The Desert Talking Piece

Saltman Center Presents Three Peace in the Desert™ Lectures

Three luminaries graced the lectern at UNLV this past academic year in the Saltman Center’s Peace in the Desert™ lecture series. First, on December 8, 2007, was Ambassador Dennis Ross, former director of policy planning at the State Department for President George Herbert Walker Bush and special Middle East coordinator for President Bill Clinton. He was followed on February 8 by John Paul Lederach, Professor of International Peacebuilding at the Joan B. Kroc Institute for International Peace Studies at University of Notre Dame. Finally, on March 24, 2008, Dr. Haleh Esfandiari, Director of the Middle East program at the Woodrow Wilson Institute for International Studies, spoke to the Las Vegas community. What follows is a brief taste of each of the three talks.

Dennis Ross is currently Counselor and Ziegler Distinguished Fellow at the Washington Institute for Near East Policy, an organization established to “advance a balanced and realistic understanding of American interests in the Middle East. Ambassador Ross spoke about his latest book, “Statecraft: And How to Restore America’s Standing in the World.”

Polling the audience at the

(Continued on next page)
beginning of his talk, he asked how many people had ever heard of the term ‘statecraft’ before. Two-thirds of the audience raised their hands. Then he asked how many of those people would be comfortable defining the term. No one raised a hand, which he did not find surprising.

In the preface to his book, Ross defined statecraft as “the use of the assets or the resources and tools (economic, military, intelligence, media) that a state has to pursue its interests and to affect the behavior of others, whether friendly or hostile. It involves making sound assessments and understanding where and on what issues the state is being challenged.... [It] requires good judgment in the definition of one’s interests....”

In his speech he pointed out that even if an administration knew how to orchestrate the tools of the trade correctly, it wouldn’t be very good at statecraft if it didn’t have the right objectives. Thus, according to Ross, lesson number one in statecraft is that you have to have objectives and means that are in sync. Evaluating the current administration’s efforts around the world, he found it “pretty hard to find areas or issues where our objectives and means are really suited to each other.”

**John Paul Lederach**

writes extensively on conflict resolution and, specifically, mediation. More than a theoretician, he is also a practitioner of the conflict resolution techniques he espouses. He has designed and conducted conflict resolution training programs in twenty-five countries across five continents, and has written six books on the subject.

Professor Lederach’s topic was also the title of his most recent book: “The Moral Imagination: The Art and Soul of Building Peace.” He began his speech by describing an exercise he usually does early in his classes to demonstrate one of his ideas. He brings in an article from that day’s newspaper about something that happened someplace in the world “that caught the eye of the news.” It will generally be sensational, and even though this conflict has probably been brewing for twenty, thirty or forty years, he noted, the event to which the reporter pays most attention involves “something that has fallen apart... the human community is not working well, ...and there’s a good bit of violence.”

The existence of such an article on any given day is a given, according to Lederach. But he rebuked the news media for failing to report on and analyze the extraordinary people and the steps they are taking in these same areas of conflict “in favor
of peace and justice and ... working toward a better community.” Lederach began to be curious as to how these “extraordinary people” who lived so long in a culture of violence were able to do the “extraordinary things” he mentioned earlier, and their stories became the foundation of The Moral Imagination.

Haleh Esfandiari

was born and raised in Iran, leaving at the time of the Iranian revolution (1979) to resettle in the United States. She taught Persian literature and language in the Near Eastern Studies department of Princeton University from 1980 to 1994. She has been director of the Middle East program at the Wilson Center for ten years.

In December 2006 Esfandiari was on her way to the Tehran airport to return to the United States after visiting her 93 year-old mother when she was robbed at knifepoint by three men. They threatened to kill her and stole her U.S. and Iranian passports. The Iranian authorities denied her application for new travel documents and began a series of interrogations lasting up to eight hours a day, although she was allowed to return home each night.

In May 2007 she was ordered to appear at the Ministry of Intelligence, where she was taken into custody and sent to the Evin prison, spending 105 days in solitary confinement. She was finally released, after much international pressure, in August.

