The Desert Talking Piece
Fall 2009

Still Broadcasting at 92

Daniel Schorr, senior news analyst for National Public Radio, spoke at UNLV on the topic, “Forgive Us Our Press Passes,” as part of the Saltman Center’s Peace in the Desert lecture series. More than 1,300 people attended.

Walking onto the stage at UNLV’s Artemus Ham Hall on September 11, 2008, to deliver a Peace in the Desert lecture, veteran commentator Daniel Schorr received a thunderous standing ovation from an affectionate audience. Looking small in the pale blue wingback chair provided for him, but sounding larger than life, Schorr started his talk by asking whether, in an age of great conflict, there is any way that some of them can resolve.

But shortly after he began speaking, although he came ready with notes, he paused, looked up, and asked the receptive crowd if it would be okay to discard his prepared speech and “just talk.” The response was another wave of applause.

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He began by noting that journalists, at different times, can both prolong and help settle conflicts. Sometimes, he said, just reporting on it alone can have an effect on the conflict in a story. Schorr gave the following example.

In February of 1968, Dr. Martin Luther King was in Washington, D.C., where he held a press conference to announce plans for a Poor Peoples’ March on Washington. When the press conference was over, Dr. King sat at the dais looking “somewhat forlorn.” Schorr went up to King and asked, “Do you have a problem, Dr. King?”

“Yes,” he replied, “and you are a big part of it. I’m trying to awaken sympathy for the planned march, but what is it you ask? Will there be violence? Will you close off the bridges? You all try to bait me to say something violent. This only serves to scare people about the civil rights movement and makes it easier for the more militant leaders to get more coverage in the media.”

After hearing this, Schorr said he was taken aback a little. He then acknowledged that journalists “deliberately try to get people to say provocative things because that’s how we get on the air.” But on the whole, he believes that journalism plays a positive role. As Schorr put it, “Give some light and people will find their own way.”

During the course of the evening, Schorr related some fascinating anecdotes as he reminisced about his interactions with other luminaries such as Queen Juliana and Prince Bernhard of Holland, Soviet leader Nikita Khrushchev, and President Richard Nixon.

Schorr was recruited by legendary newsman Edward R. Murrow to report on World War II. In 1955, Schorr started the CBS news bureau in Moscow. He also helped start CNN and was on President Nixon’s enemies list.

Daniel Schorr is currently senior news analyst for National Public Radio.

Dispute Resolution in Broad Perspective

Two recent speakers helped us think about aspects of conflict resolution in a broad public policy context. Susan Sturm, George M. Jaffin Professor of Law and Social Responsibility at Columbia University School of Law, gave a talk on “Negotiating Workplace Equality: A Systemic Approach?” A scholar who began her work in the field of employment discrimination, but has subsequently expanded her focus to consider how social reforms can best be achieved, Sturm considered what means are best to try to eradicate employment inequalities that remain in our society. Sturm’s work recognizes that litigation is not necessarily an effective means to achieve reform, particularly where the underlying issues are diffuse, as with unconscious discrimination and perpetuation of existing power. Thus, she mused on ways to form alliances...
Coincidentally, one day after the North Korean government conducted its second nuclear test, the Saltman Center, in association with the Woodrow Wilson International Center for Scholars of Washington, D.C., presented a Peace in the Desert lecture by Robert Litwak and Stephen M. Younger titled “Superpowers and Rogue States: Reducing the Nuclear Danger.” Litwak is the director of international security studies at the Wilson Center and Younger is the president of National Security Technologies, LLC, and a Wilson Center senior policy scholar.

Younger focused on superpowers and began his part of the talk by reviewing the history of nuclear weapons in a fascinating slide presentation. He suggested it was time for a new debate on the future of nuclear weapons and then proceeded to lay out a case that the United States needs far fewer of them than we have now.

Litwak concentrated on the rogue state problem. He noted that, during the cold war, nuclear weapons had a stabilizing influence on the superpowers, acting as deterrents to rash action. Now, he said, the fear that a rogue government or stateless organization like al Quaeda would have nuclear weaponry, or more likely, sell such instruments constitutes a threat. Litwak defined a rogue state, which entered the political lexicon after the cold war, as one that meets two criteria: pursuit of weapons of mass destruction and state sponsorship of terrorism. He noted that the concept of the rogue state caused the Bush administration to change its prior policy of containment to one of regime change, with results well known to all.

