

## Conference Agenda

**Objective:** To bring together academics and professional trainers involved in teaching mediation to a variety of professional and disciplinary audiences. We will share our experiences, examine our pedagogical assumptions, and learn from each other, all with the goal of improving our individual teaching as well as contributing to the field of mediation pedagogy more generally.

### Detailed Schedule (as of May 4, 2009; subject to change):

#### Friday, May 15<sup>th</sup>

8:00 – 9:00 Registration (Pound Hall Lobby) & Continental Breakfast (Pound Hall, John Chipman Gray Room)

9:00 – 9:15 Welcome / Introductions (Pound Hall, John Chipman Gray Room)

9:15 – 12:00 Session I: Debriefing a Mediation Video: Comparing our Pedagogical Objectives and Assumptions (Pound Hall, Ropes Gray Room)

We will look at the ways in which several invited instructors from the fields of law, international relations, public policy, and professional training go about drawing lessons from the same video-recorded mediation. Conferees will have a chance to interact with each of these instructors to learn more about why they choose to focus on particular aspects of the mediation, how they might use such a video as a teaching tool, and what all this implies about their pedagogical assumptions. This will be followed by small group conversations and then a plenary comparing how and why we might use the same teaching tool differently in different professional and disciplinary settings, and what this implies about our pedagogical objectives and assumptions.

#### Panelists:

Jacob Bercovitch, Ph.D.

Professor of International Relations, School of Political Science and Communication  
University of Canterbury (New Zealand)

Charles Doran

Founder, Mediator, and Trainer  
Mediation Works Incorporated

John Forester, Ph.D.

Professor, Department of City & Regional Planning  
Cornell University

Karen Tokarz, J.D., LL.M.

Charles Nagel Professor of Public Interest Law & Public Service and Director of ADR  
Program  
Washington University in Saint Louis

#### Moderator:

Lawrence Susskind, Ph.D.

Ford Professor of Urban and Environmental Planning, MIT  
Vice-Chair of Education, Program on Negotiation at Harvard Law School

12:00 – 1:00 Lunch break (Pound Hall, John Chipman Gray Room)

1:00 – 2:30 Session II: Helping Our Students Develop a Mediating Frame of Mind: Panel and small group discussion (Pound Hall, Ropes Gray Room)

We will examine one of the most unique and challenging aspects of mediation teaching: how to help students develop a “mediating frame of mind.” For example, what shifts in thinking, assumptions, mindsets, or even worldviews do we assume students need to make in order to be able to mediate or think about mediation effectively? How might we go about helping students cultivate a “mediating frame of mind” (or can / should we)?

Panelists:

David Hoffman, J.D.

John H. Watson, Jr. Lecturer on Law, Harvard Law School

Co-founder, mediator, arbitrator, and attorney, Boston Law Collaborative LLC

Mario Patera, Ph.D.

Head of the Department for Intercultural Competence at the Faculty for Interdisciplinary Research  
Continuing Education

Alpen-Adria University of Klagenfurt (Austria)

Leonard Riskin, J.D., LL.M.

Chesterfield Smith Professor of Law

University of Florida Levin College of Law

Moderator:

Ran Kuttner, Ph.D.

Assistant Professor

Werner Institute for Negotiation & Dispute Resolution, Creighton University

2:30 – 2:45 Break (Pound Hall, John Chipman Gray Room)

2:45 – 4:30 Evaluating Our Students’ Performance: Panel and small group discussion (Pound Hall, Ropes Gray Room)

How do we evaluate our students’ performance in a mediation course, workshop, or program? Several panelists will share how (and why) they would evaluate actual student written or oral responses to a short scenario imagining a difficult mediation situation, with the goal of identifying and examining assumptions about what mediation instructors can and should evaluate, as well as the purposes evaluation can serve. Conferees will continue the conversation in self-selected small groups.

Panelists:

Lela Love, J.D., M.Ed.

Professor of Law and Director, Kukin Program for Conflict Resolution  
Cardozo School of Law, Yeshiva University

Janet Martinez, J.D., M.P.A., Ph.D.

Professor and Director, Gould Negotiation & Mediation Program  
Stanford Law School

Susan Podziba, M.C.P.  
Principal and Public Policy Mediator  
Podziba & Associates

Moderator:

James Coben  
Director and Professor of Law  
Dispute Resolution Institute  
Hamline University School of Law

4:30 – 5:30 *Learning Theory: How Can it Help Us? Panel and plenary discussion* (Pound Hall, Ropes Gray Room)

What can mediation instructors learn from the field of education? In this interactive session, experts on learning theory will share some general insights about teaching, learning, and curriculum design, and conferees will discuss how these insights might apply to particular mediation teaching challenges.

