

INSIDE STRAUS

Translating Theory into Practice

RECEIVING GRANTS TO EXPAND SERVICES



Straus Institute's Approach to TEACHING MEDIATION AVAILABLE TO CHINESE PROFESSORS

The U.S.-China Legal Cooperation Fund awarded a grant for the Straus Institute to teach Chinese professors the Straus approach to teaching mediation. The in-country partner for this project, the Beijing Arbitration Commission (BAC), reports that law schools in China are being encouraged to teach more ADR courses and that there are currently very few courses focusing exclusively on mediation. China has a very rich history with mediation and it is utilized extensively because of the cultural importance of maintaining harmony. BAC reports that this cultural norm has not impacted commercial disputes since mediation is rarely utilized once lawyers are retained. BAC has taken a lead in introducing and promoting mediation for commercial disputes in China. More than 60 members of its panel, including many law professors, have completed Straus mediation training. The program to train Chinese law professors about the Straus approach to teaching mediation will be taught by Straus Institute managing director Peter Robinson in January. Much of the Straus mediation training material has already been translated into Mandarin for workshops presented with the BAC. Participants will be equipped and authorized to utilize those materials.

What's Inside

- » Receiving Grants to Expand Services
- » Leading Arbitration Initiatives
- » Teaching Mediation Around the World
- » Straus Students Thrive
- » Mediating Local and Global Issues
- » Serving Scholars and Practitioners

Straus Institute Awarded FINRA GRANT FOR SECURITIES INVESTOR ADVOCACY CLINIC

Pepperdine's Straus Institute for Dispute Resolution has been awarded a \$ 250,000 grant by the Financial Industry Regulatory Authority (FINRA) Investor Education Foundation. The grant will establish a Securities Investor Advocacy Clinic at Pepperdine.

The Securities Investor Advocacy Clinic will provide legal representation for underserved investors involved in securities disputes. FINRA funds these clinics to fill the gap in representation for investors who have small claims and lack the financial resources to obtain legal counsel.

Longtime attorneys Robert Uhl and Judith Hale Norris will oversee the clinic. Students must take the Arbitration Law in the Securities Industry course, taught by Uhl in the fall, in order to be eligible for the clinic. The clinic will begin this spring semester with five students.

"If you're interested in representing investment brokers, this is the way to go about learning how," says Uhl, who has 20 years of experience in securities arbitration. "It's also a tremendous opportunity to provide legal service to the community. Many investors have lost under \$100,000, which is considered a small claim. Lawyers often won't take their cases, and the investors often don't have the money to pay for legal counsel."

The securities investor advocacy clinic will become Pepperdine's fifth clinical program joining the Pepperdine Legal Aid and Family Law clinics at the Union Rescue Mission, the Special Education Advocacy Clinic, and the Asylum Clinic.

Stipanowich’s Work Named CPR BEST PROFESSIONAL ARTICLE

Professor Tom Stipanowich (pictured, far right), William H. Webster Chair in Dispute Resolution and academic director of the Straus Institute for Dispute Resolution, received an award from the International Institute for Conflict Prevention & Resolution (CPR) on January 13. His articles, “Arbitration: The ‘New Litigation,’” and “Arbitration and Choice: Taking Charge of the ‘New Litigation,’” were jointly named Best Professional Article for 2009. This marks the second time Stipanowich has received the award, which is among the most prestigious writing awards in the field of dispute resolution.

Stipanowich is a prolific writer whose many publications include coauthorship of a leading treatise, *Federal Arbitration Law: Agreements, Awards, and Remedies*, cited by the U.S. Supreme Court and many other federal and state courts, and which was named Best New Legal Book by the Association of American Publishers. In 2006 he coauthored *Resolving Disputes: Theory, Practice, and Law*, a popular text book for law school courses.

The current CPR Award was bestowed on two related articles, “Arbitration: The ‘New Litigation,’” 2010 ILL. L. REV. 1, and “Arbitration and Choice: Taking Charge of the ‘New Litigation,’” (Keynote Symposium Presentation), 7 DEPAUL BUS. & COM. L.J. 383 (2009). The two articles were prepared in connection with a national dialogue on current perspectives on arbitration that led to the



National Summit on the Future of Arbitration in Washington, D.C., on October 30, 2009. Stipanowich served as cochair for the summit, which was cosponsored by several national and international dispute resolution organizations.

