

Center for the Study of Dispute Resolution

The Center for the Study of Dispute Resolution was established in 1984 within the University of Missouri – Columbia School of Law to promote greater understanding of conflict and conflict resolution – using methods such as negotiation, mediation and arbitration – in the legal profession and to develop new forms of lawyering.

The Center mission statement reads:

The mission of the Center for the Study of Dispute Resolution is to study, develop and promote: 1) appropriate methods for understanding, managing and resolving domestic and international conflict; and 2) the use of dispute resolution techniques to enhance informed decision making. In furtherance of that mission, the Center fosters comprehensive approaches to lawyering and decision making and promotes the appropriate use of alternative processes of dispute resolution through engagement in:

- » Legal and Interdisciplinary Scholarship;
- » Law School Teaching and Curriculum Initiatives;
- » Educational Services to Legal and Dispute Resolution Professionals;
- » Law Reform related to Dispute Resolution; and
- » Direct Dispute Resolution Services.

During its 23 year history, the Center has distinguished itself as one of the nation's premier law school dispute resolution programs. It has developed a range of activities, including curricular innovations; a Mediation Clinic; the country's first LLM in Dispute Resolution Program; a dispute resolution training function, which serves the Missouri public, bench, bar and government; and the *Journal of Dispute Resolution*, a scholarly journal published by the CSDR since 1984. It also houses the University of Missouri Campus Mediation Service.

Directions to the University of Missouri– Columbia School of Law

From Interstate 70, exit at Providence Road and turn south. After approximately 1.5 miles, turn left onto Stewart Road. Turn right onto Sixth Street where Stewart Road ends. At the intersection of Sixth Street and Conley Avenue, go straight into the Turner Avenue Parking Garage. Visitor parking is available on levels 3, 6 and 7. From the garage, proceed two blocks east to John K. Hulston Hall, located on the corner of Missouri and Conley Avenues.

Cost and Registration

There is no fee for the symposium. For more information please contact Sandra Kubal at 573-882-2052 or kubals@missouri.edu.

Continuing Legal Education Credit

This symposium is approved for 3.4 hours of mandatory continuing legal education credit in the state of Missouri.

University of Missouri–Columbia
School of Law
206 Hulston Hall
Columbia, MO 65211



School of Law
University of Missouri–Columbia
Center for the Study for Dispute Resolution
Annual Dispute Resolution Symposium

Innovative Models of Lawyering: Collaborative Law and Other Processes

John K. Hulston Hall Courtroom
Friday, October 12, 2007
1:00–5:00 pm

SYMPOSIUM AGENDA

WELCOME 1:00 - 1:10 pm

Deans R. Lawrence Dessem and Robert G. Bailey

KEYNOTE SPEAKER 1:10 - 2:00 pm

David A. Hoffman, Founding partner, Boston Law Collaborative, LLC, *Practicing Law as Form of Dispute Resolution: Towards a Unified Field Theory of ADR*

PANEL 2:15 - 3:30 pm

Scott R. Peppet, Associate Professor, University of Colorado School of Law, *Growing Attorneys: Adult Development, Alternative Lawyering, and ADR*

Forrest S. Mosten, Mediator and Collaborative Lawyer; Lecturer, UCLA School of Law, *Unbundling Collaborative Representation*

John Lande, Associate Professor and Director, LL.M. Program in Dispute Resolution, University of Missouri–Columbia School of Law, *Practical Insights From an Empirical Study of Cooperative Lawyers in Wisconsin*

Stephen D. Easton, C.A. Leedy Professor of Law, University of Missouri–Columbia School of Law, moderator

PANEL 3:45 - 5:00 pm

Kathleen A. Bryan, President & CEO, CPR: International Institute for Conflict Prevention & Resolution, New York, NY, *Settlement Advocacy: Application to Business Litigation*

Thomas C. Collier, Partner, Steptoe & Johnson, LLP, Washington, DC, *Benefits of Using Settlement Counsel in Business Litigation*

Jeanne M. Fahey, Attorney, Prentice & Associates, Emeryville, CA, *Adapting Collaborative Law from Family to Civil Matters: A View from the Frontlines*

Robert G. Bailey, Director of the Center for the Study of Dispute Resolution and Assistant Dean, University of Missouri–Columbia School of Law, moderator

The published symposium will also include articles by the following authors:

Julie Macfarlane, Professor of Law, University of Windsor, Canada

Lawrence P. McLellan, Attorney, Sullivan & Ward, P.C., Des Moines, IA

Andrew Schepard, Professor of Law, Hofstra Law School, **Angela Burton** and **Brittany Shrader**, Hofstra Law School class of 2009

Richard W. Shields, Another Way Mediation & Arbitration Inc., Ancaster, Ontario, Canada

Pauline Tesler, Partner, Tesler, Sandmann & Fishman, Mill Valley, CA

Nancy Welsh, Professor of Law, The Dickinson School of Law of Penn State University

Contributors



David Hoffman is a mediator, arbitrator, and attorney at Boston Law Collaborative, LLC, a multidisciplinary firm that provides collaborative law, litigation, and ADR services, and he teaches mediation at Harvard Law School. Previously he was a partner at the Boston firm of Hill & Barlow, where he practiced for seventeen years. His cases range from complex commercial disputes to divorce and other family matters. He is past-chair of the ABA Section of Dispute Resolution, past-president of the New England chapter of the Association for Conflict Resolution, past-chair of the Boston Bar Association ADR Committee, and co-founder of the Massachusetts Collaborative Law Council. He currently chairs the Collaborative Law Committee of the ABA Dispute Resolution Section. He is a graduate of Princeton University (B.A. 1970, summa cum laude), Cornell University (M.A. 1974), and Harvard Law School (J.D. 1981, magna cum laude), where he was an editor of the Harvard Law Review. He is co-author of *Massachusetts Alternative Dispute Resolution* (Butterworth 1994), and co-editor of *Bringing Peace into the Room; How the Personal Qualities of the Mediator Impact the Process of Conflict Resolution* (Jossey-Bass 2003).



