of a divorcing nuclear family with lawyers representing all parties—a model that fits poorly with the realities of today's disputing families. To serve the families it is meant to help, the legal system must rethink its reliance on courts and must adapt and reshape itself.



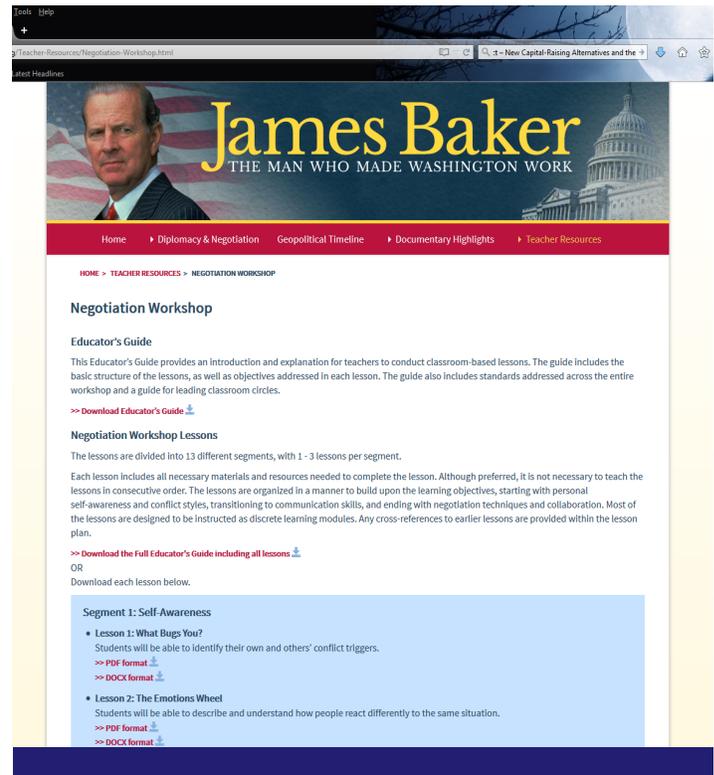
C-DRUM Develops Conflict Resolution Curriculum in Partnership with Maryland Public Television

“Sometimes you move publicly, sometimes privately. Sometimes quietly, sometimes at the top of your voice,” proclaimed James Baker III, former U.S. secretary of state, secretary of the treasury, and close advisor to many presidents.

Both a strategic negotiator and expert diplomat, Baker has been called Washington’s “Miracle Man” because of his ability to solve seemingly insurmountable problems. Maryland Public Television (MPT) engaged partners to develop a website to supplement its documentary “James Baker: The Man Who Made Washington Work.” The website includes materials that educators can use to teach negotiation and problem-solving skills to middle and high school students based on examples from the life and career of James Baker.

Recognizing its depth of experience in conflict resolution education, MPT selected C-DRUM to design a series of lessons and an Educator’s Guide to complement the website. Teachers and students can choose from more than thirteen segmented lessons designed to connect recent historical events with everyday negotiation, communication, and problem-solving skills. The lessons allow students and teachers to explore common situations, learn negotiation and problem-solving strategies, and build effective communication skills. In order to bridge theory and application, the lessons are designed to be used as a springboard for exploring personal experiences with conflict and analyzing other historical events.

The full selection of teacher resources is currently available at <http://jamesbaker.thinkport.org/Teacher-Resources/Negotiation-Workshop.html>



“James Baker: The Man Who Made Washington Work,” produced by John Hesse Productions LLC, can be found at <http://jamesbaker.thinkport.org> and <https://www.jamesbakerfilm.com/>. All educational materials can be found at <http://jamesbaker.thinkport.org>.



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ADR TEAM UPDATES

This year the ADR Team continued its winning streak. Once again the team returned to the national round of the ABA-sponsored negotiation competition and took home top honors in the International ADR mediation tournaments. The team benefitted from coaching and feedback from several ADR Team alumni and received top-notch instruction and guidance from adjunct faculty Barry Gogel, Nick Scull, and team advisor Toby Guerin. In the coming year, the ADR Team plans to build upon its successes and broaden its focus to include new competitions.

Notable 2014-2015 Competition Results:

Negotiation

- ABA Law Student Division Negotiation Competition - Regional Champions, National Semi-finalists
- Liberty University School of Law National Negotiation Tournament - Semi-finalists

Mediation

- ABA Dispute Resolution Section Representation in Mediation Competition - Second Place Regionals
- International ADR Mediation Tournament (fall) - Best Overall Mediator, Brooke O'Connell
- International ADR Mediation Tournament (spring) - First Place attorney-client team of Joan Leatherman and Chris Burruezo



National ABA Negotiation Competition Semi-finalists, Mary Biscoe '15 and Ben Smith '15 with their coach Barry Gogel.