“It was a special treat to receive this award,” said Stipanowich, “since I received the same honor from CPR as a young scholar more than 20 years ago.” The earlier award not only enhanced his stature in the dispute resolution field, but also led to a long-term relationship with CPR, a New York-based international think tank. As director of the CPR National Commission on the Future of Arbitration he produced *Commercial Arbitration at Its Best* (2001), a book of practice guidelines for lawyers that was honored by the ABA Business Law Section. From 2001 to 2006 he served as CPR’s second president and CEO.

Stipanowich Co-facilitates ABA CONSUMER ARBITRATION CONFERENCE

Professor Tom Stipanowich and Indiana University Bloomington professor Lisa Bingham served as co-facilitators for a two-day meeting in Washington, D.C., focusing on the resolution of disputes involving consumers of goods and services. The meeting, sponsored by the American Bar Association Section of Dispute Resolution, brought together individuals from around the country for a roundtable discussion about the hotly debated topic of arbitration agreements in consumer contracts and the broader issues surrounding the resolution of disputes in which consumers are claimants or defendants. “It was a privilege to help set up this one-of-a-kind gathering and to work with Professor Bingham and the organizers,” said Stipanowich. “It always amazes me how much can be accomplished in a relatively short period with careful planning.”

Stipanowich Serves as Editor of NEW PROTOCOLS FOR ARBITRATION

Pepperdine and the Straus Institute played a major role in the just-published College of Commercial Arbitrators “Protocols for Expeditious, Cost-Effective Commercial Arbitration: Key Action Steps for Business Users, Counsel, Arbitrators and Arbitration Provider Institutions” (2010). Professor Tom Stipanowich was editor-in-chief of the protocols, and the Straus Institute was among the cosponsors of the 2009 College of Commercial Arbitrators National Summit that spurred their publication.

In response to mounting complaints that commercial arbitration has become as slow and costly as litigation, the College of Commercial Arbitrators in 2008 called for a national summit on business-to-business arbitration to identify the chief causes of the problem and explore concrete, practical steps that can be taken now to remedy them. The concept of a national summit sprang from two key insights: (1) lengthy, costly arbitration results from the interaction of business users, in-house attorneys, the institutions that provide arbitration services, outside counsel, and arbitrators; and (2) all of these “stakeholders” must collaborate in identifying and achieving desired efficiencies and economies in arbitration. In addition to its own Fellows, the college invited to the national summit in-house counsel from major companies that use arbitration, skilled advocates, and individuals who occupy key positions in leading institutional providers of arbitration services.

The perceived importance of the summit was reflected in the fact that the Straus Institute and five principle conflict resolution organizations—

- THE AMERICAN BAR ASSOCIATION SECTION OF DISPUTE RESOLUTION,
- THE AMERICAN ARBITRATION ASSOCIATION, JAMS,
- THE INTERNATIONAL INSTITUTE FOR CONFLICT PREVENTION AND RESOLUTION (CPR), AND
- THE CHARTERED INSTITUTE OF ARBITRATORS

—joined the college as cosponsors of the summit.

More than 180 individuals participated in the summit, which was designed as a structured “conversation” to elicit participants’ input on proposed guidelines, or protocols, for all four “stakeholder groups” in arbitration. The summit concluded with a “town hall” meeting during which electronic voting devices were used to gauge the opinion of summit participants concerning specific action steps.

