

Straus Institute for Dispute Resolution



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Straus Announces **Four Additional** ADR-Related LLM Programs

▶ *Reorganization of Original LLM in Dispute Resolution Brings New Total to Five Degrees*

1

LLM in International Commercial Arbitration

- ▶ Negotiation Theory and Practice
- ▶ Mediation Theory and Practice
- ▶ International Commercial Arbitration Theory and Doctrine
- ▶ International Commercial Arbitration Procedure and Practice
- ▶ Capstone Mock Arbitration
- ▶ Introduction to U.S. Law
- ▶ Legal Research and Writing
- ▶ Two of the following:
 - International Commercial Arbitration and the National Courts
 - International Investment Disputes
 - Ethical Considerations in International Arbitration

2

LLM in International Commercial Law and Arbitration

- ▶ Negotiation Theory and Practice
- ▶ Mediation Theory and Practice
- ▶ International Commercial Arbitration Theory and Doctrine
- ▶ International Commercial Arbitration Procedure and Practice
- ▶ Legal Research and Writing
- ▶ Eight units of commercial law courses including two of the following:
 - Commercial Law – Sales
 - Commercial Law – Secured Transactions and Commercial Paper
 - International Business Transactions

For over 10 years, Straus has offered one LLM degree with various concentrations. During the 2015-2016 academic year, Pepperdine University approved several new LLM degrees, among them four new ADR options. The new LLMs target the needs of international students in particular.

THE NEW ADR-RELATED LLMS (ABA ACQUIESCENCE PENDING) ARE:

1. LLM in International Commercial Arbitration;
2. LLM in International Commercial Law and Arbitration;
3. LLM in International Commercial Law and Dispute Resolution; and
4. LLM in U.S. Law and Dispute Resolution.

International commercial arbitration (ICA) is so prevalent in international business contracts that course work in this area serves as a foundation for all of the international LLMS.

The LLMS also require a course in negotiation and a course in mediation. The ICA LLM provides six courses to prepare students for practice in this specialty area. Students interested in international commercial law and ICA can take courses in both areas and earn the International Commercial Law and Arbitration LLM. Alternatively, students can choose courses focusing on international commercial law and mediation and earn the International Commercial Law and Dispute Resolution LLM. Finally, students combining a sampling of ADR courses and doctrinal courses in U.S. law can earn the LLM in U.S. Law and Dispute Resolution. The required curriculum for these four new LLM programs are listed below.



In addition to the ADR-related LLM degrees, Pepperdine School of Law will begin offering (ABA acquiescence pending) a new LLM in entertainment, media, and sports law and an LLM in U.S. law.

Courses for all LLM degrees can be completed in the fall and spring semesters.

3

LLM in International Commercial Law and Dispute Resolution

- ▶ Negotiation Theory and Practice
- ▶ Mediation Theory and Practice
- ▶ International Commercial Arbitration Theory and Doctrine
- ▶ International Commercial Arbitration Procedure and Practice
- ▶ Cross-Cultural Conflict and Dispute Resolution
- ▶ Mediation Clinic
- ▶ Legal Research and Writing
- ▶ Eight units of commercial law courses including two of the following:
 - Commercial Law – Sales
 - Commercial Law – Secured Transactions and Commercial Paper
 - International Business Transactions

4

LLM in U.S. Law and Dispute Resolution

- ▶ Negotiation Theory and Practice
- ▶ Mediation Theory and Practice
- ▶ Legal Research and Writing
- ▶ One of the following arbitration courses:
 - International Commercial Arbitration Theory and Doctrine
 - International Commercial Arbitration Procedure and Practice
 - International Commercial Arbitration
 - Arbitration Practice and Advocacy
- ▶ Eighteen Units of Doctrinal Courses

Largest-Ever LLM Group

► Features 43 Students from 23 Countries

Pepperdine School of Law welcomed a total of 43 students from 23 countries to the LLM in Dispute Resolution program during the Summer and Fall 2015 terms. This was the largest and most diverse student group ever for the LLM program. Among the countries represented were Argentina, Australia, Belgium, Bolivia, Brazil, Canada, China, Egypt, Germany, Ghana, Greece, India, Iran, Kuwait, Mexico, Romania, Russia, Saudi Arabia, South Korea, Thailand, Ukraine, and the United States.

Many of the incoming students attributed their interest in Pepperdine's programs to the expansion of the International Commercial Arbitration (ICA) and International



Commercial Law and Arbitration (ICLA) curricula and also the extensive availability of dispute resolution courses not available at other schools. Students came from all stages of professional practice, ranging from judges and lawyers with significant experience to those just starting to practice law.



"I came to Straus for my LLM in Dispute Resolution and what I found here surpassed my best expectations! At Straus, you are in a pleasant atmosphere, where everybody is committed to values of respect, ethics, and knowledge. The Straus Institute really takes care of its students."

– DOROTEIA MOTA
Federal Labor and Employment Judge in Salvador, Bahia, Brazil.





Straus Institute Hosts Fulbright Scholar *for 10th Consecutive Year*

For the 10th year in a row, the Straus Institute's top-ranked dispute resolution program has hosted at least one international scholar from the prestigious Fulbright Scholar program.

Bolivian Fulbright Scholar Estefania Paz (LLM '16) graduated from Universidad Privada Boliviana and worked as an attorney at Anaya Abogados prior to starting her LLM in dispute resolution at Pepperdine. Before serving at the law firm, Paz interned at the Center for Conciliation and Arbitration for the Chamber of Commerce of Cochabamba, as well as the international law firm King & Spalding LLP.

The Fulbright Scholar program was established by the 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 opportunities in the United States.

In addition to the Fulbright program, Pepperdine has hosted elite students on scholarships from Rotary International, Muskie, Organization of American States USAID, and JAMS Foundation's International Weinstein Fellowship.

Master of Dispute Resolution Expands to West Los Angeles

▶ *Creates New Options for Mid-Career Professionals*

In Fall 2016 the Straus Institute for Dispute Resolution's Master of Dispute Resolution (MDR) program launched a major expansion, adding a special initiative for mid-career professionals at Pepperdine University's West Los Angeles Graduate Campus.



The expansion makes the prominent program more accessible to professionals who recognize their future organizational success depends on conflict resolution competency. Furthermore, locating MDR classes with Pepperdine University's business, education, and psychology graduate programs based in West Los Angeles also provides a sweeping new array of curricular and cocurricular options for mid-career professionals seeking to customize a Straus MDR experience to fit their personal backgrounds and career goals.

