

Cornell University's Scheinman Institute on Conflict Resolution



**Educating the next
generation of neutrals
and practitioners.**

Winter 2016 Newsletter

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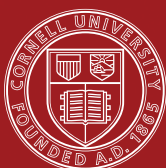
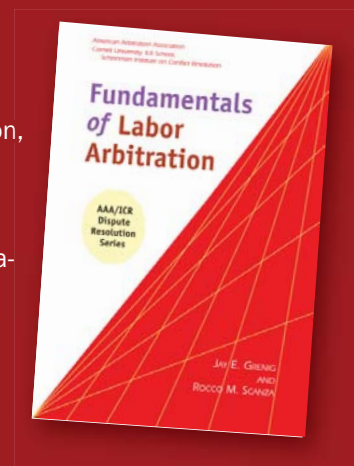
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Highlighted Publication

Fundamentals of Labor Arbitration,
Jay E. Grenig & Rocco M. Scanza

Nearly 30 years after its initial publication, the American Arbitration Association's seminal primer, *Labor Arbitration: What You Need to Know*, has undergone a complete facelift with the publication of this brand new book. *Fundamentals of Labor Arbitration*, the first volume in the "AAA/ICDR Dispute Resolution Series," features all new content that is indispensable to advocates, arbitrators, employers, unions, and readers who wish to know more about resolving labor-management disputes. Here readers will find a clear introduction to the grievance process and labor arbitration, as well as practical guidance to help users of the process effectively resolve labor-management disputes in the private and public sectors.

This book is co-published by Juris Publications, the American Arbitration Association and the Cornell University School of Industrial and Labor Relations, Scheinman Institute on Conflict Resolution.



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ALUMNI SPOTLIGHT: LAURA POPPENDOCK, ILR '10 AND THE FMCS



The Federal Mediation and Conciliation Service (FMCS) is an independent federal agency that employs mediators across the United States to help resolve labor-management disputes. Its mission is to preserve and promote labor-management peace and cooperation. It provides mediation and conflict resolution services to industry and government agencies.

As one of these mediators, I have the privilege to work with a variety of clients in industries such as healthcare, education, manufacturing, and transportation. In collective bargaining mediations, I assist labor and management at the table while they are negotiating a contract. Sometimes situations can get heated, and I help keep the parties on track so they can successfully negotiate their contracts.

I also conduct grievance mediations. This gives the parties an opportunity to resolve grievances before going to arbitration. With a typical time investment of half a day or less, parties can work with a mediator to find a mutually agreeable solution to a grievance without having to go to arbitration. If the grievance doesn't resolve, they still have the opportunity to pursue arbitration later on.

Additionally, the FMCS works proactively with the labor-management community to improve their relationships. In my role, I often conduct trainings on a variety of topics such as The Role of Stewards and Supervisors, Forming a Labor-Management Committee, Conflict Management, and Interest-Based Bargaining/ Problem Solving.

Finally, one of the experiences that assisted me in being prepared in my role at the FMCS was my enrollment in the Dispute Resolution Practicum at Cornell's ILR School. This course was a great combination of both classroom and experiential learning. Through time spent shadowing a New York State mediator, I was able to gain a sense of what it was really like working as a neutral.

UPCOMING WEBCAST: ARBITRATION UNDER FIRE: RESEARCH EVIDENCE ON THE PROS AND CONS OF BINDING ARBITRATION

Moderator:
Professor Harry Katz

Panelists:
Professor Alex Colvin
Professor David Lipsky

Binding arbitration as a dispute resolution mechanism has come under increasing attacks both in the popular media and in policy debates. This webinar will look at these new attacks on binding arbitration, where they are directed, what has inspired them, and consider what the research evidence says about their validity. The webinar will focus on two areas where binding arbitration has become particularly controversial. The first is the use of interest arbitration to resolve contract bargaining disputes in the public sector. Although interest arbitration has been used as an alternative to strikes in the public sector for some decades, critics increasingly question its fairness and effectiveness in an era of wage stagnation, rising benefit costs, and public sector worker discontent. The second area is the use of mandatory



binding arbitration procedures for nonunion employees to resolve statutory employment rights disputes. While advocates look to arbitration in this area as a superior alternative to the slow and costly litigation system, critics have raised concerns about its fairness, accessibility, and whether it has a pro-employer bias. This webinar will examine what the research evidence can tell us about these issues, with perspectives from Professor Alex Colvin and Professor David Lipsky, two of the leading empirical researchers in the arbitration field.



Harry Katz



David Lipsky

STUDENT SPOTLIGHT: KAROLINA EBEL, LAW '17 AND ADR SOCIETY PRESIDENT



Q: Karolina, tell us a little bit about your background and how you came to study at Cornell Law School?

