

# Is Remote Justice Still Justice?

*Stetson Law Review*



## 2022 Law Review Symposium

Friday, April 1, 2022

9:00 a.m. – 4:30 p.m.

Stetson University College of Law

Gulfport, Florida

Link: <https://stetson-edu.zoom.us/j/94268814706?pwd=ZklCS2ZlRVNQOGZocUZxcGVsRmMlUT09>



STETSON LAW

# 2022 Law Review Symposium Schedule

8:30 - 9:00 a.m.	Registration & Light Breakfast (Banyan Courtyard)
9:00 - 9:30 a.m.	Welcome Remarks & Introductions
9:30 - 10:50 a.m.	<p><b>Panel 1: Remote Mediation Part 1—Impacts &amp; Obligations</b></p> <p>Professor Kelly Browe Olson – <i>Special Education and Mediation Online</i></p> <p>Professor Andrea Schneider – <i>Protecting Domestic Violence Victims in the Pandemic</i></p> <p>Professor Erin Archerd – <i>Should Mediation Move Online Permanently? A Mediator’s Obligation to Provide a Safe Process and the Benefits of Online Mediation</i></p>
10:50 - 11:00 a.m.	Morning Break
11:00 a.m. - 12:30 p.m.	<p><b>Panel 2: Remote Dispute Resolution and Issues of Justice</b></p> <p>Professor Cynthia Alkon – <i>Dispute Resolution Design: What Should Criminal Courts Look Like?</i></p> <p>Professor Elayne Greenberg – <i>Blinding Justice and Virtual Dispute Resolution?</i></p> <p>Professor Noam Ebner – <i>Beyond Zoom: New Justice for a New All</i></p>
12:30 - 1:30 p.m.	Lunch Break (Banyan Courtyard)
1:30 - 2:00 p.m.	Interactive Workshops (various locations)
	<p><b>Panel 3: Remote Mediation Part 2—Impacts &amp; Obligations</b></p> <p>Professor Sarah Cole – <i>Remote Mediation as the Presumptive Process?</i></p> <p>Professor Deborah Eisenberg – <i>The Impact of Remote Mediation Options on Employment Cases</i></p>
3:00 - 3:10 p.m.	Afternoon Break
3:10 - 4:10 p.m.	<p><b>Panel 4 Arbitration—FINRA</b></p> <p>Professor Jill Gross – <i>Post-Pandemic FINRA Arbitration: To Zoom of Not to Zoom?</i></p> <p>Professor Nicole Iannarone – <i>FINRA: Using Lessons from the Pandemic to Improve Going Forward</i></p>
4:10—4:20 p.m.	Concluding Remarks

# Meet Our Panelists

## Cynthia Alkon



Professor Cynthia Alkon is a law professor and the Director of the Criminal Law, Justice & Policy Program at Texas A&M University School of Law. Professor Alkon teaches Criminal Law, Advanced Criminal Procedure, and Negotiation. Professor Alkon's scholarship focuses on plea bargaining, criminal dispute resolution, comparative criminal procedure and rule of law reform. Before joining academia, Professor Alkon was a deputy public defender in Los Angeles County handling cases ranging from misdemeanors to first degree murder. Professor Alkon then joined the American Bar Association Central and East European Law Initiative working as a Rule of Law Liaison in Belarus for two years (1998-2000). After Belarus Professor Alkon was the head of the legal department for the Organization for Security and Co-operation in Europe (OSCE) in Albania. From 2002-2006 Professor Alkon was the Head of the Rule of Law Unit for the OSCE

Office for Democratic Institutions and Human Rights (OSCE/ODIHR). In that position Professor Alkon supervised the OSCE/ODIHR Rule of Law Unit's criminal justice reform assistance projects in Central Asia, the Caucasus and Eastern Europe.

## Erin R. Archerd



Professor Erin R. Archerd's research and teaching interests include Alternative Dispute Resolution, Beer Law, Commercial Law, Education Law, and Latino Law and Policy. Her most recent articles include Two Hearts and Brewer/Distributor Conflicts, published in the University of the Pacific Law Review in 2021, and Evaluating Mediation's Future, published in the Missouri Journal of Dispute Resolution in 2020. She also contributed an essay to Discussions in Dispute Resolution: The Foundational Articles, edited by Andrea Schneider, Sarah Cole, and Art Hinshaw, which recently received the 2021 CPR Outstanding Book Award.

