Message from the Director

I am pleased to offer you our first newsletter for alumni, students, and dispute resolution colleagues and to let you know the exciting things that have been happening in our vibrant and growing Loyola Dispute Resolution Program community. We now have more than thirty well-known scholars, mediators, arbitrators and attorneys serving as full-time or adjunct professors, tutors and coaches, as well as many program alumni returning on a regular basis to help students practice their skills by serving as judges in mock arbitrations, mediations and negotiations. We have expanded course offerings, with 14 dispute resolution courses as well as externship opportunities to meet new curriculum objectives. The newest addition is a course in electronic discovery that incorporates the cooperation principles promoted by the Sedona Conference where students learn to negotiate the e-discovery disputes that arise in litigation.

Loyola students are also given the opportunity to put the skills they acquire into practice by participating on Loyola’s highly regarded teams in national and international dispute resolution competitions, in externships, and, as of last January, by representing live clients in mediations at the Equal Employment Opportunity Commission through the EEOC Mediation Advocacy Project.

We have also been busy hosting dispute resolution events, competitions and symposia. Loyola hosted the regional Pre-Moot for the Willem C. Vis Moot Competition international commercial arbitration competition in March. In addition, we co-sponsored and hosted the International Academy of Dispute Resolution International Law School Mediation Competition, the Advanced e-Discovery Mediation Training for practicing mediators and related programs for judges and practitioners, the Collaborative Law Institute of Illinois two day training, and the United States’ Impact on International Commercial Arbitration Symposium.

Loyola faculty and dispute resolution alumni have also been active in scholarship and presentations to the professional community, both nationally and internationally.

As director of the program I want to thank all of you who contributed to making these exciting developments possible. For those who are interested in becoming more involved, I welcome your participation and look forward to hearing from you.

Teresa F. Frisbie
Director, Dispute Resolution Program
Reflection on Loyola’s Dispute Resolution Program
By: John Liston (JD ’12), Associate at Sanchez Daniels & Hoffman

My first day as a law student at Loyola, I was told that an overwhelming majority of cases are settled without a trial. As a new law student, that statement made no sense to me. I assumed the court system was the best way for all disputes to be resolved; like most new law students, I had absolutely no idea what I was saying. Later on, I had the opportunity to observe a motion call in a case between two neighbors over the placement of a fence. The judge, in his sage wisdom, said “I can hack at this problem with my meat cleaver of justice or you can solve this problem yourselves.” The judge explained that any solution created by a judge or jury would, at best, make only one party happy and, more likely, make both parties unhappy. The judge encouraged the neighbors to resolve the matter between themselves in the interest of maintaining neighborhood harmony. The judge then made the obligatory remark that “good fences make good neighbors and good neighbors should be able to determine what a ‘good’ fence is.” The parties agreed to try alternative dispute resolution before taking the case any further in the court system. I required no further persuasion regarding the benefits and power of negotiation in the legal arena. I began formally studying negotiation and practicing different techniques to determine the negotiation style that worked best for me. I found that basing arguments on well-reasoned principles while zealously advocating for a party’s interest allowed me to effectively negotiate solutions to a wide variety of professional and personal issues.

With a great deal of luck and a bit of skill, I was selected to join Loyola’s negotiation team. During my tenure on the negotiation team, my partner and I placed second in the ABA Regional Negotiation Competition and advanced to the National Competition. The entire team, as well as coaches Jamie Michel and Ethan Zelizer, spent countless hours helping my partner and I research and prepare for nationals. Our hard work paid off when Loyola placed first in the qualifying round of the national competition. Then, in 2012, the team was chosen to participate in the Warsaw Negotiation Round (the “WNR”). Each year the WNR selects 12 schools from around the world to negotiate a wide variety of problems in Warsaw. Our team negotiated with students from Austria, Brazil, China, Croatia, Hungary, India, and the Ukraine. Negotiating with the best law students in the U.S. and the elite students selected to participate in the WNR has given me a great advantage as I begin my career.

