The Desert Talking Piece  
Fall 2013

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CAN SPORTS BRING PEACE IN THE MIDDLE EAST?

This fall the Saltman Center brought together a panel of experts to discuss the prospects for using basketball to help foster more peaceful relationships in Israel. The event first screened a film, “Streetball Hafla,” which examines two basketball tournaments hosted in Israel in 2008 by the Saltman Center as a means to bring together Jewish and Arab Israeli teenagers. Mixing Jews and Arabs together on the same team to play three-on-three basketball, the tournaments also required these teenagers to share dorm rooms and participate in facilitated discussions and anti-bias trainings sponsored by the Anti-Defamation League. “Hafla” means “party” or “celebration” in Arabic, and the event also included lots of food, music and fun.

But, can such events really work to foster peace in either the short or long term? The panel discussion, part of the Center’s Peace in the Desert series, offered mixed views. Michael Saltman, a founder of the Center and also sponsor of the basketball tournaments, was careful not to oversell the prospects for success, recognizing that positive programs such as Streetball Hafla must contend with many negative forces pushing against peace. At the same time, Saltman was optimistic that such programs can help and hopes to sponsor additional, even bigger programs in the future, and open such programs to girls as well. “Even though those kids lived a couple kilometers apart, they never saw each other,” Saltman told the crowd inside the UNLV Student Union Theater. “You have to bring people together, and what better way than through sports? It all starts with kids throwing a basketball back and forth.”

Tom Jackovic, executive director of the USA Track & Field Foundation, also discussed the program from his personal experience, as he had traveled to Israel to serve as commissioner of the Streetball Hafla Tournament. “Some of these kids, the way they look at the other side is a byproduct of the media. They don’t have their own thoughts,” he said at the event. “You really gain respect for people when you play basketball with or against someone. This tournament broke barriers.”

Former professional basketball player and Runnin’ Rebel star Ricky Sobers was also hopeful that sports could help break down racial, ethnic
and religious tensions as he had seen basketball do during his childhood in the Bronx and his career in the NBA. “No matter where you go, sports are a universal language. They can foster understanding and peace,” he told the audience.

Some of the panelists who grew up in Israel were not quite as upbeat. Mohammad Nasereddin, who grew up in the West Bank and now attends UNLV, urged that political reforms are necessary before peace can be achieved. Gilad Berman, a young Israeli Jewish tennis player who grew up in Israel and also now attends UNLV, described what it is like to grow up in Israel and attend schools and tournaments with Arab kids.

Panelist Sasha Nizgoda, whose mother was raised Jewish and whose father was raised Arab Muslim, talked about her unique experience being raised in two cultures. Indeed, the overall sense of the panel was that while basketball tournaments cannot achieve peace single-handedly, they may be part of the solution. As Saltman noted, “My dream is for everyone to get along.”

The Peace in the Desert™ lecture series invites experts with practical experience in particular conflict areas to share their intimate knowledge. These experts examine why the dispute arose, who the stakeholders in the quarrel are, and what might be done to resolve the dispute. By having experts lay out the basis of the conflict, suggest possible solutions, and respond to challenging questions from the audience, the Saltman Center hopes to help people develop their own views based on informed, rational, and sound presentations.

Watch the Talks
Missed the lecture? Visit the Saltman Center’s webcasts page to view recent lectures at the UNLV Boyd School of Law.

law.unlv.edu/saltman-center/webcasts
The UNLV William S. Boyd School of Law’s students have ample opportunity to put the skills they learn in class into practice. The Strasser Mediation Clinic is one of those opportunities.

The clinic found great success even in the very first week of the fall semester this past year, as the students and staff involved helped parties in every case resolve their disputes. This accomplishment was a first for the Strasser Mediation Clinic.

The clinic saw three cases that week – two divorces and a business dispute – all executed to an agreement. Ray Patterson, who helped co-mediate alongside the students, said the success can be attributed to multiple factors.

“I think we lucked out to a certain extent in that, in all three cases, both sides had at least a small desire to come to an agreement, but it really helps to have a group of students who take to this process,” he said.

Law student Jeanette Barrick worked on one of the divorces where the dividing of debts and child support were key issues. She said that one of the most important things she wanted the couple to keep in mind was that they wanted to succeed before having to go to court.

