

# Center for Mediation Services Staff Attends ACRGNY Annual Conference

By Alicia Surdyk

The Association for Conflict Resolution Greater New York (ACRGNY) held its annual conference at the Benjamin N. Cardozo law school on June 14-15, 2007. The theme of the conference was “Finding Quality: Promoting Excellence in Dispute Resolution,” a topic that reaffirms the ADR community’s goal of fostering public confidence by providing quality, effective services. During the awards luncheon, the association presented the ADR Achievement Award to Theodore A. Levine and the Safe Horizon Mediation Program.

Dr. Kenneth Cloke led a pre-conference workshop and was featured as the luncheon keynote speaker. Cloke spoke on the nature of “quality” and how this concept resonates throughout life: from individual experiences, to professions, and more far-reaching to the global scale. Quality mediation, he suggested, looks at conflict and breaks it down into the fundamental human behaviors behind any given problem. It recognizes a common humanity between people and acknowledges that free communication is liberation. Therefore, by working toward open communication, quality mediation encourages people to break down barriers and borders in order to effect change.

The conference additionally featured 15 workshops throughout the day along with a panel session on different approaches to ensuring quality through mediator accreditation. A highlight presentation was Elayne Greenberg’s workshop entitled “*What Rosa Parks, McDonalds, Marx Brothers and You Tube/Google Teach Attorneys about Quality for their Clients in ADR.*” Greenberg spoke on how to teach attorneys to use mediation more effectively, a process that starts by recognizing that human conflict is not always best solved through litigation. Greenberg illustrated this idea through the highly publicized “coffee case” where 79-year old Stella Liebeck sued McDonald’s after she received third-degree burns from her coffee. *Liebeck v. McDonald’s Restaurants, P.T.S., Inc*, No. CV-93-02419, 1995 WL 360309. When interviewed, Liebeck explained that she never wanted to bring a suit, but did so only after McDonald’s refused to pay her medical bills and instead, offered her \$800. This contrasts starkly with the original \$2.7 million jury verdict awarded to Liebeck, although the damages were significantly reduced post-trial and the parties eventually settled for an undisclosed amount under \$600,000. Gregory Nathan Hoole, *In the Wake of Seemingly Exorbitant Punitive Damage Awards America Demands Caps on Punitive Damages – Are we Barking up the Wrong Tree?*, 22 J. Contemp. L. 459, 470. In all, however, this conflict was really about a lack of communication. Liebeck’s was frustrated with McDonald’s for its unwillingness to apologize and to change company policy regarding coffee temperature and she was upset with the company’s refusal to take responsibility for covering her medical bills. As a side note, her bills totaled \$11,000, markedly less than the final settlement. *Id.* Greenberg suggested that in cases like these, where conflict is so multi-dimensional and involves

hurt feelings and differing perceptions of the facts, mediation, unlike litigation, provides a forum where the parties can begin to address all facets of the conflict, especially those non-legal concerns. Use of mediation can be a tool for negotiating a settlement that eventually leads to more fulfillment for all parties involved.

This conference was attended by Justo Sanchez, director of OATH's Center for Mediation Services and by Alicia Surdyk, mediation intern.