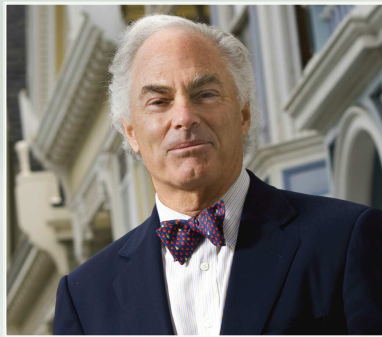


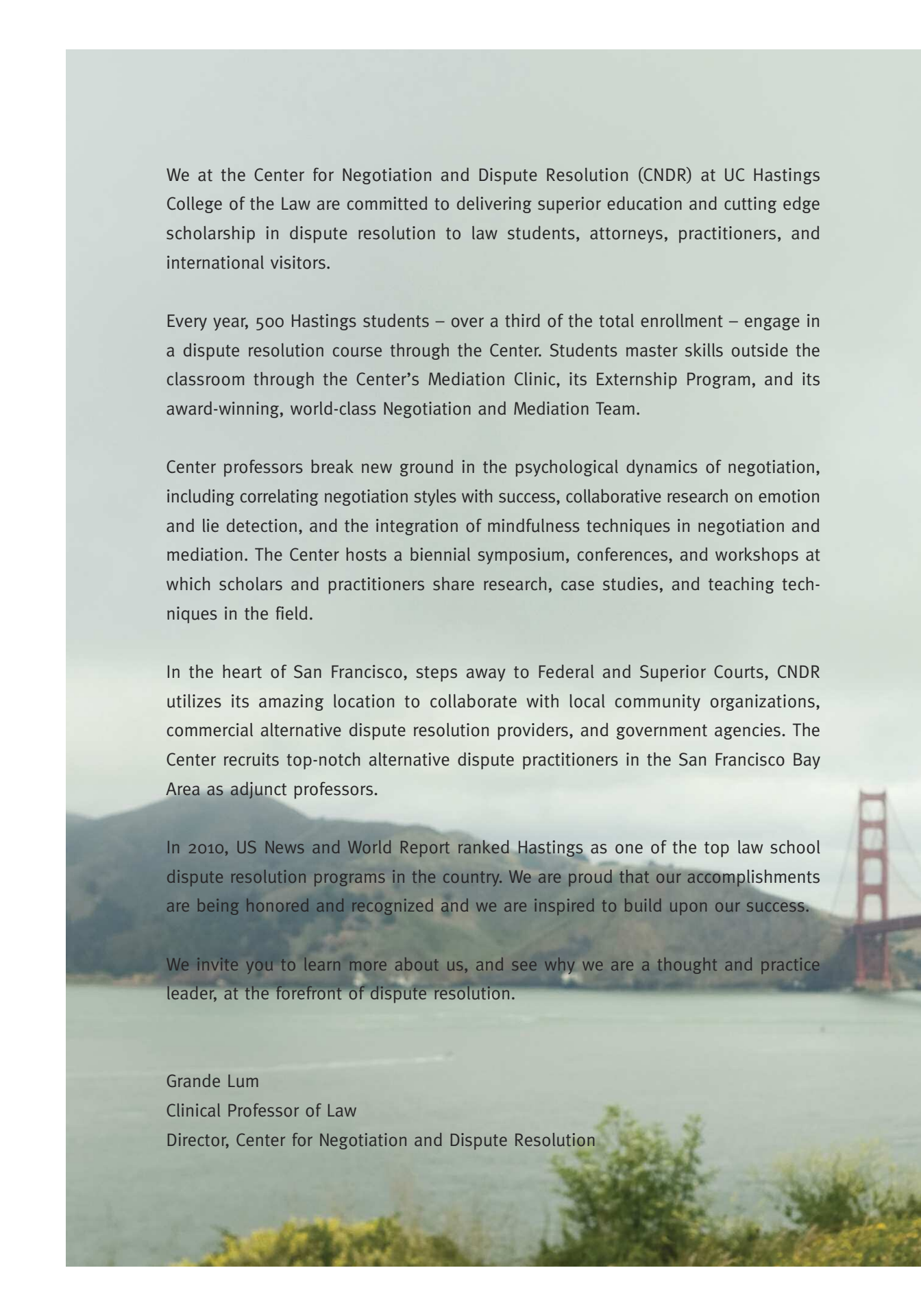
Center for Negotiation & Dispute Resolution