The Peace in the Desert series invites experts with practical experience in particular conflict areas to share their intimate knowledge. These experts examine why the dispute arose, who are the stakeholders in the quarrel, and what might be done to resolve the dispute. By having an expert 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.

www.law.unlv.edu/media_Events.html
In the 1980s, when discussions of uses of mediation in law practice and law school were still new, people used to confuse mediation with meditation and make jokes about lawyers contemplating their belly buttons. Today Professor Leonard Riskin, Chesterfield Smith Professor of Law at University of Florida, Fredric G. Levin College of Law, is turning those old jokes on their head because Riskin argues that indeed lawyers can benefit substantially from the awareness fostered by mindfulness meditation.

On March 27, 2009, Riskin delivered the Annual Saltman Lecture at the UNLV Boyd School of Law. Titled “Awareness in Dispute Resolution and Law” Riskin’s talk soon will form the basis for a symposium issue of the Nevada Law Journal, scheduled to appear in the fall of 2009.

Riskin’s current work builds on previous work in which he explored the benefits of mindfulness meditation, an ancient method of paying attention in the present moment without judgment. Explaining how mindfulness meditation already is being used by groups as diverse as the Chicago Bulls basketball team, Green Berets, and members of a few major law firms to enhance concentration, increase self-awareness and empathy, and reduce stress, Riskin argued that lawyers in general can benefit from meditation. See Leonard L. Riskin, “The Contemplative Lawyer: On the Potential Contributions of Mindfulness Meditation to Law Students, Lawyers, and their Clients,” 7 Harv. Negot. L. Rev. 1 (2002).

Riskin’s current work adds an additional lens, advocating that mindfulness meditation should be combined with the work of Daniel Shapiro and Roger Fisher by emphasizing the importance of emotions to negotiation. In their book, Beyond Reason: Using Emotions as you Negotiate (2005), Fisher and Shapiro argue that effective negotiators need to be cognizant of five particular core negotiations that are important to most people: appreciation, affiliation, autonomy, status, and role. But, explains Riskin, most of us may have difficulty being sufficiently perceptive, empathetic, or calm so as to make full use of the Shapiro and Fisher analysis. However, urges Riskin, the practice of mindfulness meditation may help us surmount personal flaws such as lack of insight or immediate angry reactions that will undermine attempts to use the five emotional factors. In future work Professor Riskin said he intends to argue that the powerful combination of mindfulness meditation with a focus on the core emotional concerns can enhance attorneys’ effectiveness in realms outside negotiation, and that this dual focus can lead to more ethical attorney behavior.

Nancy Welsh, Professor of Law at Penn State University, The Dickinson School of Law, gave a talk on “How Much (Im)Partiality Can We Afford in Dispute Resolution Processes?” Continuing her focus from earlier work on whether and when various procedural approaches deliver justice, Welsh spoke about that subset of dispute resolution processes in which the parties have unequal power. She explained that, whereas equally situated parties can do a good job of protecting themselves, she worries when one party may be a repeat user of the dispute resolution system and the other a one-time player in the system. In such instances, explained Welsh, there can be real concerns that repeat players can gain unfair advantage by designing a process in their own favor or by picking purported neutrals who so frequently participate in the process that they may be biased in favor of the repeat players. Calling such purported neutrals “embedded,” Welsh raised the question of what kind of regulation may be needed to ensure that these processes are fair and just.
Saltman Center Hosts International Client Counseling Competition

In addition to hosting the usual “intra-school” competitions in both negotiations and client counseling to select Boyd School of Law teams to compete in regional ABA competitions, the Saltman Center this year was given the terrific honor of hosting the 2009 Louis M. Brown International Client Counseling Competition.

The four-day-long competition included teams representing Australia, Cambodia, Canada, England & Wales, Finland, Hong Kong, India, Ireland, Malaysia, the Netherlands, New Zealand, Nigeria, Northern Ireland, Puerto Rico, Russia, Scotland, Sri Lanka, the United States, and Ukraine.