Dr. Esfandiari’s topic was “Iran-U.S. Relations: A View from Prison.” Describing her ordeal for the audience, she stated that many leaders of Iran believe that for 28 years, the United States has wanted to overthrow their government, but cannot accomplish that for a number of reasons, including being bogged down in Afghanistan and Iraq. They believe the U.S. encourages a soft revolution, like the one in the Ukraine, and are highly suspicious of nongovernmental organizations, women’s groups, cultural/educational exchanges, and academics in particular. Esfandiari similarly suggests that the U.S. does not fully understand Iran, in that we focus inordinately on the leadership and not on the different views held by the people of Iran.

Aware that the U.S. has pushed through a number of U.N. sanctions against Iran, Esfandiari agrees that they hurt but did not impose an undue burden on the country. As for how to stop Iran from playing the spoiler role in places like Lebanon, Iraq, and Afghanistan, she contends the answer is to talk, talk, and talk some more.

The Peace in the Desert™ Lecture Series

The Peace in the Desert™ series invites experts with practical experience in particular conflict areas to share their intimate knowledge. Such experts examine why the dispute arose, who the stakeholders in the quarrel are, 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 view of the situation that is informed, rational, and sound.

Watch the Talks

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

www.law.unlv.edu/media_Events.html
The issues surrounding the Colorado River are very personal to us here in the West, and particularly in Las Vegas. Residing in a desert we spend a great deal of time thinking and talking about water, and the lack thereof. Driving past Lake Mead, the ever-shrinking reservoir holding Colorado River water restrained by the Hoover Dam, we invariably notice the white rings on the side marking higher water days of not too long ago. Drought has enhanced conflicts that already existed as to which jurisdictions and which categories of users should have higher priority claims to the limited water resource. Conflicts also exist as to what are the most appropriate recreational, agricultural, and residential uses of surrounding lands, and what steps need to be taken to protect animals and plants that inhabit the region.

In October 2007, the Saltman Center for Conflict Resolution sponsored “Collaboration on the Colorado River,” a one-day conference allowing academics, public officials, and policy experts from all over the nation to engage in a spirited dialogue and debate about how to best resolve conflicts and disputes surrounding the unique and vital natural resources of the Colorado River.

The controversial topic generated buzz and excitement—from the large and diverse crowd filling the auditorium, to the bright lights of a television news crew conducting interviews. Moreover, the academic papers generated from the conference have been published in a recent issue of the Nevada Law Journal, thereby allowing the Saltman Center and the conference participants to play a role in shaping legal, public, and academic thought and policy on this important topic for years to come.

Famed Western writer and environmentalist Wallace Stegner eloquently captured the spirit and essence of the conference with his still-timely comment from so many years ago: “Water,” wrote Mr. Stegner, “is the true wealth in a dry land.”

In recent years, collaboration has come to be fashionable as a means to resolve public disputes such as those pertaining to environmental issues and natural resources. Such collaboration may include work groups, stakeholder input, market-based solutions, and negotiated rulemaking.

Some sing the praises of collaboration—a peaceful, non-litigious means of resolving dispute that can be quicker, better, and more effective than alternative approaches such as litigation or top-down orders.

Yet others fear that collaboration serves a negative purpose—allowing powerful parties to impose their will on weaker parties and to avoid legal strictures. In the environmental context, specifically, some express the fear that collaborative approaches may not adequately protect the environment or the interests of less powerful groups, and urge that the clout and precedent of public lawmaker processes and courtrooms are needed to achieve the best results.

As conference organizers we were highly aware that significant differences of opinion exist regarding the extent to which collaborative approaches are an effective means of resolving the sorts of environmental disputes that surround an important natural resource such as the Colorado
we were simultaneously impressed, depressed, and inspired. We started from the operating assumption that those speakers coming from an environmentalist perspective would criticize collaboration, and that those speakers coming from the world of collaboration would sing its praises. Yet, in fact all the presenters were far more nuanced in their approach. They typically found some positives and some negatives, and tried to take the conversation to a sophisticated level regarding when and why collaboration can be expected to either work or fail.

In the end, we still remain optimistic as to the future of such collaborative endeavors. While we clearly have work to do, we equally clearly have made good strides and have people such as our panelists asking the right questions and making good recommendations. We cannot stop the drought, or its dire physical consequences for all species dependent on its abundance, but in the end we are hopeful that by working together in a thoughtful manner we can learn to deal with these problems effectively.