uc hastings college of the law

bringing *innovation* to dispute resolution





We at the Center for Negotiation and Dispute Resolution (CNDR) at UC Hastings College of the Law are committed to delivering superior education and cutting edge scholarship in dispute resolution to law students, attorneys, practitioners, and international visitors.

Every year, 500 Hastings students – over a third of the total enrollment – engage in a dispute resolution course through the Center. Students master skills outside the classroom through the Center’s Mediation Clinic, its Externship Program, and its award-winning, world-class Negotiation and Mediation Team.

Center professors break new ground in the psychological dynamics of negotiation, including correlating negotiation styles with success, collaborative research on emotion and lie detection, and the integration of mindfulness techniques in negotiation and mediation. The Center hosts a biennial symposium, conferences, and workshops at which scholars and practitioners share research, case studies, and teaching techniques in the field.

In the heart of San Francisco, steps away to Federal and Superior Courts, CNDR utilizes its amazing location to collaborate with local community organizations, commercial alternative dispute resolution providers, and government agencies. The Center recruits top-notch alternative dispute practitioners in the San Francisco Bay Area as adjunct professors.

In 2010, US News and World Report ranked Hastings as one of the top law school dispute resolution programs in the country. We are proud that our accomplishments are being honored and recognized and we are inspired to build upon our success.

We invite you to learn more about us, and see why we are a thought and practice leader, at the forefront of dispute resolution.

Grande Lum

Clinical Professor of Law

Director, Center for Negotiation and Dispute Resolution

Exploring ways to enhance *the teaching and application of dispute resolution, Center Director Grande Lum worked with Harvard Law Professor and “Getting to Yes” co-author Roger Fisher at Conflict Management, Inc. Grande later went on to write “The Negotiation Fieldbook” and found Accordence, a dispute resolution training company. Grande, a San Francisco native, is particularly interested in having the Center focus on public policy and international conflict resolution. “Negotiation skills are critical if we really want to transcend our differences and create the best outcomes.” President Obama recently appointed Grande as the Small Business Administration HUBZone Director, and he will be on leave of absence from Hastings for the 2010–11 academic year.*

**GRANDE LUM AT THE GOLDEN GATE BRIDGE,
5.5 MILES FROM THE CENTER**





Responding to the increased demand for training in the theory and skills of dispute resolution, Professor and CNDR Faculty Chair Melissa Nelken spearheaded the creation of the Center for Negotiation and Dispute Resolution in 2003. A trained psychoanalyst, Melissa is particularly interested in the ways that psychological conflict manifests in negotiation. Her current research focuses on working with students to develop emotional intelligence as negotiators. Melissa is Acting CNDR Director for the 2010-11 academic year.