CONFLICT RESOLUTION: NOT JUST FOR LAWYERS

"In the MDR program, we have police officers, human resource managers, hospitality industry executives, real estate developers, and construction management. Conflict is pervasive," says Stephanie Blondell, associate director of the Straus Institute and assistant professor of law and practice. "The 'secret sauce' to success in the business world is conflict resolution skills. I get feedback over and over from students that these skills catapult their career and perhaps constitute the most relevant skill set for navigating the rapidly changing, technologically complex work world."

The Straus Institute's MDR is an interdisciplinary 32-unit program designed to hone universal skills needed to resolve conflict in business, management, leadership, and diplomacy. The course work equips professionals to lead organizations through difficult moments efficiently while strengthening relationships, partnerships, and alliances.

Over 4,000 organizations—including Amgen, Apple, Boeing, Coca-Cola, Halliburton, Microsoft, Merck, and Xerox—have signed the Center for Public Research Corporate Dispute Resolution Pledge, asking subscribers to seriously consider alternatives to litigation in their business relationships with other companies also subscribing to the pledge. Modern professionals recognize the need for and advantage of having conflict resolution skill sets in this increasingly diverse, technological, and global business environment.

The MDR classes at the West Los Angeles location are based on a "flexible cohort" model. The expectation is that students take their required courses on the West Los Angeles campus while allowing flexibility to take advantage of the 42 course offerings on the Malibu campus. The program can be completed in as little as 18 months. Courses are available in the evenings, as weekend intensives, and in traditional full-semester formats, allowing flexibility for the pressures of a working professional. Each student's needs are considered in academic counseling to address both their schedule and future career goals.



Professor Stephanie Blondell leads Straus' programs in West Los Angeles.

PEPPERDINE UNIVERSITY'S WEST LOS ANGELES CAMPUS

Located off Los Angeles' major 405 Freeway, the West Los Angeles Graduate Campus serves as the headquarters for both the Pepperdine University Graduate School of Education and Psychology and the Graziadio School of Business and Management. If desired, mid-career students participating in the West Los Angeles MDR program can elect to take courses from the other graduate programs, obtaining their MDR as a standalone or joint degree.

The campus is commuter-convenient for students coming from the Westside, South Bay, and San Fernando Valley communities. Of all the Pepperdine University campuses, this venue offers the greatest variety of part-time degree programs designed for working professionals.



Professor Thomas J. Stipanowich Wins James F. Henry Award for Outstanding Achievement in Dispute Resolution

Pepperdine School of Law professor Thomas J. Stipanowich has been awarded the 2015 James F. Henry Award by the International Institute for Conflict Prevention & Resolution (CPR Institute). The award was presented at the CPR Institute's annual meeting in New Orleans, Louisiana, on February 16, 2016.

The CPR Institute is a membership-based, nonprofit alliance of global corporations, law firms, scholars, and public institutions dedicated to the principles of conflict prevention and alternative dispute resolution. The award, named for the organization's founder, recognizes "outstanding achievement by individuals for distinguished, sustained contributions" to the field of dispute resolution. Candidates for the award are evaluated for "leadership, innovation, and sustaining commitment to the field."

Previous awardees include U.S. senator George Mitchell; Lord Woolf of Barnes, former lord chief justice of England; professor Nancy Rogers, reporter for the Uniform Mediation Act; famed mediator and September 11th Victim Compensation Fund special master Kenneth Feinberg; and former U.S. attorney general Janet Reno.

Stipanowich, who holds the William H. Webster Chair in Dispute Resolution at Pepperdine School of Law,



has served for nearly a decade as academic director of the Straus Institute for Dispute Resolution, which for 11 of the last 12 years has been rated by peers as the leading dispute resolution program in the *U.S. News & World Report* graduate school rankings. He is a prolific, highly visible scholar and public speaker, and an active participant in national and international efforts to promote more effective practices in the management of conflict.

Before coming to Pepperdine, Stipanowich served as second president and CEO of the CPR Institute. In 2008 he was recognized by the American Bar Association Section

Recent Publications

Stipanowich and coauthors Jay Folberg, Dwight Golann, and Lisa Kloppenberg recently completed the third edition of their popular, practice-oriented *Resolving Disputes: Theory and Practice for Lawyers* (Aspen Publishers/Wolters Kluwer 2016). Stipanowich also published "The International Evolution of Mediation: A Call for Dialogue and Deliberation" (*Victoria University of Wellington Law Review*, 2015), available at <http://ssrn.com/>

abstract=2712457; "Beyond Getting to Yes: Using Mediator Insights to Facilitate Long-Term Business Relationships" (*Alternatives to the High Cost of Litigation*, July/August 2016); and "Insights on Mediator Practices and Perceptions" (*Dispute Resolution Magazine*, Winter 2016). In addition, Stipanowich and graduate Marcio Vasconcellos (LLM '16) published "The Interplay Between Empirical Studies and Commercial Arbitration Practice,"



a chapter in *The Evolution and Future of International Commercial Arbitration* (Stavros Brekoulakis, Julian Lew & Loukas Mistelas, ed. Kluwer Law International 2015).

on Dispute Resolution with its highest honor, the D'Alemberte Raven Award, for outstanding service in dispute resolution.

"The Pepperdine University School of Law is privileged to have Professor Tom Stipanowich on our faculty," says Dean Deanell R. Tacha. "As this Henry Award recognizes, Professor Stipanowich is a distinguished leader and scholar in conflict resolution and prevention. His unrelenting commitment to seeking peaceful resolution of the most difficult disputes is evident in his teaching, writing, mentoring, and leadership style. Professor Stipanowich inspires those who work with him to bring to the all-important task of peaceful conflict resolution the same analytical, thoughtful, fully informed, and humane approaches that he models. He is making a profound, constructive difference in this law school and in the world. We congratulate Professor Stipanowich on this well-deserved recognition of his remarkable contributions to the field of conflict resolution."

A letter nominating Stipanowich for the James F. Henry Award speaks of his "unremitting energy toward advancing legal peacemaking" and "around-the-year devotion to figuring out what does and does not work to remove obstacles to dispute resolution, assisting all participants ranging from individuals to world governments to identify common interests when resolving disagreements, and finding accommodations for remaining differences."