Each round of competition consisted of law students in two person teams interviewing and counseling a mock client on how best to resolve his or her legal problem. The winning team hailed from the University of Nebraska College of Law.

Thirty attorneys from throughout Las Vegas – many of them Boyd alums – volunteered their time to judge the many rounds of competition. And numerous Boyd law students volunteered their time to play the client roles.

In addition to the myriad rounds of competition, there were several social events planned for competitors to mingle and learn about other cultures, countries, and approaches to legal problem-solving.

The pinnacle of the event was the awards banquet held on the last evening, where all the teams were celebrated and competitors were able to take to the stage and explain how much they learned from their participation. Many contestants raved about the hospitality of the Saltman Center, the Boyd School of Law, and the city of Las Vegas.

Mike and Sonja Saltman, founders and tireless supporters of the Center, addressed the banquet attendees and relayed the message that the competition in many respects embodied the heart and spirit of what the Saltman Center is attempting to accomplish regionally, nationally, and internationally: To expand people’s knowledge, skills, and abilities in creatively solving problems and bringing about peace.

Voters and Judicial Candidates Rate Public Forum a Success

A month before election day 2008, the Saltman Center and the Mediators of Southern Nevada (MSN) co-sponsored a judicial forum. The goal was to let the public meet the candidates seeking to be family court and justice court judges, ask them important questions about their views of judging, and listen to their answers.

Often, voters are presented a list of judicial candidates for offices that can have a major, direct influence on many voters’ lives, yet know precious little about them. MSN and the Saltman Center sought to rectify this state of affairs by inviting judicial candidates to meet with the public. Members of the MSN board of directors acted as moderators, and citizens who came to the forum could submit questions that the moderators would ask the judges.

There was a morning session for the family court candidates and an afternoon session for the justice court candidates. Afterwards, many of the candidates said the forum had the largest attendance of any other judicial candidates forum they had attended so far. The Saltman Center and the Mediators of Southern Nevada hope to do this regularly as a public service.
Teaching ADR

In addition to teaching the usual courses offered by the Saltman Center faculty in mediation, negotiation, and arbitration, three visiting faculty members have expanded the Alternative Dispute Resolution (ADR) curriculum and have made a real impact on the Boyd School of Law community. These classes include Dispute Design Systems (taught by Professor Josh Stulberg), International Commercial Arbitration (taught by John Garman), and ADR in the Workplace (taught by Roger Wenthe). Stulberg, a Distinguished Fellow of the American College of Civil Trial Mediators and a former Vice President of the American Arbitration Association, is the John W. Bricker Professor of Law at The Ohio State University Moritz College of Law. Garman, who practices with an Austrian law firm, has been appointed to the International Bar Association Task Force to study and evaluate the current text of the UNCITRAL Model Law on International Commercial Conciliation. Wenthe, after practicing law for eighteen years with a Chicago law firm, served for six years as a Circuit Mediator for the U.S. Court of Appeals for the Seventh Circuit, and currently works at the U.S. Attorney's Office in Las Vegas.

Dean Emeritus Richard Morgan Joins Board of Advisors

The Saltman Center welcomed UNLV Boyd School of Law Dean Emeritus Richard Morgan to join the Board of Advisors (BOA) for the Saltman Center for Conflict Resolution. Morgan, the founding dean at the law school, held that position from 1997 through June 2007. His highly distinguished career in legal education includes stints as law school dean at the University of Wyoming and Arizona State University. Morgan earned his B.A. in Political Science at the University of California, Berkeley, and his J.D. from UCLA, where he was an editor of the UCLA Law Review. He is currently Of Counsel with Lionel Sawyer & Collins and continues to serve on numerous committees and task groups in the legal community and in legal academia.

We are delighted that in his new role as member of our BOA Morgan will be able to continue to provide the sage advice he offered us as dean.
In January 2009, the UNLV William S. Boyd School of Law inaugurated a new clinical program: the Strasser Mediation Clinic. Supported by a generous gift from Steven Z. Strasser, CEO and chairman of the board of Power Efficiency Corporation, and his wife, Sharon, the clinic offers law students the opportunity to mediate complaints with real disputants at court and government-sponsored venues in the Las Vegas valley.