MELISSA NELKEN IN GOLDEN GATE PARK, 4.3 KILOMETERS FROM THE CENTER

Achieving

- **Recognized in 2010 by US News & World Report as one of the best ADR programs in the country.**
- **Winner of the 2007 ADR Education Award from the 9th Circuit:** The Center's program competed with the top dispute resolution programs in **the U.S.'s largest federal circuit.**
- **National and International Competitions Champions:** Hastings Negotiation and Mediation teams won 1st place at the 2010 Negotiation Challenge, 1st place at the 2008 Merhige National Environmental Law Negotiation competition, 1st place at the 2008 Negotiation Challenge, and 1st place at the 2007 National ABA Representation in Mediation competition.
- **LL.M Degree for Foreign Lawyers:** Recognized internationally for its specialization in Dispute Resolution & Legal Process, the Center provides practicum and research opportunities for foreign lawyers studying dispute resolution in the U.S.
- **Specialization:** J.D. students may obtain a Civil Litigation and Dispute Resolution Concentration.
- **Mediation Clinic:** With coaching by expert mediators, students mediate small claims, retaliation, and discrimination disputes for members of our community.
- **ADR Externship Program:** Students develop advanced skills and design dispute resolution systems at settings such as San Francisco Superior Court and the California State Mediation and Conciliation Service.
- **Training & Consulting Services:** The Center provides customized training for organizations, such as training Administrative Law Judges at the California Public Utilities Commission on negotiation, mediation, and facilitation.
- **Biennial Symposia:** 2008 symposium drew hundreds to study collaborative governance; planned symposium for October 2010 will address the latest in psychology, emotion detection and management, and negotiation.
- **Bay Area ADR Faculty Conference:** Founder and regular participant of an ongoing conference of local dispute resolution teachers from schools including Hastings, UC Berkeley, Stanford, and UC Davis.

"Hastings has rapidly become an academic leader in the alternative dispute resolution field. The knowledge and opportunities for experience available to its students are exceptional."

Senior Circuit Judge, Dorothy W. Nelson



Establishing **the Mediation Clinic** at UC Hastings Law in 2001 was very important to Academic Dean Shauna Marshall. “I really wanted our students to understand and be familiar with the dynamics of mediation before they enter a very hands-on and challenging legal climate.” Shauna brought her passion for community law and civil rights to Hastings as a clinical professor in 1994. As Academic Dean, she continues to strengthen and deepen Hastings’ curriculum and academic programs.

SHAUNA MARSHALL IN HASTINGS’ SKYROOM, 20 FLOORS ABOVE THE CENTER

Learning

- Each year, over 500 Hastings students take one or more dispute resolution courses, including 20 sections of negotiation, and numerous advanced courses.
- The vast majority of the Center's courses, including all basic negotiation courses, have 16 students or fewer.
- CNDR's full-time faculty publish books and law review articles at schools such as Harvard and Stanford. Adjunct faculty are highly accomplished ADR directors, mediators, and attorneys.
- Discussion, reflective journals, videoed simulations, role plays, and student presentations on current dispute resolution events combine for multi-faceted classroom learning.
- The Center coordinates email negotiations between its students and students from other law and business schools to develop remote communication skills necessary for today's interconnected world.
- The Center maintains an extensive database of simulations, articles, teaching notes, and syllabi for its faculty to utilize in their teaching.
- Graduate fellowships, advanced classes, independent study, and research assistantships give students opportunities to study in greater depth and prepare papers – some for publication.
- Faculty lecture widely, including at national and local bar associations, business schools at Harvard and Columbia, and international meetings.

CNDR COURSES & SEMINARS

Negotiation & Settlement
Negotiation & Mediation: Process & Practice
Alternative Dispute Resolution Seminar
Mediation
Effective Representation in Mediation
Civil Justice Mediation Clinic
Arbitration
Facilitation for Attorneys
Dispute System Design
International Commercial Arbitration Seminar
Judicial Settlement Conference
Problem Solving & Professional Judgment in Practice
International Negotiation & Dispute Settlement
Roles & Ethics in Practice
Advanced Dispute Resolution: Complex Multiparty Processes
Advanced Dispute Resolution: Conflict, Emotion, Mindfulness & Lie Detection
Advanced Dispute Resolution: Culture, Identity & Discrimination
Advanced Negotiation: The Art of the Deal



Conducting **numerous trainings** in *emotion recognition and lie detection* for businesses and governmental agencies, Clark Freshman observes that everyone wants to know if someone is lying to them. “It’s a great thing to know, but something most people do miserably at.” “The good news,” Clark says, “is we clearly can teach people to recognize emotions in their negotiation opponents – even when they are unconscious of them or trying to hide them.” Clark actively promotes meditation and other contemplative practices among lawyers and law students.

CLARK FRESHMAN AT THE ASIAN ART MUSEUM, 386.2 METERS FROM THE CENTER

Innovating

The Center's faculty conducts original research to test the relationship of approaches to negotiation and negotiation success, the recognition of emotions and lies in negotiation, and the effectiveness of teaching these skills.