A nominator also said, "An unblinking commentator on both bad and good trends, Professor Stipanowich is a virtual moderator, guiding and shaping the ongoing 'multilogue' among corporations, academics, governments, and neutrals. He has changed the language of ADR. The Henry Award by design means to reward not just accomplishment, but ongoing innovation made real by activity. No one in the field is more active, to greater effect, than Tom Stipanowich."



Michael Helfand

Breaking New Ground in Religious Arbitration

Ever since his years in law school, associate professor Michael Helfand has been fascinated by the

field of religious arbitration—instances where parties submit their disputes for binding resolution before religious authorities and in accordance with religious law. With growing tensions around the world between the demands of law and aspirations of religion, Helfand's expertise has recently received significant attention.

This past year, Helfand published his article "Arbitration's Counter-Narrative: The Religious Arbitration Paradigm" in the *Yale Law Journal*. The article aims to present "counter-narrative" for arbitration as not just a litigation alternative, but a means to resolve disputes in concordance with shared religious principles and values.

Helfand argues that incorporating this counter-narrative into current legal doctrine would potentially unlock the transformative potential of arbitration, enabling parties to not only resolve disputes expediently but breathe life into mutually shared values. His article was one of 16 papers selected for the 16th annual Harvard-Stanford-Yale Junior Faculty Forum, further recognizing the quality of his cutting-edge work.

Helfand's work is also being recognized outside of the academy. He was quoted both in a recent *New York Times* story "In Religious Arbitration, Scripture Is the Rule of Law," as well as featured in the *PBS Religion and Ethics Newsweekly* story "Arbitration by Faith." He has been asked to present his work on religious arbitration around the United States as well as abroad, with recent stops in Hong Kong and Jerusalem, and Tel Aviv in Israel.

Additionally, Helfand was recently appointed to the executive board of the Beth Din of America, one of the most prominent rabbinical arbitration courts in the world, where he works with religious arbitrators to ensure the enforceability of their awards in state and federal court.

Pepperdine Dispute Resolution Law Journal Completes Volume XVI

The *Pepperdine Dispute Resolution Law Journal* (DRLJ) completed its 16th volume this year. In addition, the DRLJ completed a special symposium edition dedicated to the speaker transcripts and related articles in Straus' Managing Conflict 4.0 conference, which featured foreign and national dignitaries, corporate executives, and leading scholars.

Sukhsimranjit Singh Joins the Straus Institute as Associate Director, Director of the LLM Program, and Assistant Professor of Law and Practice

Sukhsimranjit Singh became interested in dispute resolution while a student at NALSAR University of Law, one of India's premier law schools. He attributes his preference to resolve conflict amicably and internally to his Sikh faith, which he describes as "building peace within oneself to spread peace outside oneself."

Singh's enthusiasm for dispute resolution was triggered by study of the *panchayat* system in India (in which villagers gather to amicably resolve disputes), as well as his clerkship with the chief justice of India, and the discovery that arbitrations can be a better way of resolving disputes than litigating.

Singh received a full fellowship to study LLM in dispute resolution at the University of Missouri-Columbia. He loved his education and initiated collaborative dispute resolution research with the university's School of Medicine. Before he completed his LLM degree, Singh received an offer to teach dispute resolution at the Dispute Resolution Institute at Hamline University School of Law in the role of their Postgraduate Fellow.

"Teaching cross-cultural dispute resolution in Spain, France, and India while working at Hamline was precious," says Singh. "It made me more interested in learning how different cultures approach, decide, and resolve disputes."

Before Singh finished his fellowship, he was appointed by Willamette University College of Law to be their first associate director for the Center for Dispute Resolution. By his eighth year at Willamette, he was serving as director of their LLM in dispute resolution program, as acting director for the center, and as associate professor with School of Management, in addition to teaching as a law professor at the university's College of Law.

"I enjoyed my teaching at both law and management school and learned the different approaches that one must adapt to effectively teach law and business students," Singh says.

He also took three teams to the American Bar Association National Negotiation Competition after winning the regional competitions, as well as two teams to the International Competitions within the first five years of his eight years of teaching at Willamette.

Under his leadership, the LLM program at Willamette grew and attracted students from several countries. He was invited to give lectures in several countries and, in his spare time, he mediated state and city disputes and volunteered his time to mediate a long-standing church dispute in Oregon.

In total Singh has taught or lectured in dispute resolution in over a dozen countries and in more than 30 states. As a mediator, he has served clients from five countries.

Singh began his relationship with the Straus Institute for Dispute Resolution as a visiting faculty member, serving in this capacity for four years and receiving remarkable feedback.

“I loved teaching at Straus,” Singh says. “The students and the team at Straus had so much energy and dedication to learn and grow that when an opportunity [to join in a permanent role] arrived, I was thrilled!”

Singh believes that Pepperdine can play an important role in strengthening dispute resolution education in India as well as other countries. Recently, accompanied by Pepperdine School of Law professor Peter Robinson and dean of graduate programs Albert Sturgeon, Singh visited India to initiate collaborations on dispute resolution teaching and training.

“I feel blessed to have seen dispute resolution systems at work in India and in the United States, among other countries, and I feel I must do my part to facilitate such processes to better serve people,” Singh says. He believes that India has great potential when it comes to dispute resolution, suggesting that hundreds of thousands of litigants can have a better future with dispute resolution.

Presently Singh is working on several international projects but is focused on India and New Zealand and is enjoying being close to his family in Southern California.

“Pepperdine is a very welcoming, warm, and beautiful place to be,” says Singh.

Sarah Park Joins Straus Institute as Associate Director and Instructor for Legal Writing and Research

When Sarah Park took a winter negotiation workshop while a student at Harvard Law School in the early 1990s, she did not suspect that this would be related to her future legal career. “For me, that winter workshop was a fun respite from the regular grind of law school and a practical way to think about negotiation. But my trajectory at the time was on traditional law firm work, working in litigation,” she explains.

After practicing in general and intellectual property litigation at the international law firm of Coudert Brothers in Los Angeles and San Francisco, Park moved to South Korea and worked in trademarks for Kim & Chang, that nation’s largest law firm. In 2002 she took a sabbatical to study church history at the University of Cambridge, and then returned to the United States and served as director of publishing for Veritas Books, part of the Veritas Forum.