“It seems to be important to remind the parties that if they don’t settle the issues and the court has to make the decision, they will lose control,” she said. “Without telling them what would happen, we were able to let them know that they could make whatever agreement they could live with and that the court would accept it.”

To help matters, the mediators had the parties practice making their offers before proposing them to each other.

“Dad was able to express his sincere concern for Mom and make what was actually almost the same offer he had at the beginning of the mediation, and Mom was able to accept his offer,” Barrick said.

Supervisors like Patterson, who worked the case with Barrick, had their own tasks during the mediation.

“My job was to co-mediate that first week with one of the students while the others observe,” he said. “Then my job was to keep the mediation on track. We’re not here to hear people complain. We’re here to listen enough to see if a mediated solution is possible.”

He did say that he was glad to see the students take initiative themselves in the mediations.

“One of their jobs is to do an opening statement. I give them a sample and they’re free to read it. I really liked that many tried to put it in their own words,” he said, adding that he encourages his students to ask questions. “I try to model for them how to say properly the most difficult things, the harshest things, in the nicest possible way. Many of the students are just starting in mediation and it’s not their normal procedure to ask questions that might be considered really hard.

“But they’re thinking about it, and after each case we do a de-briefing and they say ‘Oh, I was thinking that, but didn’t know if I could say that.’ And my goal is to show them that you can say those things.”

Barrick considered her first mediation to be a great learning experience.

“This was my first mediation with actual clients, and I was delighted to be able to assist the parties in resolving the issues that they had not previously been able to resolve,” she said. “I learned to ‘trust the process’ and to trust my instincts.”

According to Patterson, when cases get filed in small claims court, the courts require at least an attempt at mediation. The clinic has a time slot available every Monday morning, and the students get to take on the cases that come in during that time.

He said that while he understands that not every student will become a mediator, knowing about the mediation process and how to be effective in that process is extremely important for all attorneys.

“What I really expect from [the students] is that they will be able to look at a case and see when mediation may be the best solution to a case,” he said.

Barrick said that she has already seen that message.

“I believe that no matter what field of law a person practices, there is always a place for mediation,” she said. “I also believe that I am well suited to work as a mediator because of my general personality and life experiences.”

With the successes of the clinic, Patterson said he has enjoyed his work with the students.

“One of the most enjoyable parts of my work has actually been coming in and mediating with the students because I think we’re getting somewhere and helping [the clients],” he said.

Nonetheless, Patterson retired on June 30, 2013. See page 10 for his parting words.
The Saltman Center for Conflict Resolution is thrilled to announce the hire of Lydia Nussbaum to be Associate Director of the Center and an Associate Professor of Law. Replacing Ray Patterson, who retired in June 2013, Lydia will run our Strasser Mediation Clinic, teach other courses, and also help administer the Center. In her most recent prior position, Lydia was a Clinical Fellow at the Mediation Clinic for Families at the University of Baltimore. This interview will help readers see why we believe Lydia is a terrific addition to the Center.

What first attracted you to the field of dispute resolution?

I am the product of Quaker education and internalized Quaker teachings of peace building and non-violence at a young age. I was a pretty serious kid and entertained grand, though rather vague, ambitions to do work that would positively impact the world by resolving conflict. My academic interest in dispute resolution really began when I was a history major at Cornell University. I was drawn to the question of how societies respond to atrocity and state-sanctioned violence. I studied how different national communities across the globe balance objectives of justice, vengeance, forgiveness, and remembering in the aftermath of conflict or state terrorism. I then went to law school with the intention to use my degree to work on international dispute resolution mechanisms like truth and reconciliation commissions. In the process, I began mediating in communities around Baltimore City and I learned about the importance of cultivating conflict resolution at the individual level.

Can you discuss your work, to date, in the field of dispute resolution?

I have primarily worked in the field as a practitioner and educator. I have been a mediator in Maryland for the past six years, using facilitative and transformative techniques to mediate interpersonal disputes in family court and in local communities. I have mediated for families dealing with substance abuse and addiction, schools with parent-teacher and peer conflicts, community members with property disputes, and incarcerated inmates about to re-enter their communities. I have taught U. Baltimore law students about the theory of alternative, or appropriate, dispute resolution and, through clinical work, supervised law students as they mediated or advocated for clients in mediation. I have also written several articles on dispute resolution with the hope of educating the legal community and practitioners. Finally, I have sought to build and maintain relationships among courts, nonprofit organizations, and community groups in order to raise awareness about ADR and to deliver quality ADR services to individuals in need.

