



BENJAMIN N. CARDOZO SCHOOL OF LAW  
**JOURNAL OF CONFLICT RESOLUTION**

**Friday October 23, 2020**

**Jed D. Melnick Annual  
Symposium:  
Presumptive ADR  
and Court Systems  
of the Future**

Via Zoom Webinar

[https://cjcr\\_symposium.eventbrite.com](https://cjcr_symposium.eventbrite.com)

The 2020 Annual Jed D. Melnick Symposium of the *Cardozo Journal of Conflict Resolution*

***Presumptive ADR and Court Systems of the Future***

This symposium is inspired by the Chief Judge Janet DiFiore's bold new Presumptive ADR initiative for the NY Courts, but it also examines the obstacles and opportunities in a historic move towards presumptive, mandatory and highly recommended ADR and mediation, in the United States and around the world.

CLE Credits: This series of online panels is approved for up to 7.5 transitional/non-transitional New York State CLE credits in the category "Areas of Professional Practice." Each panel is treated separately for CLE purposes. To receive CLE credits for any panel, you must attend that part of the program "live" using the Zoom attendee link distributed via Eventbrite. We cannot award CLE credits for watching a recorded version of any part of this program.

During each panel a CLE Code word will be said out loud by either Symposium Editor, Margo Cruz or Editor-in-Chief, Zachary Kriesberg, which must be captured by attendees and entered into the form in order to receive credit:

<https://forms.office.com/Pages/ResponsePage.aspx?id=tA7HBCaPB0iZNOAuiSZq0DSUR-4FDadBte47RtHXskpURUk3SEFMTzZOODRDNzNLU1ZINUxaMjVZSC4u>

## Agenda

### 9:00–9:30am **Welcome and Keynote Address by Chief Judge Janet DiFiore**

Dean Melanie Leslie, Benjamin N. Cardozo School of Law  
Professor Lela Love, Benjamin N. Cardozo School of Law  
Zachary Kriesberg, Editor-in-Chief, *Cardozo Journal of Conflict Resolution*  
Chief Judge Janet DiFiore, New York Court of Appeals

### 9:30–10:45am **Panel 1: Leadership and Implementation: Presumptive ADR in NY** 1.5 CLE Credits

Moderator: Daniel Weitz, Esq., Director of the Division of Professional & Court Services – NYS Unified Court System

#### Panelists:

- Lisa Courtney, Esq., Statewide ADR Coordinator – NYS Unified Court System, Office of Court Administration
- Lisa Denig, Esq., Special Counsel for ADR Initiatives – NYS Unified Court System, Office of Court Administration
- Joel R. Kullas, Esq., ADR Coordinator for the 3<sup>rd</sup>, 4<sup>th</sup>, 9<sup>th</sup> & 10<sup>th</sup> Judicial Districts
- Bridget O’Connell, Esq., ADR Coordinator for the 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup> Judicial Districts & the Court of Claims

### 11:00am–12:15pm **Panel 2: Innovative Programs and Pilots** 1.5 CLE Credits

Moderator: Robyn Weinstein, Esq., ADR Administrator, United States District Court, Eastern District of New York

#### Panelists:

- Amy L. DiFranco, Esq., Mediator and ADR Coordinator for the 7<sup>th</sup> Judicial District
- Judge Doris Gonzalez, Bronx County
- Lauren Jones, Esq., ADR Coordinator for Surrogate’s Court, New York County
- Judge Deborah Kaplan, New York County
- Yvonne Marin, Esq., Nassau County ADR Coordinator
- Jean Norton, Esq., New York County ADR Coordinator

### 12:15–1:15pm **Panel 3: Assessment, Direction, and Vision for the Future** 1 CLE Credit

Moderator: Professor Donna Erez-Navot, Benjamin N. Cardozo School of Law

#### Panelists:

- Judge Edwina Richardson-Mendelson, Deputy Chief Administrative Judge – Office for Justice Initiatives
- Jennifer Shack, Director of Research – Resolution Systems Institute
- Professor Nancy Welsh, Texas A&M University School of Law

1:45–2:45pm

**Panel 4: Other Mandatory, Presumptive, or Strongly Encouraged  
ADR Initiatives: From State to Federal Courts and Beyond**

1 CLE Credit

Moderator: Professor Maurice Robinson, Benjamin N. Cardozo School of Law and EEO Officer  
for NYCHA Department of Equal Opportunity

Panelists:

- Douglas Van Epps, Esq., Director, Office of Dispute Resolution, Michigan Supreme Court
- Tamara Lange, Esq., ADR Program Director, United States District Court, Northern District of California
- Giuseppe De Palo, Esq., Ombudsman for United Nations Funds and Programmes
- Professor Sharon Press, Mitchell Hamline School of Law

2:45–3:35pm

**Panel 5: The Court Systems of the Future and ODR**

1 CLE Credit

Moderator: Professor Brian Farkas, Esq., Benjamin Cardozo School of Law, and Arent Fox LLP

Panelists:

- Professor David Larson, Mitchell Hamline School of Law
- CEO Colin Rule, President, Mediate.com

3:45–5:00pm

**Panel 6: Keeping up with the Times: ADR in Legal Education**

1.5 CLE Credits

Moderator: Professor Lela Love, Benjamin N. Cardozo School of Law

Panelists:

- Professor James Coben, Mitchell Hamline School of Law
- Professor Carrie Menkel-Meadow, University of California, Irvine School of Law
- Professor Homer La Rue, Howard University School of Law
- Professor Thomas Stipanowich, Pepperdine University, Caruso School of Law
- Professor Joseph Stulberg, The Ohio State University, Moritz College of Law

**Closing Remarks**

Zachary Kriesberg, Editor-in-Chief, *Cardozo Journal of Conflict Resolution*

Margo Cruz, Symposium Editor, *Cardozo Journal of Conflict Resolution*

## **Biographies: Moderators and Presenters**

*(Each panelist is listed in alphabetical order, within their given panel)*

### **Keynote Address**

#### **Chief Judge Janet DiFiore, New York Court of Appeals**



Janet DiFiore, Chief Judge of the Court of Appeals and the State of New York, was appointed by Governor Andrew Cuomo on December 1, 2015. She was confirmed by the New York State Senate on January 21, 2016, and took office the same day.

