

**Move Over Moot Court. It Is Mediation's Turn:
Increasing the Number of Students Interested in ADR Courses**

Theory-of-Change Symposium

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Rebekah Gordon, reflecting on her experience as a law student, urges law school faculty to inform students about ADR from the very beginning of law school and provide more opportunities for students to learn about ADR. She is a 3L student at Northwestern Pritzker School of Law.

Don't tell anyone I told you this, but there are some people discouraging students from registering for your ADR courses. These people are telling us that we need to take federal jurisprudence, securities regulation, or any other lofty seven-word-titled non-bar related course to get a high paying job at a law firm. And we shouldn't even dare bring up the desire to take more than two ADR courses. Those people give us the side-eye and the ever-so-audible shaking of the head accompanied with these words, "If you want to get a job, make sure you get in one of those classes."

Now, I'm not going to be a complete troll and disclose who these folks are. But I guarantee that if you asked some of your students about what "the word on the street" is about dispute resolution courses (primarily if your school is not known for them), most may not even know they're available. For those that do, you'll probably be able to read between the lines when they tell you, "Well, I'll see if I can get to it during my last year in law school." An empty promise. But I get it. When I converse with students about the great benefit of taking ADR courses, they are surprised that their school even offers the option. Even worse. There is not enough marketing to the student population about why taking an ADR course is advantageous even if they have no desire to pursue a career in the field.

So, here is the goal I want to address in this piece: increasing enrollment in ADR courses in law schools. Now, let me burst this bubble early on in this writing. This paper addresses all schools, even those who have a dispute resolution term in its title or program name. This shoe is one-size-fits-all. We know that some schools are defunding and diluting ADR programs and I have a personal problem with this.

And here's why. (And maybe it's more efficient if I start to translate my professional vent into solutions now, rather than later.)

SOLUTION: We need to market to students that there are benefits to ADR courses as a component of their legal education. You all know it and advocate for it as professors and professionals. I've read some of your blogs and articles on integrating ADR into the curriculum. However, an incoming 1L student doesn't know it. An incoming 1L student rarely is ever told about the advantages of taking an ADR course.

Here's how I found out about the negotiation and mediations courses offered at my school. (This is a confession. One I've never made publicly.) I was planning my 2L fall semester and I was looking for a course that satisfied my desire to go to school only Mondays through Wednesdays. Then, when I learned that the mediation course was on Tuesdays at 4 pm, I clicked the description and found out that upon completion, I could become a certified mediator in Illinois. The first thought that came to my mind was, "Hmm. This would look good on my resume." And to dispel any superficial impressions of that thought, I then said to myself, "How cool would that be? To graduate with a certification in something like this? How awesome would it be to get practice and impact the community before I even graduate?" The only reason I had a ticket to get on this train of thought was that I found a class that perfectly fit a time slot on my schedule.

No one told me about the Center on Negotiation and Mediation at Northwestern, which I later found out housed some of this industry's greatest contributors in Leonard Riskin, Lynn Cohn, and Alyson Carrel. No one told me that the skills I'd learn are transferable into any field or context, which I later realized automatically kick in at a Thanksgiving dinner table with a large family. No one told me that the technique to uncovering needs and interests would be an asset for the clients I worked with and could be applied in future litigation work at a law firm. It was literally by chance. And, boy, am I glad that class was on Tuesday at 4 pm. That class and the others after it gave me a definition of what my career can be. Those classes and many opportunities after that brought me to you.

Now imagine the number of talented, willing students who can keep this field alive, and no one has engaged them at the door. Well, here's how you can do that:

- **Participate in orientation**, and do more than have a table or five-minute presentation. Work with your student affairs department and administration to host a mock ADR class. Instead of giving incoming students a long case to read before the welcome week, provide them with a simulation! Facilitate a workshop on needs and interests. Connect the dots between theory and application. Translate the ADR terms into transferrable communication skills. Find ways to make ADR palatable and interesting. I guarantee you, even if 100% of those students don't take an ADR class, it is possible that 100% will walk away with another set of tools in their tool belts. You will equip them with something that can make them better citizens in the academic community. Imagine a world with law students who become better communicators!
- **Make enrollment in an ADR course a graduation requirement** (if you have the power to do so). Again, to my first point, imagine law students, first-year associates, partners, public service attorneys, and private practice legal professionals with better

conflict resolution skills. With different ways to settle a case instead of running into adversarial universes. With more self-awareness when they encounter clients who are not like them. With more empathy when they work with clients who come from an underrepresented demographic in the legal field. This statement might sound flowery, but if you do these things, I believe our industry would have a more collaborative and compassionate tone than the dog-eat-dog image that is frequently projected.

- **Match that same energy as all of those e-mails that students get about mock trial.** I can't even begin to tell you how much e-mail I delete daily about moot court, mock trial, write-on, etc. I just searched my inbox and trash folders: a fine collection of 179 e-mails about those things – within three weeks. And not nearly enough about negotiation or mediation training, events, or opportunities. And sure, we hear about the negotiation competitions. I've participated in one. But I'm talking about more than that. Can you provide workshops for the whole student body (and even faculty and administration) on mindfulness? Is there a way to make attendance in a conflict resolution event or ADR related activity as important as everything else? Sure, everyone is vying for our attention. But we need to turn the heat up some more when it comes to ADR offerings.
- **Get law firms involved.** Any time I go for an interview or I submit my resume for a great opportunity, nine times out of ten, I know there will be a question about my experience as a young woman of color who is also a certified mediator. I bet on it. I believe the skill sets me apart from the rest of the pool. Now imagine those job-thirsty law students hearing this insider tip from recruiters at those networking receptions before on-campus interviews: "We are looking for people we can trust our clients with." And if I'm off, please tell me. But I remember interviewing for a summer associate position. I was not a mediator at that time, but my work experience came up. The skill to deal with clients, work with clients, and communicate with clients was a massive plus for me. That, in addition to my work ethic, gained me two job offers. Imagine if law firms promoted their desire for law students who have a more well-rounded education and not just a 4.0 GPA. The message would be loud and clear.

In closing, be not mistaken. I am not petitioning to get rid of the traditional, doctrinal course load at all. I believe the phrase we have on our banner is "Yes, and." **Yes**, have those courses, **and** promote ADR ones just as much. They are more powerful together. There's nothing like working with juveniles in criminal court as a prosecutor knowing that their need was money and survival, and therefore you may be more lenient on a sentencing recommendation. There's nothing more valuable in a divorce settlement conference when you notice that one of the parties wanted to be heard and doesn't care about the money. ADR courses sharpen the soft skills that make lawyers great ones – and all law students need a dose of that before they are thrown into the field. We'd all be better for it.