Her favorite job to date, however, is teaching legal writing and research at the Straus Institute for Dispute Resolution. “It’s a combination of all the things I love: being in a university setting, working with students, and teaching writing.” In addition to teaching, she works with the Straus Institute’s international students to improve their writing in all aspects of the Straus program, including in independent study research projects and career development.

Park believes the large writing component of the LLM program at Straus is a major benefit, especially for international students. “Because many of our classes require written papers instead of exams, the sheer volume of writing that students do at Straus is a huge challenge and an opportunity for growth,” she says. “I want to equip international students so that in their time here they can truly develop a mastery of English legal writing skills.”

Park is also enthusiastic about cultivating closer relationships with South Korean law firms and law schools, and increasing Pepperdine’s visibility to the legal community of South Korea. In addition, given that both South Korea and Pepperdine University boast substantial Christian populations, she believes that “studying at Pepperdine is a great place to combine a U.S. legal education with opportunities for growth in faith.”



Professor **Anthony Miller** Serves as Arbitrator for Two of California's Largest Employers

Two of the largest employers in Southern California are the County of Los Angeles with approximately 96,000 employees and the City of Los Angeles with 54,000.

The county and the city are the only two public entities in California governed by appointed agencies, the Los Angeles County Employee Relations Commission and the City of Los Angeles Employee Relations Board, respectively. The commission and the board are made up of members who, according to a City of Los Angeles ordinance, "shall have broad experience in the field of employee relations and shall possess the impartiality necessary to protect the public interest."

At present, only one person serves both on the commission and the board—Pepperdine School of Law professor Anthony Miller.

PROFESSOR ANTHONY MILLER

Miller, who joined Pepperdine Law in 1977 and now teaches in both the JD and Straus Institute programs, began his career as a labor arbitrator and hearing officer in 1981, handling cases for both the commission and the board, and for many years. In 2011 Mayor Antonio Villaraigosa appointed Miller to the five-person city board; in 2016 Mayor Eric Garcetti reappointed him for an additional five-year term. In 2014 the County Board of Supervisors appointed him to the three-member county commission.



"For someone who was born within walking distance of the County Hall of Administration and City Hall, and who has lived his entire life in Southern California, it is a great privilege to serve on the commission and the board," says Miller.

THE COUNTY AND CITY OF LOS ANGELES

By the county's own figures, it ranks number one in number of employees for California entities, and the city ranks number three. Almost all of these employees are represented by labor unions or associations. In the county, there are 42 unions or associations representing employees and 18 unions in the city, and there are many collective bargaining agreements, or memorandums of understanding, between the unions and the county and city.

Both the county and city have extensive ordinances that govern labor relations. These ordinances are, to a large degree, similar to the National Labor Relations Act and the California Public Employee Relations statutes.

Both the commission and board function in a manner similar to the National Labor Relations Board and the California Public Employee Relations Board. The county commission and the city board determine bargaining units for employee representation, conduct elections to determine union representation, adjudicate the validity of unfair labor practice claims of both unions and management, and arrange for mediation, arbitration, and fact finding to resolve grievances and impasses between unions and management.

Straus Institute Brings Conflict Resolution Academy for Law Enforcement to Los Angeles Police Department

Conflict Resolution for Law Enforcement is a class jointly envisioned by the Straus Institute for Dispute Resolution and the Los Angeles Police Department to address the particular needs of LAPD personnel. Initially funded by the Los Angeles Police Foundation, the training program equips first-level supervisors in the proactive resolution of internal employee conflicts. The curriculum was designed mindful of the law enforcement workplace, including the unique environment and harms, the vertical communication patterns of sworn personnel, the increasingly intergenerational workforce, and the dynamic nature of police work. The skills developed include early identification, prevention, de-escalation, and the resolution of conflict.

The project began with Straus Institute professor Stephanie Blondell establishing a close, working relationship with the LAPD Office of Constitutional Policing/Risk Management Division. While reducing the harm associated with conflict resolution has financial benefits—the organization has paid \$50 million in recent years to resolve employee complaints against the department—LAPD leadership has emphasized that this effort is inspired by the need for empathy and civility in the workplace and beyond.

Training participants included sergeants, lieutenants, and detectives, who were asked three months after the training when and where they used the techniques. Many reported they had been more willing to get involved in managing conflict both within the department and in their interactions with the community. Straus and the LAPD expect to continue the program.



LAPD chief Charlie Beck (center) with Professors Stephanie Blondell and Peter Robinson.

“As members of the LAPD family, it is not only important that we have empathy for members of the community, but that we have it for each other. We must treat each other in a way that builds the LAPD you want to belong to.”

– LOS ANGELES CHIEF OF POLICE CHARLIE BECK

Managing Conflict 4.0

Rave Reviews for Straus Conference on International Business and Conflict

On November 9 and 10, 2015, nearly 150 practitioners, experts, and students gathered in Malibu, California, for a Straus Institute for Dispute Resolution conference entitled “Managing Conflict 4.0: The New Wave of Opportunities for Businesses Around the Globe.”

Participants and organizers alike described the two-day conference as a uniquely effective event, even for an institute that hosts trainings and conferences year-round and across the globe. “This was probably the most uniformly excellent cast of speakers

that we have ever had,” said Thomas Stipanowich, academic director of the Straus Institute for Dispute Resolution, William H. Webster Chair in Dispute Resolution, and professor of law.

The conference, held at the Villa Graziadio Executive Center at Pepperdine University in Malibu, brought together corporate and public leaders, scholars, and creative thinkers to share insights about handling and leveraging conflict between and within organizations, specifically in a global context. KPMG Law Germany cosponsored the program and Stipanowich, along with Alexander Insam, partner at KPMG & KPMG Law Germany, co-planned the conference. Other cosponsors included Aon, the College of Commercial Arbitrators, the International Institute for Conflict Prevention & Resolution, the U.S. Chamber of Commerce, AmCham Germany, and the German-American Chambers of Commerce.

“The speakers spoke about cutting-edge developments, and usually spoke from

personal involvement,” says Stipanowich. “Our students were treated to a truly unique array of insights into where we are going in the conflict management field.” Nearly all of the 12 speakers—from companies and organizations ranging from American Express and Monsanto to the International Red Cross—expressed interest in opportunities to return or work with the institute again.

