

Finding Joy Through a Mediation Clinic and Asian American Identity

By *Carol Izumi*

Straddling Two Cultures

Through choice or force, racial and cultural identity have colored every aspect of my existence due to three key influences: the Japanese American experience in the United States, racial and social inequality, and generational locus. My approach to conflict was formed from principles and qualities derived from these influential elements. Being *Sansei*, third-generation Japanese American (JA), ties me to both an immigrant and American-born sensibility.

Carol Izumi recently retired as a clinical professor of law at UC Hastings College of the Law, where she directed the Mediation Clinic and ADR Externship Program. A prominent dispute resolution teacher, scholar, trainer, and practitioner, she is an internationally known specialist in clinical legal education. Before joining Hastings' faculty, from 1986 to 2010 she was a faculty member at George Washington University Law School, where she still holds the title professor of clinical law emerita. At GW Law, she directed the Consumer Mediation Clinic and Community Dispute Resolution Center Project and served as associate dean for clinical affairs. In 1999, she co-founded the Community Dispute Resolution Center in Washington, DC, to provide free mediation services in adult misdemeanor cases, juvenile delinquency matters, and police-civilian disputes. A graduate of Georgetown University Law Center and Oberlin College, she was elected to membership in the American Law Institute in 2003 and shortly before her retirement from Hastings was awarded the 2019 Rutter Award for Teaching Excellence, which honors outstanding professors at California's top law schools.

Beginning with family history: my father, Shinsuke (*Issei*, first generation), the oldest son, left a well-to-do life in Japan at age 17 to emigrate to the United States and help his eldest sister, Shizuyo. (Recalling his comfortable upbringing, my dad quoted a friend, “Izumi, he’s never lifted anything heavier than *hashi* [chopsticks].”) He arrived in Los Angeles in 1922 with \$3,000 and joined the household of Shizuyo, her husband, and three young sons in Boyle Heights, a neighborhood of JAs and Mexican Americans. Dad complained to me that “Old Man Hori,” his brother-in-law, took his money, invested in Asahi Shoes in Little Tokyo, and made him “junior partner,” a fancy term for salesman and stock clerk.

In contrast, my mother, Misao (“Misa”) Oshima (*Nisei*, or second-generation, born in Sacramento), was pumping gas at age 11 at her father’s one-room store that served Japanese farmers in the Sacramento Valley. “Uncle Coffee,” her older brother, got his nickname from grinding beans for the customers. After Mom’s mother died in the 1918 Spanish flu epidemic, her father returned to Nagasaki and brought back the “evil stepmother.” (When I asked Mom why she thought so ill of her, all she said was, “Because she was so mean to us.”) Mom called Sacramento a “one cow town”; as a young woman she fled to LA and landed a secretarial job at *The Rafu Shimpō*, the Japanese-English language newspaper founded in 1903.

Japanese of that era adopted or were assigned Christian names, often by Caucasian teachers. Dad chose Edwin, a nod to Prince Edward, duke of Windsor, and Mom became Iris. Ed and Misa married in LA in 1932. Their wedding photos, by noted JA photographer Toyo Miyatake, captured a Western-style reception with fashionable young JAs, abundant flowers and candelabra, the bride in an elegant traditional gown. Reaching for the “American Dream,” my parents started a family and managed to attain a lifestyle

not unlike other Angelinos of that era. That changed in 1941 after Japan attacked Pearl Harbor.

My parents and sister Nobuko Anne (“Neya” to me, derived from “big sister” in Japanese) were among the 120,000 Americans of Japanese descent who were incarcerated in internment camps because of race and residence; they lived in the West Coast military “exclusion zone.” Because they were born in the United States, Mom and Neya were counted in the 80,000 US citizens, but Dad was an “alien ineligible for citizenship” due to the racial bar against Japanese. In 1942, pursuant to President Franklin D. Roosevelt’s Executive Order 9066, our family was, in military euphemisms, “evacuated” from their home, “removed” to the Marysville “assembly center,” and shipped to Tule Lake “relocation center” for indefinite detention.