Chief Judge DiFiore has devoted virtually her entire professional career to the fair administration of justice, including service as a prosecutor and as a judge.

From 2006 to 2016, as Westchester County District Attorney, Chief Judge DiFiore served as the chief law enforcement officer for a county with almost one million people and headed an office of over 230 employees, assigned to eight branch offices. In that position, she was in the forefront of establishing innovative education and prevention initiatives to reduce crime. Her many initiatives included leading the effort to create a Child

Fatality Review Team in Westchester County; working to establish Westchester County's Multidisciplinary Team to investigate child abuse cases; and the creation of the Child Advocacy Center, to provide a child-friendly environment for young victims working with the District Attorney's office. She also led the effort to establish the Westchester Intelligence Center, in order to facilitate the use of databases to obtain evidence and uncover trends in criminal activity, and established a Violent Felony Screening Protocol, for enhanced early review of the evidence in cases involving violent crimes.

Chief Judge DiFiore served as a Judge in Westchester County Court from 1999 to 2002, presiding, by designation, over matters in Family Court, Surrogate's Court and Supreme Court. She served as a New York State Supreme Court Justice from 2003 to 2005. During that time, she was the Supervising Judge of the Criminal Courts for the Ninth Judicial District, leading the effort to reduce the criminal case backlog, to establish a Mental Health Court and a Sex Offender Court, and the implementation of Domestic Violence and Drug Treatment Courts. She also served as Access to Justice Coordinator for the Ninth Judicial District.

Prior to being elected as a Judge, Chief Judge DiFiore served as an Assistant District Attorney and Chief of the Narcotics Bureau in Westchester County; Deputy Village Counsel for the Village of Bronxville; and worked in private practice.

In 2014, Chief Judge DiFiore served as a member of the Governor's Commission on Youth, Safety and Justice, created to recommend reforms to the laws governing the prosecution of young offenders. In 2011, Governor Andrew Cuomo appointed her to serve as the first Chair of the New York State Joint Commission on Public Ethics. Chief Judge DiFiore has also served as the Co-Chair of the New York State Justice Task Force, created in 2009 by then-Chief Judge Jonathan Lippman, to examine the causes

of wrongful convictions. Then-Chief Judge Judith S. Kaye appointed her, in 1999, to serve on the Commission on Drugs and the Courts, and, in 2004, Judge Kaye appointed her to serve on the Commission on the Future of Indigent Defense Services. Chief Judge DiFiore also has served as the Co-Chair of the Westchester County Reentry Task Force and as a member of the Advisory Board of the Holocaust and Human Rights Education Center. And, in 2011-12, she served as President of the District Attorneys Association of the State of New York.

Chief Judge DiFiore received her J.D. from St. John's University School of Law in 1981 and her B.A. from C.W. Post College, Long Island University in 1977.

## **Panel 1: Leadership and Implementation: Presumptive ADR in NY**

### **Lisa Courtney**



Lisa M. Courtney, Esq. is the Statewide Alternative Dispute Resolution (“ADR”) Coordinator for the NYS Unified Court System, where she works to promote the growth of alternative dispute resolution programs. Lisa oversees the Statewide ADR Office within the Office of Court Administration. She assists courts in developing local ADR programs, and teaches mediation, neutral evaluation, and settlement skills workshops to attorneys and court staff. She is an advisor to Chief Judge Janet DiFiore’s and Chief Administrative Judge Lawrence Marks’s Statewide ADR Advisory Committee, and co-chair of the New York Women’s Bar Association’s ADR Committee. In 2019, she won the NY Peace Institute’s Peace Raiser Award. Lisa first joined the Statewide ADR office as Special Projects Counsel, where she set up the nation’s first Collaborative Family Law Center. Previously, she coordinated the NYC Civil Court’s Mediation Program, the NYC Housing Court’s Volunteer Lawyers Project, the Community Seminar Series, and Help Centers. Lisa has worked as a Court Attorney, a legal writing instructor, a litigation associate, and as a volunteer mediator. She received her J.D. from the Columbia University School of Law, where she was a Harlan Fiske Stone Scholar, and graduated *cum laude* from Columbia College. She speaks Spanish and Hebrew.



## **Lisa Denig**



Lisa Denig is Special Counsel for ADR Initiatives for the NYS Office of Court Administration, working under the direct supervision of Deputy Chief Administrative Judge, George Silver. In this role, Ms. Denig serves as the coordinator of Chief Judge Janet DiFiore's new initiative to bring early, presumptive ADR to all civil litigation matters in the five counties and three specialty courts inside New York City.

Prior to this, Ms. Denig served as the Bureau Chief of Special Litigation in the Westchester County District Attorney's Office. There, she supervised and edited the work of the Assistant District Attorneys in her Bureau; opposed defendants' motions and petitions; argued in the Appellate Division, Second Department, and the United States Court of Appeals for the Second Circuit; and handled all of the administrative duties assigned to the Bureau. Ms. Denig was the person in charge of handling all wrongful conviction accusations and specialized in matters emanating from the Federal Court.

Before joining the DA's office, Ms. Denig served as a law clerk to the Honorable Lisa Margaret Smith, United States Magistrate Judge, in the United States District Court, Southern District of New York. She also worked as the Chief of Staff to Putnam County Executive Robert J. Bondi, overseeing 20 different departments and nearly 500 employees.

Ms. Denig recently finished up her one-year term as President of the Westchester Women's Bar Association and also served a two-year term as President of Habitat for Humanity of Putnam County. She is a member of the Pace Law School Board of Visitors, the Pace Women in Law Committee, the Westchester Community College Alumni Council, is Secretary for the Mount Pleasant Democrat Committee and administers the children's program at First Baptist Church of Brewster. Ms. Denig is a regular volunteer for Hillside Food Outreach, Animal Haven in New York City and Compassion International. In her spare time, Ms. Denig also teaches spin classes and recently graduated with a Master's Degree in Public Service from the Clinton School of Public Service, University of Arkansas.