Upon her graduation from Harvard Law School, Professor Archerd spent several years working in corporate transactions at Covington & Burling LLP's San Francisco office. She joined the University of Detroit Mercy School of Law faculty in Fall 2015 after serving as the Langdon Fellow in Dispute Resolution at The Ohio State University Moritz College of Law from 2012-2015. In 2020, she received the University of Detroit Mercy's Faculty Achievement award.

Prof. Archerd is currently the 2021-2022 Chair of the State Bar of Michigan ADR Section (though any views expressed here are her own). She also serves as the Co-Chair of the American Bar Association Dispute Resolution Ethics Committee, and recently finished her term as the 2021 Chair of the American Association of Law Schools Education Law Section. She is the faculty advisor to the Hispanic and Latino Law Students Association at Detroit Mercy Law.

## Kelly Browe Olson



Kelly Browe Olson is an Associate Professor and the Mediation Clinic Director at UA Little Rock Bowen School of Law. She teaches Family Law, ADR, Domestic Violence and Mediation and Family Mediation Seminars. She mediates and supervises in family and dependency/neglect cases and oversees a state-wide Special Education mediation project. She is a frequent national speaker and trainer, educating law students, judges, lawyers, and other professionals about conflict resolution, communication, family, domestic violence and children's legal issues. She is currently co-editing a Modern Family Dispute Resolution textbook for Oxford University Press.

Professor Browe Olson serves on the Arkansas Parent Counsel and Access to Justice Commissions and on the Family Court Review and the ABA Dispute Resolution Magazine editorial boards. She trains and consults for the Arkansas Alternative Dispute Resolution Commission. After graduation from the University of Michigan Law School, Professor Browe Olson worked as an attorney, President and General Counsel at a small telecommunications company. While seeking her LL.M. at the Loyola

University Chicago School of Law, she was the Child Law Mediation Projects Coordinator, had a graduate fellowship, and taught clinical and ADR courses. She was awarded the Bowen Faculty Excellence Public Service Award in 2004 and 2013.

## Sarah Rudolph Cole



Sarah Rudolph Cole, Michael E. Moritz Chair in Alternative Dispute Resolution, Moritz College of Law, Ohio State University; B.A., University of Puget Sound (cum laude); J.D., University of Chicago Law School (cum laude). Following law school, she clerked for the Hon. Eugene A. Wright of the Ninth Circuit. She practiced labor and employment law with Heller, Ehrman in Seattle and Seyfarth, Shaw in Chicago before joining the faculty at Creighton University School of Law. She joined the faculty at Moritz in 1998 and is now the Michael E. Moritz Chair in Alternative Dispute Resolution. She is co-author, with Nancy H. Rogers, James Coben, Peter Thompson and Craig A. McEwen of *Mediation: Law, Policy and Practice* (3d ed. 2011) and *Dispute Resolution: Negotiation, Mediation and Other Processes* (7<sup>th</sup> ed. 2020) with Nancy H. Rogers, Stephen Goldberg and Frank Sander. From 2006 to 2021, she was the director of the Program on Dispute Resolution at Moritz. In 2013, Ohio State awarded her the Alumni Award for Distinguished Teaching. She was chair of the AALS Alternative Dispute Resolution Section in 2015-16. She is also on the arbitration panel for AAA, CPR and the State of Ohio. She visited at Harvard Law School in Fall 2019 and is visiting at the Universite Paris 2 this spring.

## Noam Ebner



Noam Ebner is a professor of negotiation and conflict resolution at Creighton University. Previously, he taught at universities around the world while practicing as an attorney, negotiator, and mediator.

Noam has worked at the crossroads of conflict resolution and technology in practice, teaching, and research for over fifteen years. He was an early innovator in online teaching of negotiation and conflict resolution as well as in the realm of online negotiation and dispute resolution.