Along with eight community trainees, eight law students began their spring semester a week early with an intensive 4-day training program run by Dr. Barbara Strahl, Director of Training for Clark County’s Neighborhood Justice Center (NJC). In that training they learned the theory of mediation and practiced it in numerous role plays and exercises. NJC staff and a number of the NJC’s volunteer mediators assumed the roles of mentors for the law students.

For the rest of the semester clinic students spent three hours a week at a seminar discussing the finer points of mediation and four hours a week at their assigned placements, mediating disputes between real disputants. They co-mediated the disputes, working in teams of two. Anyone who has trained to be a mediator knows mediation is far more difficult than it looks. And when you need to learn how to mediate as part of a team, the difficulty level rises even higher because you have to be able to follow your partner and not monopolize the mediation. It’s not unusual, then, for beginning mediators to reach a point in the mediation where they don’t know what direction to take or what to do next—a lonely feeling.

Fortunately, they weren’t alone. Boyd professors Ray Patterson and Peter Reilly, faculty members of the Saltman Center for Conflict Resolution, were present at each placement to mentor the students. One of them is always either at the other end of the table or in the room, not only to help the lost who found themselves up a blind alley, but also to critique the mediator’s performance.

For mediator trainees just beginning to work with live disputants, it is essential that a more experienced mediator be in the room with them. A mentor can jump in when necessary to redirect the conversation, suggest another line of questioning, or clarify what the trainee was having difficulty articulating. In addition, critiquing a student’s performance immediately after the mediation is an efficacious way to reinforce what was done well and to propose alternative ways to address issues and behaviors. It is this instant critiquing that makes a mediation clinical experience rewarding and effective.

The Strasser Mediation Clinic was developed by Professor Patterson, who participated in a mediation clinic himself when he was a law student. “The experience is wonderful,” he said. “It’s an incredible feeling to help two—or more—parties work out their differences in mediation, come up with creative solutions, and often settle their dispute. There is a reason for the old adage that says that ‘everyone goes into court a pig and comes out a sausage.’ In litigation, only one side can win, and even if that side wins, it may still lose. For example, once a person wins a judgment against someone else, it must still be collected. It’s not a given that the winning party can collect what’s been awarded to them. Many things can interfere with getting what you’ve ‘won’. In mediation, though, both sides can feel that they ‘won’ something, that they can live with the resolution they themselves have helped to create and that they can finally put the conflict behind them.”

A new donation from Steve and Sharon Strasser established the Strasser Mediation Clinic, a mediation training program now offered to Boyd School of Law students.

Congresswoman Shelley Berkley (left) attends a reception honoring Steve and Sharon Strasser for their donation.
Coming to the end of his first term as a member of the Las Vegas Metropolitan Police Department Citizen Review Board (CRB), Saltman Center Associate Director Ray Patterson continues his work with civilian oversight of police that began in 1996 in New York City. At that time, Professor Patterson took the position of Director of Mediation at NYC’s Civilian Complaint Review Board (CCRB), charged with implementing the agency’s first mediation program between civilians and police officers.

During the ensuing eight years, Patterson was a member of the CCRB’s executive staff, working first with board members about mediation issues and then with oversight issues in general. Now he sits on the CRB’s 25-member board, serving on panels looking into the quality of investigations conducted by Metro’s Internal Affairs Bureau.

These two oversight agencies have the same large goal: to make sure a civilian’s complaint of police misconduct is investigated fairly and promptly. The CRB seeks to reach this goal by convening screening panels to review complaints submitted directly to it and examining investigations completed by Internal Affairs to evaluate their fairness. If there is a question about the investigation file, the Review Board can refer it to a hearing panel comprising other board members for review.

“The work I do for the Review Board here in Las Vegas is quite different than my job duties in New York,” Patterson says. “There, my goal was to encourage civilians and police officers to sit down and talk about the complaint in a sincere attempt to resolve it to everyone’s satisfaction. Here, my fellow board members and I read files supplied by the police department and try to determine if the investigation was done properly. If we’re on a hearing panel, we could even ask the officer to come in to talk to us. Then we make a decision and recommendation, which could include agreeing with the finding or disagreeing.”