(from l to r:) Chelsea Kadish '15, Kieran Dowdy, Michele Hayes '15, coach Toby Guerin, and Jillian Chavis '15 at the Regional ABA Representation in Mediation Competition in Columbus, Ohio.

The ADR Team welcomes its new members for 2015-2016:

- Toks Arowojolu
- Jen Auger
- Henry Callegary
- Hillary Cleckler
- George Cunningham
- Susan DuMont
- Kirsten Eckroad
- Trey Hilberg
- Fernando D. Kirkman
- Courtney Kuhn
- Nick Medina
- Linda Morris
- Sydney Peterson
- Drew Ricci
- Matthew Sarna
- Jeff Wettengel

New Maryland Collaborative Law Rules Effective July 1, 2015

Maryland has long been a leader in the development of collaborative law. This past July, Maryland's new Collaborative Law Rules ("CL Rules") took effect. The CL Rules, which can be found in Title 17, complement and implement the Maryland Uniform Collaborative Law Act ("MUCLA"), passed by the legislature in 2014. Both the MUCLA and the CL Rules apply to both civil and family law matters. Taken together, these rules provide a comprehensive framework for the practice of collaborative law and the integration of collaborative practice into the judicial process.

The MUCLA provides for the confidentiality of collaborative law communications and establishes an evidentiary privilege similar to the privilege contained in the Maryland Mediation Confidentiality Act. The CL Rules provide a specific framework for common issues in collaborative law such as staying a court action, informed consent, and withdrawal.

Staying a Pending Court Action

Parties to a pending court action may file a joint motion to stay court proceedings during a collaborative law process. Upon the filing of such a motion, the court shall stay court proceedings for a reasonable time period, unless extraordinary circumstances exist. A committee note clarifies that the time elapsed during such a stay does not count against any applicable judicial case management time standards.

Informed Consent

The CL Rules specify the steps that an attorney must take to obtain a client's informed consent to the collaborative process. The attorney must make a reasonable effort to determine whether the client has a history of a coercive or violent relationship with another party and, if so, to assess whether a collaborative law process is appropriate. The attorney must also inform the client that if the collaborative proceeding terminates prior to full resolution, the client will

need to obtain another attorney.

Withdrawal of Representation

Rule 17-506 governs the withdrawal obligations of collaborative attorneys. The Rule provides that an attorney who represents a client in a collaborative law process may not subsequently represent a party in a proceeding related to the collaborative law matter, other than to enter agreements or to request a consent judgment. This disqualification provision generally applies to other attorneys associated with the same law firm, but it is subject to two important exceptions. If the collaborative attorney is associated with a legal services organization providing services to indigent individuals or a government agency, other attorneys in the organization may represent the client in a related proceeding, provided that the collaborative attorney is screened from participation. These exceptions help to ensure that indigent individuals who receive collaborative representation from legal services organizations are not deprived of representation if the collaborative process fails.

Limited Scope Representation

Amendments to Rule 1.2 of the Maryland's Lawyers' Rules of Professional Conduct covering limited scope representation also took effect on July 1st. A new comment includes representation of a client in a collaborative law process as a permissible limited representation predicated upon the existence of a collaborative law participation agreement that complies with the requirements of the MUCLA.

The full text of the new Collaborative Law Rules is available through the website of the Maryland Administrative Office of the Courts: <http://mdcourts.gov/rules/reports/186th.pdf>. For more information about Collaborative Law Practice in Maryland, go to www.marylandcollaborativepractice.com.

Join us for

INNOVATIONS IN FAMILY DISPUTE RESOLUTION CONFERENCE

November 13, 2015 | 8:30 a.m. - 5:00 p.m.

<http://www.law.umaryland.edu/FamilyADR2015>

C-DRUM Develops Conflict Management Modules to Support Interprofessional Education

In June, Professor Deborah Eisenberg and C-DRUM were awarded an Interprofessional Education Faculty Award from the University of Maryland, Baltimore Center for Interprofessional Education for a project titled “Development of Conflict Management Training for Interprofessional Global Health Teams.” This innovative project will link C-DRUM with the university’s Center for Global Education Initiatives (CGEI) to develop a specialized conflict resolution training curriculum for interprofessional student groups working in international settings.

C-DRUM was asked to create the training to complement CGEI’s global scholarship program, the first in the nation to predicate funding on the interprofessional composition of the project team. Interprofessional education (IPE) involves educators and students from at least two professional disciplines, who work to create a collaborative learning environment. Although it is widely accepted that improving global health requires a broad array of multidisciplinary methods, there has been little scholarship or programmatic effort to train teams for the challenging task of working together in unfamiliar settings. Global health education often immerses students and faculty in unfamiliar settings that can intensify the personal and professional stresses experienced by interprofessional teams. A failure in team dynamics can cause the most well-designed project to fail.