## **Joel R. Kullas**

Court Attorney Referee Joel R. Kullas is the Alternative Dispute Resolution Coordinator for the 3<sup>rd</sup>, 4<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup> Judicial Districts, acting on behalf of the Hon. Vito Caruso, the Deputy Administrative Judge for Courts Outside of New York City. Previously, Mr. Kullas sat on the Housing Court bench in New York City, from his initial appointment by Chief Administrative Judge Ann Pfau in 2011 until 2019. Mr. Kullas is a Certified Mediator and received his certification at the Institute for Mediation and Conflict Resolution in the Bronx. Mr. Kullas volunteered as a community mediator with both Safe Horizon and the Institute for Mediation and Conflict Resolution. During the five years preceding his appointment to the bench, Mr. Kullas served as a Court Attorney in Housing Court to Judges Joseph A. Capella and Bruce Scheckowitz. Mr. Kullas obtained his bachelor's degree at the College of the Holy Cross and his juris doctor at the University of Connecticut School of Law.

## **Bridget O’Connell**



Bridget Maureen O’Connell works as a Court Attorney Referee and Alternative Dispute Resolution Coordinator for New York State’s 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> Judicial Districts and the Court of Claims through the office of the Deputy Chief Administrative Judge for Courts Outside New York City, Vito C. Caruso.

Bridget graduated from John Carroll University and attended the State University at Buffalo Schools of Law and Social Work where she acquired a *Juris Doctor* and master’s degree in social work. Her path has included private practice, work with the local Community Dispute Resolution Center, teaching at UB Law and SUNY Buffalo and serving as principal law clerk to Hon. John F. O’Donnell, J.S.C.

Bridget is committed to organizations that promote the equal administration of justice and foster attorney well-being and professional development. She is a Past President of the Bar Association of Erie County and a Past President of the Western New York Chapter of the Women’s Bar Association of the State of New York.

Bridget has most recently been recognized for her work with the Woman Lawyer of the Year Award from the Women Lawyers of WNY in 2019 and the Volunteer Lawyers Project VIP Award for her work on the Pro Se Civil Litigation Practicum at UB Law.

## **Professor Daniel Weitz**



Dan is the Director of the Division of Professional and Court Services for the New York State Unified Court System (UCS). He oversees the statewide responsibilities of alternative dispute resolution, attorney for the child contracts, office of language access, office of grants and contracts, the guardianship assistance network, office of the court record, parent education, office of records management and legal information, and the children’s centers program. From 1998-2016, Dan served as Statewide ADR Coordinator, overseeing a statewide program of court-annexed ADR initiatives involving mediation, arbitration, neutral evaluation, parenting coordination and collaborative law.

He also directed the Community Dispute Resolution Centers Program.

Dan serves on UCS Advisory Committees on Language Access, ADR, and Access for People with Disabilities. He previously served as Co-Counsel to the Board of Governors of the New York State Attorney-Client Fee Dispute Resolution Program. He is a past Chair of the New York City Bar Association ADR Committee and past Co-Chair of the ABA Dispute Resolution Section, Court ADR Committee. He has also served on the NYC Bar Domestic Violence Committee and Science and Law Committee. Dan also



served on the UCS Matrimonial Commission for which he Co-Chaired the Subcommittee on The Use of Experts.

Dan has over twenty years of experience as a court administrator and thirty years of experience in the field of ADR. He is an Adjunct Clinical Professor of Mediation at Cardozo School of Law, an Adjunct Professor of Clinical Law at NYU School of Law and has taught ADR and conflict resolution related courses at Vermont Law School, Mitchell Hamline School of Law, Pepperdine School of Law, Idaho College of Law, John Jay College of Criminal Justice and Long Island University. Dan is an international ADR speaker having presented across the United States and beyond including Japan, China, Thailand and South Africa. He has also served as mediator in a wide range of matters including, general civil, family, employment, human rights, community, and police conduct cases.

Dan received his law degree from the Benjamin N. Cardozo School of Law, where he participated in the Mediation Clinic and was a Teaching Assistant in Legal Negotiation. While in law school he worked at JAMS and the United States Court of Appeals for the Second Circuit (The Civil Appeals Management Plan), and before law school he served as an original member of FutureLinks Inc., working in South Africa with youth leaders from all backgrounds to conduct workshops in non-violent social change, conflict resolution, and community development.

## **Panel 2: Innovative Programs and Pilots**

### **Amy L. DiFranco**



Ms. DiFranco recently joined the 7<sup>th</sup> Judicial District as Court Mediator and ADR Coordinator after spending the past 20 years as a civil litigator and trial attorney. She focused her practice on insurance defense, insurance coverage, and commercial litigation. She has extensive experience with construction litigation, products liability, premises liability and administrative agency proceedings. She has tried numerous cases, argued appeals in state and federal court, and successfully represented her clients in mediations and binding arbitrations. Admitted to practice in the courts of the State of New York and United States District Courts for the Western District, Northern District and Second Circuit, Ms. DiFranco has lectured about ADR for the NYS Unified Court System's Judicial Institute. She has also

lectured and published materials on insurance defense and coverage-related matters for the New York State Bar Association and Monroe County Bar Association. She is an active member of Greater Rochester Association of Women Attorneys and several community organizations. She earned her J.D. magna cum laude from the State University of New York at Buffalo School of Law. She received her B.A. summa cum laude from SUNY Fredonia with a major in English and minors in History and Political Science.