- CNDR Faculty Chair Melissa Nelken surveyed over 750 law students to uncover the surprising fact that most students have

cooperative negotiation attitudes despite the popular myth that they are fierce competitors. She also developed an exercise that lets students discover for themselves the kind of “cognitive traps” that often leave negotiators vulnerable to exploitation. Professor Nelken’s widely used text, “Negotiation Theory and Practice” brings together current research on the theory and practice of negotiation for students across the country and around the world.

- Professor Clark Freshman’s scholarship focuses primarily on the effect of emotion, emotional skills, and lie detection on dispute resolution. In a series of quantitative and theoretical studies, he examined emotion and success at negotiation and first year grades. With Paul Ekman, the world’s leading authority on lie detection, Professor Freshman has taught lie detection and emotion recognition to government agencies, attorneys, and negotiators. His scholarship also addresses the role of discrimination in negotiation, proof of discrimination, and ways to prevent discrimination and promote acceptance.
- The Center’s faculty are at the forefront of mindfulness and negotiation. Mediation Clinic Coordinator Darshan Brach published an in-depth exploration of mindfulness in Harvard’s Negotiation Journal. Professor Freshman has written articles on mindfulness in journals at Harvard, Missouri, and the University of Nevada at Las Vegas, and is preparing another article for Harvard and a book chapter on facial recognition and negotiation.
- Hastings recently formalized its consortium relationship with one of the world’s top medical schools, the University of California at San Francisco, and is exploring a medical-legal partnership on elder issues, including the use of ADR.
- The Center developed a DVD, Difficult Negotiations, which illustrates behaviors of difficult negotiations and varied strategies that are more and less effective when negotiators are faced with such challenges. The DVD is available for purchase on the Center’s website.

“Take Clark’s course on emotional awareness, lie detection, and negotiation. You will never see the world in the same way.” *Daniel Shapiro, co-author “Beyond Reason: Using Emotions as You Negotiate” and Associate Director, Harvard Negotiation Project*



Incorporating a **wide-range** of backgrounds and experiences, faculty and staff at the Center work together to create an academic program that challenges law students with the latest theories in dispute resolution and provides them with the skills and practical experience to enter the legal profession, ready to go. Pictured left to right: Adjunct Professors Russell Brunson and Elaine Leitner, Negotiation Team Head Coach Clint Waasted, Adjunct Professors Lucia Kanter and Jonathan Gross, and Academic Program Coordinator Jolynn Jones.

ADJUNCTS AND STAFF AT SAN FRANCISCO'S FEDERAL BUILDING, 950 FEET FROM THE CENTER

Collaborating

By bringing together disciplines such as law, business, government, psychology, sociology, and education, the Center strives to make dispute resolution relevant for all.

resolution, bringing scholars and practitioners together to share theory, research, and methodologies.

In 2008, CNDR collaborated with Hastings' Center for State and Local Government to present "Toward Collaborative Governance: A Conversation at the Crossroads of Civic Engagement and ADR."

The Center looks forward to presenting its next symposium, "Lie to Me?! How Emotions Matter in Negotiation" on **Friday, October 22, 2010**, offering theory, research, and dialogue on the topics of emotion and psychology in negotiation. Guest speakers will include UCSF Professor Emeritus **Paul Ekman**, scientific advisor to Fox TV's "Lie to Me"; Harvard Business School Professor **Michael**

Wheeler; Santa Clara University Psychology Professor **Shauna Shapiro**; **Charlie Halpern**, former Dean at CUNY Law School, and Founder of the Center for Contemplative Mind; and **Erika Rosenberg**, Consulting Scientist, Center for Mind and Brain at the University of California, Davis.

LL.M Degree with Specialization in Dispute Resolution and Legal Process

With the Office of International and Graduate Programs at Hastings, the Center offers an LL.M degree to foreign attorneys with a specialization in Dispute Resolution and Legal Process. Lawyers from all over the world come to Hastings for the specialization, citing the wide selection of dispute resolution courses the Center offers, and its international reputation among practitioners. And, San Francisco is a desirable U.S. destination, for its beauty, culture and diversity.