Has he ever come across a case that he thought might benefit from mediation? “Most definitely,” Patterson said. “In fact, the CRB has the authority to refer cases to the Neighborhood Justice Center for resolution, but that is not usually done. Often, the complaint gets investigated before the CRB is aware of it, so mediation becomes a moot point. One of my goals is to encourage the development of a healthy and active civilian-police officer mediation program that is supported by Metro. It could only benefit the disputants.”

Professor Peter Reilly’s law review article, “Was Machiavelli Right? Lying in Negotiation and the Art of Defensive Self-Help,” will be published in The Ohio State Journal on Dispute Resolution.

The majority of previous articles addressing lying and deception in negotiation have argued, in one form or another, that liars and deceivers could be successfully reined in and controlled if only the applicable ethics rules were strengthened and if corresponding enforcement powers were sufficiently beefed up and effectively executed. Reilly’s article takes an innovative approach, arguing that the applicable ethics rules will likely never be strengthened, and, that, even if they were, they would be difficult to enforce in any meaningful way, at least in the context of negotiation.

The article concludes that lawyers, businesspeople, and everyone else who engages in negotiation should learn how to carefully and purposefully implement mindsets, strategies, and tactics to defend themselves against others who lie and deceive.

For example, Reilly advocates the strategic use of “come clean” questions while negotiating. Used at critical moments in the negotiation (often toward the conclusion of an important topic within the context of a larger negotiation), a negotiator can ask the following “come clean” question: “Is there something important known to you, but not to me, that should be revealed at this point?” Negotiators on the other side of the table might attempt to deflect the question or change the topic, so an effective negotiator should be prepared to ask the question more than once (perhaps with a new approach and different wording). Successful negotiators pay close attention to the response given to the question, sometimes even writing it down. After all, the response might be used later to support a claim of fraudulent non-disclosure if it is learned that valuable information was intentionally withheld.

Reilly’s article offers a good deal of practical advice and is poised to be well received by conflict resolution scholars and practitioners alike.
An Interview with Michael and Sonja Saltman

What inspired you to create the Saltman Center, and to continue your strong support over the years?

Michael: Two ideas immediately come to mind: First, I don’t like the uncertainty of litigation. Second, negotiation usually provides a better outcome for both parties. As for continuing our strong support, that stems from the great progress the Center has made, including a highly collaborative relationship with and endorsement from the law school overall, a national quality faculty, and a continuing series of top quality programs for law students and for the Las Vegas community at large.

Sonja: My husband spent a lifetime negotiating in his business life, always with the aim to achieve a win-win outcome and more often than not succeeding to this end. He has never believed that an adversarial stance in negotiation is the best way to conclude any negotiation. He is an example of how to communicate effectively by honoring the viewpoints of both parties and coming to a mutually beneficial agreement. It was no wonder then that he suggested that we combine our professional interests, mine in psychology, his in law, when we began to consider a project that would have us work together on behalf of our learning community. We found a kindred soul in Richard Morgan, the past dean of the Boyd School of Law, who had long harbored the wish for an alternative dispute resolution program. The rest is history and with the hiring of Jean Sternlight and later on Ray Patterson and Peter Reilly, this Center for Conflict Resolution has so exceeded our hopes, that there never was a question that we would continue supporting it to the best of our ability.

What comes to mind when you read the newspaper and see the large amount of conflict in the world, whether it’s in the Middle East or here in Las Vegas?

Michael: An even greater need for “formidable middle” conflict resolution. One of our recent speakers, Judge Rebecca Westerfield, gave a talk on the power of narrative and presented the concept of “the formidable middle,” a space for genuine dialogue and learning. Now more than ever there is a need for the creation of such a space.

Sonja: It seems that every situation, from the smallest disputes in a family or in business to those taking place on the world stage, can benefit from the same principles that guide our conflict resolution program.

Recently, the Saltman Center hosted NPR Senior Correspondent Daniel Schorr through its Peace in the Desert lecture series. What are your thoughts on this legendary media figure after spending time with him during his visit to Las Vegas?

Michael: It was a real honor for us to have Daniel Schorr in Las Vegas, seeing him address a full house with a standing ovation when he first appeared, let alone when he finished.