## **Judge Doris Gonzalez**



Justice Doris Gonzalez was born in Brooklyn and raised in the Bronx. She grew up in The Boston Secor Housing Projects located near Dyre Ave. Both of her parents were born in Puerto Rico, but met here in New York. Justice Gonzalez attended Cardinal Spellman High School, Fordham University, Rose Hill, and received her Juris Doctor from C.U.N.Y Law School at Queens College. In 1985 she started her legal career in the insurance industry where very few Hispanic female attorneys were employed. She was elected as a Civil Court Judge in Bronx County, in November of 2006. In December 2009, she was appointed by Judge Pfau as Acting Supreme Court Justice. She sat in Supreme Criminal Bronx County for three years; Supreme Court Matrimonial Division for three years; and now sits in Supreme Court Civil Division Bronx County handling an array of civil matters in the Special Trial Part, and the Foreclosure Part. She was elected to Supreme Court in 2016. In December 21, 2018, she was appointed by Judge Larry Marks as Administrative Judge of Supreme Court Bronx County Civil Matters. She serves on the Gender Fairness committee; Foreclosure Task Force of the New York City Bar; Special Committee to Encourage Judicial Service; Chairperson of Board of Directors for not for profit Legacy Volleyball Club; sustaining member of The Bronx Women's Bar Association and the Bronx County Bar Association.

## **Lauren Jones**



Lauren Jones is the ADR Coordinator for NYC Surrogate Courts. Immediately preceding this role, she was a principal court attorney in New York County's Commercial Division where she focused on conducting settlement conferences and mediations. Prior to joining the Court System, Lauren served as a litigation partner at a large national firm. She is the co-chair of the Metropolitan Black Bar Association's task force on ADR and also a Commissioner on the Franklin H. Williams Commission, appointed by Chief Judge DiFiore in 2018. She holds a BA from Duke University and JD from Brooklyn Law School.

## **Judge Deborah Kaplan**



Deborah A. Kaplan is an administrative justice of the Supreme Court 1st Judicial District of New York. In addition to her role as an administrative judge, she sits in several parts including judicial mediation, a matrimonial part, and trial assignment part. Kaplan received her B.A./B.S. degrees from the State University of New York at Albany. She then received her J.D. degree from St. John's University School of Law. Kaplan began her career in 1986 as senior trial counsel for the Legal Aid Society Criminal Defense Division. In 1997, she became the principal court attorney for the Hon. Juanita Bing Newton. She then assisted the Hon. Joseph Traficanti, Jr. as Chief Management Analyst & Project Counsel in 2000 and 2001. In 2002, Kaplan became a judge of the New York City Civil Court, assigned to the Criminal Court (4th Municipal District). She

then worked as an acting justice of the Supreme Court from 2007 until she was elected a Supreme Court Justice in 2011.

## **Yvonne Marin**



Yvonne Marin is a Court Attorney Referee for the New York State Unified Court System and the Alternative Dispute Resolution Coordinator for the 10th JD – Nassau County. In her role as ADR Coordinator, Ms. Marin is responsible for providing technical assistance to the Administrative Judge in the development and implementation of ADR protocols and guidelines, maintenance of neutral rosters, communication of available resources to court personnel and serving as a direct point of contact for ADR matters. Ms. Marin also serves as a liaison between the court and Community Dispute Resolution Centers, volunteer law school clinics and volunteer mediators and evaluators. Previously, in April 2017, Ms. Marin was appointed as Principal Court Attorney under the NYS UCS's Excellence Initiative where she was assigned to the Supreme Court Law Department in Bronx County. Ms. Marin

disposed of hundreds of substantive dispositive motions and conducted pre-trial settlement and discovery conferences. From 2007 to 2017, Ms. Marin served as Principal Law Clerk to the Hon. Gloria M. Dabiri, in Supreme Court, Kings County. During this time, Ms. Marin assisted in every facet of an all-purpose/medical malpractice part of the Civil Term. Prior to joining the UCS, Ms. Marin was a Special Assistant Corporation Counsel and Team Leader, with the NYC Administration for Children's Service. Ms. Marin served in this capacity for four years during an extremely challenging child protective period, handling all stages of child abuse and neglect matters, in Manhattan Family Court. She is an alumna of St. John's University School of Law and SUNY Binghamton.

## **Jean Norton**



Jean Norton, Esq. is the Alternative Dispute Resolution (ADR) Coordinator for the Supreme Court, New York County. Ms. Norton is responsible for overseeing the day-to-day administration of many ADR programs, including the Commercial Division ADR Program, the Non-Division Commercial Mediation Program, the Matrimonial Neutral Evaluation Program and the Early Mediation and Early Settlement Conference Parts. In addition, Ms. Norton will oversee the upcoming rollout of the Tort Evaluation Program and Matrimonial Mediation Pilot Program. Ms. Norton is also responsible for organizing ADR training for judges, non-judicial staff and volunteer attorneys as well as ADR-related community outreach events and programs.

A graduate of the Georgetown University Law Center, Ms. Norton previously served as the Director of the Collaborative Family Law Center and as an Assistant Deputy Counsel in the Office of Alternative Dispute Resolution. Before joining the Office of Court Administration ADR office, she was the Senior Director of the Safe Horizon Domestic Violence and Immigration Law Projects.

## **Professor Robyn Weinstein**



Robyn Weinstein is currently the ADR Administrator at the United States District Court for the Eastern District of New York. Prior to her current role, Ms. Weinstein served as a fellow at the Kukin Program for Conflict Resolution at Benjamin N. Cardozo School of Law, where she currently serves as an adjunct professor of mediation and negotiation. Previously, Ms. Weinstein served as the program director for the Los Angeles Office of Arts Arbitration and Mediation Services at California Lawyers for the Arts and as an adjunct clinical professor of mediation at the Straus Institute for Dispute Resolution at Pepperdine School of Law. In 2015, Ms. Weinstein was the president of the Southern California Mediation Association. Throughout her career, Ms. Weinstein has mediated a wide range of state and federal matters including employment discrimination, wage and hour, commercial, real estate, and family disputes.