With thousands of other “internees” behind Tule Lake’s barbed wire, they shared partitioned barracks, communal dining halls, and public gender-separated bathrooms. Mom’s friend Claire told me the women made toilet stall doors for privacy out of salvaged Oxydol detergent boxes. Tule Lake later became the segregation center for those arbitrarily deemed “disloyal” by the War Relocation Authority (WRA), including *Nisei* draft resisters who fought conscription to protest detention. My therapist once opined that incarceration “must have made your parents bitter.” She did not understand that they survived adversity through Japanese cultural values of *gaman* (to endure hardship with patience and dignity) and *shikata ga nai* (it cannot be helped). Decades later, I absorbed these principles as “no whining allowed.”

My family left Tule Lake within a year, qualifying under a highly restrictive WRA “Leave” program. Dad’s translation skills were vital to the military; he secured the requisite sponsor, a military officer, and employment with the US Army Map Service (AMS) outside the exclusion zone.

As required, my family “resettled” to Cleveland and lived in the sponsor’s home, Mom as housekeeper. Anti-Japanese sentiment hit immigrants and citizens alike, but my parents found a landlord who would rent them an apartment above a dry cleaner. Neya recalls that JA servicemen and others passing through Cleveland would drop in for Mom’s home cooking or a brief stay, a welcoming way station. Growing up, I thought all JAs seemed to know each other personally or by one degree of separation. “Which camp was your family in?” was a common reference point.

In time, Dad became a cartographer and was transferred to AMS in Bethesda, Maryland; Mom got a secretarial job at the Library of Congress. They reunited with JAs they had known in LA or at Tule Lake, many of whom had resettled in Washington, DC, to fill federal government positions. Dad was finally granted US citizenship in 1952 with passage of the McCarran-Walter Act. I was born in 1954, when Neya was in high school. Hoping to inoculate me from the prejudice they faced, my parents did not teach me Japanese or give me a Japanese name, as they had with my sister.

Dad was transferred to St. Louis in 1959, and my folks bought a little rambler in Rock Hill, a suburb with a large African American population. I noticed that all my Black grade school chums lived on one side of Rock Hill Road, and we lived on the other side among White families. That was my first awareness of housing segregation and being situated between Black and White—an “in-between” status that foreshadowed an intermediary role for me.

At the time, St. Louis and other large Midwestern and Eastern cities had sizable numbers of JA families due to the WRA’s resettlement policy, which decentralized JAs away from the West Coast. Our family socialized and engaged in civic life largely through the Japanese American Citizens League (JACL), a national civil rights organization founded

in 1929. Through my local chapter, regional events, and an annual national convention, I connected with adult and youth members around identity, politics, civic engagement, public service, and social events. The JA CL creed, “For Better Americans in a Greater America,” and logo with “Security Through Unity” stressed patriotism and solidarity.

In 1960, Neya married an aerospace engineer, Bob Mitori, while getting her master’s degree in social work at Washington University. Bob’s family had resettled in St. Louis after being freed from Rohwer internment camp in Arkansas. As a 6-year-old flower girl in their wedding, I was surprised to hear that Ted, Bob’s JA best man, had to go to Illinois to marry his White fiancée. I didn’t know the word “miscegenation,” but I understood “sticking with your own kind.” I didn’t see many interracial couples in St. Louis when I was growing up. While my public K-12 schools had a significant percentage of African Americans, there were only three other JA kids, 2 mixed-race sisters (half Chinese), one “Gonzalez,” one Jewish student, and one self-identified gay male.

A typical *Sansei*, I was highly assimilated into majority American culture but also infused with Japanese customs, culture, and values. On New Year’s Day, we ate traditional Japanese dishes with a half-dozen other JA families. *Shoyu* (soy sauce) and rice were on the table every night, even with turkey and yams on Thanksgiving. To this day, I take *koden* (money in an envelope) to funerals for the deceased’s family. I was raised to respect elders, excel academically, and bring no shame to the family or the JA community, a sentiment captured in the phrase “The nail that sticks up gets hammered down.” This philosophy infused a certain skill development: cautious listening, reading situational cues, and reflection before action.