A highlight of the conference for graduate students was the variety of networking opportunities built into the event. Speakers and LLM and master of dispute resolution students were able to connect at a Sunday reception preceding the event, two dinners, and a Tuesday afternoon “Community of Thinkers” workshop. The workshop, which included participants who came from as far as Europe for the express purpose of participating in the unique session, developed ideas for strategies in international conflict management, including potential new Straus Institute initiatives.

“The conference was a true success, and I am excited to see where all the great ideas that were presented will lead us in terms of academic work,” says Canadian law professor and Straus Institute alumna Véronique Fraser (LLM ’10). “We are all leaving the conference with newly energized minds and ideas.”



Panel discussion provided opportunities to compare and contrast strategies.



International LLM students interact with conference speakers.

Professional Skills Program Offered in Three Cities



Fourth Annual East Coast Professional Skills Program

Straus' Professional Skills Program offering between 5 and 12 simultaneous two-and-one-half day training programs was offered in Nashville, Tennessee, in October, Baltimore, Maryland, in March, and Malibu in June. The inaugural program in Nashville was offered in partnership with Lipscomb

University and attracted 95 participants. This was the fourth year Straus partnered with University of Maryland School of Law to serve 63 participants from 12 states and two countries, Nigeria and Canada. It was the 29th program in Malibu with 11 courses offered for 234 participants. The Malibu program drew people from 24 states and England, South Korea, Singapore, Brazil, and Australia. Straus is thankful for our partners who enable us to offer a total of 21 courses for nearly 400 participants.

Straus thanks all the faculty teaching these programs: Tracy Allen, Stephanie Blondell, Rebecca Callahan, Ken Cloke, Jim Craven, Robert Creo, Bruce Edwards, Eric Galton, Joan Goldsmith, Toby Guerin, Steve Joiner, Irwin Joseph, John Lowry, Randy Lowry, Doug Noll, Denise Madigan, Nina Meierding, Don Philbin, Tim Pownall, Len Riskin, Peter Robinson, Don Saposnek, Selina Shultz, Thomas Stipanowich, Donna Silverberg, Charles Wiggins, Alexander Williams, Rachel Wohl, and Zena Zumeta!



Participants in Mediating the Litigated Case come from around the globe.

Mediating the Litigated Case Trains over 200

Last year Straus offered the six-day Mediating the Litigated Case in Malibu, Orange County, Washington D.C., Singapore, and Uganda. Over 213 participants attended and expressed appreciation for this unique approach to preparing mediators for cases pending in litigation. In addition to regular Professional Skills Program faculty, the Mediating the Litigated Case program was led by Jacqueline Connor, Mitchel Goldberg, Matthew Guasco, and Steve Rottman. A recent participant commented, "The program exceeded my expectations. I have been a student most of my life and this course was the most enjoyable learning experience I have had."

Women's Negotiation Academy: Growing and Leading



"When the Women in Negotiation Academy began over a year ago, we at Straus couldn't have anticipated the need or demand for this curriculum. My co-trainer Denise Madigan and I have presented on the topic at numerous national and local conferences, as well as a steady stream of women's leadership forums and student groups. I have coached students in the JD, LL.M., and MDR programs in salary and other career-defining negotiations. I would like to hear from you too! I welcome men and women to call for a consult or to share a success story."

— PROFESSOR STEPHANIE BLONDELL
Associate Director, Straus Institute for Dispute Resolution

A Progress Report on the Restatement of the Law on the U.S. Law of International Commercial Arbitration

By Professor Jack J. Coe, Jr., Pepperdine School of Law

In recent years, the American Law Institute (ALI) has sponsored several projects with international facets, including the *Restatement of the U.S. Law of International Commercial Arbitration (ICA Restatement)*. Commenced in 2009, the *ICA Restatement* is well on its way to completion. A brief project description and progress report follows.

WHAT ARE RESTATEMENTS?

Graduates of American law schools are well-familiar with restatements. Restatements are unique references; each might be described as a blend of a treatise and an encyclopedia. Organized in chapters, they set forth “Black Letter” statements of a rule or rules, followed by “Comments,” followed by “Reporters’ Notes.” Restatements are perhaps chiefly intended to be consulted by courts but are studied and cited by the legal community in general.

PEER REVIEW AND PROGRESS TO DATE

The drafts produced by a project’s reporters undergo a peer-review process that typically leads to many

revisions and several iterations in route to ALI approval. To facilitate these refinements, the ALI convenes regular meetings between the reporters and the two groups of peer advisors specific to the project. Though time-consuming, the peer-review process is what makes restatements authoritative.

Through the iterative process described above, the *ICA Restatement* has evolved to include about 400 pages and three completed chapters (of a total of five proposed chapters). Chapter 1 (approved) supplies definitions. Chapters 2 and 4 (also approved) address respectively the enforcement of agreements to arbitrate and the set-aside and enforcement of international arbitral awards.



The ICA Restatement’s chief reporter is Professor George Bermann of Columbia Law School. Professors Chris Drahozal, Catherine Rogers, and Jack Coe are the project’s associate reporters.

NEXT STEPS

The remainder of 2016 will be devoted to completing Chapter 5 (the role of courts with respect to investor-state arbitration) and to launching Chapter 3 (court involvement in ongoing arbitrations). Once those final chapters are approved in principle, a comprehensive editorial process will ready the *ICA Restatement* for publication as a complete unit. That one-volume reference will likely be available in early 2018.



Singapore

First-Time, Four-Day Mediation Skills Program Well Received

In September 2015, the Straus Institute for Dispute Resolution conducted a mediation skills training in partnership with the Singapore Mediation Center and the Singapore Family Court in Singapore.

This was the first time that Straus has led this type of training in Singapore and the program was the result of the tireless efforts of Singapore attorney Lim Tat, who has attended many Straus Minimum Continuing Legal Education (MCLE) programs in Malibu.

The program was taught by Straus Institute managing director Peter Robinson and Irwin Joseph, commissioner of the Family Law Department for Santa Cruz County, California. The participants were all experienced mediators, almost half of them family law judges with full-time assignments as court mediators.

Straus' philosophy and approach to teaching mediation was well received by the participants. The program also provided an opportunity for the Straus faculty to facilitate a dialogue between the private sector mediators and court representatives about how to grow the mediation field in such a way that private sector mediators could work in the area full-time.

Uganda

Mediating the Litigated Case



Attendees at the program for Ugandan judges in Kampala, Uganda, on June 13-17, 2016. 50 judicial officers attended the program each day.