Noam has written over a hundred articles, books, book chapters, simulation-games, and other pieces. He has co-authored *Negotiation*, a Chinese/English bilingual text on negotiation (2019), and co-edited *The Palgrave Handbook of Cross-cultural Business Negotiation* (2019) and *Assessing Our Students, Assessing Ourselves* (2012). His work has appeared in journals including *Negotiation Journal*, *International Journal of Online Dispute Resolution*, *Conflict Resolution Quarterly*, the *Journal of Management Education*, and *Simulation & Gaming*; as well as in law reviews including the *Journal of Dispute Resolution*, *Washington University Journal of Law & Policy*, and *Ohio State Journal of Dispute Resolution*. His writing (<http://ssrn.com/author=425153>) focuses on negotiation pedagogy; trust in negotiation; Online Dispute Resolution; and the future of the negotiation, mediation, and legal fields. Currently, he is co-editing a book on *Star Wars and Conflict Resolution*.

Noam has trained mediators for court systems and participated in the establishment of several community mediation centers. He has conducted hundreds of workshops on negotiation and conflict resolution for a broad range of private sector industries, governmental agencies, NGOs, universities and non-profits around the world.

## Deborah Thompson Eisenberg



Deborah Thompson Eisenberg is the Associate Dean for Academic Affairs and Piper & Marbury Professor of Law at the University of Maryland Francis King Carey School of Law. She serves as Faculty Director of Maryland Carey Law's nationally ranked Dispute Resolution program and Center for Dispute Resolution. Professor Eisenberg teaches in the areas of conflict resolution, mediation, and civil procedure.

Professor Eisenberg is a recognized scholar in the areas of dispute resolution, employment law, and equal pay. She also mediates civil and employment discrimination cases and provides professional trainings on topics such as .

Prior to academia, Professor Eisenberg practiced complex civil litigation for more than fifteen years. She received her J.D. from Yale Law School in 1994 and graduated Valedictorian with a B.A. in Political Science from the University of Maryland Baltimore County in 1991.

## Elayne E. Greenberg



Professor Greenberg has developed programs, trained, and written internationally on appropriate dispute resolution processes. Her work is distinguished by her interdisciplinary approach to deepening our understanding of conflict etiology and designing pragmatic interventions. She incorporates this interdisciplinary approach in her scholarship and dispute system design work. Her scholarship has focused on how dispute resolution processes might be designed to yield more equitable justice outcomes.

that she has developed and implemented including: the ABI/St. John's Bankruptcy Mediation Training, the first national mediation program devoted to bankruptcy; the Ghana Mediation Training Program to help implement Ghana's ADR Act (co-developer, trainer); OSHA's Whistleblower Mediation Program (consultant); court-connected mediation programs in NY; a client-focused system for homeless shelters designed to help transition shelter residents to independent living; the first parenting coordination program for high conflict parents in NYS; and a divorce mediation program for Catholic Charities.

Professor Greenberg's deep involvement in the field is evidenced by the innovative dispute resolution programs

## Jill I. Gross



Jill I. Gross is Senior Associate Dean of Academic Affairs and Law Operations, and Professor of Law at the Elisabeth Haub School of Law at Pace University, teaching courses in alternative dispute resolution and professional responsibility. She was the James D. Hopkins Professor of Law, a two-year rotating endowed Chair, from 2013-2015, and Director of Legal Skills Programs from 2010-2015. She also has taught at Cornell Law School, UNLV's Boyd School of Law and Benjamin N. Cardozo School of Law.

She is a co-author of the two-volume treatise, *BROKER-DEALER LAW AND REGULATION*, and co-author of the casebook *ARBITRATION: LAW, POLICY, & PRACTICE*. She has published dozens of book chapters and articles on the negotiation, mediation and arbitration of securities and other commercial disputes. She has chaired the AALS Section of Dispute Resolution, the Securities ADR Committee of the ABA Section of Dispute Resolution and the Practising Law Institute's annual Securities Arbitration program. She is an arbitrator for the American Arbitration Association, FINRA's Office of Dispute Resolution, and the National Futures Association. She is a former member of the FINRA National Arbitration and Mediation Committee, and a current member of the President's Council of Cornell Women. She has been quoted in the national media, and retained as an expert in securities arbitrations, litigations and enforcement proceedings.