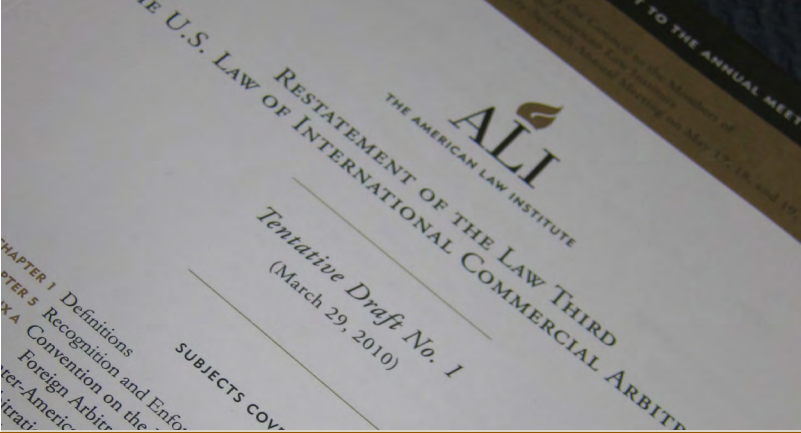
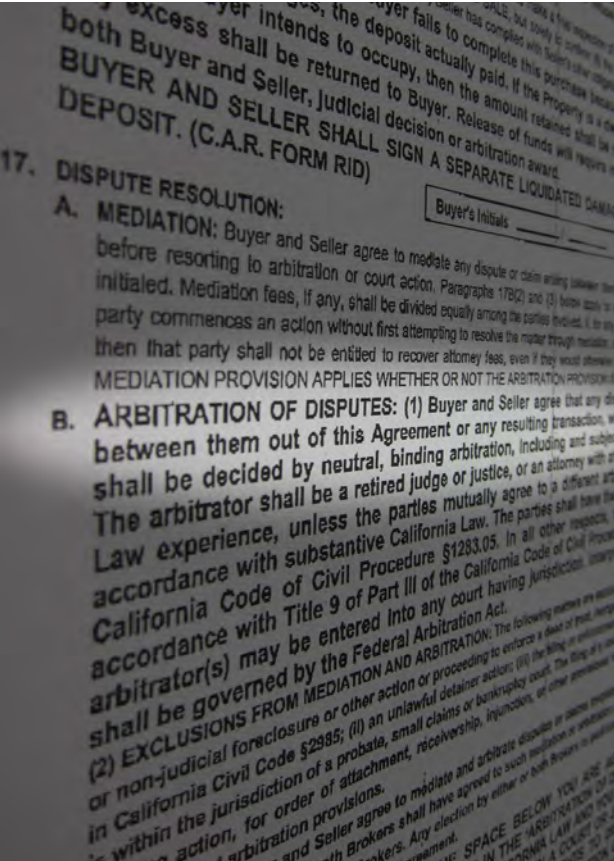
Professor Stipanowich and his coeditors thoroughly analyzed the results of the national summit along with many other recommendations. The resulting “Protocols for Expeditious, Cost-Effective Commercial Arbitration” are intended to provide clear and concrete guidelines for making arbitration more efficient and more expeditious—speaking directly to business users, lawyers, arbitrators and providers of arbitration services.

Stipanowich Teaches in London, NAMED WILMERHALE SCHOLAR-IN-RESIDENCE

Professor Tom Stipanowich, the William H. Webster Chair in Dispute Resolution and Straus academic director, is spending the Fall 2010 semester at Pepperdine’s London campus, where in addition to a full, law teaching load, he has several other commitments and planned presentations. He was invited by international law firm WilmerHale to be a Scholar-in-Residence with that firm’s international arbitration group. Scholars include professors, lecturers, and other academics who collaborate with the firm’s international arbitration team “on both professional matters and academic projects, and to contribute generally to the intellectual life of the office.” Planned speaking commitments include a guest lecture on international commercial arbitration at Oxford University; a program on the evolution of commercial mediation with Lord Woolf, former Lord Chief Justice of England and Wales; and a symposium at the University of Utrecht.

Coe and Stipanowich Work on the INTERNATIONAL COMMERCIAL ARBITRATION RESTATEMENT PROJECT with the American Law Institute

The International Commercial Arbitration Restatement project of the American Law Institute (ALI), in which Professors Coe and Stipanowich are involved, is moving forward apace within the ALI peer-review process. The work was commissioned by ALI approximately three years ago and is intended to supply black-letter guidance to courts and lawyers. A first chapter is expected to receive ALI Council approval in October. Both professors continue to participate in conferences exploring issues raised by, or related to, international commercial arbitration. In a related development, Professor Coe has been reappointed as the ABA International Law Section’s liaison to the ALI.





Straus Institute Offers PRO BONO MEDIATION TRAINING For International Judges

This past summer the Straus Institute for Dispute Resolution organized, “Mediation Skills for International Judges,” in conjunction with the JAMS Foundation and the Conference for International Mediation for Justice (CIMJ). Through this program the Straus Institute provided free mediation training to 33 judges from 21 countries.

The mediation skills training focused on the mediation process, identifying and working with different mediation styles, and facilitating problem solving for pending court cases. Other topics included managing attorney advocates, the parameters of confidentiality, and how judicial philosophies and ethics inform this area of practice. The program offered participants the opportunity to practice mediating simulated disputes and to observe judges and retired judges mediating at the Los Angeles Superior Court, JAMS, ARC (Alternative Resolution Centers), ADR Services, Judicate West, and IVAMS Arbitration Mediation Services.

