Message from the Director:

Working at the Vanguard of Legal Education, the Hugh L. Carey Center Integrates Dispute Resolution Across the Law School Curriculum

Since we launched in 2009, the Carey Center at St. John’s Law has been dedicated to teaching the values and the practice of dispute resolution. We believe that, to be competent lawyers, students need training not only in dispute resolution skills, but in how to apply those skills throughout their legal practice. Translating that belief into action, we’ve integrated dispute resolution across our curriculum from doctrinal courses, to clinics and externships, to competitions and co-curricular activities—so our students can learn how to employ it in a broad range of contexts.

The St. John’s Law faculty is an essential partner in this initiative. For example, this year, the faculty voted overwhelmingly to introduce dispute resolution skills training in the first year through an intensive lawyering course that teaches the basics of interviewing, counseling and negotiation. This new course will serve as a strong foundation for St. John’s upper-level offerings that incorporate dispute resolution into classroom learning and field work.

In this issue of our annual newsletter, I’m pleased to spotlight just some of the ways that the Carey Center is taking a leading role as an innovator at the intersection of dispute resolution and legal education.

— Professor Elayne E. Greenberg
Dispute Resolution Across the Curriculum

New Lawyering Course Teaches 1Ls Negotiation Skills

Solidifying its commitment to providing an excellent legal education anchored in the fundamentals of dispute resolution, St. John’s Law will offer a lawyering course to all 1Ls during the January 2015 intersession. The one-week, two-credit required course will focus on negotiation skills and the companion skills of interviewing and counseling clients—core competencies for effective negotiators. Bringing together a dynamic mix of doctrinal, clinical, legal writing and adjunct faculty, the course gives St. John’s students the opportunity to put their first semester of legal education to use in a realistic, client-centered context. Professor Greenberg teamed with Professor Paul F. Kirgis, the Carey Center’s faculty chair, to create the course in collaboration with Professors Ann L. Goldweber, Patricia Grande Montana and Ettie Ward.

The lawyering course builds on St. John’s successful experience with intensive dispute resolution courses, such as a divorce mediation training and a negotiation course offered at intersession. “Students benefit from intensive dispute resolution courses in multiple ways,” Professor Greenberg says. “First, they have the luxury of uninterrupted focus that facilitates more constructive and efficient skills learning. Second, I’ve found that students in the intensive classes form stronger bonds with each other and the professor. These relationships encourage the students to learn from each other and provide more opportunities for professors to customize their teaching to accommodate student needs. Finally, the longer blocks of teaching time allow professors to seize the teachable moments and delve into topics in greater detail.”

Dispute Resolution is a Cornerstone of Clinical Legal Education at St. John’s

St. John’s in-house and partner clinics offer invaluable, hands-on opportunities for students to resolve legal disputes for real clients. “Students working in our clinics learn that there are many ways to resolve a legal dispute, whether it’s litigating a foreclosure case, negotiating where a child will live or go to school, or arbitrating or mediating an investor dispute with a broker/dealer,” says Professor Goldweber, who is the director of clinical legal education and co-director of the Consumer Justice for the Elderly: Litigation Clinic. “They also gain experience in analyzing and strategizing about which dispute resolution process or processes will best meet the needs of their clients.” Through the clinics, students also have a voice in shaping public policy and in critiquing proposed dispute resolution rules. Recently, students in the Law School’s Securities Arbitration Clinic submitted a comment letter on a proposed FINRA arbitration rule that would allow arbitrators to halt an arbitration mid-stream if there were concerns about fraud. Drawing from their clinic experience, the students shared that the proposed rule could negatively impact low-income claimants who can’t afford legal counsel.

St. John’s Aspiring Labor and Employment Lawyers Learn about Dispute Resolution in its Real World Context

Effective labor and employment lawyers understand that their practice is about building and maintaining working relationships, skillfully negotiating the issues and adeptly using mediation and arbitration when negotiations are at an impasse. Led by Professor David L. Gregory, the Center for Labor and Employment Law collaborates with the Carey Center regularly to offer St. John’s Law students courses, experiential learning opportunities, and programs that teach them about the interrelationship between labor and employment practice and dispute resolution skills. Two recent symposia, “Worlds of Work: Employment Dispute Resolution Systems Around the Globe” and “Title VII at 50” are among the major events sponsored by the centers that bring leading experts in the field together to explore and illuminate how dispute resolution is shaping today’s labor and employment practice.