Can you expand some more on your scholarship interests?

I am particularly interested in how public institutions can use dispute resolution processes to achieve policy goals. Integrating a process like mediation into government regulatory schemes can be a useful way to address a widespread social problem on an individual-by-individual basis. For example, as I discuss in my recent article in the Cardozo Law Review, the foreclosure crisis was, and continues to be, an enormously difficult problem that proved too complex for, or beyond the reach of, a purely top-down legislative or administrative fix. Requiring lender representatives and homeowners to sit down face-to-face in mediation allows for structured conversation about curing a single homeowner’s loan. I also want to investigate how dispute resolution processes can be used both to incorporate community and stakeholder input at the policymaking stage and to reach consensus on what would make public policies more effective. Lastly, I plan to explore the use of mediation in the community justice movement and to think critically about the costs and benefits to low-income or marginalized communities of utilizing processes outside the formal, adjudicative system.

What most attracted you to the position of Associate Director of the Saltman Center for Conflict Resolution?

What most attracts me to the Saltman Center is the commitment to public service running through each element of its mission. Educating students and the community, serving as a resource for the wider UNLV campus, providing mediation and arbitration services to individuals in and around Las Vegas, and bringing together scholars and practitioners to think through some of the most pressing issues of the day—these are all things that the Saltman Center does and is precisely the kind of work that I want to do.

Do you have any specific goals for your first few years here at Boyd?

Boyd has an outstanding conflict resolution curriculum and my primary goals are to help support its continued
growth and development. I would like to build upon the existing Mediation Clinic and find additional experiential opportunities for students to use ADR to assist communities in and around Las Vegas. I also plan to explore adding a mediation advocacy component to the Clinic so that students experience representing clients in a mediation setting. I would like to develop a first-year course on comparative theories of conflict resolution as well as upper-level electives on dispute resolution processes, like community conferencing and collaborative law.

**How do you think you will find the transition from Baltimore to Las Vegas?**

Fun! There is a lot about Baltimore that I will miss (Old Bay potato chips and skunk cabbages in the spring), but Las Vegas will be a completely new adventure. I have heard from many folks that there is much more to Las Vegas than the Strip and I am looking forward to learning more about what local life is like. I also love the desert and am particularly keen to explore all the nearby national parks.

**SALTMAN SUMMER INSTITUTE IN 2013**

The Saltman Center for Conflict Resolution once again offered an exciting lineup of summer courses in 2013. Boyd students, law students from other schools, and practitioners from around the country had an opportunity to participate in an interviewing, counseling and negotiation practicum; an introduction to interpersonal dynamics for attorneys; a course on client interviewing, counseling and negotiation; and a course on international negotiations and mediations.

John Lande, Isidor Loeb Professor at University of Missouri School of Law, offered a practicum on interviewing, counseling and negotiation. Drawing from his book, Lawyering with Planned Early Negotiation: How You Can Get Good Results for Clients and Make Money (ABA 2011), Lande’s practicum involved students in an extended simulation based on a simple probate dispute.

The course Introduction to Interpersonal Dynamics for Attorneys was taught by Joshua Rosenberg, Professor at University of San Francisco School of Law, and Leslie Chin, an experienced facilitator who also adjuncts at USF Law School and at the Stanford Graduate School of Business. This unique course taught students the skills essential to establish, maintain and deepen effective relationships as well as increase influence and effectively resolve conflicts. Rosenberg, who has long been at the forefront of bringing an understanding of human behavior and psychology to the law and law schools, described his course in his article Interpersonal Dynamics: Helping Lawyers Learn the Skills, and the Importance, of Human Relationships in the Practice of Law, 58 U. Miami L. Rev. 1225 (2004).

A third course addressing client interviewing and counseling was taught by Marjorie Corman Aaron, Professor of Practice and Director of the Center for Practice at the University of Cincinnati College of Law. Corman Aaron recently published a book, Client Science: Advice for Lawyers on Counseling Clients Through Bad News and Other Legal Realities (Oxford University Press 2012). Her course used a combination of short exercises, presentations, video and role simulations to help students focus on how to communicate legal concepts, conduct interest-based inquiry and advice, work with client emotion and psychology, and introduce basic risk analysis.