Sonja: What an amazing role model Daniel Schorr provided in how his intelligence, insights, thought provoking opinions, and spirit remains utterly ageless.

What’s next for the Saltman Center?

Michael and Sonja: Additional presentations through the Peace in the Desert lecture series, a future conflict resolution “certificate” track for Boyd students, and more programs like the wonderful Strasser Mediation Clinic, which adds strength and excellence to a Center that has quickly built a national reputation in this important field.

Book Recommendation

Peter Reilly recommends “Women Don’t Ask: The High Cost of Avoiding Negotiation,” by Linda Babcock and Sara Laschever. This is a terrific book that explains why women sometimes compare negotiation to “going to the dentist” while men often compare it to “playing in a ball game.” The authors explain that men ask for what they want twice as often as do women, and men initiate negotiation four times more often. The authors – Babcock an economist at Carnegie Mellon and Laschever a writer – tell us that men are socialized in a “scrappier paradigm” than are women, which can lead to a more aggressive and energized approach in asking for what they want in life. Professor Reilly’s “grade” to the authors: A+
Staff Doings

Director Jean Sternlight continues focusing on multiple issues in the world of conflict resolution. With the reintroduction in Congress of the proposed Arbitration Fairness Act, which would eliminate mandatory arbitration for consumers and employees, Sternlight has participated in several presentations focusing on the advisability and viability of the proposed act. Specifically, she spoke on both domestic and international implications of the act at the 2009 annual spring meeting of the ABA Section on Dispute Resolution in New York City. In the fall of 2008, Sternlight also gave a talk, at Cardozo School of Law, warning of abuses that may occur when mandatory binding arbitration is used as a collection tool against debtors, by for example credit card companies.

Sternlight also has a long-standing interest in how conflict resolution ought to be taught in law schools. In February 2009, she participated in a day-long symposium discussing the future of dispute resolution education in law schools. At present, Sternlight is coauthoring a paper arising out of this session with Professor John Lande from the University of Missouri-Columbia School of Law.

Picking up a new issue, Sternlight has begun to look at the question of the role of attorneys in non-litigation forms of dispute resolution. Though some may assume that it is more important to have an attorney in litigation than in mediation or arbitration, Sternlight argues that this assumption is not always valid. She gave presentations on this subject to the ABA Section of Litigation in Atlanta and to Brooklyn Law School, both in the fall of 2008. She will publish an article on this subject in the Fordham Urban Law Journal.

Engaging her taste for science fiction, Sternlight also participated in a panel at the annual meeting of the Association of American Law Schools in January 2009. The topic was: “Dispute Resolution in the Year 2050.” Sternlight and the other panelists attempted to envision how current technological, cultural, and political trends might change our approach to conflict resolution in the next forty years.

Sternlight continues to work on completing a book on psychology and lawyering, and on revising a text on alternative dispute resolution.

Associate Director Ray Patterson was the subject of a positive article about his work in UNLV’s magazine, along with a much replicated photo (see opposite page) showing two people yelling in his ear. Although the picture was staged, the behavior depicted is not unusual for him since he mediates frequently at the Clark County Neighborhood Justice Center and does private mediations in the university community. He also has done mock mediation demonstrations, with students role-playing the parties and their attorneys, before civil procedure and legal writing classes, so budding lawyers have a sense of what mediation looks like.

Patterson sits on the university’s Conflict Resolution Network Committee, which seeks to implement dispute resolution processes into campus life. He is also a standing member of the Mediators of Southern Nevada’s Peacekeeper of the Year committee, and he meets regularly with leaders of the Neighborhood Justice Center, the Family Mediation Center, and the Mediators of Southern Nevada (MSN) as they seek to work with the Saltman Center on the Conflict Resolution and the Economic Crisis conference scheduled for winter 2010. He works closely with the board of MSN to set up judicial forums at the law school so judges running for family court and justice court positions can meet the public and answer questions posed by MSN moderators.

Patterson is beginning his second three-year term on the Las Vegas Metropolitan Police Force Citizen Review Board. He has sat on a number of screening panels that can determine whether a complaint should be forwarded to Metro’s Internal Affairs Division and that evaluate an investigation already completed by Internal Affairs. Patterson also has chaired two hearing panels that issue findings regarding the integrity of the investigations involved.