I know that some cases cannot be settled through negotiation. However, the hacking “meat cleaver of justice” that a trial provides is far less beneficial than the surgically precise solution that can be crafted by two skilled negotiators. I am truly grateful for the experience and wisdom I gained as member of Loyola’s Dispute Resolution Program.

Loyola’s 2011-12 Negotiation Team. Pictured from left: Tai-Chi Kuo, Madeline Tzall, Gabriel Gorman-Fisk, Kate Mulrooney, John Liston, Dan Wharton
International Mediation Competition

Every other year, Loyola’s Dispute Resolution Program co-sponsors the International Academy of Dispute Resolution international law school mediation competition. In March of 2012 the competition at Loyola drew nearly two hundred students and coaches from India, Germany, England, Scotland, Northern Ireland, Canada and the U.S. The competition provides law students with the opportunity to practice mediation and mediation advocacy skills in a cross-cultural setting. Loyola’s 2012 team of David Cardenas, Sabrina Crowder, Tim Love, Kathryn McMahon, Candace Moore, Alaina Stojic, Thomas Vasek and Tanya Woods did an excellent job in the competition, with the team of Crowder, Love, and McMahon taking second place for mediation skills out of 46 teams, and Kathryn McMahon taking seventh place for individual mediation skills. In 2013 the competition will be held at the Law Society of Ireland in Dublin, and it will return to Loyola in the spring of 2014.

Pictured on the left is the 2011-12 Mediation Team, coached by Teresa Frisbie
The International Law Review hosted its annual symposium on February 10, 2012, with the topic of the United States’ Impact on International Commercial Arbitration. Centered around controversial topics in International Arbitration, the event saw keynote addresses from Loyola’s own Professor Margaret Moses, Lawrence Shaner of Jenner & Block, and Dean Philip McConnaughay of the Pennsylvania State University Dickinson School of Law. Prof. Moses’ address discussed ethical issues facing international commercial arbitration and the profession in general. Mr. Shaner focused on other ethical issues that he sees from a practitioner’s perspective, particularly the independence of party selected arbitrators. Dean McConnaughay’s lunch keynote primarily discussed the question of whether antitrust disputes should be fair game for international commercial arbitration, or whether antitrust should remain in national courts for adjudication.

Professor Ron Brand of the University of Pittsburgh School of Law, Professor Amy Schmitz from the University of Colorado School of Law, and Hugh Stevenson from the U.S. Federal Trade Commission discussed the positive aspects and potential drawbacks of the movement towards online dispute resolution in the international sphere. The afternoon panel consisted of Peter Ashford from Cripps Harries Hall LLP, a London law firm, Virginie Colaiuta of Pinsent Masons LLP, also in London, David Haigh of Burnet, Duckworth, & Palmer LLP in Calgary, Alberta, and Pedro Martinez-Fraga of DLA Piper out of Miami. The panel had a spirited debate, moderated by Teresa Frisbie, regarding the impact and future of U.S. style discovery methods in international commercial arbitration, and whether expansive discovery would be either a positive or negative as international commercial arbitration gains traction around the world.

The 2012 Symposium was a large success mainly due to the efforts of International Law Review Symposium Editor Rachel

Professor Margaret Moses recently met with Jinjing Xie, a professor of law at the University of International Relations in China, who is using Moses’s book The Principles and Practice of International Commercial Arbitration as a course book in her law class in China. The second edition was published in March.
New EEOC Mediation Advocacy Project

The Dispute Resolution Program is excited to announce the success of the new Advanced Mediation Advocacy clinical course where students represent live pro se clients in mediations at the Equal Employment Opportunity Commission (EEOC). Working in pairs, students interview and counsel the pro se clients, prepare the cases for mediation, and advocate for their clients in the mediation conference. Congratulations to the spring 2012 students Matt D’Avanzo, Joshua Goldman, Ryan June, Maggie Mendenhall, Katie Tobin and Dan Wharton, and to supervising Adjunct Professor Liz Simon, for their hard work in assisting their clients to reach successful resolutions of their claims. As one client wrote, “Your students… were great in giving me counsel… and superb in [helping me achieve] a very satisfying result… they represented me like they had been doing it for years.” In fact, the spring 2012 course was such a success with the clients, mediators and students that the program has been expanded to both fall and spring semesters. The course is open to students who have completed at least three semesters of law school, are Rule 711-eligible, and have participated in at least one interest-based, problem solving class or competition team.