## **Panel 3: Assessment, Direction, and Vision for the Future**

### **Professor Donna Erez-Navot**



Donna Erez-Navot is the Assistant Director of the Kukin Program for Conflict Resolution at Cardozo Law School where she also directs the Cardozo Mediation Clinic. Before joining the faculty at Cardozo, Donna was the founding Director of the Mediation Clinic at University of Wisconsin. As part of the Mediation Clinic, Donna was instrumental in setting up several mediation programs, including Waukesha County Child Protection Mediation Program, Dane County Small Claims Mediation Program, and Dane County Child Protection Mediation Pilot Program. Before moving to Madison in 2009, she was employed as a mediator in the Child Permanency Mediation Program in the NYC Family Court, where she mediated issues surrounding placement of children in foster care, including relationships and communication between parties, custody/visitation/guardianship petitions, conditional surrenders and other issues. She is a graduate of Benjamin N. Cardozo School of Law in New York where she was a member of the Cardozo Mediation Clinic with Professor Lela Love. After attaining her undergraduate degree at Emory University, Donna studied Social Work at Tel Aviv University in Israel.

### **Judge Edwina Richardson-Mendelson**



In 2017, Deputy Chief Administrative Judge Richardson-Mendelson was appointed to head the newly expanded Office for Justice Initiatives, tasked with ensuring meaningful access to justice for all New Yorkers in civil, criminal and family courts, regardless of income, background, or special needs. To serve this mission, the Office for Justice Initiatives administers pro bono attorney and other volunteer programs, self-help services, Help Centers, and many other resources designed to serve unrepresented litigants, including resources to assist the unrepresented in navigating virtual court operations ushered in by the Covid-19 crisis. Additionally, Judge Richardson-Mendelson directs several juvenile and family justice initiatives, including the Office of Court Administration's Child Welfare Court Improvement Project, the ongoing implementation of the seminal law raising the age of criminal responsibility in New York State, and the Child Support Working Group of the UCS-New York State Bar Association COVID-19 Recovery Task Force. Judge Richardson-Mendelson remains active on the bench, conducting pro se trials in correctional facilities in her capacity as a Court of Claims judge. She was appointed to the Court of Claims by Governor Andrew Cuomo in 2017. Judge Richardson-Mendelson also serves in Supreme Criminal Term, NY County. Previously, she presided over the Youth Part in New York County Supreme Court, hearing cases of youth charged as adults, and before that, she was the Administrative Judge of all New York City Family Courts.



## Jennifer Shack



Jennifer Shack is Director of Research at Resolution Systems Institute. In this role, she conducts complex evaluations of court-based mediation programs and researches the effectiveness of mediation in court settings. As part of RSI's efforts to help courts monitor the functioning of their mediation programs, she has designed data collection systems that are in use around Illinois. This includes the cloud-based case management and monitoring system used by the Illinois Attorney General, funded foreclosure mediation programs and an evaluation system for Minnesota's Bureau of Mediation Services.

Program evaluation is Jennifer's passion. Her other evaluation projects include multi-site evaluations of foreclosure mediation and civil stalking cases as well as evaluations of child protection, small claims, family and Lanham Act mediation programs. She is currently conducting evaluations of ODR programs in Michigan and Texas, a juvenile re-entry mediation pilot in Chicago and a truancy mediation pilot in Ohio.

In cooperation with the American Bar Association Section of Dispute Resolution, Jennifer led a national committee of the top court ADR researchers in developing the RSI/ABA Model Mediation Surveys. This toolkit provides field-tested surveys of parties, lawyers and mediators that can be used by any court to evaluate its civil case mediation program or it can be modified for programs involving other case types.

## Professor Nancy Welsh



Nancy A. Welsh is Professor of Law and Director of the Dispute Resolution Program of Texas A&M University School of Law. She was previously the William Trickett Faculty Scholar and Professor of Law at Penn State University, Dickinson School of Law. Professor Welsh is a leading scholar and teacher of dispute resolution and procedural law. She examines negotiation, mediation, arbitration, judicial settlement, and dispute resolution in U.S. and international contexts, focusing on self-determination, procedural justice, due process, and institutionalization dynamics. Professor Welsh presents

nationally and internationally and has written over 60 articles and chapters that have appeared in law reviews, professional publications and books. Professor Welsh is also a co-author of the fourth, fifth and sixth editions of *DISPUTE RESOLUTION AND LAWYERS*. She succeeded Harvard Law Professor Frank Sander as co-chair of the Editorial Board of the *Dispute Resolution Magazine*, conducted research as a Fulbright Scholar in the Netherlands, and served as Chair of both the ABA Section of Dispute Resolution and the AALS Alternative Dispute Resolution Section. Before joining the legal academy, Professor Welsh was the executive director of Mediation Center in Minnesota and practiced law with Leonard, Street and Deinard. She has advised state legislatures, federal and state agencies, and courts regarding the institutionalization of dispute resolution, conducted empirical research, convened roundtables and symposia on various dispute resolution topics, and served as a mediator, facilitator and arbitrator. Professor Welsh earned her B.A. *magna cum laude* from Allegheny College and her J.D. from Harvard Law School.

## **Panel 4: Other Mandatory, Presumptive, or Strongly Encouraged ADR Initiative: From State to Federal Courts and Beyond**

### **Doug Van Epps**



Doug Van Epps is Director of the Office of Dispute Resolution for the Michigan Supreme Court. His 32-year tenure there has included serving as the Director of numerous programs, including the Community Dispute Resolution Program, Permanency Planning Mediation Program, Michigan Agricultural Mediation Program, and Michigan Special Education Mediation Program. Mr. Van Epps oversees grants totaling approximately \$2 million to 17 non-profit organizations that provide dispute resolution services throughout the state, as well as oversees the development of MI-Resolve, an online dispute resolution system available to all Michigan residents 24/7, and accessible through smartphone, laptops, and tablets. Mr. Van Epps has coordinated and facilitated numerous task forces related to dispute resolution, including topics related to collaborative law, domestic violence screening, child protection mediation, ADR court rules, and case evaluation. He is a member of the State Bar of Michigan its ADR Section, the American Bar

Association Dispute Resolution Section as well as numerous additional national ADR associations; serves on the editorial board of the Conflict Resolution Quarterly; and routinely authors articles and presents on ADR/ODR topics at law schools and conferences.