A: Sure! I was born in the Czech Republic, and attended a French school in Prague. When I was fifteen, I had the opportunity to go on a year-long exchange to a U.S. high school, living with a host family there. After coming back to Prague to graduate from high school, I had the honor to attend the Universite Paris 1 Pantheon-Sorbonne, for an undergraduate degree in French law. My experience and extracurricular activities from this program made me a good candidate for the J.D./Master in French law degree in partnership with Cornell and Sorbonne, which I am currently earning.

Q: As mentioned above, you are the current president of Cornell's Student ADR Society. Tell us about the Society and what sparked your interest in studying conflict resolution?

A: The ADR Society sparked my interest as soon as I came to Cornell! Before becoming a J.D. student, I interned in the International Arbitration departments of a few international law firms. This played a big role in my interest in ADR.

Q: Can you describe the ADR interests of student members?

LAW SCHOOL ARBITRATION TEAM WINS ORAL ADVOCACY AWARD

The Cornell Arbitration Team won the Oral Advocacy Award at the New York State Arbitration Competition. The American Arbitration Association, in cooperation with the New York State Bar Association Dispute Resolution Section, sponsored the event at the American Arbitration Association offices in New York City on November 13-14, 2015. The Cornell team was sponsored by the Scheinman Institute on Conflict Resolution, a joint enterprise of the Law School and the ILR School. The Executive Director of the Institute is Professor Rocco M. Scanza of the ILR School.

Fourteen New York law schools entered arbitration teams consisting of three members and one or two coaches. The competitors received a realistic commercial dispute fact pattern together with pleadings and supporting documents drafted by experienced arbitrators and advocates. Teams were required to draft a pre-hearing memorandum, prepare witnesses, and conduct an arbitration hearing before a panel of professional arbitrators. Competitors participated in two preliminary rounds after which two teams were selected for a championship round. The two-day schedule included demonstrations as well as programs on arbitration advocacy and arbitration awards.

A: When students contact me about the Cornell ADR Society, they're usually curious as to what Alternative Dispute Resolution means in practice. Often, they have prior specific experience with ADR (e.g. students who served as mediators), or they have an idea of what ADR is and would like to find out more. Broadly, students are very interested in ADR competitions, such as the International Chambers of Commerce competition in Paris, or interactive workshops, but they also enjoy ADR speaker panels. In the ICC mediation competition this year, our team made it to quarterfinals, which we are very proud of!

Q: You've studied mediation (and won an award as top student) at Cornell. You also had the opportunity of participating in ADR scrimmages with students from other law schools and universities. How would you describe the role the Scheinman Institute has played in your academic career at Cornell?

A: My experience with the Scheinman Institute has been very enriching! In Mediation class we focused a lot on practical exercises instead of approaching the material merely theoretically. For example, we often practiced in small group mediations. I thought this was the best way to have students work on their mediation skills and learn from one another. Participating in scrimmages with other schools was very rewarding since we were able to measure our skills against those of other schools. Seeing how other students interested in ADR approached mediation-related questions created a skill-building interaction!

Q: As you think about your future legal career, do you have long-term interests in ADR?

A: I have been interested in ADR, particularly arbitration, for a long time, and I hope to use the last year and a half of law school to find out more about what it would be to practice in that field and what interests me most.

The Cornell team, drawn from the Law School's Arbitration Law and Practice Course taught by Adjunct Professors Stephen G. Yusem and Patricia A. Ranieri, consisted of Victoria Luttmann from Australia, Aditya Singhal of India and Johannes Van't Zand of the Netherlands. The alternate member was Sara Qahouse from Jordan. "Our team, on short notice, turned in a superb performance and well deserves the accolades that it has received," said coach Yusem.





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The ILR School: Advancing the World of Work

Founded in 1945 as the New York State School of Industrial and Labor Relations and known today as ILR, we help people around the globe to work better and live better. We prepare leaders. We inform policy. We improve workplace practice. We impact working lives.

Extension and Outreach are where theory and practice come together. Part of ILR's broad mandate includes translating what we learn through research and what we teach in the classroom into resources for the workplace. Through a range of outreach programs, services, and activities, ILR expertise on workplace issues is readily accessible to organizations, managers and practitioners, union leaders and members, policy makers, and working adults.

The Scheinman Institute on Conflict Resolution

The Institute combines the academic depth of an Ivy-league Institution with the practical knowledge of leading practitioners to create permanent capacity in organizations and deep, lasting skills in individuals. The Institute operates under the principle that conflict is an inevitable part of human interaction, and its resolution is an essential tool to learn larger lessons and promote organizational reform.

CORNELL ANNOUNCES ITS SPRING 2016 ADR SCRIMMAGE SCHEDULE

*UNIVERSITY OF MISSOURI v. CORNELL - MONDAY, MARCH 7 -
EMPLOYMENT LAW ARBITRATION*

*UNIVERSITY OF ILLINOIS v. CORNELL - SATURDAY, MARCH 12 -
EMPLOYMENT LAW MEDIATION*

*OHIO STATE UNIVERSITY'S MORITZ COLLEGE OF LAW v.
CORNELL - MONDAY, APRIL 11 - MULTI-PARTY MEDIATION*