Before entering legal education, Professor Gross was an attorney in several New York City firms, representing clients in white collar criminal and securities enforcement proceedings, securities arbitrations, and other commercial litigation. She received an A.B. magna cum laude, Phi Beta Kappa, from Cornell University and a J.D. cum laude from Harvard Law School.

## Nicole G. Iannarone



Nicole G. Iannarone is an assistant professor of law at Drexel University Thomas R. Kline School of Law. Her work focuses on retail investors, including their experiences in resolving securities disputes, technology, and professional regulation. She primarily teaches Business Organizations, Civil Procedure, Professional Responsibility, and Securities Arbitration.

Professor Iannarone has written on financial technology, securities disputes resolution, technology, and ethics. Her most recent works, appearing in the *WASHINGTON LAW REVIEW* and *CARDOZO LAW REVIEW*, examine retail investor experiences in dispute resolution, including the inclusion of diverse arbitrators in the mandatory securities arbitration forum and using data analytics to examine notions of success.

Professor Iannarone chairs the Financial Industry Regulatory Authority (FINRA) National Arbitration and Mediation Committee (NAMC). She is a member of the Certified Financial Planner (CFP) Board Public Policy Council, a past chair of the AALS Section on Employee Benefits and Executive Compensation, a past president of the Atlanta Bar Association, and former chair of the Georgia Bar's Professionalism Committee.

Professor Iannarone received her JD from Yale Law School, where she served on the *YALE JOURNAL ON REGULATION*. Before joining Drexel Kline, Professor Iannarone founded the Investor Advocacy Clinic at Georgia State University College of Law. She has also taught at Mercer Law School and at Vanderbilt Law School. Before entering academia, Professor Iannarone was a partner at Bondurant, Mixson & Elmore LLP, where she served as deputy general counsel and represented plaintiffs and defendants in complex business litigation and class actions.

## Andrea Kupfer Schneider



Andrea Kupfer Schneider is a Professor of Law and has taught Dispute Resolution, Negotiation, Ethics, and International Conflict Resolution for 25 years. She is the inaugural director of the Institute for Women's Leadership at Marquette University and also serves as the Director of the nationally ranked Dispute Resolution Program at Marquette University Law School. In July 2022, she will join Cardozo Law School in New York as the director of the Kukin Program for Conflict Resolution. Professor Schneider is the author or co-author of numerous books in the field including leading textbooks on dispute resolution, negotiation, mediation, and dispute resolution in the criminal context. She has also edited multiple volumes focusing on interdisciplinary approaches to negotiation including *NEGOTIATION ESSENTIALS FOR LAWYERS* and *THE NEGOTIATOR'S DESK REFERENCE* both co-edited with Chris Honeyman. She has published articles on negotiation, ethics, pedagogy, gender and international conflict. Professor Schneider

was named 2009 Woman of the Year by the *Wisconsin Law Journal* and, in 2016, gave her first *TEDx* talk entitled *Women Don't Negotiate and Other Similar Nonsense*. She was named the 2017 recipient of the ABA Section of Dispute Resolution Award for Outstanding Scholarly Work. She received her A.B. cum laude from Princeton University and her J.D. cum laude from Harvard Law School.





# THE *STETSON LAW REVIEW*



*Stetson Law Review's* members demonstrate high academic performance and exacting legal research and writing skills. Members collaborate in a firm-like environment to publish legal scholarship that addresses contemporary topics that are relevant both nationally and to Florida practitioners.

*Stetson Law Review* is published four times a year and is available at [www.stetsonlawreview.com](http://www.stetsonlawreview.com), Index to Legal Periodicals, Current Law Index, Shepherd's Florida Citor, Westlaw, and LexisNexis.

Based in Gulfport, Florida, the *Stetson Law Review* exemplifies Stetson University College of Law's excellence in producing practice-ready legal practitioners.

The *Stetson Law Review* will publish two Symposium Issues with essays from our participants.