To encourage effective team work, CGEI has always required faculty and student awardees to participate in team training prior to the start of their funded activities. To date, the training has been modeled after existing IPE strategies and has not addressed the issues of interprofessional teamwork in the global health context. Effective interprofessional communication and teambuilding are two core competencies of IPE, but nationally there is a lack of targeted conflict management curriculum that can help to build strong IPE teams and train them in effective conflict management protocols.

This project will develop, implement and evaluate conflict management and teambuilding curriculum modules for mixed teams of students and faculty engaged in international global health research and service. The modules can serve as a national model for interprofessional global health teams. The objectives of the new training sessions will be to:



Maryland Carey Law Professors Diane Hoffmann and Peter Danchin and Chancellor College of Law Professor Chikosa Banda (top row) with law students from both schools in 2013 in Malawi.

1. Establish trust among the interprofessional team through communication and teambuilding activities that help the members of the team understand each other’s roles, perspectives, and values;
2. Identify and understand the potential sources of conflict that may occur on an interprofessional global health team;
3. Educate team members about different “conflict styles,” using the Thomas-Kilmann conflict mode instrument;
4. Teach simple tools and strategies for effective communication and conflict resolution; and
5. Assist the interprofessional team in developing conflict management protocols to address conflicts as they arise.

Training in conflict management and team skills is critical to facilitate successful global health education and practice. The long-term goal of this collaboration between C-DRUM and CGEI is to develop conflict prevention and management curriculum that can be used by other interprofessional teams at UMB and nationally. To date, CGEI has supported 18 projects in 11 different countries.

Maryland Alumni Lead ADR Innovations

cont'd from p. 1

to work through conflicts and develop creative solutions. They view dispute resolution as a way for people to access a range of solutions. This can foster public trust and confidence in the judiciary. According to Wohl, “The most gratifying part of my job was knowing that the Maryland Judiciary, through MACRO, collaborated to foster growth and innovation in the field. MACRO grants programs were used as catalysts to support services such as community mediation, community conferencing, and District Court and Maryland Court of Special Appeals mediation programs, which are free and accessible to the public.”

As ADR has grown in the state, the ADR course offerings have expanded at Maryland Carey Law. While in law school, these ADR leaders took classes such as counseling and negotiation, the mediation clinic, environmental law, and mediation theory and practice. Denihan stated that these ADR courses “opened [her] eyes to the alternative ways to look at conflict and provided a greater understanding of the legal system and the role of dispute resolution.” For most, the courses resonated with their general sense of effective ways to explore conflict and empower individuals.

Moving forward, the leaders foresee both challenges and opportunities for the field of dispute resolution. Through their work and that of many other trailblazers in dispute resolution, what first began as an alternative to resolving disputes is becoming more integrated with the legal process. This acceptance of dispute resolution—mediation specifically—into the fabric of the court has increased its availability and created more knowledgeable judges, attorneys, and consumers. At the same time, the challenge exists to maintain the integrity and alternative nature of the process. To this end, Rosenthal and others commented on the important role that C-DRUM plays in educating the business, human resource, and legal communities through its continuing education programs and research. “When lawyers develop the ability to use ADR to help their clients, it benefits the legal system as a whole,” said Rosenthal.

Rachel Wohl '88

Rachel Wohl served as the first executive director of the Maryland Judiciary’s Mediation and Conflict Resolution Office (MACRO). While a student at Maryland Carey Law, Wohl took a counseling and negotiation course. This course, combined with her constitutional law clinic, a paper on community mediation, and conversations with Professor Mike Millemann, convinced her that she could use her role as a lawyer to “be an agent for social change.” Her law school experiences sparked her initial interest in ADR, but her involvement in the field did not fully take off until, while at the Maryland Office of the

Attorney General, she represented the state in three related employment cases. A skillful mediator helped the parties settle all three cases in just two days of mediation—cases that would have taken years in court. The practicality of this process led her toward a career in mediation. As she became more involved in the field, she realized that the landscape of ADR in Maryland needed to change. She wrote a proposal to then Chief Judge Robert M. Bell to create an ADR Commission. Wohl was hired as its Executive



Rachel Wohl '88

Director, where she was given the freedom to grow the committee into what is now known as MACRO.

Although Wohl recently retired, she is not slowing down. As she moves forward in her career, she plans to expand her practice. Internationally, she will continue her work with Mediators Beyond Borders and grow her new business, Conflict Specialists International, LLC. In addition, she and University of Florida Levin School of Law Professor Leonard Riskin have developed a mindfulness tool, “Taking STOCK,” to help dispute resolvers integrate mindfulness into their practice and lives. Wohl teaches a class on mindfulness for Mediation Clinic students and a mindfulness course with the East Coast Professional Skills Program.