## **Tamara Lange**



Tamara Lange manages the ADR Unit of the U.S. District Court for the Northern District of California. She is responsible for designing and administering the Court's multi-option ADR program and for training, supervising, and coaching the hundreds of neutrals who serve on the Court's mediation and early neutral evaluation panels. Ms. Lange advises the Court on local rules and practices related to ADR and serves regularly as a mediator or early neutral evaluator.

Ms. Lange began her practice as a civil litigator in 1995 at Heller Ehrman, where she focused on insurance coverage, intellectual property, and environmental law. She later worked as a litigator at Caldwell Leslie handling intellectual property and commercial cases, and then at the National ACLU, the National Center for Youth Law, and Santa Clara County Counsel, where she was a Lead Deputy and served in lieu of the County Counsel on the California State Association of Counties' Litigation Overview Committee. Before joining the Court, Ms. Lange had a private mediation practice and served on the Northern District's mediation and ENE panels, as a settlement conference officer for the San Francisco Superior Court, and on mediation panels for the Alameda County Superior Court and the San Francisco Police Department's Office of Citizen Complaints.

Ms. Lange received her J.D. from Berkeley Law in 1995, where she was Order of the Coif, and her BS/BA with honors from Cornell University in 1990, where she was a College Scholar with a focus on neurobiology and behavior. She clerked for the Hon. Richard A. Paez in the Central District of California and for the Hon. William A. Fletcher at the Ninth Circuit Court of Appeals. In 2011, the County Counsels' Association of California recognized Ms. Lange with the Dwight Herr Perpetual Award for Outstanding Appellate Practice. Ms. Lange teaches negotiations and mediation advocacy at Berkeley Law.

## **Giuseppe De Palo**



Giuseppe De Palo is the Ombudsman for United Nations Funds and Programmes. His team, based in New York City, is tasked with helping prevent and resolve work-related disputes within UNDP, UNICEF, UNFPA, UNOPS and UN-Women. During his career, Mr. De Palo has contributed to the resolution of over 2,500 disputes, mediating cases in more than 60 countries and dealing with parties of over 90 different nationalities.

Before joining the UN, Mr. De Palo was Chairman of the Board of ADR Center, one of the largest providers of mediation services in Europe. Concurrently, he served as Director of JAMS International, a subsidiary of JAMS, the largest private provider of alternative dispute resolution services in the world. Mr. De Palo started his academic career in 1995 and, in 2002, became the International Professor of Alternative Dispute Resolution Law and Practice at Mitchell Hamline School of Law, where he taught courses in Negotiation, Advanced Negotiation and Cross-Cultural Negotiation. Between 2004 and

2015 he served for some of the largest international donor organizations as project director in a wide range of initiatives to promote the knowledge and use of mediation and arbitration around the world (including in Afghanistan, Serbia, Kenya, Barbados, Nigeria, Turkey as well as throughout the Middle-East and the European Union). Mr. De Palo has provided expert advice to national and supranational parliaments as well as advised the ministers of Justice and Economics of several countries on dispute resolution policy. He has written extensively on mediation and some of his publications have been translated into multiple languages.

Mr. De Palo is a graduate of the law schools at the University of Bologna (JD, 1991) and the University of California at Berkeley (LLM, 1995). He also has a Degree in Political Sciences from the University of Urbino (1994).

### **Professor Sharon Press**



Sharon Press is Director of the Dispute Resolution Institute and Professor of Law at Mitchell Hamline School of Law in St. Paul, MN. At Mitchell Hamline School of Law, Press coaches the Mediation Representation Team and serves as the academic advisor to the students who are completing a Certificate in Conflict Resolution Theory and Practice. Press currently serves as Co-President of Community Mediation Minnesota and serves on the boards of the Institute for the Study of Conflict Transformation and Community Mediation and Restorative Services. Press is a Florida Supreme Court certified county and family mediator and on Minnesota's Rule 114 Roster of Civil Facilitative and Hybrid Neutrals. She also mediates regularly in Conciliation, Housing, and Harassment Courts and for the Minnesota Department of Human Rights. Prior to joining Mitchell Hamline Law, Press served as director of the Florida Dispute Resolution Center where she was

responsible for the ADR programs for the Florida state court system. Press is the recipient of numerous professional awards, including the Mary Parker Follett Award for Excellence and Innovation in Dispute Resolution presented by the Association for Conflict Resolution and CPR Institute for Dispute Resolution's Special Award for Distinguished Contributions to the Field and Future of Dispute Resolution. Press was the Association for Conflict Resolution's representative to the Drafting Committee for the Model Standards of Conduct for Mediators adopted by the AAA, ABA and ACR. She received her B.A. from The George Washington University School of Public and International Affairs and her J.D. from The George Washington University National Law Center.



## Professor Maurice Q. Robinson



Maurice Q. Robinson is currently the EEO Officer | Executive Agency Counsel for New York City Housing Authority's (NYCHA) Department of Equal Opportunity. Mr. Robinson received his J.D. from Benjamin N. Cardozo School of Law, with specializations in Mediation, Litigation, and Intellectual Property & Communications Law. He completed the NY State Community Mediator Program, Safe Horizon Mediator Training and Apprenticeship, and received a certificate from the Kukin Program in ADR. The Society for Human Resource Management | Human Resource Certification Institute (SHRM | HRCI) recognizes Mr. Robinson as a Certified Professional in Human Resources (PHR). Prior to his position at NYCHA, he served the NY community as an Administrative Law Judge, Queens County Mediation Manager, and Housing Court Program Supervising Pro Bono Attorney. Mr. Robinson serves as an approved mediator for the New York Peace Institute Mediation, Manhattan Civil Court, Housing Court and Small Claims Court. Mr. Robinson has also participated in arbitrations and mediations with EEOC, FINRA, and other private organizations. Awarded a New Jersey Legislative Proclamation for Pro Bono and Skills Based/ Service Oriented Legal Pedagogy. As an Adjunct Professor at Seton Hall University School of Law and Benjamin N. Cardozo School of Law, Mr. Robinson teaches various ADR based practicums and courses; including a client driven practicum in the SDNY Federal Court. He has coached successful ADR competition teams on the national and international circuit.