At the same time, I was schooled in American principles of equality, freedom of speech and dissent, and indi-

vidual choice. My behavior was either in harmony with the traditional Japanese values or in opposition to them. In grade school, I mortified my mom and sister by yelling at boys who taunted us in the mall, “Go home and ask your parents why you’re racist!” While my folks silently suffered discrimination, I marched in protest, wrote letters to the editor, penned articles, and read *Rules for Radicals*. Yet, ever dutiful, I *bought* Abbie Hoffman’s *Steal This Book*. Whereas my parents favored restraint, I valued the expression of divergent views. While internment remained an indelible marker for JAs, a broader “Asian American” identity formed in the late 1960s-early ’70s around civil rights, Black Power, Third World student protests, and anti-Vietnam War activism. I devoured the new magazines, books, music, and poetry that came out of California and New York and embraced the distrust of the “Establishment.”

It was a heady time for Baby Boomers to be coming of age. Conflict was everywhere, and I introduced it into our home. I still got straight As but defied “Oriental” and “Geisha” stereotypes, adopting an assertive, critical, risk-taking “hippie” persona. My behavior, appearance, and temper stirred arguments with my mother. (Dad avoided the scenes.) I’d yell and argue, but we also had many frank, rational discussions. In fact, I convinced my mother to let my pals smoke pot in our basement rec room by asking, “Isn’t it better to know that we’re safe here rather than out driving around?” Of course, we were still driving around smoking, but she was persuaded, her only complaint being “it smells up the drapes.” In most cases, we could talk out or work around our differences.

Duality and marginalization, familiar to other racial and ethnic minorities, shaped my politics, choices, and relationships. Seeing firsthand the discrepancy between constitutional principles and the treatment of people of color fueled my passion for law and social justice. Facing

conflict, I maneuvered between calmness and confrontation. My mother once warned my soon-to-be in-laws, “She’s got a short fuse.” I had to learn when to speak up or shut up, to vent anger or suppress it. During arguments, my husband, Frank, teases, “Where’s the mediator?”

Lessons in Dispute Resolution

In high school, my favorite classes were “Dissent” and “American Problems,” taught by talented teachers who nudged students to question authority and analyze issues from multiple angles. For my “American Problems” project, I examined community law enforcement from the officers’ perspectives by joining a police ride-along program. I recall one night the officers were dispatched to a private home to help parents deal with their belligerent son and I saw that their job called for communication and conflict-defusing skills as well as the power to arrest. These classes attracted other students who were interested in societal change on causes such as environmental protection, civil rights, and gender equality. We learned about effective political strategies and celebrated the first Earth Day. As a volunteer with the United Front, a civil rights group fighting White supremacy in Cairo, Illinois, about two hours south of St. Louis, I rallied around economic boycott as a tactic. I banned grapes and lettuce from our house to support the United Farmworkers Union.

As a teen, I negotiated and had a trial. One negotiation was over prescription eyeglasses with sun-darkening lenses. When I discovered that the optician who made the glasses had ignored my eye doctor’s order against such lenses, I demanded a refund, to Mom’s embarrassment. The optician and I ultimately agreed that he would make replacement lenses at no charge. My trial involved contesting a speeding ticket for “doing 42 in a 30” in Dad’s Chevy. I objected; the Malibu could not possibly accelerate that

quickly after a full stop. My friend Kathryn drove me to the hearing and watched. I presented my evidence to the judge, cross-examined the officer, and walked out with the case dismissed and my driver's license in hand.

I didn't tell my parents, who neither celebrated nor condemned my contentious spirit, about the speeding ticket until after I had won my case. Their reactions ranged from resignation to bemusement to mild frustration. But even if they didn't understand me, they supported my choices. So when I told them I wanted to drive to San Francisco after graduation with two White high school pals, Nancy and Chas, and an older African American friend, Delbert, Mom considered Del's physique (he was 6 foot 3 and weighed 300 pounds) and nodded. "Good," she said. "With Delbert, no one will bother you." My parents funded my trip as a graduation gift.

