

# Law Related Education

The newsletter of the Illinois State Bar Association's Committee on Law Related Education

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## Law Day 2019

BY EDWARD SCHOENBAUM

"Free speech and a free press are the foundations for a free society," says ABA President Bob Carlson, who selected this year's theme. May 1, 2019, will mark the 61st anniversary of Law Day, which is held every year as a celebration of the rule of law in our society.

For Lucian Pera, the chair of Law Day 2019, this year's theme "Free Speech, Free Press, Free Society" is timely and vital.

"The central position that our rights of free speech and free press play not just in our everyday life, but in the way our country works and the way the rule of law works," says Pera, a former ABA treasurer. "If you do away with the rights of free speech and free press, the whole system is at risk."

"The theme for Law Day 2019 is

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## My path from mock trial to mediation

BY KELSEY CHETOSKY

When I finished college and began working at a law firm, I was primarily interested in pursuing a career as a litigator in the courtroom. I had spent six years (three in high school, and three in college) actively involved in mock trial. As a "mockster," I fell in love with delivering closing arguments and responding to objections on cross examination. My favorite time of year was when a new case was released and my team would gather to

analyze the problem.

However, once I started working at a law firm after college, I quickly realized that due to the rising cost of litigation and our overburdened legal system, it is very unlikely that a case will go to trial. Instead, most cases are resolved using some form of Alternative Dispute Resolution (ADR). ADR refers to any means of resolving disputes outside of the courtroom. Arbitration and mediation

are the two most common forms of ADR. While working at the firm, I helped prepare three complex commercial cases for litigation—and all three were resolved using mediation.

Mediation is as simple as two parties getting together with an impartial mediator to discuss different options for settlement. Both parties explain their side of the case. Sometimes the parties

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particularly relevant because these freedoms have dominated public discourse and debate recently. Law Day will give us all an opportunity to explore these freedoms by examining their history and considering their future.” The ABA Division for Public Education has designed a planning guide that features tips for organizing an effective

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ask each other questions directly. At some point, the mediator will meet with the sides individually to ask questions to get a clearer picture of both parties’ needs and interests. Mediation is often a cheaper solution than litigation, but it can also offer more flexibility than litigation. A mediator, who is not bound by the same rules as a judge, can offer more creative solutions to address the parties’ ancillary needs which a judge would be unable to address in a courtroom.

Once I was exposed to the mediation process, I was hooked. I decided to continue to explore that interest in law school. From what I had observed, the mediation process was an extremely useful and cost-effective tool for parties to use. Mediation provides a space for parties to share new information with each other. It avoids the substantial time, cost, and uncertainty involved in a trial. Parties to a mediation are often allowed to speak more than they would in a trial and, as a result, both parties feel heard and respected. That can help settle a case and can provide both parties a tremendous sense of satisfaction.

Before I entered law school, I did a bit of research on which law schools offered ADR programs. Fortunately, almost all law schools in Illinois offer curricula involving mediation, arbitration and negotiation. Law schools know that even if an attorney is not directly involved in an ADR practice, the attorney will likely be thrust into participating in a mediation

Law Day event. Lesson plans for all ages, handouts and multimedia toolkits are included in the planning guide, which is available at [lawday.org](http://lawday.org).

Learn more about these three very important aspects of Law Day 2019 at [lawday.org](http://lawday.org), and check out a gallery of nine historic Supreme Court Decisions. ■

at some point in his or her career. For instance, judges often send cases to mandated mediation before trial. Many government administrative agencies have developed mediation programs that must be exhausted before a case can proceed. As in-house counsel, an attorney might be required to lead the company, as an advocate, through a settlement conference.

Ultimately, I decided to attend **Northwestern Pritzker School of Law**. There, I discovered that ample opportunity exists for students to expand their knowledge of the mediation process as both an advocate and a mediator. Northwestern, through its **Center on Negotiation and Mediation**, offers law students a wide range of ADR courses. In my second year, I chose to participate in a *Negotiations Workshop* which teaches fundamental negotiation theory and techniques. The class has an emphasis on experiential learning. Students spend most of their time participating in negotiation simulations and then receive feedback based on their performance.

Once the Negotiations course was completed, I was eligible to enroll in *Mediation & Advocacy*, a class that focuses on mediation models, mediator styles and selection, client preparation, attorney preparation, and attorney advocacy during the actual mediation. Northwestern has also partnered with the **Center for Conflict Resolution (CCR)** to provide professional mediation skills training to

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Published at least four times per year.