Wohl has had many meaningful experiences within the field. She recalled a specific situation from early in her career that remains with her to this day. The mediation involved two young women who both had a child by the same man. They engaged in years of conflict resulting in charges of assault, harassment, and peace orders. A shared desire to stay out of court led the women to agree to mediation. Upon entering the room, both women appeared hostile in tone of voice and body language. As the mediation progressed, they began to understand each other and see their similarities. During the mediation they realized that their feud was extending to their children. By the end of the mediation they had exchanged phone numbers and made plans to get the children together. To witness the women transform from enemies to allies was profound and remains an example of the power of the process.

Reflecting upon her work at MACRO, she describes it as “a collaboration; to work with judges and court staff and move ADR programs forward. It was an opportunity to dream up projects and make them reality.” She has become

the “agent for social change” that Maryland Carey Law inspired her to be.

C-DRUM would like to take this opportunity to publicly thank Rachel Wohl for all she has done for the field of ADR in Maryland, nationally, and internationally. Through her leadership and vision, ADR has grown exponentially throughout the state from courts to communities, playgrounds to prisons, businesses to bureaucracies. Wohl commented that she measures her success by “knowing I have made a contribution to positive social change through collaboration and through deep meaningful relationships with people in the office and the field.” By that measure, she has been enormously successful.

Mala Malhotra-Ortiz '04

Mala Malhotra-Ortiz’s favorite thing about being a neutral as compared to an attorney is that it gives her “a breath of fresh air not to have to be attached to an outcome.” Over the years, she has consistently taken on the role of negotiator, mediator, and change agent to realize her passion for helping people, organizations, and businesses to resolve their own conflicts and achieve their goals.

Her involvement in ADR began in high school when she was trained as a peer mediator. This experience sparked her interest in collaborative processes. Malhotra-Ortiz credits her time at Maryland Carey Law with broadening her perspective. As she reflected, “sometimes human problems fit into a legal box and sometimes they don’t.”

A former PeaceCorps volunteer in Paraguay, Malhotra-Ortiz currently applies her vast skill set and expertise in her role as the director of alternative dispute resolution at the Maryland Court of Special Appeals. She mediates approximately one hundred cases per year and reviews all civil appeals to assess their suitability for an order to prehearing conference or mediation. She also trains judges in conflict coaching, communications, mediation, and settlement conferencing. Malhotra-Ortiz gives back to her alma mater, often mentoring Maryland Carey Law students as interns and judging ADR Team competitions.

Her experience within the legal field has helped to inform her successes and triumphs as a mediator. “I was led to my current position because of my diverse experience with many forms of ADR (arbitration, negotiations and mediation), teaching experience, and litigating many areas



Mala Malhotra-Ortiz '04

of civil law.” As an experienced mediator in so many areas of ADR, Malhotra-Ortiz advises law graduates to “go out of your way to push the envelope in order to grow and improve.”

Scottie Reid '82

When Scottie Reid attended Maryland Carey Law, the school did not offer any dispute resolution courses. Her training and experience in dispute resolution developed when former Maryland Attorney General Joseph Curran gave employees in the Attorney General’s office the opportunity to take a 40-hour mediation training. This first training sparked her interest in the field.

Reid’s advice for current law students is to take ADR classes, get involved in the field, and exercise

self-awareness. “Working in ADR presents opportunities for professional and personal growth on a daily basis and brings a great deal of responsibility.” Currently, Reid works as deputy director at the Maryland Court of Special Appeals Alternative Dispute Resolution Division. In this position she screens appeals to determine whether the appeal is appropriate for ADR, schedules the mediation, co-mediates appeals with one of the retired judges on the roster, and drafts post-mediation orders.

Through her work she has identified many advantages to dispute resolution: it gives attorneys another way to help their clients solve problems, it provides parties a voice in a system where they often feel powerless, and it broadens the court’s range of solutions. Not only does she practice ADR daily in her career, she also implements the approaches learned in ADR into her everyday life. She credits her skills with “changing [her] as a person” and contributing to improvements in her personal and professional life. “It is not something you ever truly master,” said Reid, “ADR is a life skill and I am forever working on it.”

Jonathan Rosenthal '91

As the executive director of the District Court of Maryland Alternative Dispute Office, Jonathan Rosenthal advises law graduates to “always keep an eye open to opportunity, because one never knows when it will come.” His past experiences and successes reflect his own openness to new avenues to conflict resolution.

Rosenthal’s legal career began in private practice, where he concentrated on family law, bankruptcy, and personal injury defense. A particularly contentious divorce case



Scottie Reid '82

pushed him to explore other methods of resolving conflicts. He was reminded of his mediation trainer's advice to practice what he learned. Shortly thereafter he immersed himself in the Maryland ADR community. After seeing the positive outcomes of ADR, Rosenthal gradually converted his law practice into an ADR practice.