I chose Oberlin College because of its history as the first college to admit Blacks and women. In a purposefully diverse student body, I learned practical lessons in facilitation, bridge-building, and problem-solving by serving as an elected student representative on the search committee for a new college president. By co-chairing the Asian American Alliance student organization and co-founding the Third World Women's group ALANA (an acronym for African, Latin, Asian, and Native American), I took part in campus conflicts over curricular, political, and social issues, such as creating a Third World dorm.

Japanese American redress efforts gained steam in my undergrad and law school years. In 1976, President Gerald Ford repealed Executive Order 9066 and acknowledged that the internment was wrong. Led by Asian American legislators, Congress created a bipartisan Commission on Wartime Relocation and Internment of Civilians (CWRIC) to review directives that had led to the incarceration. As a budding lawyer, I attended hearings on Capitol Hill with

other JAs in a show of support to hear former internees, historians, academics, and others testify. The CWRIC found that no military necessity justified the internment and recommended monetary reparations, a formal apology, and creation of a fund for research and public education projects. Against long odds, legislation passed. Mom and Dad received a presidential letter of apology and \$20,000 each in reparations. To them, the apology held more value than the money. The redress movement and my experiences with various groups and alliances at Oberlin showed me that with political alliances and activism, bipartisan legislative clout and strategies, litigation, negotiation, and grass-roots community involvement, monumental justice goals can be achieved. I appreciated—and still appreciate—an assortment of problem-solving methods.

I plunged into legal dispute resolution as a 3L at Georgetown University Law Center in 1979 and 1980 through a litigation/mediation clinic. I had applied only to law schools that offered opportunities for hands-on lawyering, and Georgetown's clinical program was the largest in the country. In the clinic's civil division, we alternated roles and assignments weekly in DC Superior Court, representing low-income tenants in the Landlord-Tenant Court and mediating cases in the Small Claims and Conciliation Branch.

One of my clinic clients, Mrs. M, was sued for non-payment of rent, and we filed an affirmative defense based on housing code violations. Unfortunately, awaiting our trial date, Mrs. M assaulted the property manager and was institutionalized at a psychiatric hospital. In those pre-cell phone days, Mrs. M would call me at home late at night and say, "Izumi, you gotta get me outta here!" Working with Mrs. M and many others taught me about the important connection between advocates and those we aim to serve,

individuals who are often in difficult straits as well as in conflict. My legal clinic experience was transformative.

Although I mediated and negotiated through the law school's clinic, "alternative dispute resolution" was not a common phrase at the time. The curriculum was litigation-centric, so I took Trial Advocacy, Evidence, and Civil and Criminal Procedure and learned how to interview and cross-examine witnesses, make an opening and closing statement, enter photos and documents into evidence, and devise a trial strategy. Minority law students formed affinity groups, and I was elected president of the Asian American Law Students Association. In 1980, a career in mediation never dawned on me, but I thought I might like civil litigation.

Building a Career

After law school, my mother feared I couldn't hold a job. In a six-year period, I clerked for a judge, was an associate at a small firm, and held two public interest positions. For the DC Bar, one of the public interest jobs, I staffed the Landlord-Tenant Information Service and mediated cases referred by the Landlord-Tenant Court. At the law firm, I represented clients in negotiation, mediation, and litigation. I soured on the "hired gun," billable-hours model of private practice and sought a public interest career that would check these boxes: expand access to justice, serve disadvantaged members of the community, be intellectually challenging, allow for self-direction and autonomy, be fun and rewarding, and pay enough to reduce my law school debt.

I found my calling in 1986, when I was hired by George Washington University Law School to direct its Consumer Litigation Clinic and separate Consumer Mediation Clinic. I applied for the "supervising attorney" position because I had managed student interns competently in prior jobs

and the job would mean that I could invest more professionally in mediation, a process I valued from my legal clinic and private practice days.

When I began teaching, my mother asked, “Do you know what you’re doing?”

I told her the truth: “I’m one day ahead of the students.”

I had no training as a clinical teacher, but savvy and supportive colleagues tutored me in pedagogy, faculty politics, and the quirks of academia. Most law schools had only one or two professors teaching ADR courses; at GW, Charles Craver was, and still is, a most valued colleague. Back then, GW clinical teachers lacked faculty status and were on one-year renewable contracts, and faculty perquisites were not conferred until the 1992 MacCrate Report¹ criticized legal education and pressed for upgrades in experiential programs.