The six-day course was taught by three judges and four mediation trainers from around the world, including Peter Robinson, managing director at the Straus Institute

and associate professor at the Pepperdine School of Law; Denise Madigan, mediator for ADR Services and adjunct Straus professor; the Honorable Alexander Williams III, a retired judge from the Los Angeles Superior Court and adjunct Straus professor (currently with ADR Services); the Honorable Louise Otis, a retired judge from the Quebec Court of Appeal; attorney Alain Laraby, from Paris, France; the Honorable Robert Levy, U.S. District Court for the Eastern District of New York; and John “Jay” Welsh, the executive vice president and general counsel for the Judicial Arbitration and Mediation Services (JAMS).

The countries represented included Argentina, Australia, Bangladesh, Belgium, Brazil, Bulgaria, Canada, France, Germany, Haiti, Indonesia, Japan, Netherlands, Romania, Russia, Rwanda, Spain, Switzerland, Tanzania, Uganda, and the United Kingdom.

The Conference for International Mediation for Justice is an NGO committed to the advancement of mediation among the judiciary around the world. Pepperdine’s Straus Institute for Dispute Resolution has been ranked the No. 1 program for dispute resolution by *U.S. News & World Report* for the past six years.



Straus Institute Travels TO RWANDA TO LEAD MEDIATION TRAINING PROGRAM

This summer, professor Peter Robinson traveled to Rwanda with alumna Alisa Freundlich (LLM ’09) and current student Todd Nichol to teach mediation to members of the Ministry of Justice. The project was cosponsored by Saddleback Community Church’s PEACE program and by the Rwanda Ministry of Justice. They were part of a team of more than 20 attorneys and law enforcement officials who broke into more than five project groups to provide training on domestic violence, land grabbing, the land registration process, registering marriages, first-responder first aid for firemen, and mediation skills.

The Straus Institute at Pepperdine University School of Law was asked to send a team to Rwanda to lead a mediation training program to teach local Abunzi mediators how to mediate land disputes. The government of Rwanda is in the process of formally registering land title rights and creating written records for the country. In order to register these titles the Rwandan government is going village to village conducting land surveys and documenting land rights. They are also creating a dispute resolution program to handle land disputes as they arise.

Pepperdine provided mediation skills training to 28 employees of the Ministry of Justice who staff a network of “Access to Justice” centers which serve as legal aid clinics in the area. These employees are then responsible for training 32,000 village elders in mediation skills. According to Freundlich, “The first day was tough because they were not familiar with our concepts and material and were very skeptical that our style of mediation could be used here in Rwanda.” As the training progressed the participants were very appreciative of Straus’ practical approach with a focus on mediation skills. The minister of justice drove two hours to attend the closing ceremony where he stated that this effort was critical to the delivery of justice for the average citizen. Special thanks must be expressed to Straus Institute students Veronique Fraser and Chantal Francois who volunteered to translate the 50-page mediation workbook into French.

Straus Offers MEDIATING THE LITIGATED CASE IN MALAYSIA

The Malaysian Institute of Arbitrators invited the Straus Institute for Dispute Resolution to present the Mediating the Litigated Case program in Kuala Lumpur, Malaysia, on September 23-28, 2010. The Malaysian Institute of Arbitrators recruited participants from members of its panel, as well as leaders in the Malaysian bench and bar. Mohanadass Kanagasabai, the president of the Malaysian Institute of Arbitrators, heard about the program when 40 judges from Thailand attended the program in Malibu last summer.

The Mediating the Litigated Case format has been well received when taught around the world because it begins with acknowledgment of a spectrum of mediation styles and philosophies. The course imposes on the participants the responsibility to formulate their approaches, which leaves room for cultural and context adaptation. Teaching a vast variety of mediation approaches creates a rich menu of mediation techniques. Once experienced professionals are aware of their mediation techniques options, they appreciate that Straus defers to their judgment about when and how to use the various methods.

Straus Institute adjunct professors Bruce Edwards (JAMS in San Francisco, California) and James Craven (Evans, Craven & Lackie in Spokane, Washington) joined Straus Institute’s managing director Peter Robinson as the faculty team for this project.



STRAUS INSTITUTE HOSTS FULBRIGHT SCHOLARS for the Fourth Consecutive Year

For the fourth consecutive year the Straus Institute has attracted prestigious international Fulbright Scholars from around the world to study dispute resolution at Pepperdine. This fall Olesia Safulko from Ukraine and Yosra Abid from Tunisia began their studies in the LL.M. in dispute resolution program.

