

# Preventing and Solving Legal Problems Creatively

Second International Conference on Creative Problem Solving  
March 4-6, 2004 in San Diego

## Plenary Session I: History and Overview

- *Welcome and Opening Remarks*  
**Dean Steven R. Smith**, California Western School of Law
- *Creative Problem Solving: Yesterday, Today, and Tomorrow*  
**Dr. Donald J. Treffinger**, Center for Creative Learning, Sarasota, Florida
- *The Development of Problem Solving Courts*  
**Judge Richard C. Wesley**, United States Court of Appeals for the Second Circuit, New York, NY

## Plenary Session II: Barriers to Preventing & Solving Legal Problems Creatively

- *Barriers of Culture and Mentality*  
**Professor Thomas D. Barton**, National Center for Preventive Law, California Western School of Law
- *Barriers of Perspective and Problem Framing*  
**Dean Emeritus and Professor Edward A. Dauer**, University of Denver College of Law, Denver, Colorado

## Plenary Session III: Barriers to Preventing & Solving Legal Problems Creatively

- *Barriers of Communication*  
**Dr. Susan C. Jarboe**, Interaction Intervention Services, State College, Pennsylvania
- *Barriers: Overview*  
**Professor Katharine Rosenberry**, Center for Creative Problem Solving, California Western School of Law

## Concurrent Sessions I

### I-A The Courts

- *Mainstreaming the Problem Solving Court Approach*  
**Dr. Pamela Casey**, National Center for State Courts, Williamsburg, Virginia,  
and **Mr. Dennis B. Jones**, National Judicial College, Reno, Nevada
- *The Story of California Collaborative Justice Courts*  
**Judge Patrick A. Morris**, California Judicial Council, San Bernardino, California
- *Vicarious Trauma in Judges*  
**Judge Michael A. Town**, Hawai'i First Judicial Circuit, Honolulu, Hawai'i

## **I-B Enhanced Communication**

- *Confidence Building Measures to Defuse Polarized Regulatory Debates*  
**Professor Gregory N. Mandel**, Albany Law School, Albany, New York
- *Linguistic Explanation in the Use of Proactive Legal Thinking*  
**Professor Tarja Salmi-Tolonen**, Åbo Akademi University, Turku, Finland
- *What if Lawyers Could be Healers, Peace Makers, and Problem Solvers?*  
**Donna Marie Boris, Esq.**, Renaissance Lawyer Society, Oceanside, California, substituting for  
**J. Kim Wright, JD**, Peace-Making Coaching and Consulting, Portland, Oregon

## **I-C Teaching Problem Solving & Prevention**

- *Using a Problem Solving Role Play in an International Environmental Law Course*  
**Professor Catherine Iorns Magallanes**, Victoria University Faculty of Law, Wellington, New Zealand
- *Facing Uncertainty Helping Students Develop Judgment and Problem Solving Ability in a Real World of Indeterminacy*  
**Professor Paul S. Ferber**, Vermont Law School, White River Junction, Vermont

## **I-D Professional Responsibility**

- *Representing Persons with Mental Illness: The Ethical Dilemmas of a Mental Health Clinic*  
**Professor Michael J. Churgin**, University of Texas School of Law, Austin, Texas
- *Designing and Implementing Ethical Parameters for Lawyers as Problem Solvers*  
**Professor Kimberlee K. Kovach**, University of Texas School of Law, Austin, Texas,  
**Dean James J. Alfini**, South Texas College of Law, Houston, Texas, and  
**Professor John S. Dzienkowski**, University of Texas School of Law, Austin, Texas

## **Concurrent Sessions II**

### **II-A The Courts**

- *Community Oriented Criminal Justice: Community Courts in San Diego*  
**Tilisha T. Martin, MSW Esq.**, Downtown San Diego Partnership, San Diego, California,  
and **Marcella Ordorica, Esq.**, San Diego City Attorney's Office, San Diego, California
- *Redefining the Social Meaning of Minor Transgressions*  
**Monica Rickenberg, Esq.**, Westchester Mediation Center, Yonkers, New York,  
and **Professor Ian S. Weinstein**, Fordham University School of Law, New York, New York

### **II-B Enhanced Communication**

- *Using the Present to Bridge the Past and the Future: Creative Problem Solving in the Mediation of Legal Disputes*  
**Professor Nancy C. Kraybill**, University of Pennsylvania Law School, Philadelphia, Pennsylvania

- *What is the Problem Represented to Be?*  
**Ms. Lena Nordman**, Lena Nordman Ltd, Helsinki, Finland
- *Proactive Law: Searching for Balance Between Rules and Dialogue*  
**Doctor Soile Pohjonen**, University of Helsinki Faculty of Law, Helsinki, Finland

## II-C Comparative Law

- *Problem Solving Courts as Change Agents*  
**Judge Paul Bentley**, Ontario Court of Justice, Toronto, Canada
- *Problem Solving in Cultures Emerging from Authoritarian Rule*  
**David Brennan, Esq.**, McCulloch Associates, La Jolla, California
- *Teaching Proactive/Preventive Law: Opportunities and Obstacles*  
**Professor Soili Nystén-Haarala**, University of Lapland Faculty of Law, Rovaniemi, Finland

## II-D Self & Practice

- *Practicing Peacemaking Using Rules of War*  
**Cindy Lenoff Zatzman, Esq.**, Practical Ethics Inc., Cooper City, Florida
- *Teaching Comprehensive Law Practice*  
**Professor Susan S. Daicoff**, Florida Coastal School of Law, Jacksonville Florida
- *Securing Contracting Success: Lawyers Helping Clients to Help Themselves*  
**Ms. Helena Haapio**, Lexpert Ltd, Helsinki, Finland