I became GW Law School’s first Asian American female faculty member. Throughout my life and my career, I have often been the first or the only Asian American female doing something or serving in a specific role, a distinction that comes with burdens and benefits. There’s the weight of unwillingly representing an entire race and having people’s expectations of me limited by stereotypes. On the plus side, I was a resource for Asian American law students as the faculty advisor to their student organization and a role model for achieving professional goals. Like other faculty of color, I brought a different perspective and set of experiences to campus. At GW, I sometimes felt marginalized more from faculty hierarchy than racial exclusion. In my 18th year as a clinical professor on a long-term contract, I complained as a panelist at a faculty retreat that I would always be junior to the most recent tenure-track hire. Thereafter, GW created a clinical tenure system, and I was awarded tenure.

Each clinic had a seminar and fieldwork component. My Litigation Clinic students represented low-income consumers who had filed complaints in the DC Department of Consumer and Regulatory Affairs, alleging unlawful business practices such as defective products, fraud or misrepresentation, and unlicensed contractors. We routinely filed in DC Superior Court and bypassed the administrative forum. Students and their clients learned a hard lesson about winning a civil judgment: defendants rarely hand over the money, and post-judgment procedures are burdensome and often fruitless. A court victory could be unfulfilling.

The Consumer Mediation Clinic (CMC) provided free telephone mediation for DC-MD-VA consumers who had disputes with businesses over used and new cars, defective products, service contracts, and credit card billing, among other things. Consumers came to us from agency referrals and directly through an intake “hotline.” Fortunately, I forged a relationship with consumer reporter Liz Crenshaw at the local NBC-TV affiliate, and for years she ran an evening news story on the CMC each semester that prompted more inquiries than we could handle. Under this relatively novel process, student-mediators fielded calls, entered intakes in our computer system, and sent letters of introduction inviting the parties to participate in the free and voluntary process. Students then conducted “joint” and “individual sessions” (i.e., conference calls and one-party calls) until the parties reached a resolution or hit an impasse.

Students favored the Consumer Mediation Clinic; they liked the subject matter variety, the facilitative process, and the potential for happy endings. I was in my element running the Mediation Clinic; I loved the fervent students, the types of disputes, and the academic environment. I never tracked settlement rates because I didn’t want the students

to feel, or exert, settlement pressure or measure their performance by that metric. Instead, a good mediation was one in which the student used her best efforts and skills to provide an even-handed, structured process, attended to ethical responsibilities, and learned from her experience.

To gain credibility and confidence, I took hundreds of hours of mediation training from pioneering teacher-trainer-mediators Linda Singer and Michael Lewis and their Center for Dispute Settlement (CDS) colleague Edna Povich and mediated for various community and government programs that were ongoing or starting up, such as the Equal Employment Opportunity Commission, the DC Office of Human Rights, and the DC Citizens Complaint Center (CCC). Linda and Michael were at the forefront of dispute resolution program innovation and administration, and as adjunct professors at GW's and Georgetown's law schools, they influenced generations of lawyers. The Citizens Complaint Center, a '60s-era community justice center, needed an army of trained volunteers to co-mediate community disputes. For years, I relished going to the Complaint Center after work to mediate and apprentice new mediators, and I appreciated the connection to such experienced trainers. I co-authored my first ADR article with Michael, "Dispute Resolution Alternatives: A Growing Option for Businesses" (Lewis and Izumi, 1990), joined the CDS Board of Directors in 2002, and chaired it from 2007 to 2010.

In 1993, consumer cases were folded into the GW Civil Litigation Clinic, and my Consumer Litigation Clinic was closed. What a godsend: I could concentrate solely on mediation teaching, training, supervision, and practice.