Flagship Pipeline Program Introduces Dispute Resolution to Pre-Law Students

Each summer, The Ronald H. Brown Center for Civil Rights and Economic Development at St. John’s Law hosts its flagship pipeline program, The Ronald H. Brown Prep Program for college students. The program aims to encourage college sophomores and juniors from underrepresented backgrounds—often first in their family to attend college—to apply to law school and pursue the study and practice of law. In recent years, Prep Program participants have increased their LSAT scores by an average of 10 points. More importantly, they have earned millions of dollars in scholarships. In 2011, the American Bar Association Council for Racial and Ethnic Diversity in the Educational Pipeline named the Prep Program the recipient of its Alexander Award for Excellence in Pipeline Diversity.

The RHB Center’s new director, Professor Elaine M. Chiu, has made it a priority to integrate dispute resolution into the program’s curriculum. “We include classes on negotiation and securities arbitration to educate students on the many different skills needed for success as a lawyer and to show how the work of practitioners goes far beyond the courtroom,” she says.

In working with the Prep Program students, Professor Chiu draws on her experiences teaching Family Law at St. John’s. “My Family Law students rave that the negotiation simulation is a highlight of the course,” she shares. “It not only teaches them the substantive divorce law, but perhaps more importantly, it demonstrates that how well or poorly a lawyer negotiates is an important determinant of outcomes for his or her clients. Many of my students have that “aha” moment and go on to take negotiation, dispute resolution, and similar courses.”
Carey Center Initiatives

St. John’s/FINRA Host National Integrated Dispute Resolution Competition
This fall, for the sixth consecutive year, the Carey Center will co-host the Securities Dispute Resolution Triathlon with the Financial Industry Regulatory Authority (FINRA). The Triathlon is the first competition to provide law students with an opportunity to hone their advocacy skills in the three critical processes of alternative dispute resolution: negotiation, mediation, and arbitration. Participating teams are given a true-to-life securities dispute that questions the sometimes blurry boundaries between customer and brokerage responsibility. The three team members alternate the roles of client, lawyer, and settlement counsel, for a full experience. Adding to the realism, neutrals from FINRA’s mediation and arbitration roster evaluate and critique the students as they compete against teams from other law schools. The Carey Center organizes the Triathlon with indispensable help from the St. John’s Law Dispute Resolution Society and the Securities and Arbitration Clinic.

All Triathlon problems are posted on the Carey Center website and are available for educational use free of charge.

Practitioners Build Skills at the Third Annual Bankruptcy Mediation Training

Increasingly, bankruptcy courts are using mediation to help manage their caseloads and find solutions to the difficult issues that even the most skilled bankruptcy professionals struggle to resolve. Recognizing this growing need for quality trained mediators, the American Bankruptcy Institute (ABI)—the nation’s leading provider for quality bankruptcy educational programs—joined with the Carey Center in 2011 to develop and launch a first-of-its-kind 40-hour bankruptcy mediation training.

The third annual training took place on December 4-8, 2013 at St. John’s Manhattan campus. A diverse group of 30 bankruptcy judges, lawyers, financial professionals, and practicing mediators from around the country participated in the program, putting their bankruptcy expertise to use while learning about the practice and process of bankruptcy mediation. The participants embraced the opportunity to learn a new, practical skill set with great enthusiasm and gave the program glowing feedback, including:

- This was by far the best [training program] experience I have ever had. The instructor was superb, the subject matter was interesting, and it was an excellent marketing opportunity.
- Well worth the time and cost.
- I learned far more than I expected.
- For bankruptcy practitioners, I believe this is the only course to take.
- Every lawyer should take this even if you don’t intend to be a mediator. [It] helps you be a better participant in mediation and think of your own cases differently.