Yosra Abid joins Pepperdine’s community from the Fulbright’s AMIDEAST Program in Tunisia. Abid received her LL.B. in legal studies from the Faculty of Judicial, Political, and Social Sciences in Tunisia, and a master’s degree in European law practice from Le Havre University in France. She is a member of the Arbitration International Association and the ICC Young Arbitrator’s Forum, and came to Pepperdine to study international commercial arbitration. After completing her LL.M. in dispute resolution, Abid hopes to return to Tunisia to establish an international center that specializes in academic and professional thinking in dispute resolution.

Olesia Safulko has a bachelor of law from Ivan Franko National University of L’viv and a master’s degree in administrative law. Safulko’s interest is in reforming the Ukrainian public sector through the development of dispute resolution systems. Safulko spent two semesters at the University of Hamburg where she received a master’s in German corporate law and interned with a German law firm specializing in mediation and international commercial arbitration. Her hope is to study the American way of implementing mediation and arbitration into legislation, and to create an NGO in Ukraine that provides mediation services.

In 2009 Pepperdine hosted a Fulbright Scholar from Panama, Benito Vega (LLM ’10). Vega worked for the Attorney General’s Office in Panama, and taught penal law and contract courses at American University in Panama. His interest is to expand his courses at American University to include dispute resolution courses and to develop community mediation and judicial mediation programs in Panama.

Additionally, Pepperdine hosted Fulbright Scholars from Egypt and El Salvador in 2008, from Germany in 2007, and from the Czech Republic in 2000. The Fulbright Program was established by U.S. Congress in 1946 and is the largest U.S. international exchange program for students, scholars, and professionals pursuing advanced study, research, and teaching in the United States.

In addition to the Fulbright Scholarship program, Pepperdine has hosted a Muskie Fellow from Moldova in 2008, and three Weinstein International Fellows from Jordan, Nepal, and Ecuador in 2009 sponsored by the JAMS Foundation.

Each year, the Straus Institute welcomes international students as part of its thriving global presence. Current students hail from countries such as Ghana, Italy, Korea, Germany, New Zealand, Saudi Arabia, and Venezuela.



Yosra Abid and Olesia Safulko (2010-2011)



Benito Vega (2009-2010)



Oscar Samour, Sherif El Negahy, and Zinaida Gutu (2008-2009)



Felix Doerfelt (2007-2008)

Collaboration with MBA PROGRAM A SUCCESS

The Straus Institute has partnered with the Pepperdine University Graziadio School of Business and Management to train business professionals in essential dispute resolution skills. For the past 10 years students earning a master of business administration (MBA) at Pepperdine can declare a concentration or emphasis in dispute resolution and earn a graduate certificate in dispute resolution from the Pepperdine University School of Law.

Students in the MBA program take courses in mediation, negotiation, arbitration, and interviewing skills, as well as elective courses, that can cover topics in employment dispute resolution, ombuds, dispute resolution systems design, international investment disputes, health care dispute resolution, and other areas.

This past year, 32 MBA students graduated with a certificate in dispute resolution as part of their MBA education. MBA student Tatemya Douglas states, “I am excited that I chose to earn Straus’ emphasis and certificate in dispute resolution. It has proven to be a dynamic program where I can sharpen my communication and conflict resolution skills while being at the forefront in the trend toward a more collaborative business and legal environment.”



This past academic year the Straus Institute for Dispute Resolution graduated 150 students from its academic programs including the certificate in dispute resolution, the master of dispute resolution (M.D.R.), and the LL.M. in dispute resolution programs.

The 102 certificate graduates included 63 J.D. students and 32 MBA students who used their electives to take dispute resolution courses and earn a certificate in dispute resolution. The remaining seven certificate graduates included an engineer, an attorney, a judge, a university student life administrator, and students from other law schools.

Thirty-two students graduated with the master of dispute resolution, including nine Pepperdine J.D. students and mediators, business professionals, an airport administrator,

a health care professional, an accountant, a U.S. State Department employee, an attorney, a construction professional, and a public policy administrator.

Lastly, 16 students graduated from the LL.M. in dispute resolution program. These graduates included commuters traveling across the nation to participate in the LL.M. program on a part-time basis from Nevada, Tennessee, North Carolina, Alabama, and Arizona. The LL.M. program also graduated international students from Nepal, Brazil, China, Canada, and a Fulbright Scholar from Panama.