Mexico City Straus and JAMS Cosponsor Three-Day Training Program

In May 2016, the Straus Institute for Dispute Resolution partnered with for-profit alternative dispute resolution services organization JAMS to sponsor a three-day mediation training program in Mexico City, Mexico.

The program was organized by Fernando Navarro (LLM '14), a Mexican attorney who earned his LLM at Pepperdine School of Law in 2014 and, among other things, represents JAMS in Mexico City. Navarro recruited about 15 attorneys from prominent firms to attend the program. The faculty were Navarro and Richard Birke, executive director of the JAMS Institute. At least one of the attorneys who attended the program subsequently resolved a case in mediation.

The training program was the first mediation training program offered by either JAMS or Straus in Mexico City. The training program was also cosponsored by the International Chamber of Commerce in Mexico City. Straus intends to collaborate further with Navarro and JAMS to offer more training programs in Latin America and the Caribbean in the future.



Straus Institute Cosponsors International Task Force on Mixed-Mode Dispute Resolution

The International Task Force on Mixed-Mode Dispute Resolution is an initiative cosponsored by the Straus Institute, the International Mediation Institute (IMI), and the College of Commercial Arbitrators (CCA)—a body of more than 50 leading scholars and dispute resolution practitioners, as well as outside and corporate counsel.

The task force was created for the purpose of studying and providing guidance with respect to many different kinds of dispute resolution scenarios that involve the interplay between public and private adjudication (litigation/arbitration) and processes aimed at facilitating agreements.

Such scenarios include situations in which mediators and other third parties who are charged with helping facilitate settlement “mix modes” by:

- using non-binding evaluation as a means of encouraging settlement;
- probing and facilitating the exchange of information about various parties’ and stakeholders’ subjective interests looking to the future;
- helping parties to design a dispute resolution process, or “setting the stage” for a tailored dispute resolution process that may ultimately be adjudicative or non-adjudicative or a combination of the two (e.g., “guided choice”); or
- shifting from the role of mediator to that of an adjudicator (as in “med-arb”).

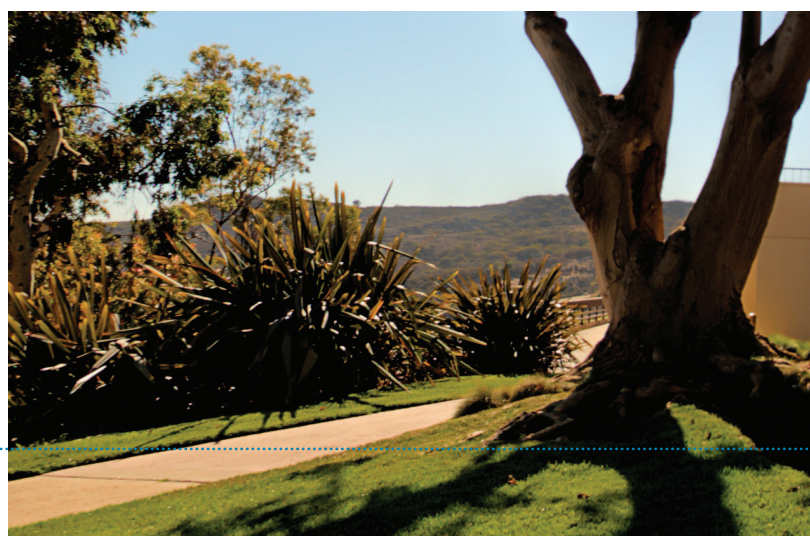
Adjudicators (arbitrators or judges) may also mix modes by:

- facilitating discussions and possible agreements on scheduling, discovery, and other procedural matters;
- helping set the stage for settlement through management of the prehearing process, making decisions on information exchange, and/or ruling on dispositive motions, etc.;
- rendering consent awards based on settlement agreements; or
- shifting from the role of adjudicator to that of mediator on substantive issues (sometimes referred to under the heading “arb-med”).

Finally, there are situations involving the interplay between mediators and adjudicators including, for example, sequential use of mediation and arbitration, simultaneous mediation and arbitration, and integrated “team” approaches.

The task force’s efforts are intended to promote understanding of and share expertise on mixed-mode scenarios across diverse groups and cultures, to facilitate research, investigations, and discussions regarding the management and resolution of disputes, and to foster educational initiatives regarding best practices.

Phase 1 of the project will entail investigating, describing, and comparing practices in different countries and regions. Phase 2 (tentatively planned to be completed by the end of 2017 or early 2018) will involve the development of best practices and other informational tools for the guidance of dispute resolution professionals and legal practitioners, courts, legislators, and standard-makers.



The executive committee of the task force, which has primary responsibility for coordinating and overseeing this effort, includes:

- **Jeremy Lack** – member, IMI Independent Standards Commission
- **Deborah Masucci** – chair, IMI board of directors
- **Moti Mironi** – law faculty, Haifa University, Israel
- **Kathleen Paisley** – Ambos NBGO, Belgium and United Kingdom
- **Tom Stipanowich** – professor, Straus Institute, Pepperdine School of Law
- **Edna Sussman** – president, College of Commercial Arbitrators

In support of the work of the task force, a team of Straus graduate students (most of whom were working on LLMs in international commercial arbitration) undertook in-depth research. They developed white papers examining standards and practices regarding mixed-mode scenarios in their countries of origin or other countries. The team was supervised by Stipanowich and Straus Research Fellow Karinya Verghese (LLM '15), supported by research assistants Marcio Vasconcellos (LLM '16)(Brazil), Celine Jaspers (LLM '16)(Belgium), Estefania Paz (LLM '16)(Bolivia), and Gu Xuan (Vivian Gu)(China). The work is currently being carried forward by University of Sherbrooke professor Veronique Fraser (LLM '10), as well as Stipanowich and Verghese, who are spearheading the development and administration of related empirical surveys.

The International Task Force Summit will be held on the Pepperdine University campus in Malibu on September 23 and 24, 2016. The workshop is intended to summarize and facilitate a dialogue regarding the range of current standards and practices associated with various mixed-mode scenarios.

Straus LLM candidate Vivian Gu, an experienced lawyer from China, summarizes the hopes of task force participants as follows: “The mixed-mode project will offer theoretical and practical guidance for new and developing [alternative dispute resolution] trends worldwide. It is an opportunity to learn from each other’s experiences and practices and to promote greater flexibility and efficiency in dispute resolution. I expect this project will open a new door to the exploitation and development of ADR.”