Jonathan Rosenthal '91

In his position in the District Court, Rosenthal contributes greatly to the Maryland Judiciary's rich ADR landscape. With the help of his colleagues, his office creates partnerships with private practitioners, community mediation centers, and other partners—including the Maryland Carey Law Mediation Clinic—to provide mediation and settlement conference services in the District Court.

In 2010, Rosenthal served as a visiting professor co-teaching the Mediation Clinic, an opportunity he characterizes as “one of my most meaningful experiences within the field. I was in the first class to go through the Cardin Clinic program. Being able to view the clinical program from the very different sides of student and teacher has been incredibly rewarding.” The experience helped him to appreciate the acclaim that Maryland Carey Law receives nationally for its law clinics.

Maureen Denihan '04

As deputy director of the District Court of Maryland ADR Office, Maureen Denihan enjoys interacting with the public. She says “it is most rewarding for me to receive a call from a member of the public who is frustrated with

their conflict and confused about their options and to be able to spend the time speaking with them about what they're going through.” She finds it gratifying to hear the appreciation in individual's voices after she walks them through their dispute resolution options. The District Court ADR Office and its hundreds of volunteer neutrals are often the first level of dispute resolution for many civil cases in the Maryland courts.



Maureen Denihan '04

Denihan reflects fondly upon her days at Maryland Carey Law. She said that the ADR courses “opened my eyes to analytical thinking and to writing in a way that judges and court administrators appreciate.” Moving forward, Denihan views the integration of ADR courses in the core law school curriculum as a great opportunity for the field of ADR in Maryland.

Upon graduating from law school, Denihan joined the District Court of Maryland ADR Office and has remained instrumental in the growth and success of the program. Moving forward, she would like to see the ADR Office as a more integrated resource before the day of trial. Denihan routinely supervises ADR interns from Maryland Carey Law, an experience which she finds incredibly meaningful. She is excited to see how law school graduates use ADR in their careers and how they often change their views about conflict as they learn about the array of tools that exist to resolve disputes.

Third-year student Laura Merkey won first place and \$750 in a student writing competition offered in conjunction with the *Missouri Law Review* symposium, “Policing, Protesting, and Perceptions: A Critical Examination of the Events in Ferguson.” Merkey's paper, “Building Trust and Breaking Down the Wall: The Use of Restorative Justice to Repair Police-Community Relationships,” was inspired by the events in Ferguson, Missouri and examines how restorative justice processes can rebuild relationships between police departments and the community. Merkey's paper will appear in a forthcoming edition of the *Missouri Law Review*, along with other articles arising out of the symposium. Sponsored by the Center for the Study of Dispute Resolution at the University of Missouri School of Law and supported by the University of Missouri Chancellor's Diversity Initiative, the competition asked law students to write on a subject relating the symposium topic and incorporating either a conflict resolution or dispute resolution perspective to provide some guidance on how to address the outstanding problems and tensions in a useful manner.



Professor Eisenberg Receives Promotion, Tenure

The Center for Dispute Resolution’s Faculty Director, Deborah Thompson Eisenberg, was recently promoted to Professor of Law, in recognition of her outstanding teaching, scholarship, and service to the law school. Professor Eisenberg first joined the Maryland Carey Law community in 2007 as a Visiting Assistant Professor, after fifteen years of law practice. She currently teaches the Mediation Clinic, in which law students are trained to mediate civil small claims and employment discrimination matters.

The path from public interest advocate to dispute resolution practitioner, teacher and scholar was a natural one for Professor Eisenberg. Her work focused on employment law and complex civil rights litigation, where she helped her clients find “voice” and achieve positive change through the legal process. She now teaches and researches ways that individuals, organizations, and communities can manage conflict and address complex problems more effectively. Trained in a variety of mediation frameworks and restorative practices, Professor Eisenberg also mediates and provides professional

development trainings in negotiation and conflict resolution topics for Maryland courts, agencies, businesses, and schools.

Professor Eisenberg’s scholarly interests include equal pay, dispute resolution, and employment law. Her recent work investigates the application of restorative practices—which derives from restorative justice—to school discipline and workplace disputes. She has been recognized as a national expert on the Equal Pay Act and the negotiation dynamics that contribute to unequal pay. She also completed a white paper for the ABA Commission for the Future of Legal Services about what we know and need to know about ADR.

Professor Eisenberg wanted to teach at Maryland Carey Law because of its strong commitment to the community and to social justice through its Clinical Law Program and Center for Dispute Resolution. “I am so grateful to be doing work that I love, with brilliant colleagues and talented law students who strive to use and improve the law to make a real difference in people’s lives,” Eisenberg says.