All three academic programs can be pursued on a part-time or full-time basis so the number of graduates in the program changes from year to year.



Over the past 30 years there has been a dramatic rise of religious extremism and militancy in the Middle East that is being driven by intense theological convictions which contribute to exclusivist visions of the future, as well as intense hostility toward a sovereign Jewish state in the Israeli/Palestinian theatre. Lack of theological sophistication by many earnest and sincere peacemakers in the region has led to analyses and forms of intervention that have failed to grasp the growing complexity of the conflict and the nature and influence of religious extremism and militancy on any possible future negotiated settlement between Israel and the Palestinians.

This January 2010 we reached the five-year mark of the Middle East Faith-Based Reconciliation Project and the third year of the PACIS Project in Faith-Based Diplomacy's involvement in that work. During these years PACIS has established many of the essential ingredients for a strategic long-term approach to the Middle East peace process.

One important PACIS initiative is the shaping of a nascent "people movement" in Palestine in partnership with the Musalaha organization of Jerusalem, based on Abrahamic core values. The towns of Bethlehem, Beit Sahour, and Beit Jala are the locus for this people movement among the next generation of Palestinian leaders. We are now working with the third group of 20 community-identified emerging leaders among university-age Palestinian Muslims and Palestinian Christians that, while they live in close proximity, seldom interact with the other's communities. This lack of interaction has resulted in generations-old antagonisms and tensions between these faith-based communities and continues the age-old fractionalization of the Palestinian people. A number of these individuals, both men and women, are members of the majority Palestinian political Fatah party.

Our strategy empowers these emerging leaders to identify their own and their community's circumstances and interests around eight Abrahamic core values shared by Islam, Christianity, and Judaism. It also challenges and directs these individuals to recognize "the other's"

circumstances and interests around the same faith-based core values. This is accomplished in three phases over approximately 18 months. The first phase is a "Desert Encounter" where members of the two communities retreat together into a severe desert environment and learn to live with and help each other in demanding physical circumstances. The bonding and friendships that develop over a short week in this phase are extraordinary and largely permanent. The second phase is also a week's retreat where those that completed the "Desert Encounter" study together the origins, significance, and application of the eight Abrahamic core values. These include principles like pluralism, peacemaking, healing the wounds of history, forgiveness, and submission to God—all necessary for reconciliation. The third phase is a retreat experience in problem-solving that grows from the friendships and solidarity established during the first and second phases. Emerging from a critical analysis exercise during the second phase, the two communities identify where they have given and where they have received offense from the other community. From this effort a shared, common list of prioritized problems emerges that the participants are, at that time, prepared to address and problem-solve together. This has resulted in the creation of an appropriately Palestinian "Manifesto" outlining and endorsing a new spiritual and socioeconomic paradigm of reconciliation rather than the tired and unsuccessful win-lose advocacy model.

The PACIS Project is both honored and humbled to provide leadership in this new social and spiritual paradigm formation. Our prayer is that when these emerging leaders come in to their own in their faith communities, in their school systems, in their political parties, in their places of business, and in their social relations, they will continue to promote and build on the ancient model of Abrahamic Reconciliation both within their own Palestinian society and across borders.

Please visit our Web site at law.pepperdine.edu/straus/academics/pacis for detailed reports of our activities through 2010.

Straus Mediates Conflict Between THE COMMUNITY AND HOMELESS PROGRAM

Twenty-five years ago a nonprofit organization in Los Angeles, California, began providing dinner on a street corner every night for the homeless. About a year ago, an elderly resident near the street corner was murdered and police concluded that the murderer was probably one of about 150 transients served by the food program. The residents organized a "neighborhood watch" to make the community more secure. The leaders of the neighborhood watch began questioning whether feeding the homeless on a street corner was an appropriate social services strategy to assist the homeless. The neighborhood watch leaders soon found that an organization of businesses in the area had similar concerns.

The residential and business neighbors impacted by the nightly gathering of about 150 homeless asked the police to disperse what they perceived was an unlawful assembly. The trash, human excrement, trespassing, and petty crimes to private property and persons caused the neighbors to perceive this humanitarian service as creating a nuisance. In response, the police began regular visits to the street corner asking for identification and determining if those present had outstanding warrants. The leaders of the homeless food program contacted Public Counsel, a public interest legal aid program, which notified the police that they were violating the civil rights of the homeless. Public Counsel threatened to file a lawsuit if the police did not immediately stop alleged intimidation of the homeless at this corner. The police ceased their efforts to discourage participation in the nightly food program. The result was a standoff between the residential-business neighbors and the nonprofit feeding the homeless, with unresolved miscommunication and animosity.