Negotiation Salons

The Center hosts negotiation salons for local dispute resolution scholars and practitioners to study and learn together. A recent salon address led by Hastings Professor Clark Freshman focused on the paradox that those who set high goals in negotiation do better, but are often less happy.

Biennial Symposia

The Center offers cutting-edge symposia in the field of dispute

"Hastings CNDR has the most interesting and vibrant ADR teachers and state-of-the-art courses for law students in the Bay Area." *Gary Friedman, co-founder and co-director of The Center for Understanding in Conflict and The Center for Mediation in Law*



Teaching a mediation clinic at *George Washington University Law School* for consumer-business cases was the perfect academic concentration for Professor Carol Izumi because law students applied theories to real life disputes. Seeking new ways to challenge students, Carol co-founded a criminal case mediation program in Washington, D.C. in which students mediate adult misdemeanor and juvenile delinquency cases and police-civilian disputes. New to Hastings this year, Carol is well known nationally in dispute resolution and clinical law circles. Carol is Acting Associate Director of CNDR for the 2010–11 academic year.

CAROL IZUMI IN THE HEART OF THE CITY FARMER'S MARKET, 200 METERS FROM THE CENTER

Thriving

The Center’s constructive relationships with community organizations provide students with valuable practical experience and benefit the general public.

Mediation Clinic

The Hastings Civil Justice Mediation Clinic has helped train students in

mediation and helped solve problems within the Bay Area for ten years. Under the leadership of Mediation Clinic Coordinator Darshan Brach, students study and practice basic mediation techniques in class. With supervision, they then mediate small claims disputes, discrimination claims, and retaliation claims. Limited to 14 students per semester, the Clinic insures an in-depth focus on mediation theory and methodology, as well as public service.

Alternative Dispute Resolution Externship Program

The ADR Externship Program offers in-depth practical experience and research opportunities to advanced students. Under the guidance of mediator Maria Joseph, the program delves into the latest in dispute resolution science and craft to help students better understand process dynamics. The Center offers a broad variety of placements, including the San Francisco Superior Court (systems design and development projects), the California Mediation and Conciliation Service (public employee labor disputes), Marin Mediation Services (client intake and a wide variety of mediations), and San Francisco ACCESS Program (Small Claims Court and other self-represented litigant mediations and related work).

Summer Legal Institute

In 2010 Hastings launched its Summer Legal Institute, geared toward international students, current J.D. students, and practitioners interested in enhancing their legal knowledge and skills. The Center offered two sections of Negotiation and Settlement as part of the Institute, and due to the phenomenal demand for and success of the courses, the Center looks forward to expanding the ADR curriculum for the 2011 Summer Legal Institute.

“Hastings CNDR has been an invaluable partner in building our Alternative Dispute Resolution Program and helping us serve the public better.”
Karen V. Clopton, Chief Administrative Law Judge, California Public Utilities Commission



Competing against teams from Europe, Asia and North America, Hastings Negotiation and Mediation Team has earned the superlative reputation as the team to beat. With hours of practicing and traveling together, members of the team become close and form their own community within Hastings. Pictured here are award winning members of the 2009 International Academy of Dispute Resolution's Law School Mediation Tournament, held in Chicago. Left to right: Megan O'Sullivan, Manroop Purewal, Akila Radhakrishnan, Ryan Cunningham, and Emily Chan.

HASTINGS STUDENTS IN FRONT OF CITY HALL, 5 BLOCKS FROM THE CENTER

Winning

Hastings Negotiation and Mediation Team has enjoyed phenomenal success since its formation in 2002.

Every fall, students try out for the team by participating in a “Negotiation Boot Camp” – a series of workshops and negotiation simulations – that prepare them for the In-School Competition, the team qualifying event. Hastings currently enters eight different competitions annually, sponsored by bar associations, law schools, and international business organizations. Approximately 30 students compete at a live competition each year.

