

BOYD LAUNCHES MEDIATION CLINIC

BY PROF. RAYMOND W. PATTERSON

On January 12, 2009, eight law students at the Boyd School of Law began their spring semester a week early. For four intensive days, they were trained in the theory and practice of mediation, to prepare themselves to be members of the first Strasser Mediation Clinic. Offered through the Thomas & Mack Legal Clinic and the Saltman Center for Conflict Resolution, and supported by a generous gift from Steven Z. Strasser, CEO and chairman of the Board of Power Efficiency Corporation, and his wife, Sharon, this clinic uses trained law students to serve as mediators, attempting to resolve live cases with real disputants.

Mediation is, essentially, assisted negotiation. Parties enlist the help of a trained neutral to help them find a resolution to their dispute. These student mediators are trained to be facilitative; that is, they do not make decisions for the parties, but help the parties reach their own solution.

When training was finished it was time for the students to try to apply the skills and theory learned in the classroom to the real world. During the semester these Boyd students will offer pro bono mediation services on Tuesday evenings at the Clark County Neighborhood Justice Center (NJC) and Wednesday afternoons at the United States Bankruptcy Court, District of Nevada.

But they won't be alone. They will be co-mediating, working in teams of two, at the table with the disputants, trying to assist the parties in crafting a solution to the dispute. Sitting at the other end of the table will be either Professor Ray Patterson or Professor Peter Reilly, members of the faculty of the law school's Saltman Center for Conflict Resolution, who will be there both to help the student mediators if they find themselves up a blind alley, and to give them feedback about their performance after the mediation is complete.

A co-mediation model is often used in a clinic like this so that the student mediators get as much opportunity to experience mediating as possible. The presence of the professors as mentors is a decided plus, because the students know they have a safety net if they lose their way. In addition, the immediacy of the feedback

from the mentor is instrumental in the students' positive development as mediators.

For its initial venues, the Strasser clinic has been fortunate to partner with the NJC and the bankruptcy courts. The Neighborhood Justice Center is an arm of the Clark County court system and offers free mediation. Cases mediated at the NJC are typically similar to those filed in Small Claims Court, and may include neighbors' disputes, landlord and tenant issues and consumer complaints.

Disputes at the bankruptcy courts can range from negotiations between debtor and creditor regarding restructuring debt before filing for bankruptcy to questions about the resolution of adversary proceedings, such as the dischargeability of a debt.

The Strasser Mediation Clinic provides a unique experience for law students. In a typical legal clinic, students take responsibility for some form of representation of a client and are seeking to satisfy that client's needs – often by drafting legal documents or even arguing in court. In the mediation clinic, however, the students' responsibility is to both parties in the dispute, with the goal of helping those parties find a resolution to their disagreement that is satisfactory to each of them. And the mediators do this all by asking probing questions while seeking to uncover the needs that lie beneath the usual opposing positions the parties take. It's no wonder that the student mediators feel somewhat daunted by what is asked of them when they begin the clinic, but as the weeks go on, they will grow into skilled and competent practitioners. **NL**

RAY PATTERSON is the associate director of the Saltman Center for Conflict Resolution and director of the Strasser Mediation Clinic at the William S. Boyd School of Law. He received his J.D. from the Benjamin N. Cardozo School of Law in New York City. Before coming to Las Vegas he was the director of communications and dispute resolution for New York City's Civilian Complaint Review Board, which handles civilian complaints against the police.