One of the founding faculty members of CUNY School of Law, Professor Beryl Blaustone is a leading authority in the fields of alternative dispute resolution and clinical legal education. Recognized nationally and internationally for her scholarship and subject-matter expertise, Professor Blaustone has published in the areas of mediation theory, professional roles, clinical legal education, professional skills theory, and evidence law.

What distinguishes CUNY Law’s Mediation Clinic?

Unlike clinics at other other law schools, our Mediation Clinic is an intensive, full-time semester clinical offering that requires a prerequisite lawyering seminar in mediation. This mediation program combines rigorous theoretical study with advanced skills building. As a result, from day one in the clinic, clinic interns start observing actual cases and begin their mediation practice in a number of different venues. They mediate cases in New York State Civil Court, small claims court, and Queens community mediation centers. They participate in mediation of employment discrimination claims and in disability discrimination claims. They learn through close faculty supervision, intensive debriefing, professional reflection, and semiweekly rounds. The Mediation Clinic averages between 55 and 75 cases each fall semester.

What skills do students learn through the clinic?

Mediation Clinic interns become competent problem solvers in many different contexts within our legal justice system, as well as in society as a whole. Students learn how to rigorously investigate the facts, gather information, and problem solve. Importantly, they also learn active listening, which is the most fundamental skill to any successful legal interviewing activity. The students are trained to uncover the essential issues in a case, so that they are not solely focused on a legal theory. Rather, they are addressing all the nuances and implications of the situation for each party involved in the case.

In addition to conducting mediations, students research legal issues, write briefing memos for advocates and mediators, and advise individuals and organizational clients on adopting effective institutional decision-making systems. CUNY Law alumni of the Mediation Clinic have gone on to work in a full range of positions in both the private and public sectors. They are practicing family law and conducting divorce mediations; directing community mediation centers; directing specific mediation programs; serving as law clerks charged with mediating cases for their judges; and working as advocates in the fields of foster care, juvenile justice, and disability rights.

What types of issues and cases does the clinic tackle?

In addition to working in the courts and with community mediation programs, we have a special project dedicated to the mediation of employment discrimination claims and disability discrimination claims. These cases offer important professional development opportunities for CUNY Law students because the numbers of these disputes are increasing, and these matters demand attention to an individualized sense of fairness that often cannot be effectively provided by our courts. Next year, we will begin a pilot program in mediating special education cases.

How does mediation contribute to social justice lawyering?

Many mediation skills are essential for all lawyering in the 21st century because effective legal problem solving requires a multidimensional approach and not solely an adversarial perspective. Mediation can be an empowering experience for all parties, but especially those from marginalized communities. Our law students support the exercise of self-determination as well as accountability among conflicting parties by restoring decision-making authority to all participants in the dispute. There is great hope for change when people decide what’s in their own best interests, rather than having someone else dictate it. This creates the possibility for more participation among disenfranchised voices in public affairs.

Mediation can provide more opportunity for balanced participation because mediators are ethically obligated to guard against overreaching and exploitation. In the Mediation Clinic, we drafted our own governing professional code of ethics, which sets the best standards for mediation practice; our interns operate at all times under these high expectations. This is especially important because many people cannot afford a lawyer. In fact, we are seeing more and more cases of self-representation. We are committed to providing as much access as possible.