## Concurrent Sessions III

### III-A Legal Process and the Community

- *The Red Hook Community Justice Center: A Problem Solving Approach to Crime and Communities*  
**Gerianne Abriano, Esq.**, Kings County District Attorney's Office, Brooklyn, New York
- *Homeless Courts*  
**Steven R. Binder, Esq.**, Department of the Public Defender, San Diego, California

### III-B Therapeutic Jurisprudence

- *Judging in a Therapeutic Key: Therapeutic Jurisprudence and the Courts*  
**Professor Bruce J. Winick**, University of Miami School of Law, Coral Gables, Florida
- *Sex Offender Reentry Courts: An Effective Strategy for Managing Sex Offender Risk in the Community*  
**Professor John Q. La Fond**, University of Missouri School of Law, Kansas City, Missouri

### III-C Health Law

*Creating Synergy in Health Care: Managing Conflict Through Complementary Conflict Resolution*

- **Debra Gerardi, JD MPH RN**, Health Care Mediations, Inc., San Anselmo, California
- **Dale C. Hetzler, MSCM JD**, Children's Healthcare of Atlanta, Atlanta, Georgia
- **Virginia Morrison, Esq.**, Health Care Mediations, Inc., San Anselmo, California
- **Lorraine Sanchez Hayes, Esq.**, The Consensus Group, Peachtree City, Georgia

### **III-D Teaching Problem Solving & Prevention**

- *Teaching Creative Prevention and Solution throughout the Curriculum*  
**Professor Katharine Rosenberry**, Center for Creative Problem Solving, California Western School of Law
- *Teaching Creative Problem Solving to First Year Law Students*  
**Professor Lynn P. Cohn**, Northwestern University School of Law, Chicago, Illinois
- *Teaching Prevention and Problem Solving in the Upper Division*  
**Professor Thomas D. Barton**, National Center for Preventive Law, California Western School of Law

### **Concurrent Sessions IV**

#### **IV-A Therapeutic Jurisprudence**

- *The Application of Creative Problem Solving and Therapeutic Jurisprudence Principles to Court Case Management*  
**Judge Susan P. Finlay**, Judge of the Superior Court, ret., San Diego, California
- *Community Courts: Intersection Between Therapeutic Jurisprudence and Community Problem Solving*  
**Julius Lang, Esq.**, Center for Court Innovation, New York New York
- *Lawyering in a Problem Solving, Therapeutically Oriented Manner in Court*  
**Professor Susan S. Daicoff**, Florida Coastal School of Law, Jacksonville, Florida

#### **IV-B Teaching Problem Solving & Prevention**

- *Constricts of Creativity: Overcoming Systemic Psychological Obstacles to Creativity in the Legal Decision Making Process*  
**Professor Joseph W. Rand**, Fordham University School of Law, New York, New York
- *Encouraging Creativity Through Interdisciplinary Law School Classes*  
**Professor Kim Diana Connolly**, University of South Carolina School of Law, Columbia, South Carolina
- *Mental Disability Law, International Human Rights, and the Internet*  
**Professor Michael L. Perlin**, New York Law School, New York, New York

## IV-C Professional Responsibility

- *Does Context Matter? Rethinking How We Regulate Lawyer-Politicians*  
**Professor Kevin Hopkins**, The John Marshall Law School, Chicago, Illinois
- *Therapeutic Jurisprudence in Attorney Discipline: The Evolution of the California State Bar Court Pilot Program*  
**Cydney Batchelor, Esq.**, The State Bar of California, San Francisco, California
- *The California State Bar Court Pilot Program for Respondents with Substance Abuse and Mental Health Issues*  
**Scott Drexel, Esq.**, The State Bar of California, San Francisco, California

## Lunch Session

- *The Art of Mediation*  
**Ms. Rineke Wartena-Tjaberings**, Barrister & Mediator, Blaricum, Netherlands,  
assisted by **Ms. Mieke Westenburg-Van Ameijde**, Therapist, Blaricum, Netherlands

## Concurrent Sessions V

### V-A Family Law

- *Behavioral Game Theory and Child Custody Decisionmaking*  
**Professor Francis J. Catania, Jr.**, Widener University School of Law, Wilmington, Delaware
- *Preventive Detention of Children*  
**Professor Joseph B. Tulman**, UDC David A. Clarke School of Law, Washington, DC
- *Using Social Work Techniques to Frame Legal Problems in Family and Juvenile Law*  
**Professor Christina A. Zawisza**, University of Memphis School of Law, Memphis, Tennessee

### V-B Teaching Problem Solving & Prevention

- *On Structuring Student Self Learning About Problem Solving and Professional Judgment in Practice*  
**Professor Mark N. Aaronson**, UC Hastings College of the Law, San Francisco, California
- *Problem Solving and the Law of the Workplace*  
**Professor Seth D. Harris**, New York Law School, New York, New York
- *Teaching Problem Solving in a Small Business Legal Clinic*  
**Professor Paulette J. Williams**, University of Tennessee College of Law, Knoxville, Tennessee

### V-C Enhanced Communication

- *Solving Problems Cooperatively: Working With Your Expert Witness*  
**Professor Joëlle A. Moreno**, New England School of Law, Boston, Massachusetts
- *Opening a Consultative Conversation: An Experiential Exercise in Creating Trust & Rapport*  
**Lynn McKeever, JD**, Lynn McKeever & Co., LLC, Grinnell, Iowa