Veronique Fraser



Veronique Fraser (LLM '10) served as academic researcher in residence at Straus in summer 2016. A lawyer and graduate professor in dispute prevention and resolution at the University of Sherbrooke in Canada, she partnered with Professor Stipanowich on research and writing for the International Task Force on Mixed-Mode Dispute Resolution.

Karinya Verghese



Karinya Verghese recently departed her position as Straus Institute Research Fellow to become associate regional director of dispute resolution at the Financial Industry Regulatory Authority (FINRA). Formerly a senior lawyer at a top-tier law firm in Sydney, Australia, Verghese blogged about the survey of International Academy of Mediators; assisted with the update of *Resolving Disputes*, the Straus Institute’s popular ADR text and materials; and, most importantly, helped spearhead the work of the International Task Force on Mixed-Mode Dispute Resolution.





Alumni Profile:

Kacie Wallace



What is your current job position and description?

Athlete ombudsman at the United States Olympic Committee (USOC). My role, as defined by the Ted Stevens Olympic and Amateur Sports Act, is to provide gratis and independent advice to athletes regarding their rights pertaining to all rules and policies in Olympic and Paralympic sports, and to help mediate disputes involving athletes.

I also serve as an advocate for athletes' rights within the USOC and its member national governing bodies of each sport. I work with athletes from all sports on the Olympic, Paralympic, Pan American, and Parapan American programs.

When did you graduate from Pepperdine Law, and which degree do you hold?

I graduated in 2005 with an LLM in dispute resolution.

What programs did you participate in at Pepperdine Law?

I took an educational leave of absence from my job at Duke University, so in my time at Pepperdine I was primarily focused on taking as many courses as I could in a very short time, taking full advantage of the externship opportunities and meeting with a variety of people to plan my next career move.

I spent a lot of time in the clinical programs, which allowed me to travel throughout Los Angeles County, mediating in various small claims, civil harassment, and domestic courts. This hands-on experience was invaluable to my skill development and the decision I later made to focus my career on dispute resolution.

How has your education at Pepperdine Law influenced your career path?

As part of the LLM program, we were required to complete 240 hours of externships. I chose three extraordinary people with whom to work and well exceeded the 240 hours.

I Internet-stalked the person I thought had the coolest job in the country, John Ruger. At the time, John was the athlete ombudsman at USOC. I called and asked if I could be his intern, to which he replied, "I don't have interns." I said, "You have conflict, right?" He said, "Yes." I said, "Well, I can come to Colorado on my own dime and try to help you resolve those conflicts through mediation."

This was just after the Athens games and there were numerous lingering issues between athletes, their coaches, and national governing bodies. Within about a week, most of the cases were resolved. I ended up writing my thesis on the advantages of mediation in Olympic sports, where relationships and communication are such a critical part of Olympic success.

For the next nine years, I mediated cases for the USOC, and almost 10 years to the date of when I met John, he left his job at the USOC to work for USA Beach Volleyball, and I was hired as the athlete ombudsman.

What tools did you acquire from Pepperdine Law that you found imperative to your role as an intervention counselor, mediator, negotiator and arbitrator?

At Pepperdine, I had such wide exposure to the depth and breadth of the role conflict resolution can play. I learned to look at problems with a more critical eye, for their sources and opportunities for resolution. I learned to listen. I learned that strife is relative. I learned humility. I learned compassion. I learned the difference between sympathy and empathy. I learned that confidence cannot be replaced by ego. I learned that people want to feel valued. I learned that behind every transaction is a relationship. And I learned that conflict is a complex web of emotion, perception, rationale, and history.

The LLM program at Pepperdine also provided a community where networking and taking risks were encouraged. The experiential nature of the program was what drew me there, for which I am so grateful. I not only learned the skills to succeed in the field of conflict resolution, but I was surrounded by people who had done just that and were willing to share their own experiences and networks to help me do the same.

What is your fondest memory from your time at Pepperdine Law? Did you have a favorite faculty member?

One of the most impressionable memories I have of Pepperdine is walking into the Straus Institute the first day that I arrived in California—by myself and new to the area and community. Peter Robinson and

Randy Lowry welcomed me as if I had just come home after a long journey. They knew me by name, knew my background, knew my hobbies, and immediately offered to take me to lunch to learn about my future interests. We went to Duke's Malibu the next day, and I knew I had made the right decision to join the Pepperdine family.

I spent hours in Starbucks wrestling with how to pursue my passion for conflict resolution and in a way that suited my lifestyle and "interests." After actualizing the intent of this exercise, and with training from the best conflict resolution institution in the world, I left Pepperdine, got a degree in film, launched a business, started teaching negotiation and mediation, won a MacArthur grant to design virtual training environments for international responders to natural disasters, became the director of the Dispute Resolution Institute at North Carolina Central University Law School, became a professor for Rotary International's Peace Fellows program, became a negotiation professor at Duke University School of Law, and was then offered the privilege of being the athlete ombudsman at the USOC.

You deal specifically with athletes in your position as athlete ombudsman for the U.S. Olympic Committee. How did Pepperdine Law prepare you specifically for the sports law industry?

At Pepperdine, I took advantage of the externship program and my thesis to apply what I was learning in dispute resolution to sports. I had been involved in sports as a swimmer at Duke University and later as a stand-up paddleboarder for YOLO Board paddle team. I came to Pepperdine with an interest in conflict resolution in the Olympic Movement, so when I was trying to decide what to do with 240 hours worth of externships, I identified

John Ruger, the athlete ombudsman at the USOC at the time, and Travis Tygart, who is now the CEO of the United States Anti-Doping Agency and was the general counsel at the time, as fun people with whom to work to learn more. I had the opportunity to work with them and learn about how conflict plays out in sport.

I also spent a lot of time meditating in court and did an externship with the most generous soul, Mattox Hair. Mattox had been a federal judge and now had his own mediation and arbitration practice in Jacksonville, Florida. He had an impressive history serving on ethics committees and philanthropic community organizations. I called and asked if I could intern with him and just like John Ruger, he said, "I've never had an intern, but ... sure." He opened up his practice to me and the most important lesson I learned from Mattox was the importance of honest, open, and sincere relationships.

With the combined wisdom of these mentors, I decided to focus my thesis on sports, specifically the use of negotiation and mediation in Olympic sports. Behind every successful athlete is a web of support, and it was clear to me that a good outcome of most disputes in sports is contingent upon bettering that network of relationships.

