

Technology's Effect on How and What We Teach
Appreciating our Legacy and Engaging the Future Conference
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There's this rumor going around that technology is here to stay. This is the truth. We can't escape computers, phones, apps, webcams, and anything else somebody in Silicon Valley comes up with. Technology is at our fingertips and it is no surprise that it is not always met with open arms. Technology has done more than crossed the threshold of our classrooms—it is mounted on the walls, and carried by every student enrolled in our courses.

During this breakout session, teachers, practitioners, and moderators formed three circles in the Malibu sun and discussed participants' comfort, confidence, and curiosity as it pertains to technology's effect on ADR and how it is taught in the classroom. The following summarizes some themes in the three conversations.

Can technology increase access to justice and allow practitioners to grow their practice? Speakers emphasized there is no one-size-fits-all answer. Some people were optimistic about the use of technology to enable remote participation in dispute resolution processes. This can increase access to justice by enabling low-income litigants to participate while missing less work and environmental justice by reducing participants' travel. One self-identified digital "nomad" gave an example of having completed a mediation with German parties that morning before attending the conference.

Are we using technology to avoid the difficult emotional work of resolving conflict? Many people spoke about how technology (in both the ADR and everyday, interpersonal context) can be used by participants to feel safe, but it also can be used to disengage from discomfort. One person described a training in the 1990s in which her trainer argued that arbitration and litigation were "easy" on clients whereas mediation and negotiation required real courage, ego strength, emotion, and sophistication. Technology allows people to remain distant from each other or from an interaction that would have required of them these traits. This reminded one person of the discussion in an earlier plenary session about whether we are no longer asking clients to do the difficult work of sitting with conflict.

How can I incorporate the topic of technology in dispute resolution into my course plan, if I don't know anything about it? Here are some suggestions. Ask your students to help you! You are not alone in this. You can be the expert on negotiation and mediation issues and invite your students to suggest the technology that can contribute to improving different parts of these processes. Giving students a sense of status and making them feel like the experts in the classroom enriches the experience for them. You can do this about incorporating technology in the classroom and in dispute resolution processes. Try facilitating a circle discussion, in which you ask

students about helpful ways to use technology in school and watch their eyes light up. Pull on their energy and know-how and turn your curriculum up a notch.

Some may find it unimaginable to fit our ADR principles and practices into a 4" x 2" phone screen, but what was once impossible is happening before our eyes. For those who want some additional direction, Noam and Alyson just published an article entitled, [*Digital Toolbox Pedagogy, Teaching Students to Utilize Technology in Mediation*](#) describing a variety of approaches for teaching technology in mediation.