

**SHINING A LIGHT ON DISPUTE RESOLUTION:
TRANSPARENCY, METRICS AND EMPIRICAL RESEARCH**

Friday, November 16, 2018
Texas A&M University School of Law



AGENDA

NOVEMBER 16 - SYMPOSIUM

- 8:30 am - 9:00 am Registration and Continental Breakfast (Conference Center)
- 9:00 am - 9:15 am Welcome (Lecture Hall)
- Gary Lucas, Professor of Law & Senior Associate Dean, Texas A&M University School of Law
 - Nancy A. Welsh, Professor of Law & Director, Aggie Dispute Resolution Program, Texas A&M University School of Law
- 9:15 am - 10:15 am Keynote Address – Measuring What Matters in Conflict Resolution (Lecture Hall)
- Thomas Stipanowich, William H. Webster Chair in Dispute Resolution & Dean of the Straus Institute for Dispute Resolution, Pepperdine University School of Law
- 10:15 am – 10:30 am Break
- 10:30 am – 11:45 am Panel 1 – Diversity/Inclusivity Among Neutrals (Lecture Hall)
- Available data indicates that women, people of color, people who are LGBTQ, and people with disabilities are under-represented on arbitration and mediation rosters and even more under-represented among those selected to serve as neutrals for large commercial matters. What is being done to address this? How can metrics be collected and by whom? Should metrics be collected on a regular basis? With what level of transparency? What effects – positive and negative – could such transparency have? And what empirical research is needed regarding these effects?
- Pat Chew, Judge J. Quint Salmon & Anne Salmon Chaired Professor, University of Pittsburgh School of Law
 - Sarah Cole, John W. Bricker Professor of Law & Director, Program of Dispute Resolution, The Ohio State University Moritz College of Law
 - Benjamin G. Davis, Professor of Law, University of Toledo College of Law
 - Maria R. Volpe, Professor & Director, Dispute Resolution Program, John Jay College of Criminal Justice, CUNY
 - Moderator: Michael Z. Green, Professor of Law, Texas A&M University School of Law
- 11:45 am – 1:15 pm Lunch (Conference Center)

- 1:15 pm – 3:00 pm Panel 2 – Court-Connected Mediation and Online Dispute Resolution (Lecture Hall)
- Very few state and federal courts publish information regarding the number and types of referrals to court-connected mediation, outcomes and party perceptions. Should such metrics be collected on a regular basis and made public? With what likely effects? The National Center for State Courts is encouraging courts to adopt online dispute resolution (ODR) to address high volume caseloads. What do such ODR programs look like? What metrics are being collected by existing ODR programs? Are these made public? How should court-connected ODR pilots be evaluated? If metrics are collected and made public for court-connected ODR, should they also be collected and made public for other court-connected processes, including mediation, early neutral evaluation, non-binding arbitration, judicial settlement conferences, dispositive motions, and trials?
- Paula Hannaford-Agor, Director of the Center for Juries Studies, National Center for State Courts
 - J.J. Prescott, Professor of Law & Co-Director, Empirical Legal Studies Center, University of Michigan Law School
 - Erika Rickard, Senior Officer, Civil Justice Innovation Project, The Pew Charitable Trusts
 - Donna Shestowsky, Professor of Law & Director, Lawyering Skills Education Program, UC-Davis School of Law
 - Donna Stienstra, Senior Researcher, Federal Judicial Center
 - Moderator: Nancy A. Welsh, Professor of Law & Director, Dispute Resolution Program, Texas A&M University School of Law
- 3:00 pm – 3:15 pm Break
- 3:15 pm – 4:30 pm Panel 3 – Plea Bargaining (Lecture Hall)
- Some metrics are collected and made public regarding plea bargaining. What other metrics should be collected? Should they also be made public? With what likely effects? Should similar metrics be collected and disseminated regarding deferred prosecution agreements? What empirical research is needed regarding the use and effects of both plea bargaining and deferred prosecution agreements?
- Pamela R. Metzger, Professor of Law & Director, Deason Criminal Justice Reform Center, SMU Dedman School of Law
 - Peter Reilly, Associate Professor of Law, Texas A&M University School of Law
 - Andrea Schneider, Professor of Law & Director, ADR Program, Marquette University Law School
 - Ron Wright, Needham Yancey Gulley Professor of Criminal Law, Wake Forest University School of Law
 - Moderator: Cynthia Alkon, Professor of Law, Texas A&M University School of Law
- 4:30 pm – 5:00 pm Reflections and Concluding Remarks

NOVEMBER 17 – REGIONAL SCHMOOZE

- 8:30 am – 8:55 am Continental Breakfast (Room 107)
- 8:55 am - 9:00 am Welcome (Room 104)
- Guillermo Jose Garcia Sanchez, Associate Professor of Law, Texas A&M University School of Law
 - Carol Pauli, Associate Professor, Texas A&M University School of Law
 - Peter Reilly, Associate Professor of Law, Texas A&M University School of Law
- 9:00 am – 10:20 am Session 1 (Room 104)
- Erika Rickard, Senior Officer, Civil Justice Innovation Project, The Pew Charitable Trusts
 - Gary Lacefield, Assistant Professor and Director, Institute for Mediation, Arbitration, Legal Studies and Forensics, College of Liberal & Fine Arts, Tarleton State University
- 10:20 am – 10:30 am Break
- 10:30 am – 12 noon Session 2 (Room 104)
- Guillermo Jose Garcia Sanchez, Associate Professor of Law, Texas A&M University School of Law
 - Michael Z. Green, Professor of Law, Texas A&M University School of Law
 - Nancy A. Welsh, Professor of Law & Director, Aggie Dispute Resolution Program, Texas A&M University School of Law
- 12 noon Conclusion & Lunch (Boxed--To Go) (Room 104)