In addition to training and
supervising law student arbitrators annually for the center’s Parking Appeals Arbitration Program (where the students handle appeals of parking violations), Patterson supervises the Mediation in Nevada Today (MINT) community service project. Each semester MINT students choose to work on a project designed to educate Las Vegans about mediation programs available to them locally. The project so far has produced a brochure and three videos (one on what it’s like to mediate at the Neighborhood Justice Center and two that interview local mediators for their thoughts on mediation and reflections on special cases). These videos are available on the Saltman Center website.

Patterson and Peter Reilly presented on conflict resolution and negotiation at the spring meeting of the American Bar Association Section on Dispute Resolution. The session was well-attended, and they received much positive feedback. They also supervised the in-house negotiation competition in the fall, the winners going on to the regional competition. In addition, Patterson talked to local attorneys about how best to represent a client in Nevada’s Short Trial Mediation program.

Peter Reilly
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Director Peter Reilly continues actively teaching, training, and writing about negotiation and other forms of alternative dispute resolution.

Reilly’s law review article, “Was Machiavelli Right? Lying in Negotiation and the Art of Defensive Self-Help,” has been accepted for publication in The Ohio State Journal on Dispute Resolution. Currently, he is writing an article reacting to Professor Len Riskin’s speech, “Awareness and Ethics in Dispute Resolution and Law,” which formed the Annual Saltman Lecture delivered at the Boyd School of Law. Reilly’s article, “On Bringing Mindfulness from One’s ‘Mind’ to One’s ‘Behavior,’” will discuss ways for mediators and negotiators to harness specific gains achieved through becoming more mindful. Both Riskin’s lecture and Reilly’s reaction article will appear in a forthcoming issue of the Nevada Law Journal.

Reilly conducted a presentation with Professor Ray Patterson on negotiation and conflict resolution at the American Bar Association (ABA) Section of Dispute Resolution Annual Conference. Approximately 100 dispute resolution professionals from throughout the nation attended the session, where Reilly and Patterson used both lecture and role play to teach concepts of emotional intelligence and to explore why different styles of handling conflict can influence how, and whether, a dispute ultimately might be resolved.

Reilly worked with Patterson on running the Intra-Law School Negotiation Competition, and Reilly also organized the 2009 Louis M. Brown International Client Counseling Competition, a four-day-long event hosted by the Saltman Center welcoming law students from twenty different countries.

Reilly continues teaching classes in negotiation at the Boyd School of Law; he co-teaches with Patterson in the Mediation Clinic, he coaches the law school’s negotiation team for ABA competitions, and he conducts lectures and trainings both regionally and nationally, including these: speaking on “Training Negotiators to Use Emotional Intelligence” for the Southern California Mediation Association annual conference held at Pepperdine’s Straus Institute for Dispute Resolution; presenting before the Commercial Real Estate Women of Las Vegas (CREW); conducting leadership training for the Northern Las Vegas Chamber of Commerce; presenting a seminar for the Girl Scouts of Las Vegas’ “Camp CEO;” and conducting negotiation training for UNLV’s Executive Certificate in Business Administration program and for Georgetown University’s Center for Public and Nonprofit Leadership executive certificate program.

Professor Reilly (center) greets law students from Sri Lanka at the International Client Counseling Competition.
Upcoming Events

Getting Better Results for Clients Using a Planned Negotiation Process
October 2, 2009
Professor John Lande, University of Missouri School of Law, will speak on how lawyers can get better results for their clients by using negotiation agreements. He will show how planned negotiations differ from typical ad hoc negotiations and describe creative provisions in written negotiation agreements.

Conflict Resolution and the Economic Crisis—A Conference
February 12-13, 2010
The Saltman Center is planning for next winter a major conference examining how conflict resolution tools can be used creatively to ameliorate the damage caused by our current economic crisis. The three major topics to be addressed are foreclosure mediation, bankruptcy mediation and arbitration, and cost-effective dispute resolution. The panelists will include leading academics, mediators, attorneys, judges, and court administrators from around the country.

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