Is there any advice you'd like to offer Pepperdine Law students or recent graduates?

Internet stalk. Find people who have cool jobs. Take the risk to call and talk to them. Be genuinely interested in their paths. And be open to where their wisdom might take you. Show up. Meet people. Take time to develop relationships. Let the universe bring you together with the people and the work that calls you. Let your talents match you with the needs of others.

Alumni Profile:

► Dmitry Andreev

What is your current job position and description?

I am a visiting foreign lawyer at WilmerHale's office in London. I work in the international arbitration group, and therefore deal mostly with international arbitration disputes in Europe and Asia, and occasionally with international law cases (for example, in the European Court of Human Rights).

What year did you graduate Pepperdine Law and with what degree?

I received my LLM in dispute resolution with a concentration in international commercial arbitration in May 2015.

What programs did you participate in at Pepperdine Law?

I was an active member of the moot court board. I co-trained the team of Straus Institute students participating in the Willem C. Vis International Commercial Arbitration Moot. I also represented Pepperdine at the LLM International Commercial Arbitration Moot in Washington, D.C.

How has your education at Pepperdine Law influenced your career path?

Before coming to Pepperdine, I worked as a Russian lawyer, predominantly in domestic and antitrust litigation. The Straus Institute really helped me make a smooth transition into a new area of law that I always dreamed of working in: international arbitration. The prestige of the program secured me an internship at WilmerHale, where I was subsequently offered a position.



What is your fondest memory from your time at Pepperdine Law?

I have the sweetest memories of Thomas Stipanowich and Jack Coe's classes. They have an enormous amount of knowledge and experience in arbitration, and they are excellent mentors. I also miss the kind and cozy school community. I think it was the faculty and people like Dean Sturgeon and Danny DeWalt that made my time studying at Pepperdine so enjoyable.

Is there any advice you'd like to offer Pepperdine Law students?

The school offers thousands of opportunities for ambitious people who want to make a difference in the world. My advice to students is to not stick to a beaten path of JD/LLM study the entire time. Instead, attend legal conferences, meet renowned practitioners, sign up for extracurricular activities, participate in the moot courts, and volunteer to mediate disputes. Not every law school offers such a panoply of options and they will eventually pay off very well (I honestly still regret I did not go on a Pepperdine trip to Uganda). In this way, Pepperdine will greatly develop your personality as a future attorney and counselor-at-law.



Al Sturgeon

Assumes New Role of Dean of Graduate Programs in Fall 2016

Al Sturgeon, former dean of students and a graduate of the Straus certificate program, will be working closely with the Straus Institute to develop and promote new programs aligned with the needs of students and graduates.

Entertainment, Media, and Sports Law and Dispute Resolution Project 2016



The Entertainment, Media, and Sports (EMS) Law and Dispute Resolution Project, co-led by professor Maureen Weston and Will Nix, had another active year working with students interested in the fields of entertainment, media, and sports law.

Activities focused on gaining knowledge and experience in the EMS industry, engaging with alumni and experts, and participating in a variety of competitions and conferences. In collaboration with the Sports and Entertainment Law Society, EMS facilitated visits by a variety of industry experts on campus, an expert panel and screening of the documentary *Doped: The Dirty Side of Sports*, and a tour of the NBCUniversal legal department.

The Straus Institute sponsored students to participate in national and international sports and entertainment dispute resolution competitions. These competitions provide students the opportunities to gain experience in the field of sports and entertainment; showcase their talents; and receive feedback from lawyers, judges, and experts in the EMS industry.

This past year, Pepperdine students participated in the following entertainment sports-related advocacy and dispute resolution competitions:

- National Sports Law Negotiation Competition (San Diego)
- Tulane Baseball Salary Arbitration Competition (New Orleans)
- Tulane NFL Football Negotiation Competition (New Orleans)
- Tulane Sports Law Invitational Moot Court Competition (New Orleans)
- Fordham National Basketball Negotiation Competition (New York)
- International Chamber of Commerce Mediation Advocacy Competition (Paris)
- UCLA GAMEDAY Sports Case Competition (MBA and JD Teams)
- Annual National Entertainment Moot Court Competition (hosted by Pepperdine School of Law)
- Panel and screening of *Doping: The Dirty Side of Sports*

The Dirty Side of Sports: Film Screening and Panel Discussion

In March Andrew Moscato's documentary *The Dirty Side of Sports* was shown and discussed afterward by a distinguished panel that included prominent international sports athlete attorney Howard Jacobs, Court of Arbitration for Sports arbitrator Jeff Benz, International Bobsled Federation and athlete representative to WADA Ben Halverson, and appellate attorney David Woolley. Funding was provided by the Global Sports Foundation and the event was cosponsored by the Sports Entertainment Law Society and the Sports Lawyer Association.



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School of Law

Straus Institute for

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2016

- ▶ *September 15-16*
Strategic Negotiation Skills
Washington, D.C.
- ▶ *September 29-30*
Strategic Negotiation Skills
Washington, D.C.
- ▶ *October 27-29*
Second Annual Fall Professional
Skills Program in Dispute Resolution
Nashville, Tennessee
- ▶ *November 5*
SCMA 28th Annual Fall Conference
Conflict Revolution: Mediators
as Agents of Social Change
- ▶ *November 7-9*
Family Mediation Skills
Singapore
- ▶ *November 28-December 3*
Mediating the Litigated Case™
Tokyo, Japan
- ▶ *December 1-2*
Women's Negotiation
Academy: Creating Skilled
and Sophisticated Negotiators
West Los Angeles, California

2017

- ▶ *January 3-6*
Winter Intensive Academic Program
(five simultaneous classes)
- ▶ *February 9-11 and 23-25*
Mediating the Litigated Case™
Irvine, California
- ▶ *May 22-June 1*
London/Paris/Geneva Study Tour
- ▶ *May 22-July 29*
Summer Intensive Academic Program
(approximately 14 classes offered)
- ▶ *May 2017*
Women's Negotiation
Academy: Creating Skilled and
Sophisticated Negotiators
- ▶ *June 6-8*
Professional Skills Program
Salzburg, Austria
- ▶ *June 22-24*
Professional Skills Program
Malibu, California
- ▶ *July 31-August 5*
Mediating the Litigated Case™
Malibu, California