Give to C-DRUM

You can support our ongoing work by contributing to the Center for Dispute Resolution. Your generous donation will expand our ability to facilitate the effective resolution of conflict. Your contribution will directly impact our current efforts in schools, public policy, research, and teaching as well as support new initiatives. Every gift is deeply appreciated and allows us to continue to serve hundreds of teachers, students, lawyers, and community members every year.

There are two ways to give to C-DRUM:

1. Online at <http://www.law.umaryland.edu/CDRUMgift>
2. Mail, by sending a check made payable to UMBF, Inc./C-DRUM to 500 West Baltimore Street, Baltimore, MD 21201-1786.



Funds for the Center for Dispute Resolution are administered by the University of Maryland, Baltimore Foundation, Inc.

STUDENT PERSPECTIVES

ADR and the High Seas

In summer 2015, rising 3L and Mediation Clinic student Athina Manoli clerked in the Office of Consumer Affairs and Dispute Resolution Services (CADRS) at the Federal Maritime Commission (FMC). The FMC is the independent federal government agency responsible for the regulation of international ocean common carriage. Since its founding in 1961, the Federal Maritime Commission has a core mission to foster an efficient and reliable international ocean transportation system and to protect the public from unfair and deceptive practices. The Commission works to ensure that neither the activities of liner shipping groups nor foreign government laws or regulations impose unfair costs on American exporters or on American consumers of imported goods.

CADRS, in particular, is comprised of attorneys trained in ADR who aim to use collaboration and settlement options in lieu of litigation and administrative remedies. The Office offers services such as ombuds, mediation, and arbitration to assist shippers, carriers, cruise operators, passengers, and other industry participants in resolving problems related to ocean transportation activities.

The clerkship was a natural fit for Athina, a recently trained and active mediator, who also possesses a strong interest in dispute resolution, maritime, international trade, and transportation law. She found the internship at FMC invaluable, providing her with an opportunity “to explore issues that arise at the intersection of all these different areas of law while maintaining a focus on ADR.”

Her experiences at FMC included the resolution of several ombuds matters. These included disputes raised by cruise passengers, shippers of household goods, importers



Rebecca Fenneman of the Federal Maritime Commission and 3L Athina Manoli.

and exporters of commercial cargo, and other international transportation transactions. In addition to assisting the public in bringing their disputes to a successful resolution, Athina was fortunate to observe the attorneys at CADRS on a day-to-day basis. She was particularly impressed with the “exemplary degree of professionalism and personal charisma deriving from a superior command of ADR methodology and a genuine interest in promoting the interests of the public.”

Athina recently reflected:

“While at CADRS, I completed a research project and drafted a summary memorandum of law with recommendations regarding the FMC’s arbitration rules. This project collected and compared all the significant international

arbitration societies’ rules and procedures, and made recommendations for the Commission’s own rules and process. I had the opportunity to revisit several issues discussed in my International Commercial Arbitration class at law school. My intention was to carry on an intensive and thorough research of different approaches and trends in rulemaking, with an eye for recommending changes that will make the arbitration more efficient and rewarding for the parties. CADRS will use my research and recommendations to craft recommendations to the agency on revisions to its arbitration rules.”

Athina will continue to expand her ADR experience by returning to the Mediation Clinic as a Clinic II teaching assistant, where she will mentor new clinic students and continue her conflict resolution work with Baltimore City schools.

C-DRUM News and Notes 2014-2015

Professional Trainings

Negotiation and Conflict Resolution:

- “Effective Negotiation Strategies,” United States Department of Veterans Affairs, Washington, D.C., Sept. 15, 2014
- “Conflict Management Styles,” Student Leaders, University of Maryland Carey School of Law, Baltimore, Md., Aug. 19, 2014
- “Ethics for the Mediator,” Center for Alternative Dispute Resolution Annual Conference, Greenbelt, Md., Jun. 24, 2015
- Mediation Ethics, Baltimore City Bar Association, Baltimore, Md., Apr. 27, 2015
- East Coast Professional Skills Program with the Straus Institute for Dispute Resolution at Pepperdine University, Baltimore, Md., Mar. 19-21, 2015. STAR: Systemic Approach to Mediation Strategies, Restorative Practices in an Organizational Setting, Public Sector Mediation: Skills and Drills

Conflict Management in Interprofessional Settings:

- “Strategies to Manage Workplace Conflict,” Department of Physical Therapy and Rehabilitation Science, University of Maryland School of Medicine, Baltimore, Md., Jun. 16, 2015
- “Conflict Resolution for Interprofessional Teams,” Universities at Shady Grove, Rockville, Md., Jun. 8, 2015 and University of Maryland, Baltimore, Baltimore, Md., May 12, 2015

School Conflict Resolution:

- “Introduction to Restorative Practices” and “Advanced Restorative Practices in Schools,” Callaway Elementary School, Baltimore, Md., Aug. 24 and 27, 2015
- “Use of Circles in a School Setting,” Edmonson Heights Elementary School, Baltimore, Md., Aug. 20, 2015 and Baltimore Highlands Elementary School, Baltimore, Md., Aug. 11, 2015

- “Introduction to Restorative Practices” and “Using Circles Effectively,” Golden Ring Middle School, Rosedale, Md., Aug. 17 and 21, 2015; International Conference on Conflict Resolution Education, Arlington, Va., Jun. 17-18, 2015; Annapolis, Md., Oct. 28-29, 2014
- “Advanced Peer Mediation Train-the-Trainers Workshop,” Annapolis, Md., Apr. 21, 2015
- “Peer Mediation Train-the-Trainers Workshop,” Columbia, Md., Nov. 20-21, 2014

Publications

Deborah Thompson Eisenberg

- “What We Know (and Need to Know) about Court-Affiliated Dispute Resolution,” 67 SOUTH CAROLINA LAW REVIEW (forthcoming 2016)
- “The Restorative Workplace: An Organizational Learning Approach to Discrimination,” 50 RICHMOND LAW REVIEW (forthcoming 2016)
- “The Equal Pay Act: Past and Future” in *The American Middle Class: An Economic Encyclopedia of Progress and Poverty* (ABC-CLIO/Greenwood Robert Rycroft, ed.) (forthcoming)

Martha Ertman

- *Love's Promises: How Formal and Informal Contracts Shape All Kinds of Families* (Beacon Press, 2015)

Leigh Goodmark

- “Law and Justice Are Not Always the Same: Creating Community-Based Justice Forums for People Subjected to Intimate Partner Abuse,” 41 FLORIDA STATE UNIVERSITY LAW REVIEW (forthcoming)

Jana Singer

- *Divorced from Reality: Rethinking Family Dispute Resolution* (NYU Press, 2015)(with Jane Murphy)

Training and Curriculum Development

Professor Deborah Thompson Eisenberg, “Comparative Conflict Resolution,” University of Aberdeen, Aberdeen, Scotland, July 2015

“Negotiation Workshop,” a series of 13 segmented negotiation and problem-solving lessons designed for middle and high school teachers. Produced for Maryland Public Television website *James Baker: The Man Who Made Washington Work*, available at <http://jamesbaker.thinkport.org/Teacher-Resources/Negotiation-Workshop.html>

“Clerks in the District Court of Maryland: Understanding Your Role,” a two-day training manual to support the professional development of clerks in the District Court of Maryland.

Presentations

Deborah Thompson Eisenberg

- Moderator, “The New Normal of Dispute Resolution: Pedagogical Lessons and Secrets from Mediation Clinics,” AALS Clinical Law Conference, Rancho Mirage, Calif., May 7, 2015
- Moderator, “Setting an Agenda: How Journal Board Leadership Can Enhance Author Diversity,” Roundtable, Increasing Authority Diversity in Legal Scholarship: Individual and Institutional Strategies, University of Maryland Carey School of Law, Baltimore, Md., Apr. 10, 2015
- Presenter, “The Restorative Workplace,” University of Pittsburgh School of Law, Pittsburgh, Pa., Apr. 9, 2015
- Panelist, “The Future of ADR—Trends and Opportunities,” ABA Section of Dispute Resolution Mid-Atlantic Regional Meeting, Washington, D.C., Jan. 22, 2015
- Presenter, “Restorative Practices in Schools,” AALS ADR Section Works-in-Progress Conference, Southwestern Law School, Los Angeles, Calif., Nov. 8, 2014
- Presenter, “Alternatives to Litigation,” Learning-at-Lunch Series, University of Maryland Carey School of Law, Baltimore, Md., Nov. 3, 2014
- Presenter, “Demystifying Mediation Confidentiality,” Maryland Mediators Convention, Linthicum, Md., Oct. 31, 2014

- Moderator, “The Colors of Change, LGBT Employment Rights Under Title VII,” Symposium, Working for Equality: A Celebration of the 50th Anniversary of Title VII of the Civil Rights Act of 1964, University of Maryland Carey School of Law, Baltimore, Md., Oct. 10, 2014
- Presenter, “Maryland ADR Landscape,” Maryland Mediation and Conflict Resolution Office Advisory Board Meeting, Annapolis, Md., Oct. 2, 2014

Leigh Goodmark

- Keynote, Victoria University of Wellington conference on Restorative Justice and Intimate Partner Violence, Wellington, New Zealand, May 2015
- Keynote, “Restorative Justice and Domestic Violence: Exploring Possibilities,” Canadian Domestic Violence Conference, Toronto, Canada, June 5, 2015