There is such popular demand for this specialized bankruptcy mediation training, it will now be offered twice a year. If you would like more information about the training, please contact Professor Greenberg at greenbee@stjohns.edu.
Mangano Award Established to Support Cutting-Edge Empirical Research

The Carey Center has established the Mangano Award. Endowed through the generosity of Hon. Guy J. Mangano, former Presiding Justice of the New York State Supreme Court, Appellate Division, Second Judicial Department, the $5,000 monetary award will be presented annually, starting in Spring 2015, to recognize outstanding research that furthers the Carey Center’s mission of promoting conflict resolution as a value and a practice. Award recipients receive an honorarium and are invited to present their work at the annual Mangano Awards Ceremony. This award is not limited to dispute resolution researchers. The dispute resolution field has learned and continues to learn from the research of other disciplines such as psychology, neuroscience, and business, and the Carey Center welcomes interdisciplinary research.

Carey Center Fosters a Community Dialog on Mental Health and Lawyering

The prevalence of misinformation about mental illness contributes to the secrecy and shame that discourages open conversations about mental health. Recognizing the importance of mental health as a societal issue, in January 2013 President Barack Obama invited the country to participate in a national dialogue about mental health awareness. The Carey Center accepted that invitation, taking a leading role in a three-part initiative during the 2013-14 academic year in which faculty, staff, students, and the St. John’s University psychological support team joined together to learn how the St. John’s community might be more responsive to the estimated 20 percent of individuals with mental health issues. The goal was to develop the skills necessary to become more supportive colleagues and effective lawyers when working with people with mental illness.

A round table discussion addressed appropriate ways to respond when students talk about mental health issues. After learning about mental illness, faculty explored opportunities to integrate mental health awareness into their own teaching. As a follow-up, faculty and staff participated in an online program designed to help them identify students who are struggling with mental health issues and to intervene in appropriate ways. St. John’s law students also met with Michael Perlin, the internationally respected legal scholar on mental disability law, who discussed sanism, the irrational prejudice against persons with disabilities and how they, as lawyers-in-training, might overcome that prejudice.

St. John’s Dispute Resolution Program in Action: Spotlight on Student Sucesses At and Beyond St. John’s

Benjamin Clack ‘15, Executive Director, Dispute Resolution Society

The Dispute Resolution Society (DRS) is the Carey Center’s student division. Formed in 2007, it seeks to meet the demand for practical dispute resolution education. Student members advance their dispute resolution education through weekly classes, seminars, intra-school competitions, and external competitions locally, nationally, and internationally.

Benjamin Clack is this year’s Executive Director of DRS. Ben Clack was introduced to dispute resolution in high school. As a junior, his guidance counselor approached him about participating in a new peer mediation program. He decided to become a mediator the following semester and immediately fell in love with it. “I was able to help my classmates settle their disputes in a mature and amicable manner, avoiding potentially violent situations and inevitable academic discipline,” Ben says. “It was then that I realized that uniting people and helping them settle their issues were strong skills of mine.”

Ten years later, Ben continues to pursue his interest in alternative dispute resolution as executive director of DRS. In this role, he has the responsibility and the privilege of introducing his peers to different facets of dispute resolution. And, as a competitor for DRS, Ben has successfully competed in ADR competitions around the country, including winning the 2014 BALSA National.
Negotiation Competition. “Through my involvement with DRS, I’ve had the opportunity to participate in competitions involving sports law, intellectual property law, and international commercial law, among other practice areas,” says Ben. “It’s been an ideal way for me to sharpen my ADR skills in preparation for my legal career.”

This summer, Ben put his negotiation skills to work as he successfully negotiated a commercial license agreement between RPI and a small biotech firm. “I constantly find myself in situations where my dispute resolution skills are essential,” he shares. “My abilities to listen intently and to react effectively help me to be not only a better legal advocate, but a better student, employee, friend, son, brother, leader, and partner.”

Like Ben, the following recent graduates are putting the dispute resolution skills they learned at St. John’s to good use as newly-minted lawyers:

**Stephen Bock ’10L, ’13LL.M.** is counsel in cooperation with Martens Lawyers, a German law firm that focuses on international sports law and dispute resolution. Among other responsibilities, Stephen manages the internal dispute resolution mechanism relating to financial disputes for the firm’s international sports federation clients, applying the arbitration, mediation, and negotiation skills that he has learned at St. John’s.