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Dispute Resolution Externships

Loyola students now have the opportunity to be involved in dispute resolution externships at Resolution Systems Institute (RSI), the Equal Employment Opportunity Commission (EEOC) and the Cook County Bureau of Human Resources-EEO Office. Students externing at RSI are involved in program development and evaluation of court-related alternative dispute resolution programs. At the EEOC, externs in the ADR unit assist the mediators. Externs at the Cook County program are involved in fact-finding conferences and interview sessions as well as mediations at the Illinois Department of Human Rights, the EEOC and the Cook County Commission on Human Rights.

Collaborative Law Institute of Illinois

For the last two years the Dispute Resolution Program has hosted the training sessions of the Collaborative Law Institute of Illinois. Collaborative practice is the new approach to family law which differs from litigation, pre-trial settlement and even divorce mediation. It involves a team approach where attorneys join forces with mental health and financial professionals to support a couple through the divorce process and toward a new post-divorce relationship and way of life. Attorneys pledge to negotiate a resolution without going to court, and parties are encouraged to exchange information and find a solution that takes into account the highest priorities of each party as well as their children. Loyola alumni and adjunct faculty members Brigitte Bell, Stanley Majka and Sandra Rosenbloom served on the faculty for the two day training. The Dispute Resolution Program plans to co-sponsor this training again next September.
Vis Moot and Loyola Pre-Moot

Loyola continues to prepare students for the international legal environment by participating in the Willem C. Vis International Moot Arbitration Competitions in Vienna and Hong Kong and by hosting an annual Vis Pre-Moot competition each spring co-sponsored by the Chicago International Dispute Resolution Association (CIDRA), and the Chartered Institute of Arbitrators. The Pre-Moot, organized by Professor Margaret Moses, serves as a practice moot for student teams going to the international Vis competitions. Students who participate in the Pre-Moot are predominantly from schools in the Midwest, although teams from Canada, Europe and California have also participated. The arbitrators come from as far away as England, Toronto, and New York.

The spring 2012 Loyola Vis Moot teams traveled to a number of other pre-moots before the Vis competitions. The Vienna team of Jim Cummings, Rae Kyritsi, Marcel Wright, and Brandon Wurzinger, coached by Bill Davis, competed in pre-moots in Belgrade, Serbia and Budapest, Hungary before the Vis in Vienna. The Hong Kong team of Lisa Li, Elizabeth Maddock, Kevin Kearney and Brian Fahrenbach, coached by Loyola Alternative Dispute resolution Coach of the Year John Calhoun, attended the Pre-Moot in Shanghai the week before the 9th Annual Moot in Hong Kong. Loyola’s team advanced to the final rounds at Shanghai, and Brian Fahrenbach was named Best Oralist. At the Hong Kong competition, Loyola received Honorable Mentions for both the Claimant and Respondent Brief and Brian Fahrenbach received an Honorable Mention for Oral Argument.

Upcoming Events

October 20-21: Mediation Weekend Seminar

November 17-18: ABA Negotiation Competition, Region 5 (Marquette University Law School)

Jan 26-27, 2013: Negotiation Weekend Seminar

February 2-3, 2013: Mediation Weekend Seminar

February 9-10, 2013: Client Counseling Weekend Seminar

February 15-16, 2013: Loyola Vis Moot Pre-Moot (Co-sponsored by CIDRA and The Chartered Institute of Arbitrators)

March 11-17, 2013: Vis Moot Competition, Hong Kong

March 12-15, 2013: INADR International Mediation Competition, Dublin

March 21-28, 2013: Vis Moot Competition, Vienna

April 3-6, 2013: ABA Section of Dispute Resolution 2013 Spring Conference, Chicago