Head Coach Clint Waasted, once a team member and a Hastings graduate himself, has coached the team for several award winning years. Team members enjoy individual support, coaching and mentoring from volunteer alumni, faculty, and local practitioners designed to maximize competitive performance, to increase understanding of legal problems and their practical implications, and to develop skills.

Team members form a tight knit community within Hastings, producing life-long friendships.

Highlights of the Team’s Success

1st Place

2010 Negotiation Challenge, Leipzig, Germany

2nd Place

2010 Liberty University National Negotiations Competition, Lynchburg VA

2nd & 3rd Places

2009 International Law School Mediation Tournament, Chicago IL

2nd Place

2008 ICC Commercial Mediation Competition, Paris, France

1st Place

2008 Mehrige National Environmental Law Negotiation Competition, Richmond VA

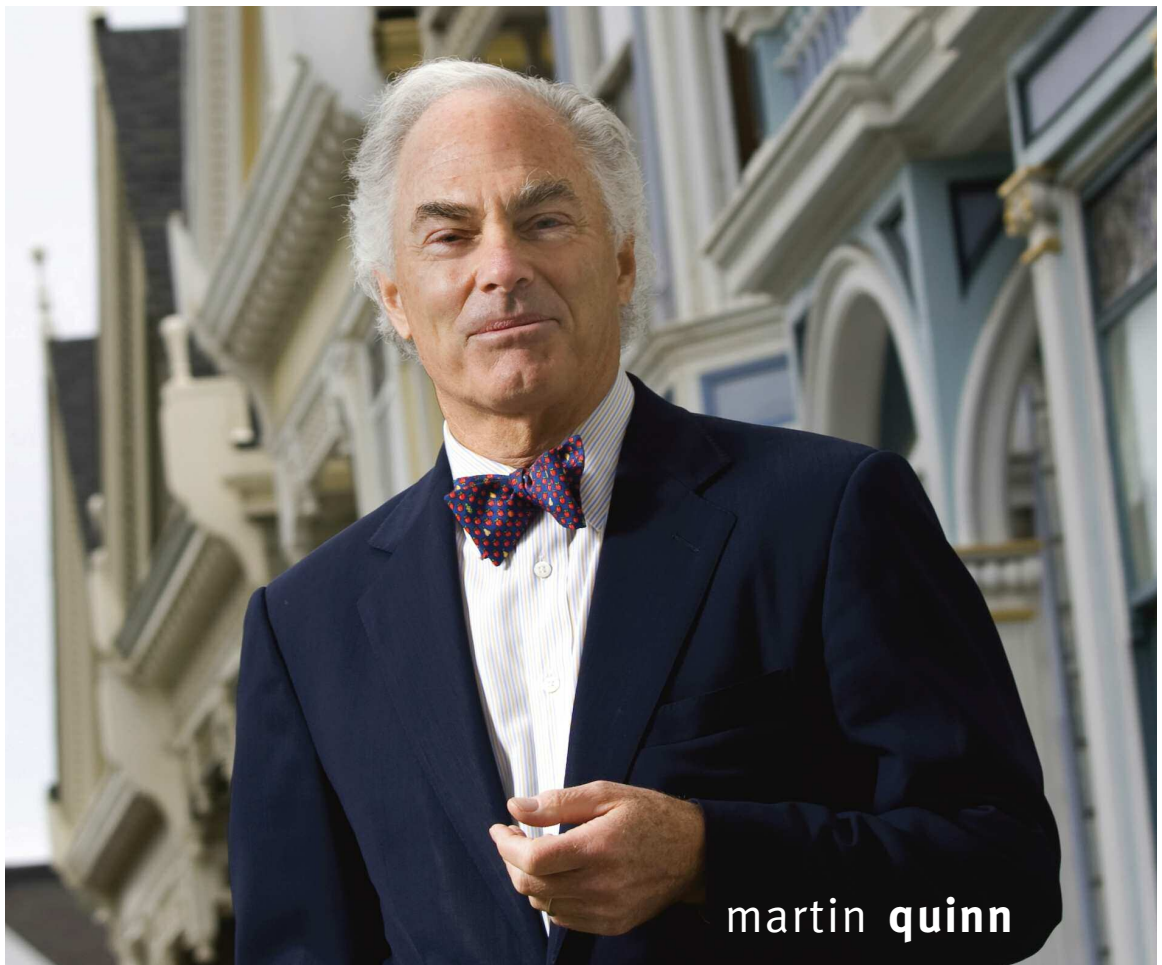
1st Place

2008 International Law School Mediation Tournament, Chicago IL

1st Place

2007 ABA National Representation in Mediation Competition, Washington DC

“The Negotiation and Mediation Team was unquestionably the most formative experience of my time at Hastings. It cannot be overstated.”
Jacob Linetsky '05, Real Estate and Land Conservation Law



Referring to himself as a “recovered lawyer,” Adjunct Professor Martin Quinn is a full-time mediator and arbitrator in the San Francisco office of JAMS, the nation’s largest provider of ADR services. He was also recently elected President of the Academy of Court Appointed Special Masters. Why does he teach at Hastings? “Hastings is a hard working, well-grounded environment in which to work. The students are earnest, and I am encouraged to be creative in my teaching.”

MARTIN QUINN BY THE VICTORIAN “PAINTED LADIES”, 2 KILOMETERS FROM THE CENTER

Engaging: Full Time Faculty

Mark N. Aaronson

Expertise: Problem solving and Judgment, Clinical Teaching, Welfare Law

A.B., M.A., Ph.D. UC Berkeley; J.D. University of Chicago