Jana Singer

- Presenter, “Dispute Resolution for Diverse Families,” AALS Workshop on Shifting Foundation in Family Law, Orlando, Fla., Jun. 24, 2015
- Presenter, “Responding to the Needs of 21st Century Families: A Challenge for Family Courts,” Association of Family and Conciliation Courts Annual Conference, New Orleans, La., May 28, 2015

Toby Treem Guerin

- Panelist, “40 Tips in 45 Minutes: How Solo and Small Firms Can and Should Use Mediation,” Maryland State Bar Association Annual Meeting, Ocean City, Md., Jun. 12, 2015
- Panelist, “What Works in Child Access Mediation,” Maryland Partners for Justice Conference, Baltimore, Md., May 14, 2015
- Presenter, “The Restorative Neutral: What Neutrals Can Learn and Integrate from Restorative Practices,” American Bar Association Section of Dispute Resolution Annual Spring Conference, Seattle, Wash., Apr. 17, 2015
- Presenter, “Conflict Prevention and Resolution Strategies,” National Postdoctoral Association Meeting, Baltimore, Md., Mar. 14, 2015

- Presenter, “Effectiveness of Mediator Strategies in Child Access Mediation,” Maryland State Bar Association Section on Alternative Dispute Resolution Pizza and Professionalism, Baltimore, Md., Feb. 3, 2015
- Moderator, “The Future of ADR—Trends and Opportunities,” American Bar Association Dispute Resolution Section, Mid-Atlantic Chapter Brownbag, Washington, D.C., Jan. 22, 2015
- Presenter, “The Benefits and Challenges of Co-Mediation,” Maryland Mediator’s Convention, Linthicum, Md., Oct. 31, 2014
- Presenter, “What We Are Doing and Why it Matters: Research on the Cost Benefit of ADR and the Impact of Specific Strategies and Approaches,” Association for Conflict Resolution Annual Conference, Cincinnati, Ohio, Oct. 10, 2014

Barbara Sugarman Grochal

- Presenter, “Restorative Practices: Strengthening Relationships for Safe and Supportive Schools,” Montgomery County, Jul. 9, 2015, Apr. 17, 2015; Baltimore County, Jun. 24-25, 2015, Jan. 26, 2015; Kent County, Apr. 15, 2015; Worcester County, Apr. 10, 2015; Baltimore City, Jan. 28-29, 2015; Garrett County, Oct. 15, 2014
- Presenter, “The Restorative Neutral,” Center for Alternative Dispute Resolution Annual Conference, Greenbelt, Md., Jun. 26, 2015

Media

- Featured, Jennifer Ng’andu, “It’s Not What’s Wrong With the Children, It’s What Happened to Them,” edutopia, Jan. 22, 2015, available at <http://www.edutopia.org/blog/not-whats-wrong-whats-happened-jennifer-ngandu>.

Leigh Goodmark

- Quoted, Rozner, Barry, “Bears Show True Colors with McDonald Signing,” Daily Herald, Mar. 29, 2015, available at <http://www.dailyherald.com/article/20150329/sports/150328827/>
- Co-author, “Paper Shield: Making Protection Orders Work,” AZ Central, Feb. 20, 2015, available at <http://tinyurl.com/pz6vx7v>
- Quoted, Brown, Ian, “Can Domestic Abusers be Rehabilitated?” The Globe and Mail, Jan. 30, 2015, available at The Globe and Mail

Toby Guerin

- Quoted, Colburn, Heather, “‘Neutrals’ in high gear,” The Daily Record, Aug. 24, 2015, available at <http://www.mddailyrecord.com/2015/08/24/alternative-dispute-resolution-maryland-mediation>

Jana Singer

- Interviewed (live), “Rethinking Family Dispute Resolution,” Maryland Morning, WYPR Radio, Jul. 15, 2015, available at <http://wypr.org/post/rethinking-family-dispute-resolution>

Awards

C-DRUM was recognized with the University of Maryland, Baltimore Dr. Martin Luther King Jr. Diversity Recognition Award in recognition of its accomplishments with the Social Work Community Outreach Service and the Community Schools Initiative.

Deborah Thompson Eisenberg was promoted to Professor of Law.

Professor Leigh Goodmark was named a Fulbright Senior Scholar/Visiting Professor at the T.C. Beirne School of Law, University of Queensland, Australia, where she will explore restorative justice and intimate partner violence.

Mediation Clinic student Laura Merkey’s paper entitled “Building Trust and Breaking Down the Wall: The Use of Restorative Justice to Repair Police-Community Relationships,” won first place in a student writing competition in conjunction with the MISSOURI LAW REVIEW symposium, “Policing, Protesting, and Perceptions: A Critical Examination of the Events in Ferguson.”

Stacy Smith accepted the position of President on the Board of Directors for the Anne Arundel Conflict Resolution Center.

Toby Treem Guerin will serve as Secretary for the Maryland State Bar Association Section of Alternative Dispute Resolution for the next year.



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