If you are interested in reading the papers generated from this conference, please contact Professor Peter Reilly directly at Peter.Reilly@UNLV.edu. The papers have been published in the Nevada Law Journal, Volume 8, Number 3, August, 2008.
Boyd’s Moot Court Auditorium was filled for the Collaboration on the Colorado conference.

(l to r) Peter Reilly, Laura Nader, Jean Sternlight, and Ray Patterson at Prof. Nader’s talk.

(l to r) Ryan Reeves, Miguel Lopez (back to camera), Jill Levickas, and George Kunz during Boyd’s first In-House Negotiation Competition. Levickas and Kunz won the competition.

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A Client Counseling Dynasty

What do the New York Yankees, the Los Angeles Lakers, and the Boyd School of Law Client Counseling team have in common? All have aptly been described as a “dynasty” in their way and in their day. For four years beginning in 2005 Boyd teams have annually defeated approximately one hundred teams from other schools, winning both their regional competition and then going on to place either first, second or third in the national American Bar Association-sponsored Client Counseling Competition. Two of these Boyd teams went on to represent the United States in the International Client Counseling Competition and did extremely well.

In the client counseling competition teams made up of two law students play the role of two lawyers interviewing and counseling a new client. The “lawyers” have just forty-five minutes to obtain relevant information from their “client” and also counsel the client on his or her various legal and non-legal options. The student-lawyers are judged by lawyers and representatives of counseling professions who assess them on such factors as how well they discerned the client’s goals, analyzed the client’s problems, helped the client make an informed choice among various legal and non-legal options, and treated the moral and ethical issues.

Asked about the team’s secret recipe for success co-coach Jean Sternlight attributes the teams’ victories primarily to hard work, community support, and native ability. “Year after year our students have proved willing to practice very hard to do well in this competition. Co-coach Professor Rebecca Scharf and I meet with the students months in advance of the competition to guide them in their preparation, and the students then set up their own grueling schedule of research and practices. They secure help from local attorneys, judges, mediators and counselors that has been invaluable. Our students have also been tough enough to withstand frustration and criticisms along the way that, after the tears were wiped away, helped make them better at interviewing and counseling their clients.” Student Michael Hazen confirms that “participating in the CC Competitions was demanding both mentally and physically.”

Co-coach Rebecca Scharf describes the process Boyd students have gone through on their road to becoming champions. “The students we coach first must win one of our rigorous in-house client counseling competitions. While doing this gives them confidence in their native ability, some are inherently suspect of what they believe to be the subjective nature of these competitions. Professor Sternlight and I set out to prove to them and to the larger community that the skills at the heart of the client counseling competition—listening, empathy, problem solving, performance under pressure—are largely objective skills that can be learned and learned well. Once the students have embraced this idea, they have put tremendous effort and time into developing the skills and knowledge necessary to succeed. Ultimately, they have excelled at a level beyond what I could have imagined. It is rewarding to know they will carry these skills with them throughout their careers and will ultimately be better lawyers because of them.”

Students and faculty who participated in the competition report having learned a great deal. Boyd graduate Paula Gregory explains that “the CC Competition was the law school experience most directly relevant and immediately applicable to my working as an attorney. Learning to listen to a client without forming suppositions that may be antithetical to what your client is trying to achieve is critical to building a relationship founded on trust; this is what the CC competition trains competitors to do.” Michael Hazen similarly states that “through the experience I became a better interviewer, more attuned to the needs of the client, and better able to organize my thoughts and to ask the right questions.”

The competition can also be fun and provide opportunities for exciting travel. Boyd graduate Jenny Routheaux reports that “from practice sessions with attorneys and other professionals at home in Las Vegas to meeting students from all over the United States, Canada, and from places as far away as Ireland, Hong Kong, and Namibia, the client counseling experience was an unforgettable opportunity to polish communication skills, increase legal knowledge, learn about legal systems in other countries, and even have a little fun. And really, what law school experience could top a week in Sydney, Australia (where Routheauxs and her partner participated in the international competition).”

What’s next for Boyd teams? In the spring of 2009 we will be the proud host of the international competition, bringing together winners from over thirty-five countries to learn from each other in Las Vegas.
Jewish, Christian and Muslim youth formed friendships and played basketball at Streetball Hafla in Galilee.