Finally, John Garman, an experienced international arbitrator and mediator and a regular adjunct at Boyd School of Law, provided a course on international negotiations and mediations. A Fellow with the Chartered Institute of Arbitrators, a Certified Mediator with the International Mediation Institute, and a Neutral on the American Arbitration Association Commercial Arbitration and Mediation Panel, Garman provided students with a variety of role-plays designed to help them advise clients about dispute resolution options and prepare themselves and their clients for mediations.

As in the past, all four courses proved extremely popular with students.
Professor Brian Jarrett of the University of Alaska, Fairbanks presents a spring 2013 lecture at the Saltman Center on Feb. 22. In his talk, he explained that since the 1940s, Native American communities in Alaska and Canada have contended with the government removing children from their homes and placing them in faraway boarding schools.

Professor Jarrett explained that since the 1940s, Native American communities in Alaska and Canada have contended with the government removing children from their homes and placing them in faraway boarding schools. This brutal policy of forced assimilation was geared to sever ties between the Native American children and their families and villages and thereby isolate these children from what the government considered an “inferior Indian culture.” According to Jarrett, this practice not only caused great harm, including death to children and their families, but also destroyed the social cohesion that had been central to Alaskan Native communities for generations.

In an effort both to reduce juvenile crime and rebuild the strength of native communities, some in Alaska are beginning to use various Restorative Justice approaches. For example, victim offender mediation allows interested victims an opportunity to meet their offender in a structured setting, engage in a mediated discussion of the crime’s impact on both individual victims and the community, and seek reparative solutions. Other restorative approaches used include reparative boards, youth courts, group conferencing, family conferencing, talking circles, and peacemaking circles. When parties speak freely about the effects of the crime, the interaction can effectively “shame” an individual offender in a re-integrative fashion, encouraging the offender to make amends to the victim. This process works to increase individual accountability and reduce recidivism.

However, Jarrett and other like-minded individuals are seeking to enhance these programs by using a “Systems Design Approach” at the front end -- working with Alaskan Native communities and young persons to develop systems that are both preventive and useful in reinforcing healthy civil behavior. The design approach emphasizes working from the ground-up rather than top-down and includes all community stakeholders. It also promotes positive restorative processes before infractions occur as well as afterward. For example, at Effie Kokrine High School in Fairbanks, Alaska, Jarrett and others are currently working to develop a program that favors peacemaking over punishment, in which family members and Native Elders speak to the students to promote civil behavior, and strengthen local identity and traditional cultural practices.

The rapt UNLV student and faculty audience was excited to learn more about Alaska Natives. Audience members also discussed possible applications of Jarrett’s work to more local situations. In sum, Jarrett urges that by tailoring restorative practices to local situations, the state can more effectively address the root-cause of crime and allow communities to effectively achieve greater levels of justice they both desire and deserve.
Procedural Opportunism, Equity, and the Search for Substantive Justice

Why do people tend to dislike lawyers so much? Hiro Aragaki thinks it’s largely a problem of opportunism, and that while lawyers are not clearly wrong or violating procedure, they manipulate process and use legal arguments that may be technically correct but often result in injustice.

A graduate of Yale University, the University of Cambridge, and Stanford Law School, Aragaki is currently an associate professor at Loyola Law School in Los Angeles. He has written extensively on both arbitration and interest-based dispute resolution. He spoke at the Saltman Center on Feb. 7, 2013, with a presentation entitled “Arbitration and the Problem of Procedural Opportunism.”

Professor Aragaki explained that a lot of arbitration law, which derives from the Federal Arbitration Act, is inspired by the “paradigm of contract”—don’t interfere with the parties’ choices, don’t regulate the contracts, just enforce what they chose. However, Aragaki has been troubled by the fact that this emphasis on the contract side doesn’t offer a coherent theory of arbitration and doesn’t tell us why we should prefer arbitration, other than to say that the parties chose it. We therefore aren’t asking important questions, such as: Why should the law promote arbitration? What value-added does arbitration bring? And what kind of laws and regulations should be in place to guarantee a fair arbitration system?