## Panel 5: The Court Systems of the Future and ODR

### Professor Brian Farkas



Brian is an attorney at Arent Fox LLP focusing on complex litigation. He represents clients in federal and state court, as well as in arbitration and mediation proceedings. Prior to joining Arent Fox, Brian served as a judicial law clerk to the Honorable Robert W. Lehrburger of the U.S. District Court for the Southern District of New York. He also spent six years as an associate at a midsize litigation firm in New York City. During law school, Brian was Editor-in-Chief of the *Cardozo Journal of Conflict Resolution*, an academic journal dedicated to arbitration, mediation, and negotiation scholarship. He was also awarded the Andrew S. Zucker Award for Academic Excellence. He now teaches arbitration and dispute resolution at Cardozo. Brian is an active member of the New York City Bar Association, where he chairs the New Lawyer Institute – a career development programming and mentoring program for law students and recent graduates. He is also an active member of the American Bar Association where he chairs the Legal Education Committee



of the Section of Dispute Resolution, working with staff and volunteers to administer the annual Representation in Mediation Competition – a national moot competition for law students.

### **Professor David Larson**



David Allen Larson is a Professor of Law at the Mitchell Hamline School of Law and Senior Fellow at the Dispute Resolution Institute. He has been involved with online dispute resolution (ODR) since 1999 and is the System Designer helping to create an ODR platform for the New York State Unified Court System. David is the John H. Faricy Jr. Chair for Empirical Studies, and a Fellow for the National Center for Technology and Dispute Resolution and the American Bar Foundation. He has 60 legal publications and has made 165 professional presentations in ten different countries. He is Chair Elect of the ABA Section of Dispute Resolution, Co-Chair of the Section's ODR Standards Task Force, and was a member of the ABA E-Commerce and ADR Task Force. David worked at the Equal Employment Opportunity Commission Office of General Counsel, Appellate Division in Washington, D.C. and, on behalf of that Office, participated in drafting the Regulations and Interpretive Guidance for the Americans with Disabilities Act. He was founder and Editor-in-Chief of the "Journal of Alternative Dispute Resolution in Employment" (CCH Inc.), an arbitrator for the Omaha Tribe and other disputes, and a Hearing Examiner for the Nebraska Equal Opportunity Commission. He worked with the International Legal Resource Center, a partnership between the ABA Section of International Law and the United Nations Development Programme. David has been a tenured professor at four different universities and colleges and practiced with a litigation law firm.

### **Colin Rule**



Colin Rule is CEO of Mediate.com. In 2011 Colin co-founded Modria.com, an Online Dispute Resolution (ODR) provider based in Silicon Valley, which was acquired by Tyler Technologies in 2017. From 2017 to 2020 Colin served as Vice President of ODR at Tyler Technologies. From 2003 to 2011 Colin was Director of ODR for eBay and PayPal. Colin is the author of *Online Dispute Resolution for Business* and co-author of *The New Handshake: ODR and the Future of Consumer Protection*. He serves on the boards of the Consensus Building Institute and the PeaceTech Lab at the United States Institute of Peace. He is currently Co-Chair of the Advisory Board of the National Center for Technology and Dispute Resolution at UMass-Amherst and a Fellow at the Gould Center for Conflict Resolution at Stanford Law School. Colin co-founded OnlineResolution.com, one of the first online dispute resolution (ODR) providers, in 1999 and served as its CEO and President. Colin also worked for several years with the National Institute for Dispute Resolution in Washington, DC and the Consensus Building Institute in Cambridge, MA.

## Panel 6: Keeping up with the Times: ADR in Legal Education

### Professor James Coben



James Coben is a professor at Mitchell Hamline School of Law and a senior fellow in the law school's internationally acclaimed Dispute Resolution Institute (DRI), which he directed from 2000-2009. He teaches civil procedure and a wide variety of ADR courses. He is a co-author of the Thomson Reuters trial practice series treatise *Mediation: Law, Policy & Practice* (2019-2020), a co-editor of the four-volume *Rethinking Negotiation Teaching Series* (DRI Press 2009-2013), and a former editorial board member of the American Bar Association's *Dispute Resolution Magazine*, for which he co-writes a "Research Insights" featured column. From 2003-2007, Professor Coben served as project director for a European Union/U.S. Department of Education funded project to develop transnational ADR curriculum and promote transatlantic student mobility. During his tenure as DRI director, he helped create and co-directed three ADR study abroad programs—an international commercial arbitration program in London, an international business transactions negotiation program in Rome, and a program in democratic dialogue and mediation in Budapest. He also pioneered a variety of innovative ADR clinical opportunities for law students, including mediation advocacy on behalf of clients in employment and family law cases. Together with law school colleague Professor Peter Thompson, he created the Mediation Case Law project, a multi-media resource devoted to studying "failed" mediations – those unhappy situations where people who thought they were using mediation to resolve a conflict end up creating altogether new litigation about the mediation process itself.

### Professor Lela Love



Lela Porter Love is a professor of law and director of the Kukin Program for Conflict Resolution at Benjamin N. Cardozo School of Law (NYC). Her program has been ranked by U.S. NEWS AND WORLD REPORT among the top ten law school programs in the US in dispute resolution since 2000. She founded (in 1985) Cardozo's Mediation Clinic—one of the first clinical programs to train law students to serve as mediators.

Lela serves as mediator, arbitrator and dispute resolution consultant in community, employment, family, human rights, school-based and commercial cases. An active educator and participant in dispute resolution activities, she regularly conducts mediation training programs and courses, both domestic and international.