Jo Carrillo

Expertise: Property, Critical Race Theory

B.A. Stanford University; J.D. University of New Mexico;

J.S.D. Stanford Law School

Ben Depoorter

Expertise: Property, Litigation and Settlement, Intellectual Property

M.A. University of Hamburg; J.D., Ph.D. Ghent University;

LLM Yale Law School

William S. Dodge

Expertise: International Business Transactions, Investor-State Arbitrations, Contracts, Transnational Law

B.A. Yale University; J.D. Yale Law School

Clark Freshman

Expertise: Dispute Resolution, Civil Procedure, Law and Psychology, Lie Detection

B.A. Harvard College; M.A. University College, Oxford; J.D.

Stanford Law School

Miye Goishi

Expertise: Mediation Clinic, Tenant-Landlord Law, Roles and Ethics, Asian Pacific Americans and the Law

B.A. UC San Diego; J.D. Western State University

Carol Izumi

Expertise: Dispute Resolution, Mediation, Consumer Law, Restorative Justice

B.A. Oberlin College; J.D. Georgetown University Law Center

David Jung

Expertise: Local and State Government Law, Remedies, Torts

B.A. Harvard University; J.D. UC Berkeley Law School

Eumi Lee

Expertise: Clinical Teaching, Criminal Law, Roles and Ethics, Terrorism and the Law

B.A. Pomona College; J.D. Georgetown University Law Center

Ethan Leib

Expertise: Direct Democracy, Contracts, Political Theory

B.A., M.A., J.D., Ph.D. Yale University; M. Phil.

Cambridge University

David Levine

Expertise: Civil Procedure (federal and California), Remedies (damages and equity), Institutional Reform Litigation

B.A. University of Michigan; J.D. University of

Pennsylvania Law School

Grande Lum

Expertise: Negotiation, Mediation, Dispute Resolution

B.A. UC Berkeley; J.D. Harvard Law School

Shauna Marshall

Expertise: Mediation, Public Interest, Community Law

B.A. Washington University, St. Louis; J.D. UC Davis Law

School

Melissa Nelken

Expertise: Negotiation, Mediation, Psychiatry and Law, Civil Procedure

B.A. Brandeis University; M.A. Harvard University; J.D.