Aragaki observed that the 1925 Federal Arbitration Act, which made arbitration clauses “valid, irrevocable, and enforceable” can be seen as a means to use equitable principles to fight the exploitation and manipulation of many complicated rules that often resulted in injustice. This solution essentially revised civil procedure to make it more equitable, thus acting as a safety valve to make sure that rules were not interpreted in unintended ways. As a form of equity, arbitration is more flexible and has fewer rules and less procedural formality, and thus polices opportunism.

However, Aragaki argues that modern arbitration law is not sufficiently attuned to the problem of procedural opportunism. It is much too formalistic and leaves very little room to do equity. For example, recent Supreme Court arbitration decisions such as AT&T Mobility v. Concepcion, 131 S. Ct. 1740 (2011) severely constrict states’ ability to regulate arbitration law. The decision preempted consumers’ attempt to void an arbitral class action prohibition on the ground of unconscionability. Aragaki is disturbed that such decisions prevent courts from ensuring that arbitration serves equitable ends.

At the same time, although Aragaki wrote an amicus brief for the consumers in Concepcion, he currently considers AT&T’s arbitration clause fair and even quite generous. Specifically, he believes that the clause cuts through the opportunism that ironically can stem from plaintiffs, who can use class action rules in ways that are considered opportunistic. So, perhaps we should see this clause as consistent with equitable spirit of arbitration after all.

How do we distinguish between advocacy and opportunism? Therein lies the conflict for Hiro Aragaki. His talk led to a spirited discussion and debate in Las Vegas.

For the last couple of decades, employer-mandated arbitration has been a hot-button issue. While some complain that employers are using arbitration to gain an upper hand over their employers, others, including NYU Law Professor Samuel Estreicher have defended the practice. Estreicher’s 2001 article Saturns for Rickshaws urged that while litigation is a great “Cadillac” system for those with strong claims, for the vast majority of people with smaller claims it’s a “rickshaw system” of justice, where it’s very hard to get an attorney to take your case. Estreicher suggested that the employment arbitration system is a “Saturn system,” referencing the now outdated car company known for its fairly accessible and reasonably priced vehicles. He argued that mandated employment arbitration is a faster, cheaper, more accessible and simpler way to provide justice to more employees.

Recognizing that Estreicher’s assertions are superficially appealing, Professor Colvin examined Estreicher’s claims using data. As one of the few and leading empiricists in the arbitration world, Colvin’s work in this area is extremely important. Having received his Bachelor of Science and master’s degree from the University of Toronto, and currently the Chair of the Labor Relations, Law and History Department at Cornell University, where he also received his PhD in labor relations, Colvin made his first visit ever to Las Vegas to deliver the talk.

While Colvin found that employment arbitration is indeed faster than litigation, in other respects he reported many reasons to question Estreicher’s assertion that employment arbitration offers quick, cheap, efficient access to most employees. For example, contra the claim of easy access, he found that a remarkably small number of employees bring claims in arbitration compared to the huge numbers of employees covered by arbitration clauses. Along these same lines, three-quarters of the employment arbitration claims brought by employees exceeded $62,000, meaning that many employees with smaller claims are no more able to bring claims in arbitration than they are in litigation.

Colvin also found that arbitration and litigation are more similar than Estreicher hypothesized. As in litigation those employees who were able to secure attorney representation did far better than those who did not. Further, the vast majority of employment claims brought in arbitration were resolved or withdrawn, rather than resolved at a hearing. And finally, summary judgment motions were frequently filed by employers in arbitration just as they are in litigation.

In concluding, Professor Colvin suggested that we still have a public policy need for a true “Saturn system” of employment dispute resolution, or in finding a more modern analogous vehicle, a need for a “Honda Civic system” accessible to all.
Anyone who has worked as a mediator has met them before. People who can’t make decisions. Or people who won’t make decisions. And, of course, there are the apparent irrationals, people who make decisions that seem clearly against their own self-interest, for reasons known only to them. Such people can be difficult to deal with or help, and everyone runs into them at some time. How do you work with them?

