

Assessment of Stone Soup Course Experience

This questionnaire is for faculty to describe and assess your experiences with “Stone Soup” Project assignments or activities. Your responses will be posted on the Indisputably blog and may be disseminated in other ways as well. Please describe specifics of your experience, but do not include information that could identify any student (except as noted below) or subject of a Stone Soup assignment or activity.

1. Faculty name: **Brian Farkas**
2. School: **Cardozo School of Law**
3. Course: **Arbitration Law: Theory and Practice**
4. Semester: **Spring 2018**
5. Number of students in the course: **12**
6. Briefly describe the Stone Soup assignment or activity (e.g., interview or focus group class). If you assigned students to conduct an interview, summarize the type of subjects and focus of the interview. If you conducted a focus group class, describe the speakers and issues discussed.

At the beginning of our semester, students were asked to meet with a practicing arbitrator. These meetings could take place in the arbitrator’s office or law firm, or they could be coffee dates (more akin to informational interviewing). Students were encouraged to have a wide-ranging conversation that would answer three questions: (i) How did this person become an arbitrator? (ii) What sorts of disputes do they typically arbitrate? And (iii) what trends have they observed within arbitration over the course of their careers?

I relied on (very helpful!) arbitrators whom I know in the New York area and matched the students randomly. Because our course is a general introduction to arbitration, I tried to ensure that we had a variety of specialties represented: commercial, employment, labor, FINRA, and small claims court, for example. The students had approximately two weeks to complete the assignment.

My goal was two-fold. First, I wanted the students to immediately understand that arbitration is not a theoretical process. Though much of the course digs into the depths of the Federal Arbitration Act, conflicts of law, evident partiality, and other doctrinal areas, students should immediately understand that arbitrators are simply people – people with varied histories, experiences, and opinions, as well as occasional biases and self-doubt. Further, I wanted them to see that arbitrators are

sometimes non-lawyers, or folks with industry experience whom one does not often encounter in law school.

Second, beyond the pedagogical purposes of having the students learn about arbitration from “real” arbitrators, I like the idea of using coursework to force students to network. My own experience is that informational interviewing – meetings to learn about an industry/employer and not to seek a specific job – can be somewhat awkward. Blaming your professor for the meeting can create a common enemy (a role I’m happy to play!) and hopefully provide an excuse for some organic connections between students and practitioners.

7. Was the assignment required, one of several options, or for extra credit?

The assignment was required, and counted towards the student’s overall participation score for the semester, which includes both in-class participation and the completion of various simulations and focused projects like this one.

8. If students were to write a paper, how long was the paper supposed to be (in double-spaced pages)?

I did not have the students write a formal paper, since this was completed towards the very beginning of the semester. Instead, students described their interviews during class discussion.

9. When was the assignment due (or when did you conduct a Stone Soup activity)?

They were due on the second class meeting.

10. What percentage of the grade was allocated to the assignment?

No specific percentage of their final grade was attributed to this assignment. It is included in their overall participation grade, which includes both in-class participation and the completion of various simulations and focused projects like this one.

11. Did you discuss in class the results of students’ work? If so, what did you and the students learn from this discussion? Was this a good use of class time?

Yes. Because my course is a relatively small seminar, each student had the opportunity to present “their” arbitrator to the class.

Through their various presentations, I believe the students started to appreciate the tremendous variety among arbitrators. Not all arbitrators are lawyers – indeed, not all arbitrators have a graduate degree at all. Many

arbitrators are specialized in specific subfields, while others view themselves as generalists. Some arbitrators are “full time” neutrals while others spend a good chunk of their time as practicing lawyers.

Students also reported on the different trends that their subjects said that they observed within arbitration over their careers. Here too, we had food for discussion. (About half suggested that arbitration had become more professionalized and efficient, while the other half suggested it had become judicialized and cumbersome).

These interviews framed a useful discussion about who becomes an arbitrator, and how they are selected.

12. What did students learn that they wouldn't have learned without the Stone Soup assignment or activity?

Cardozo students interact with judges constantly. We have several jurists on our faculty; every 1L legal writing course visits the federal courts to hear oral argument; and judges regularly speak on panels and symposia. The Law School is a stone's throw from some of the busiest state and federal courts in the United States.

Arbitrators are far more mysterious. Where do they work? What are their backgrounds? How does one become an arbitrator? These are not questions that most law students consider – even those taking a course on arbitration. This Stone Soup project forces the students to confront these practical questions from the get-go.

13. What worked well with the assignment or activity?

Law school often feels abstract. Students learn doctrines and read appellate decisions that appear far removed from human experience. One positive aspect of this assignment – particularly in the context of dispute resolution – is to ground the students immediately by introducing them to folks who have directly experienced arbitration. My hope is that this gives them a “gut sense” of arbitrators as human beings, allowing them to visualize issues more easily as we study doctrine over the course of the semester.

14. What would you do differently if you do it again?

I had a great experience and would likely repeat this in the future, including in mediation courses as well as arbitration courses. In the future, I might provide the students with more specific questions to ask their interview subjects – although the open-ended questions yielded interesting answers.

15. What would you advise other faculty considering using a Stone Soup assignment or activity?

These assignments are somewhat difficult to “grade” in a formal sense, since students have different conversations with different types of people. One interview isn’t necessarily “better” than another. I had success using this as more of an informal introductory activity to tee-up some concepts for the semester, and not as a stress-inducing graded writing assignment.