Lela is Past Chair of the American Bar Association Section of Dispute Resolution. In her chair year she initiated the first International Mediation Leadership Summit in The Hague.

She has written widely on the topic of dispute resolution, including co-authoring three law school textbooks. Among her books are: *The Middle Voice*, co-authored with Joseph Stulberg, and two collections of stories about mediations—*Stories Mediators Tell* and *Stories Mediators Tell—World Edition*.

The International Academy of Mediators gave Lela a Lifetime Achievement Award in 2012; the American College of Civil Trial Mediators gave her a Lifetime Achievement Award in 2010; and she received the “Front Line Champion” Award at the Association of the Bar of NYC on Mediation Settlement Day (2009).

### **Professor Carrie Menkel-Meadow**



A founder of the dispute resolution field, Professor Menkel-Meadow came to UC Irvine School of Law from Georgetown University Law Center, where she was the A.B. Chettle, Jr. Professor of Dispute Resolution and Civil Procedure and Director of the Georgetown-Hewlett Program in Conflict Resolution and Legal Problem Solving. She has been the Faculty Director of Georgetown’s innovative partnership with 20 law schools from around the world, the Center for Transnational Legal Studies in London, in which faculty and students from participating programs study international and comparative law in a multi-national setting.

Professor Menkel-Meadow was a professor of law at UCLA for nearly 20 years, also serving as a professor in the Women's Studies program, Acting Director of the Center for the Study of Women, and Co-Director of UCLA's Center on Conflict Resolution. She has taught as a Distinguished Visiting Professor of Legal Theory at the University of Toronto, a visiting professor at Harvard Law School, Stanford Law School, and as a clinical professor at the University of Pennsylvania.

In addition to her scholarship, research and teaching, Professor Menkel-Meadow often serves as a mediator and arbitrator in public and private settings and has trained lawyers, judges, diplomats, and mediators in the United States and on five continents. She has consulted for such organizations and institutions as the United Nations, the World Bank, and the Federal Judicial Center on conflict resolution systems and processes.

## Professor Homer La Rue



Professor La Rue has a JD and master's degree in Industrial & Labor Relations from Cornell University. He is a Professor of Law at the Howard University School of Law in Washington, D.C. Professor La Rue is founder and co-director of the Howard Law ADR Program and designed and directs the Law School's ADR Certificate Program.

Professor La Rue has extensive experience as a labor and employment law attorney. For more than 30 years, he has served as an arbitrator and a mediator in numerous matters, including labor, employment, and commercial disputes. Professor La Rue is the 2020 recipient of the D'Alemberte-Raven Award, the highest award given by the ABA Section of Dispute Resolution, in recognition of decades of outstanding service to the ADR community. He is a past Chair of the ABA Section of Dispute Resolution. He is a member and a current Vice President of the National Academy of Arbitrators. Professor La Rue was the 2017-18 Neutral-In-Residence at the School of Industrial and Labor Relations (ILR) at Cornell University. He is a Distinguished Fellow in the College of Labor & Employment Lawyers. He has lectured extensively in the dispute resolution field to a variety of bar, business, and labor groups, both domestically and internationally. He is the co-author of *The Ray Corollary Initiative™: How to Achieve Diversity and Inclusion in Arbitrator Selection*, a major ADR diversity initiative of the National Academy of Arbitrators.

## Professor Thomas Stipanowich



Thomas Stipanowich holds the William Webster Chair in Dispute Resolution and is a Professor of Law at Pepperdine University. For fourteen years he co-led the Straus Institute for Dispute Resolution, during which the program was ranked first among academic dispute resolution programs by *U.S. News & World Report* for more than a decade. A prolific author, his works have been cited by the U.S. Supreme Court among many other courts. He co-authored the award-winning five-volume *FEDERAL ARBITRATION LAW* and was editor-in-chief of *COMMERCIAL ARBITRATION AT ITS BEST*. He is co-author of *RESOLVING DISPUTES: THEORY, LAW AND PRACTICE* (Wolters/Kluwer), a text and materials including practical exercises and videos. Stipanowich has long experience as an arbitrator, mediator

and special master, emphasizing large and complex cases, and is now a neutral with JAMS. From 2001-2006 he was CEO of the International Institute for Conflict Prevention & Resolution (CPR). He played an important role in many major initiatives (Revised Uniform Arbitration Act, Uniform Mediation Act, Consumer Due Process Protocol, Global Disputes Research Center, Securities Industry Conference on Arbitration, International Task Force on Mixed Mode Dispute Resolution) and was a founder of the College of Commercial Arbitrators, later spearheading its *Protocols on Expeditious, Cost-Effective Commercial*

*Arbitration.* He received the D'Alemberte/Raven Award, the ABA Dispute Resolution Section's highest honor, and CPR's James F. Henry Award for career contributions. In 2018 he was named a Global Distinguished Faculty Affiliate of Peking University School of Law and is the only non-Indian named a Distinguished Professor of Law of National Law University Delhi.

### **Professor Joseph Stulberg**



Joseph (“Josh”) Stulberg is the Emeritus Michael E. Moritz Chair in Alternative Dispute Resolution at The Ohio State University Moritz College of Law. A former Vice President of the American Arbitration Association in charge of its Community Dispute Services, he regularly conducts mediation training programs for court-annexed programs, government agencies, and professional and community groups domestically and internationally. Josh was co-chair of the Editorial Board of the ABA’s Dispute Resolution Magazine (2012-17); Reporter for the Model Standards of Conduct for Mediators (2003-05); and the 2019 recipient of both the ABA’s Section of Dispute Outstanding Scholar Award and ACR’s Mary Parker Follett Award. He currently serves as co-director of the Divided Community Project at Moritz College. He earned his J.D. from NYU School of Law and Ph.D. from the University of Rochester. He is a member of the New York Bar.



A special thank you to the following for their time and contribution to the success of this symposium:

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