A coach and his player.

Arab and Jewish players battle it out on the court.

Students sign a pledge to promote fair play among the streetball participants.

Streetball Hafla

Streetball is a form of basketball popular in urban areas that takes place on playgrounds and in gymnasiums around the world. “Hafla” is a word common to both Hebrew and Arabic and means “celebration” or “party”. Put them together and you have Streetball Hafla, a project spearheaded by the Saltman Center for Conflict Resolution in the person of Mike Saltman.

Saltman supplied the funds and leadership so that over 160 Arab and Jewish teens could participate in a three-day streetball tournament in northern Israel. Practicing coexistence and tolerance, Israeli and Arab teens shared rooms, played on the same teams, and went through the Anti-Defamation League’s anti-bias training program together. The results? A huge success! So big that plans are in the works for a national tournament in Tel Aviv in November 2008 involving a thousand players with the same religious and ethnic mix.

Michael and Sonja Saltman

Michael Saltman is managing general partner and president of The Vista Group, a real estate development company. The Vista Group is active in property management and development in Nevada, California, Utah, and Florida. Sonja Saltman is a UNLV alumna, with both a bachelor’s and master’s degree in psychology.

In 2003, Michael and Sonja donated to the William S. Boyd School of Law to help create the Saltman Center for Conflict Resolution. Additionally, the Saltmans contributed to the UNLV Foundation Building Fund and donated video equipment to the UNLV football program. The couple also funds an award for a College of Liberal Arts graduate each year.

Both Michael and Sonja are deeply involved in both the university and the greater Las Vegas community. Sonja Saltman is affiliated with the Children’s Museum, the Anti-Defamation League, and is a member of the Founding Circle of UNLV’s Black Mountain Institute.

Michael Saltman’s community activities include membership in the Urban Land Institute, Nevada Development Authority Board of Trustees, National Home Builders Association, the Clean Air Action Plan Task Force, and the World Presidents’ Organization. He is a member of the Young Presidents Association and a board member of Nevada Dance Theatre, the Las Vegas Symphony, and Nevada Institute of Contemporary Arts.

Saltman was nominated to the Foundation Board of Trustees in 1986 and serves on the board’s Real Estate Committee. He is on the Visiting Committee for UNLV’s Physics Department, the Law School Advisory Committee, and is past chair of the Planned Giving Advisory Committee.
Ray Patterson (Associate Director of the Saltman Center): How would you describe Streetball Hafla, the project you’re involved in in Israel, for the layperson?

Michael Saltman: Hafla means, roughly, “spontaneous party” in Arabic. Streetball is a more informal, 3 on 3, half-court, no holds barred form of basketball.

RP: How did you get started developing the program?
MS: I got started by trying to think of ways to bring Israeli Jews and Arabs (Muslims, Druze and Christians) together through sports. I settled on basketball because nothing is better than hoops to bring all kids together. They all play it, and many of them play it well. Israeli Arab and Jewish teenagers all seem to know the NBA and their local [basketball] heroes, too. I approached the Anti-Defamation League (ADL) in Israel and asked for their assistance. I came to them with the concept and all the funding, and they had the contacts with the government, the villages and the media. Et voila!, we were underway, although I was sure that when I finally made my proposal to the government’s Ministry of Sport, Educational and Culture, the authorities would say no. I was quite surprised when the head man said, “Let’s do it,” and we were off and (literally) running.

RP: Did the players take to the idea right away, or did you have to persuade them to participate?
MS: No, I didn’t need to do much to persuade them. My challenge to all was this: to be successful, Streetball Hafla would have to be 50-50 Jewish and Arab: teams, coaches, venues, music, and food. Everyone met my challenge.

RP: What were the major difficulties in getting the program off the ground?
MS: You can only imagine the amount of organization that was involved to get this on. And there was some resistance, but mainly support from all quarters.

RP: Where did the Streetball Hafla begin?
MS: The first games were held in Nahalal, a Jewish village, and then in Ta’mar, an Arab village. Both villages had good basketball courts, facilities and coaches.

RP: What is the actual makeup of the teams?
MS: Each team had four young guys, two Jews and two Arabs, with free substitution.