University of Michigan

Gail Silverstein

Expertise: Clinical Teaching, Mediation Clinic, Civil Justice Clinic

B.A. University of Michigan; J.D. UC Berkeley Law School

Joan C. Williams

Expertise: Property, Family Law, Employment Law

B.A. Yale University; M.S. Massachusetts Institute of

Technology; J.D. Harvard Law School



howard herman
& claudia bernard

Marrying in 1991, Adjunct Professor Howard Herman '83 and Claudia Bernard '86 are sometimes (jokingly) called the first couple of federal court ADR in the Bay Area. Howard is Director of ADR Programs at the Northern California US District Court, and Claudia is Chief Circuit Mediator at the Ninth Circuit Court of Appeals. “We both think of ourselves as flexible, problem solving mediators, and we both like to focus on the underlying psychological aspects of the negotiation process, emphasizing connection as the key to real understanding.”

CLAUDIA BERNARD & HOWARD HERMAN AT THE NINTH CIRCUIT COURT, 1108 FEET FROM THE CENTER

Succeeding: *Distinguished Alumni*

Cynthia Alkon '90

Associate Professor of Law, Texas Wesleyan Law School

Alkon's main area of academic interest is alternative dispute resolution including how ADR is used in criminal cases and rule of law development.

Claudia Bernard '86

Chief Circuit Mediator, Ninth Circuit Court of Appeals

Bernard supervises eight circuit mediators who all work exclusively for the court of appeals and they collectively resolve about 1,200 cases annually.

Ruth V. Glick '91

Mediator and Arbitrator

The Mediation Society of San Francisco honored Glick for Outstanding Achievement in the Field of Mediation in 2008.

Jay E. Grenig '71

Professor of Law, Marquette University Law School Dispute Resolution Program

Grenig teaches dispute resolution and has served as an arbitrator or mediator in over 3,000 labor and employment disputes throughout the nation.

Howard A. Herman '83

Director of the ADR Program, US District Court, Northern District of California

Herman previously served as Director of ADR Programs for Contra Costa County Superior Court, and spent four years as a settlement conference attorney for the United States Court of Appeals for the Ninth Circuit.

John Lande '80

Director of the Master of Laws Program in Dispute Resolution, University of Missouri School of Law

The International Institute for Conflict Prevention and Resolution gave Lande its award for best professional article for "Principles for Policymaking about Collaborative Law and Other ADR Processes".

Sheila Purcell '86

Director of San Mateo Court Multi-Option ADR Project

In 2008 Purcell received a special recognition certificate from California Supreme Court Chief Justice Ron George for her many contributions to court mediation programs.

Barrie J. Roberts '83

ADR Director, Superior Court of California, County of Riverside

A former staff attorney for Legal Services of California and a mediator and trainer for SF Community Boards, Roberts became the first ADR Director in Riverside County in 2008.

Peter R. Robinson '80

Managing Director, Straus Institute for Dispute Resolution

Since 2006 Los Angeles Magazine has recognized Robinson as a Southern California Super Lawyer in the area of mediation.

Amy Wind '80

Chief Circuit Mediator, District of Columbia Circuit Court of Appeals

Wind has been a full-time mediator for 15 years. She has mediated over 300 cases and currently serves on both the district court and appellate court volunteer mediator panels.

Randall W. Wulff '74

Partner, Wulff Quinby Sochynsky Dispute Resolution

Wulff was selected by the Chief Judge in the Southern District of New York to lead the panel that heard and decided the property damage claims for the World Trade Center arising from the tragedy on September 11.

Center for Negotiation and Dispute Resolution

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Grande Lum, *Director (on leave 2010-2011)*

Melissa Nelken, *Faculty Chair and Acting Director, 2010-2011*

Clark Freshman, *Professor of Law*

Carol Izumi, *Clinical Professor of Law and Acting Associate Director, 2010-2011*

Darshan Brach, *Mediation Clinic Coordinator and Lecturer in Law*

Clint Waasted, *Negotiation Team Head Coach*

Jolynn Jones, *Academic Program Coordinator*

**SAVE THE DATE: Friday, October 22, 2010 Hastings CNDR presents
“Lie to Me?! How Emotions Matter in Negotiation”**



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