**Courtney Chickvak ’14** is one of the many St. John’s Labor and Employment students who are better prepared for her career in labor relations because of the St. John’s integrated dispute resolution approach. Ms. Chickvak participated in the OSHA Whistle-Blower Mediation Advocacy Clinic, a one-of-a-kind opportunity in which she represented whistleblowers in OSHA mediation who alleged suffering an adverse employment action because of their reporting activity. She also presented at the “Title VII at 50 Symposium.” Ms. Chickvak was the John Sciortino Scholar, a scholarship that honors the life and legacy of John Sciortino, a founding partner at Segar & Sciortino and a leading advocate for Workers’ Compensation reform. Ms. Chickvak was also the Local 30 Operating Engineers Scholar and a 2013 summer associate with the Local. This scholarship and employment opportunity was made possible by labor leader Jack Ahern. St. John’s labor and employment students become more effective practitioners because of the integrated dispute resolution approach.

**Tom Keane ’13** is an associate with Pisciotti, Malsch & Buckley, P.C., who focuses his practice on medical malpractice, where negotiations and mediations are frequently used to craft settlements that are favorable to all parties.

**Alyssa S. Zuckerman ’13** is an associate with Jaffe & Asher LLP, David Lee ’12 sees that the ability to engineer creative solutions while avoiding expensive and time-intensive litigation for his clients is a valuable skill. He credits the wide range of dispute resolution approaches and perspectives he was exposed to at St. John’s for giving him a leg up in practice and the flexibility to deal with the wide array of styles, demeanors, and personalities that opposing counsel bring to the table.

**Stephanie Rainaud ’14** is an Associate (pending bar admission) in the real estate practice group at Holland & Knight LLP. She uses the dispute resolutions skills honed as a member of DRS to negotiate purchase and sale agreements.

**Peter Ryan ’09** works for a small firm in Danbury, CT, where he practices in the areas of estate planning, probate, real estate, and foreclosure alternatives. He uses dispute resolution skills in most aspects of his work, especially when dealing with families who are fighting over very personal issues; helping homeowners experiencing a hardship stay in their homes; and facilitating transitions of ownership that allow homeowners to avoid foreclosure and to maintain their dignity.

As an associate at Furman Kornfeld & Brennan LLP, Stefanie A. Singer ’10 practices professional liability defense and insurance coverage. She credits her success thus far to the dispute resolution skills she developed at St. John’s. Although the majority of Stefanie’s practice involves litigation, her cases regularly include arbitrations, mediations, and almost daily negotiations over discovery-related issues and settlement.

**Alyssa S. Zuckerman ’13** works at Lamb & Barnosky, LLP, where she practices labor, employment, education and municipal law on behalf of management. She regularly negotiates collective bargaining agreements and participates on management’s behalf in mediation sessions, arbitrations over grievances, and other types of disputes. Recently, she began serving as first-chair in some of her negotiations. “Clearly, my education through the Carey Center played a major role in preparing me to effectively practice alternative dispute resolution, even at this early stage of my career,” Alyssa says.
Exploring Dispute Resolution as a Global Construct

LL.M. in International and Comparative Sports Law: A Model of Integrated Dispute Resolution

Students in the St. John’s/ISDE LL.M. in International and Comparative Sports Law program are learning that this global legal specialty is very much about deal-making and dispute resolution. Sponsorships, intellectual property ownership, player transfers, disciplinary measures, and stadium construction are some of the recurring issues that require sports lawyers to apply their dispute resolution acumen.

“In addition to an intensive dispute resolution course taught by Professor Greenberg, negotiation and dispute resolution lessons are included as part of the discussion in virtually every class,” says Professor Ward, who directs the program. The roster of international lecturers includes officials from major sports institutions; counsel for U.S. and international pro sports leagues, players associations, and teams; and participants in all aspects of the sports world.