RP: Do you actually run the games?
MS: No. The tournaments—nonstop games until the finals—are run by my friend, Tom Jackovic, whom I now call the “Hafla Commissioner.” Tom, who is the Executive Director of the USA Track & Field Foundation (of which I am a board member) ran programs like this in the United States.

RP: Do you have any inspiring tales to tell about Streetball Hafla and/or the participants?
MS: This was the first time that these kids played with and against each other. It gave me the chills to watch a couple of hundred kids—IIsraeli Jews and Arabs—playing basketball together. Try to visualize this: Ofir to Mahmoud to Mohammed, who shoots and all three high-five each other after the bucket! Just imagine when these 15-16 year-old kids become adults. Peace and co-existence is a must, and you can feel it during the games, the award ceremonies, and when they’re just hanging out. There was lots of local press coverage, in Hebrew and Arabic, of course, and dignitaries, friends and families all there. And, great food!!

RP: How are you getting the word out about this program?
MS: We’re making a documentary film—also by Arabs and Jews—which should be done by year-end.

RP: What’s on the horizon for the Streetball Hafla program?
MS: The next Big Streetball Hafla will be in Tel Aviv next year, and it’ll rock. My goal is to include Palestinians, Jordanians, Israelis, and now maybe even Syrians.
Saltman Center Receives
Ninth Circuit ADR Education Award

The UNLV Boyd School of Law and its Saltman Center for Conflict Resolution were awarded the 2008 Alternative Dispute Resolution (ADR) Education Award from the U.S. Court of Appeals for the Ninth Circuit. This annual award recognizes law schools accredited by the American Bar Association (ABA) for their commitment to advancing education in the field of alternative dispute resolution in the Ninth Circuit.

“It is a tremendous honor to be singled out for this award among all the law schools in the Ninth Circuit,” said John Valery White, dean of UNLV’s Boyd School of Law. “We are particularly proud of our interdisciplinary approach to ADR, which was cited by the court as one of the contributing factors to our success.”

The award was presented at the court’s judicial conference on July 28 in Sun Valley, Idaho.

Negotiation Training Available

Peter Reilly, SCCR’s Negotiation Training Director, likes to tell his students, “Every conversation is actually a negotiation.” By the end of the semester, they believe him. Reilly tries to improve his negotiation training skills by learning from everyone he meets—even small children. Says Reilly, “Kids are some of the best negotiators in the world: (1) They know that “No!” is merely someone’s opening offer; (2) They aim very high (“Can I have five cookies?”); (3) They are persistent, even relentless; and (4) When they run into negotiation trouble, they are good at building coalitions with siblings and grandparents—usually to team up against parents.

Reilly has worked with individuals and organizations both locally and nationally on how to achieve maximum results in any kind of negotiation. Training sessions last from forty-five minutes to several days in length, depending on client needs.

By combining traditional lectures with simulated negotiation exercises, role plays, and other group exercises, participants can learn from Reilly as well as from each other. The information is fun to learn and immediately useful in all aspects of life, both personal and professional. Moreover, Peter specializes in developing customized trainings, where specific materials and exercises can be selected to teach and “drill” the skills and competencies most relevant to a particular organization or industry.

Peter has worked with a wide variety of organizations, both public and private, including groups of doctors, lawyers, judges, businesspeople, government officials, and public and non-profit leaders. Several clients have been women’s groups whose members believe becoming stronger negotiators is imperative to excelling in today’s highly competitive work environment. Representative clients include the National Conference of Metropolitan Courts, the USA TODAY newspaper, the National Park Service, Women in Cable and Telecommunications, and the Commercial Real Estate Institute.