To address that issue, the Saltman Center presented a CLE workshop by Daniel J. Weitz, Esq., on Nov. 9, 2012 titled The Art and Science of Mediation and Decision Making. Weitz, New York’s Alternative Dispute Resolution Coordinator, oversees a statewide program of court-annexed ADR initiatives involving mediation, arbitration, neutral evaluation, and summary jury trials. He is also the state’s Assistant Director of Court Operations, overseeing the statewide responsibilities of trial court operations, legal information, records management, parent education, and operational issues related to the Americans with Disabilities Act.

Weitz became interested in how recent developments in neuroscience could explain many behaviors of people making their way through the legal system that have normally been categorized as irrational, illogical, or crazy. He developed a powerful multi-day workshop based on the intersection of brain research, mediation skills, and human decision-making that he has presented many times throughout the country. The Saltman Center asked him to rework it into an afternoon CLE/workshop for interested attorneys, students and members of the public, and the result was captivating.

In the course of three hours, Weitz explained to his audience how the brain is structured, how it affects behavior and decision-making, and how a mediator’s opening statement, information-gathering questions, and even nonverbal communication influence decisions. He talked about loss aversion (why fear of losing something can switch off the logical thinking part of your brain), anchoring (the effect of throwing out a number in a negotiation that can set the parameters of the bargaining range), and reactive devaluation (getting what you said you really wanted, only to decide you don’t want it anymore). Mediators should be aware of these essential concepts. In addition, he addressed the nature of conflict itself, including the role of mirror neurons, the role of perceptions, and the cognitive costs of expertise.

Attendees agreed that much was packed into a short time period, and that they had a much better insight into why folks sometimes act so darn illogically.

Competitive Interviewers and Negotiators

Every year, the Saltman Center co-sponsors competitions in which law students can prove their skills as interviewers, counselors, and negotiators. While some may think it odd to compete in activities that ought by nature to be collaborative, we find that the competitions offer law students an excellent opportunity to build the skills they will need as practitioners. They learn that effective communication, rapport, and persuasion, for example, are extremely important to the practice of law.

In the fall, the Saltman Center hosted a client counseling competition in which students in pairs interviewed and counseled mock clients regarding an employment issue. The winners of the competition, Jae (Jeanette) Barrick & Cathy Kama (both 4Ls) went on to the ABA Regional Competition in the spring where they took third place. 1Ls Robert Loftus and Jessica Chong won second place in the in-house competition.

The negotiation competition was held in the spring. Students worked in pairs to try to reach a good resolution to their mock clients’ problems. Their clients were attorneys seeking to form a new law partnership. This year’s winners were Josh Igeleke, a part-time 3L, and Evan Simonsen, a 2L. They will represent Boyd in the ABA Regional Negotiation Competition this fall. The second place winners were 1Ls Christina Connolly and Michael Alires.
Upcoming Conference on Psychology and Lawyering

On Feb. 21 and 22, the Saltman Center for Conflict Resolution and the Boyd School of Law will host a conference on psychology and lawyering. Legal academics and practitioners are increasingly recognizing that psychological research can be very useful to lawyers seeking to increase their effectiveness as interviewers, counselors, negotiators, agents or advocates. For example, Director Jean Sternlight and co-author Jennifer Robbennolt recently published a book, *Psychology for Lawyers: Understanding the Human Factors in Negotiation, Litigation, and Decision Making* (ABA 2012) that examines some of the ways lawyers can use psychology in their day-to-day tasks.

However, while the field of lawyering and psychology is growing, the contributors to the field do not have a venue in which to meet, share ideas, and discuss possible future collaborations and research. There has been no conference or section of any group specifically devoted to these endeavors. Thus, the Saltman Center’s conference on psychology and lawyering is intended to help spark the growth of this important field, and to bring together those who have been working independently on these issues. We will meet and present papers over the course of several days, and the Nevada Law Journal will also publish proceedings from the conference. We hope this conference can spark the beginning of an important new collaboration.

Learn more about the conference: law.unlv.edu/psychologylawyering2014.

Ray Patterson's Parting Words

To my friends and compatriots in the ADR world:

It has been my pleasure to be on the faculty of the William S. Boyd School of Law for the past eight years, but the time has come to move on. I sent my faculty colleagues the following email, which I’m pleased to share with readers of the Saltman Center newsletter:

I will be retiring from Boyd on June 30, 2013 to pursue a more rewarding lifestyle, which I intend to enjoy for at least the next several years. Overall, it has been a most rewarding experience. I think of the Strasser Mediation Clinic as my greatest contribution, and I am pleased that the administration is determined that it continue. But I believe that one has to know when to leave the stage, and now is the time.