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students during the course of the semester. CCR, a non-profit organization, provides free mediation services in Chicago through the Cook County court system and through community-based referrals. As a student in Mediation & Advocacy, I was allowed to pursue certification as a CCR mediator by participating in weekend training sessions. To become certified, students must demonstrate mastery of CCR's facilitative mediation model and successfully complete a series of simulated mediations. After certification, students are eligible to conduct actual mediations on behalf of CCR in the *Mediation Practicum*. During my Spring semester of this year, I will be mediating cases as a CCR mediator in the Cook County courts. Typical matters include landlord-tenant issues, disagreements between neighbors or small businesses, and pro-se disputes.

Opportunities to stay involved at CCR continue even after graduation. Certified student mediators are encouraged to continue to volunteer at CCR by mediating twice a month. This provides law graduates an ability to stay connected to the organization, give back to their community, and continue to develop their skills while obtaining pro bono hours.

When I graduate from law school and

while studying for the bar, I plan to learn more about the mediation process by serving as a **Public Interest Law Initiative (PILI)** Fellow at CCR. As a CCR PILI Fellow, I will be trained to manage CCR's court-based mediation program. In this position, I will provide volunteer mediators with detailed briefing and debriefing before and after mediation sessions. I will also work directly with court personnel, including judges and clerks. Additionally, CCR PILI Fellows mediate cases in the Cook County courts and at CCR's offices. PILI is a nonprofit organization that aims to expand the availability of legal services for people, families and communities in need. Numerous agencies, through PILI, offer internships for law students and fellowships for graduate students in the fall, spring and summer.

The mediation programs highlighted above provide an example of the path an ADR-focused law student might follow. Although I was initially drawn to the courtroom by mock trial, my interest in the mediation process has propelled me through law school. As a result, I encourage high school and college students that are interested in litigation to be open to learning about ADR processes. Through taking classes in mediation and negotiation, I have

strengthened my communications skills, enhanced my persuasive skills, and expanded my ability to problem-solve. Instead of simply reading about legal theory in my books, I have been able to apply what I have learned in a practical setting by interacting with live clients and by participating in small group simulations. These experiences have been challenging and extremely rewarding. Please see below for more information on the previously mentioned mediation courses and programs.

More information about Northwestern's Negotiation and Mediation curricula can be found here: <http://www.law.northwestern.edu/legalclinic/negotiations/studentopps/courses/>

More information about the CCR Mediation Skills Training Program can be found here: <https://www.ccrchicago.org/training-programs.html#MST>

More information about the PILI Programs at CCR can be found here: <http://pili.org/agencies/center-for-conflict-resolution> ■

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*Kelsey Chetosky is a third year law student at Northwestern Pritzker School of Law, and is a member of the Illinois State Bar Association. Kelsey also serves on the Law Related Education Committee and each year helps write the Illinois High School Mock Trial Case Problem and Law Exam.*

# 2019 ISBA High School Mock Trial Invitational

BY SARAH J. TAYLOR

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The 2019 ISBA High School Mock Trial Invitational was held on March 9 and 10, 2019, at the University of Illinois-Springfield campus in Springfield, Illinois. Teams representing 40 high schools from across Illinois participated in the event. The winning team was York Community High School, which will represent Illinois at the National High School Mock Trial Competition in Athens, Georgia.

The 2019 Invitational was a success due to the hard work and enthusiasm of these 40

teams and their coaches, families, and other supporters, and the dedication of the ISBA's Standing Committee on Law-Related Education for the Public, the Mock Trial Coordinator Katy Karayannis, the Deputy Mock Trial Coordinator Kelsey Chetosky, and members of the UIS Mock Trial Club. The Invitational would not have been possible without the many judges, attorneys and others who generously volunteered their time and the sponsorship of the ISBA and Illinois LEARN. The Law Related Education Committee appreciates the

support and hard work of these entities and individuals. We look forward to seeing these teams and volunteers again in 2020, as well as new teams and new volunteers!!

A full list of participating schools, sponsors, and volunteers, information about volunteering, and general information about the Mock Trial Invitational program will be posted on the ISBA Mock Trial website at: <http://www.isba.org/teachers/mocktrial>. ■