The lead attorney for this project at Public Counsel had completed Straus' Mediating the Litigated Case program 10 years ago. She contacted Straus Institute's managing director Peter Robinson and suggested that this scenario was ripe for an extended mediation effort. Robinson recruited current mid-career students Dawn Osborne-Adams and Mark McCaslin to assist him in determining if mediation was viable and if so, mediate between the various interests. After the proposed mediation was endorsed by each of the stakeholding groups, Straus accepted the project as a pro bono service.

About once a month there has been some type of meeting. Some meetings were with one or another of the interest groups to assist in formulating a statement of core values. Another meeting only invited the local police captain and the leader of the nonprofit to share an early morning cup of coffee to



exchange mutual commitments to work collaboratively in the future. The most visible meeting consisted of more than 50 participants consisting of local residents, business owners, and volunteers from the nonprofit.

There are still stark contrasts in the preferred solutions of each group. The residential and business neighbors wish that the food program would take more responsibility for how their humanitarian efforts are impacting the neighborhood; they would prefer the group provide a more comprehensive program inside a building at a different location. The nonprofit wishes the community would view its program as a community asset and support it by donating money, in-kind resources, and time.

Over the year of conversations, each group has realized that the other groups are capable advocates for their interests and will not abandon this dispute. While their differences in ideal solutions persist, they have partnered on a variety of measures to improve the current operation. Concrete measures include: a local businessperson donated the money so the nonprofit could purchase a sidewalk steam cleaner for once a week washings; the nonprofit group has done a better job of collecting and removing the garbage at the corner each night; the nonprofit has organized neighborhood clean-up days when the homeless and volunteers clean up the streets and public areas for blocks around the distribution corner. Projects that are still in the collaborative planning stage include finding a donor to provide for the delivery and removal of a trailer with toilets every evening and posting and enforcing "no loitering" signs at the distribution corner, except for the hours between six and eight each evening.

In addition to the tangible progress, the residential and business neighbors have better communication and a better understanding of the core values of the nonprofit. The nonprofit has made specific commitments to partner with the police to identify and remove the people coming to the corner who are participating in illegal activities. The police captain has provided a private phone number to the leaders of the nonprofit so they can request police support when illegal behavior is occurring at the distribution corner. The nonprofit volunteers have agreed to sign witness statements and testify in such cases.

This project may continue for a few years. Trust and cooperation are slowly replacing suspicion and hostility among the leaders of this neighborhood.

Straus Institute Offers ROBUST MCLE OPPORTUNITIES

Mediating the Litigated Case is a sophisticated six-day program for experienced litigators, in-house counsel, and other practitioners interested in studying negotiation and mediation skills. This 42-hour training program started in 1994 and has been taught in Encino, Chicago, New York, Seattle, San Joaquin, Solano, Hawaii, West Los Angeles, Malibu, Irvine, Butte County, Chico, Malaysia, and Beijing. Future programs are scheduled for Washington, D.C., Irvine, and Malibu.

Since 2000, over 1,400 people have participated in the Mediating the Litigated Case program and have included participants from 39 states and 13 countries including Belgium, Italy, Ecuador, Hong Kong, Nigeria, Norway, Uganda, England, Wales, Japan, Korea, Canada, and Switzerland.

This year’s offerings started with our Malibu program August 2 – 7, 2010, with 83 participants. The Straus Institute offered Mediating the Litigated Case in Kuala Lumpur, Malaysia, September 23 – 28, 2010; and will be offering the program in Washington, D.C., November 2 – 4, and 17 – 19, 2010; and in Irvine, California, January 20 – 22, and February 3 – 5, 2011.

The Summer Professional Skills program in Malibu, and the East Coast Professional Skills program in Vermont provide participants an additional opportunity to receive basic to advanced training while receiving 18 hours of MCLE credit.