People have asked me what I’m going to do with myself. Here’s my reply. I still have my health and beginning on July 1, 2013 I intend to pursue a number of interests:

- Speak Spanish fluently;
- Write and publish magazine articles, short stories and maybe that novel I’ve been thinking about (thanks all for giving me so much material to work with);
- Read all the books I never finished or put aside until “I had time”;
- Volunteer to help young kids learn to read;
- Take courses in photography and videography;
- Create as complete as possible a genealogy of my family, so my niece may know where we came from;
- Renew my relationship with my bicycle;
- Keep my blog up-to-date and speak out more strongly on what I believe in;
- Go horseback riding regularly;
- Get back to cooking;
- Do fourteen things I haven’t even thought of yet!

So, yes, I have lots of plans, and if I achieve even a third of them, I will consider my time well-spent.

I wish all of you who labor to make mediation a more common method for resolving disputes good luck, and I bid you all a fond farewell.
Director Sternlight spread herself thin, as usual. As an administrator she was quite overbooked, not only directing the Saltman Center but hiring a new Associate Director (yay Lydia!), sitting on the Boyd Dean search committee (welcome Dan Hamilton!), and chairing the Retention Promotion and Tenure Committee (congratulations to many!).

With respect to scholarship, Sternlight continued to focus on psychology and lawyering. Expanding upon the ethics chapter of their book, Psychology for Lawyers (ABA 2012) Sternlight and co-author Jennifer Robbennolt wrote an article, Behavioral Legal Ethics, that will be published by the Arizona State Law Journal in 2014. Sternlight also chaired a panel discussion on Teaching Psychology to Law Students at the ABA Dispute Resolution Section meeting in Chicago in the spring 2013. In the summer, Sternlight gave a talk to a group of San Francisco mediators on how knowledge of psychology can be helpful to their practices.

At the same time, Sternlight also continued to battle against companies’ use of arbitration to deprive consumers and employees access to justice. She published an article entitled Mandatory Binding Arbitration Clauses Prevent Consumers from Presenting Procedurally Difficult Claims, in the Southwestern Law Review. Sternlight also served as a panelist regarding Teaching the Federal Arbitration Act at the ABA Dispute Resolution Section annual meeting.

With regard to teaching, Sternlight led a class in psychology and lawyering and also an ADR survey, and co-coached the Boyd client counseling team. She is very much looking forward to a research leave in the spring of 2014.

He flew into Vegas in 2004
With his motorcycle, cats and so much more.
He’d mediated with cops in New York City.
Those disputes could be exciting, but not too pretty.
Drawing from that, and his pseudo-Jewish wit,
Ray was well positioned to do quite a bit.
Like set up a clinic to mediate divorces,
And run lots of programs and teach many courses.
From budget to newsletter to parking arbitration,
He managed it all, with rarely a vacation.
So now as he’s leaving we are left to wonder,
Can we manage without him and not make a big blunder?
Who will make snide cracks about this guy or that?
And who will fix sick departments, involved in an ugly spat?
Yet as Ray would say, we need to calm our tsouris.
Life will go on – forget all those worries.
So L’chaim Ray, we’ll miss you a ton,
But we’ll know you’re loving retirement, and always having fun.
Announcements
New Faculty Appointment: Lydia Nussbaum
>>See INTERVIEW, Page 4

Visit our new Facebook page at facebook.com/unlvlawsaltmancenter.

Events
Saltman Center Guest Speaker Professor Stephan Sonnenberg, Stanford Law School
September 9, 2013

Water Law in the West: A Panel Discussion with Patricia Mulroy
September 25, 2013

Saltman Center Guest Speaker Professor Jennifer Reynolds, Oregon Law
October 7, 2013

Psychology and Lawyering Conference: Coalescing the Field
February 21-22, 2014

Saltman Center Guest Speaker Ken Cloke, Director, Center for Dispute Resolution
Spring 2014

For more information, visit www.law.unlv.edu/saltman_events.html.