Kathleen A. Bryan is the President and CEO of the CPR Institute for Conflict Prevention and Resolution. She has devoted her career to finding the most effective and imaginative resolutions for resolving business disputes. She had been the head of worldwide litigation for Motorola and a corporate vice president of Motorola's Law Department with a career that spanned 16 years with the company. From 1997 until 2002, she led the litigation function and oversaw the legal affairs for Motorola's semiconductor and automotive businesses. She was elected corporate vice president and was a member of its Law Department Management Board. Prior to joining Motorola, she was in private practice at several major law firms in Boston and Washington, D.C., where she concentrated in commercial litigation and government contracts. She earned a B.A. from the University of Massachusetts in Boston, and J.D. from Northeastern University School of Law.



Thomas C. Collier is a partner in the Washington, D.C. firm of Steptoe & Johnson LLP, where he is a member of the Regulatory & Industry Affairs Department. His practice has concentrated on finding unique ways to resolve disputes and on management of large protracted litigation in the following areas: environmental, insurance defense, antitrust, communications, and government contracts. He often focuses on bringing adversaries together to resolve their differences. He served as the Chief of Staff and Chief Operating Officer of the Department of Interior in the 1990s and he was previously a Deputy Assistant Secretary of the Department of Housing and Urban Development. He graduated from the University of Virginia with a B.A. in 1972 and from the University of Mississippi with a J.D. in 1975. After graduation, he clerked for Judge Charles Clark of the United States Court of Appeals for the Fifth Circuit.



Jeanne M. Fahey is an attorney with the law firm of Prentice & Associates in Emeryville, California, where she represents individuals and small businesses in employment and other disputes. She was an early leader in the efforts to expand Collaborative Law from family to other disputes, organizing the first nationwide dialogues on the subject from 2004-2005. She has continued to work locally and nationally to make Collaborative Law and other cooperative negotiation processes a viable alternative for civil disputes. She received her B.A. in Sociology (highest honors and highest distinction) from the University of California at Berkeley in 1991 and her J.D. (cum laude and Order of the Coif) from the University of California, Hastings College of the Law in 1995.



John Lande is Director of the LL.M. Program in Dispute Resolution and Associate Professor at the University of Missouri–Columbia School of Law. He began mediating professionally in 1982 in California. Before going to Missouri, he was Director of the Mediation Program at the University of Arkansas at Little Rock School of Law. His work focuses on various aspects of dispute systems design, including publications analyzing how lawyering and mediation practices will transform each other, business lawyers' and executives' opinions about litigation and ADR, designing court-connected mediation programs,

the "vanishing trial," and Cooperative and Collaborative Practice. He received his J.D. from Hastings College of Law in 1980 and Ph.D. in sociology from the University of Wisconsin-Madison in 1995. He was a fellow in residence at the Program on Negotiation at Harvard Law School.



Forrest S. "Woody" Mosten is an Advanced Practitioner Member of the Association for Conflict Resolution who has mediated since 1979. He is the author of *The Complete Guide to Mediation* (ABA, 1997), *Unbundling Legal Services* (ABA, 2000), and *The Mediation Career Guide* (Jossey-Bass, 2001). He specializes in high conflict mediations involving divorcing families, partnerships, employment disputes, probate, real estate, commercial disputes and other complex civil lawsuits. He was an original partner in Jacoby and Meyers, the first private legal clinic in the U.S. He was a professor and director of clinical legal education at Mercer Law School and has also taught at UCLA, Pepperdine, University of Southern California, University of San Diego, and Whittier Law Schools. His pioneering work in mediation and "unbundling" of legal services has been covered by the ABA Journal, NY Times, LA Times, Wall Street Journal, Chicago Tribune, and other publications around the world. He received his B.A. (Phi Beta Kappa) from the University of California, Riverside in 1969 and his J.D. from UCLA in 1972.



Scott R. Peppet is Associate Professor at the University of Colorado Law School, specializing in legal ethics, ADR, and negotiation. Before joining the University of Colorado, he taught as a lecturer on Law at Harvard Law School and was a senior fellow at the Harvard Negotiation Research Project. He is the co-author of an award-winning book on legal bargaining, *Beyond Winning: Negotiating to Create Value in Deals and Disputes* (Harvard University Press, 2000), and a leading textbook, *Processes of Dispute Resolution* (4th ed., Foundation Press, 2006). He was recently honored with the CPR Institute for Conflict Prevention and Resolution's 2004 award for best academic article on dispute resolution for his article, "Contract Formation in Imperfect Markets: Should We Use Mediators in Deals?" He has also distinguished himself as a teacher, winning the Excellence in Teaching Award in 2002. He received his B.A. (magna cum laude) from Cornell University in 1991 and his J.D. (magna cum laude) from Harvard Law School in 1996.