If you would like to schedule training for your group or organization, contact Professor Reilly directly at (702) 895-2675 or at peter.reilly@unlv.edu.
Staff Doings

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Michael and Sonja Saltman Professor of Law  
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Director Jean Sternlight has been pursuing a very active scholarly agenda. Together with co-author Jennifer Robbenolt she recently published an article, “Good Lawyers Should Be Good Psychologists: Insights for Interviewing and Counseling Clients,” 23 Ohio St. J. Disp. Res.  437 (2008) that grew out of the Schwartz Lecture Sternlight gave at Ohio State in 2007. At the spring 2008 meeting of the ABA Section on Dispute Resolution Sternlight was a panelist at three sessions, presenting not only her work on interviewing and counseling, but also her thoughts on two other topics: how video games can be used to teach conflict resolution; and whether and when various types of conflict resolution serve justice. In July Sternlight spoke on arbitration at the Southeastern Association of Law Schools conference in Florida. Sternlight’s major current scholarly projects include a book that would apply psychological insights to all aspects of civil lawyering; an article examining the role of attorneys in ADR processes; and an update to Sternlight’s co-authored text, “Dispute Resolution: Beyond the Adversarial Model.” In addition Sternlight continues to co-coach the highly successful Boyd interviewing and counseling team and frequently gives interviews to the press on the subject of mandatory arbitration.

Ray Patterson  
Associate Director of the Saltman Center for Conflict Resolution  
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Ray made presentations at the annual meeting of the Mediators of Southern Nevada on “Creativity and the Mediator” and at the State Bar of Nevada’s Annual Arbitrators’ Training, where he spoke on “Arbitrator Ethics.” He continues to supervise the Parking Appeals Arbitration Program, where law students trained as arbitrators adjudicate appeals of parking tickets contested by UNLV students, faculty, and staff. He handled the logistics of Dennis Ross’s Peace in the Desert lecture, as well as coordinating the John Paul Lederach and Haleh Esfandiari talks. Ray has served as a mediator for a number of disputes between faculty members and administrators at UNLV and also offers his services to facilitate improved communications between deans/chairs and their respective faculties. With Peter Reilly, he co-facilitated a planning and strategy session for the Board of the National Association for Community Mediation. He created and, with Peter’s assistance, ran the first In-House Negotiation Competition for Boyd students, inviting the entire student body to compete for a place at the ABA Regional Negotiation Competition in the fall. His current scholarship interest is twofold: the intersection between alternative dispute resolution and sexual offender law and policies, and mediation’s role in resolving complaints by the public against the police. Ray is also developing plans for a mediation clinic to be offered at Boyd in the near future.

Peter Reilly  
Director of Negotiation Training for the Saltman Center for Conflict Resolution  
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Peter continues to conduct negotiation trainings for groups and associations both regionally and nationally, including a presentation to thirty-five state court judges from throughout the nation at this year’s National Conference of Metropolitan Courts. Peter also presented before sixty court professionals at the recent JAMS (Judicial Administration and Management Staff) conference for Arizona’s Maricopa County, where Peter was one of the highest-rated speakers. Peter is also working with college-age and recent college graduates, delivering Negotiation training to Rotaract, the young professionals group affiliated with Rotary International. Peter co-facilitated, along with Ray Patterson, a planning and strategy session for the National Association for Community Mediation. He created and, with Peter’s assistance, ran the first In-House Negotiation Competition for Boyd students, inviting the entire student body to compete for a place at the ABA Regional Negotiation Competition in the fall. His current scholarship interest is in the area of Negotiation and lying—wait, do people really have the audacity to lie when they negotiate? Finally, Peter continues to coach the Boyd Negotiation Team, and he worked along with Ray this past spring to conduct the in-house Negotiation Competition selecting Boyd Law’s competitors for the upcoming regional ABA Negotiation Competition.
Saltman Center
Schedule of Speakers

September 11  Daniel Schorr
Senior News Analyst, NPR
A Peace in the Desert™ lecture:
“Forgive Us Our Press Passes”

October 3  Susan Sturm
George M. Jaffin Professor of Law and Social
Responsibility, Columbia University School of Law
“Negotiating Workplace Equality:
A Systemic Approach?”

October 22  Nancy Welsh
Professor of Law, Penn State University, The
Dickinson School of Law
“How Much (Im)Partiality Can We Afford in
Dispute Resolution Processes?”

March 27  Leonard Riskin
Chesterfield Smith Professor of Law, University of
Florida, Frederic G. Levin College of Law
Annual Saltman Lecture:
“Awareness and Ethics in Dispute
Resolution and Law”

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

Make a Gift
For information on how to make a gift to the Boyd School of Law and the Saltman Center for Conflict Resolution, please contact Matthew Muldoon, Director of Development at (702) 895-1398.