“They bring a practical perspective to legal issues and problem-solving in this dynamic and developing field of law, offering insights to our students that reflect the range and scope of sports law practice,” Professor Ward says, adding, “Students also have ample opportunity to work through simulated scenarios to practice their negotiation, drafting, and problem-solving skills and receive guidance from some of the most renowned sports law practitioners.”

A Conversation on the Role for Mediation in the Future of NATO

This fall, the St. John’s Center for International and Comparative Law and the Carey Center co-hosted a program featuring Lt. Col. Elliot Glover, who discussed the potential role for mediation in the future of NATO. An experienced military lawyer and mediator, Glover noted the increasing importance of mediation and other alternative dispute resolution methods in NATO’s future endeavors due to diminishing defense budgets, the economic downturn, and widespread battle fatigue among NATO member-states.

Students Gain Insight into Dispute Resolution through Global Competition

St. John’s Law students have an opportunity to explore dispute resolution’s global impact as competitors in highly respected international dispute resolution competitions: VIS, the moot court competition in Vienna; ICC, the international mediation competition in Paris; and INADR, the international mediation competition that changes locations annually. The student teams spend two semesters intensively preparing for competition—learning to research and analyze international commercial problems; figuring out how to build bridges between civil and common law legal systems, scrimmaging with each other and the dispute resolution team; and receiving critiques from a cadre of alumni and professors with global dispute resolution experience. Once on site in the competition’s global setting, the students develop an awareness and humbleness that can only come from engaging with professionals from different cultures. They also learn to appreciate, and to work, with cultural dispute resolution differences.

L to R: Mark Stefanacci, General Counsel, MetLife Stadium; Hymie Elhai, Vice President Business Affairs and General Counsel at NY Jets LLC; William J. Heller, Senior Vice President and General Counsel of the NY Football Giants, Professor Ettie Ward, Director of the International and Comparative Sports Law LLM moderating a panel on “Negotiating Sports”

Mateo Vila ’14 and James Harvey ’14 (far right) competing in the VIS moot competition in Vienna.

Our 2014 ICC team, Stephanie Rainaud ’14 and Michael McDermott ’15, at the ICC mediation competition in Paris.

Our INADR team won the award for the 2013 Outstanding New Mediation Team at the INADR Competition held in Dublin. L to R: Professor Ettie Ward (coach), Stephanie Rainaud ’14, Nathaniel Chiaravalloti ’14 and Etta Santiago ’14.
At its 32nd Annual Spring Meeting, ABI presented Professor Greenberg with the ABI Annual Service Award, the organization’s highest membership award that recognizes contributions over the past year that have been extraordinary, as determined by ABI’s Advisory Board of past presidents.

Professor Greenberg has also been recognized by Best Lawyers in America as one of the top New York lawyers in the field of Alternative Dispute Resolution, an award she has received every year since 2005. She has also been recognized as among the top 5% of America’s Most Honored Professionals, a cross-industry and cross-profession award recognizing professional excellence.

Her most recent contributions in the Ethical Compass, her regular column that appears in the NY Dispute Resolution Lawyer, include: “What Sally Soprano Teaches Lawyers About the Right Ethical Note in ADR Advocacy;” “Confidentiality: The Illusion and the Reality—Affirmative Steps for Lawyer and Mediators to Help Safeguard their Mediation Communications;” “The Cheat’s ‘High’—Harmonize Ethics, Research and Negotiation Behavior;” and “When the Price of Settlement is Ethically Prohibitive: Non-Disparagement Clauses that Apply to Lawyers.”

Paul F. Kirgis
Professor of Law
Faculty Chair, Hugh L. Carey Center for Dispute Resolution

The Hugh L. Carey Center
for Dispute Resolution

Mission
Guided by the mission of St. John’s University, The Hugh L. Carey Center for Dispute Resolution is dedicated to the development of conflict resolution as a value and as a practice.

• We investigate processes of dispute resolution to explore issues of justice, ethics and efficacy.
• We teach advocates to provide representation with courage and wisdom, while respecting the humanity of others.
• We focus the resources of an international university to promote the resolution of conflict on a local, national and global scale.