Panelists:

Eleanor Duckworth, Ph.D.  
Professor of Education  
Harvard Graduate School of Education

Martha Stone Wiske, Ed.D.  
Lecturer on Education and Co-Principal Investigator, WIDE (Wide-Scale Interactive Development for Educators) World  
Harvard Graduate School of Education

Moderator:

Melissa Manwaring, J.D., M.Ed.  
Co-Founder and Associate Director, Negotiation Pedagogy @ Program on Negotiation at Harvard Law School  
Adjunct Professor, F.W. Olin School of Management, Babson College

6:00 Dinners in Cambridge restaurants (optional)

**Saturday, May 16th**

8:00 – 9:00 Continental Breakfast (Pound Hall, John Chipman Gray Room)

9:00 – 9:30 *Reflections on Day One* (Pound Hall, Ropes Gray Room)

Plenary discussion

9:30 – 12:00 *Observing and Teaching from the Results of a Live Simulation: Demonstration, Panel, and Small Group Discussion* (Pound Hall, Ropes Gray Room)

Many people teaching mediation around the world use role simulations, and this session will focus on techniques and strategies educators and trainers have developed to teach in this way. A group of students, working with a skilled mediator, will spend about 40 minutes engaged in a simulation regarding a values-based dispute. We will stop the action (and ask role players to step off stage) after

each of several segments of the exercise (i.e. openings by the parties and the mediators; the initial dispute resolution effort; the final effort to reach agreement). Using small group and plenary conversations, we will focus dialogue on what can and can't be learned from role play simulations as taught in different ways, and why.

Panelists:

Amy Cohen, J.D.  
Assistant Professor of Law  
Moritz College of Law, Ohio State University

Deborah Kolb, Ph.D.  
Deloitte Ellen Gabriel Professor for Women and Leadership  
Simmons College School of Management

David Matz, J.D.  
Founder and Director, Graduate Programs in Dispute Resolution  
University of Massachusetts Boston

Moderator:

Lawrence Susskind, Ph.D.

12:00 – 1:00 Lunch (Pound Hall, John Chipman Gray Room)

1:00 – 2:00 *Mainstreaming Mediation Pedagogy: Panel and plenary discussion* (Pound Hall, Ropes Gray Room)

This session begins with the premise that what we know about and teach about mediation should not be confined to skill-building classes for students who want to become professional mediators. How can and should elements of what we teach about mediation be incorporated into mainstream courses in law, international relations, management, social work, urban planning, public policy, and other fields? Do we believe that the theory and practice of mediation (and dispute resolution more generally) can and should be incorporated into many educational streams, and if so, how?

Panelists:

Sanda Kaufman, Ph.D.  
Professor and Director, Master of Environmental Studies Program  
Department of Urban Studies, Cleveland State University (Ohio)

Andrea Kupfer Schneider, J.D.  
Professor of Law  
Marquette University Law School

James K. Sebenius, Ph.D.  
Gordon Donaldson Professor of Business Administration  
Harvard Business School

Moderator:

Adil Najam, Ph.D.  
Director of the Frederick S. Pardee Center for the Study of the Longer-Range Future and Professor of International Relations and Geography and the Environment  
Boston University

2:00 – 3:00 Small Group Discussions

Self-selected small groups organized by discipline and field will explore ways of incorporating mediation pedagogy into regular teaching programs.

3:00 – 3:30 Break

3:30 – 4:30 Educational Technology: Demonstration and Discussion (Pound Hall, Ropes Gray Room)

How can new technologies used in mediation enhance our teaching and our students' learning abilities? The session will begin with a demonstration of the FairOutcomes software program used to identify the value of making efficient trades and challenges in eliciting true outcomes, followed by a discussion of pedagogical applications and implications led by the commentator.

Presenter:

Steven Brams, Ph.D.

Professor of Politics, New York University

Founder and Chairman of the Advisory Board, FairOutcomes, Incorporated

Commentator:

Michael Wheeler, J.D., LL.M.

MBA Class of 1952 Professor of Management Practice

Harvard Business School

4:30 – 5:00 Break (Pound Hall, John Chipman Gray Room)

5:00 – 6:00 Reflections on the full conference (Pound Hall, Ropes Gray Room)

The program concludes with reflections from three experts from different disciplinary and professional backgrounds on themes, insights, patterns, challenges, and lingering questions from the two days.

Panelists:

Michelle LeBaron, LL.B.

Professor and Director of the UBC Program on Dispute Resolution

University of British Columbia, Vancouver, BC (Canada)

Brian Mandell, Ph.D.

Senior Lecturer in Public Policy and Director, Kennedy School Negotiation Project

Kennedy School of Government, Harvard University

Bruce Patton, J.D.

Founding Partner, Vantage Partners LLC

Deputy Director, Harvard Negotiation Project

6:00 – 6:30 Plenary Discussion and Wrap Up (Pound Hall, Ropes Gray Room)