Participants are also able to audit intensive academic courses at the Malibu and Irvine campuses during our summer and Winter Intensive Programs for 28 – 35 MCLE hours. For more information or to register for our training programs, visit law.pepperdine.edu/straus

Straus Institute to Host TEACHING ADR IN LAW SCHOOLS PROGRAM JUNE 21-22, 2011

In June 2005, 30 professors from around the country gathered at Pepperdine for a three-day conversation about teaching mediation in law schools. Three members of the original planning committee, Jay Folberg (Professor Emeritus and former dean at University of San Francisco), Dwight Golann (Suffolk University Law School), and Straus Institute managing director Peter Robinson, have agreed to recruit a broader planning committee for a two-day program on teaching ADR in law schools. The intention is to create an event with tracks for professors who teach an ADR survey course, a negotiation skills course, an arbitration skills course, as well as the original mediation skills course. Some topics are planned to be relevant to teaching any of these courses and presented at plenary sessions. Most of the program is envisioned as creating an opportunity for professors teaching the same course to compare and contrast methods on a variety of topics including course content, teaching resources, assessing skills development, and grading. The planning committee is currently being recruited, so please contact any of the above professors if you have an interest in serving on this committee.



Full-Time FACULTY UPDATES, 2009–2010



ROGER ALFORD

THE FUTURE OF INVESTMENT ARBITRATION (with Catherine Rogers), (Oxford Univ. Press 2009).



JACK J. COE, JR.

Restating The U.S. Law Of International Commercial Arbitration (with George A. Bermann, Christopher R. Drahozal, and Catherine A.

Rogers), 113 PENN. ST. L. REV. 1333 (2009) (symposium issue).

An Examination of the Draft Award Circulation Provision of the U.S. Model BIT of 2004, in THE FUTURE OF INVESTMENT ARBITRATION (Roger Alford & Catherine Rogers eds., Oxford Univ. Press 2009).

NAFTA CHAPTER 11 REPORTS, VOLUME II (with Charles H. Brower and William S. Dodge) (Kluwer Law International forthcoming).



ANTHONY MILLER

FAMILY LAW: CASES, MATERIALS, AND PROBLEMS (with Peter M. Swisher and Helene Shapo) (LexisNexis 3d ed. forthcoming).



PETER ROBINSON

Settlement Conference Judge—Legal Lion or Problem-Solving Lamb: An Empirical Documentation of Judicial Settlement Conference Practices and Techniques, 33 AM. J. TRIAL ADVOC. 113 (2009).



THOMAS J. STIPANOWICH

Arbitration: The “New Litigation,” 2010 U. ILL. L. REV. 1 (2010).

Arbitration Awards, Finality, and Second Looks, FORDHAM L. REV. (forthcoming).

How to Reduce Cost and Delay in Commercial Arbitration: Key Action Steps for Business Users, Counsel, Arbitrators, and Providers, (Thomas J. Stipanowich ed., white paper for College of Commercial Arbitrators, forthcoming).

Mediation in China: Eastern Tradition Meets Western Innovation (forthcoming).

PROTOCOLS FOR EXPEDITIOUS, COST-EFFECTIVE COMMERCIAL ARBITRATION: KEY ACTION STEPS FOR BUSINESS USERS, COUNSEL, ARBITRATORS, AND ARBITRATION PROVIDER INSTITUTIONS (Curtis E. von Kann and Deborah Rothman eds., College of Commercial Arbitrators 2010).

RESOLVING DISPUTES: THEORY AND PRACTICE FOR LAWYERS (Jay Folberg ed., 2d ed. Aspen 2010).

THE LINCOLN WAY: THE EVOLUTION OF A MASTER OF CONFLICT (forthcoming).

Address, speaker, Fifth Annual Arbitrator Training Institute, ABA Section on Dispute Resolution, Washington, D.C. (Feb. 2010).

Address, facilitator, National Consumer Dispute Resolution Study Group, ABA Section on Dispute Resolution, Washington, D.C. (Jan. 2010).



MAUREEN WESTON

The Other Avenues of Hall Street and Prospects for Judicial Review of Arbitral Awards, 14 LEWIS & CLARK L. REV. 929 (2010).

Anatomy of the First Public International Sports Arbitration and the Future of Public Arbitration after USADA v. Floyd Landis, 2009-10 Y.B. OF ARBITRATION AND MEDIATION (forthcoming).

ARBITRATION: CASES AND MATERIALS (with Stephen K. Huber) (Lexis 3d ed. 2010).

SPORTS LAW: CASES & MATERIALS (coauthors Raymond Yasser, James McCurdy, Peter Goplerud) (Lexis 7th ed. 2010).

Ordered to Mediate, or to Settle?, speaker, ABA, Section on Dispute Resolution, San Francisco, California (Apr. 2010).

AAA Library and Information Center UPDATE

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