Coincidentally, a fiscal crisis shuttered the Citizens Complaint Center, creating a vacuum in the city's conflict resolution landscape. The CCC's demise gave me the opportunity to join forces with Steve Dinkin at CDS, who

aimed to fill the void left by the center. We met with civic leaders, judges, city and federal officials, prosecutors, public defenders, police, community activists, mediators, and funders, and held conflict resolution trainings to generate support. In 1999, we launched the DC Community Dispute Resolution Center (CDRC), overseen by Steve, to provide free mediation of adult misdemeanor cases, juvenile delinquency matters, and police-civilian complaints, focusing on these cases to meet the needs and interests of our community partners: the US Attorney's office for misdemeanor cases, the DC Office of Corporation Counsel (now the Office of the Attorney General for DC) for juvenile delinquency matters, and the Citizen Complaint Review Board (now the Office of Police Complaints) for police-civilian mediations.²

Best of all, this new enterprise meant I could design a new clinical course called the CDRC Project so my George Washington Law School clinic students could conduct CDRC mediations. To my knowledge, this was the only clinic at the time mediating criminal cases. Steve (and his successors) and I co-taught the requisite seminar, supervised the mediations, and co-mediated ourselves when students were unavailable.

CDRC mediations were scheduled in two- or three-hour blocks in the late afternoon and evening hours at institutional locations with security check-ins. Mediating criminal cases presented distinct challenges: respondents had a right to counsel but complainants did not; the court proceedings, stayed pending mediation, loomed in the background; and ethical issues surfaced around voluntariness, mediator neutrality, and confidentiality. Yet I found CDRC mediations especially rewarding. Most important, CDRC party evaluations showed a high rate of satisfaction with the process and high completion rate for agreements.

Around this time ADR started spreading to many sectors. Law schools expanded ADR classes beyond the basics,

started graduate programs and dispute resolution centers, and founded specialty law journals. In the early 1990s, a group of us initiated a new Section on Alternative Dispute Resolution within the Association of American Law Schools (AALS). As a member of the section's executive committee and its chair, I participated in two AALS conference events that signaled the acceptance of ADR within the legal profession and academy: a program on "Standards of Professional Conduct in ADR" (Feerick, Izumi, Kovach, and Love, 1995) and a 1996 mini-workshop on ADR. To my colleagues and me, these programs heralded ADR as a distinct field and validated the work we were doing, often in isolation, at our law schools.

As a rookie teacher, I became active in the AALS Section on Clinical Legal Education and chaired the section in 2002. When I began teaching, mediation clinics were so rare that the Clinical Section did not even have an ADR practice group, so at annual conferences, I was stuck in the Civil Litigation group, where, frankly, I felt an attitude of litigation superiority, or elitism, that might be summed up as "real lawyers go to trial." In fact, mediation clinics continue the fight for legitimacy and recognition. Just a few years ago, we opposed the ABA's proposed redefinition of "law clinic" that included only advocacy clinics. We prevailed, and the definition now covers mediation clinics.

Moving West

In 2010, after 24 years as a clinical professor, including four years as associate dean for clinical affairs, I retired from GW as emerita professor of clinical law. One month later, I began my new position as clinical professor of law at the University of California Hastings College of the Law in San Francisco, becoming director of the Mediation Clinic and acting associate director of Hastings' Center for Negotiation and Dispute Resolution (CNDR). Concurrently,

my husband became the chancellor and dean of Hastings. I was thrilled to join CNDR and Hastings, where the programs in ADR and experiential education were much larger than those at GW. However, I resented the implication that I was simply the “trailing spouse,” since I secured a faculty appointment on my own merits.

At Hastings, I directed the ADR Externship and the Mediation Clinic, co-teaching the latter both semesters. In the externship, I supervised advanced ADR students placed at court, agency or nonprofit dispute resolution programs. Clinic students co-mediated small claims cases in San Francisco Superior Court, attending court once or twice each week to offer mediation during court sessions.

I also supervised clinic students in mediation of discrimination complaints in housing, employment, and public accommodations for the San Francisco Human Rights Commission and the California Department of Fair Employment and Housing, cases that excited students because the mediations lasted longer and involved more complex substantive issues. These cases often posed challenges for students and professors alike; offensive language or behavior by a party and power imbalances tested our ethical mettle. It was easier to empathize with human complainants than with institutional or corporate respondents.

On July 1, 2020, I retired from Hastings after 34 years as a clinical professor and mediation clinic director at two different law schools. To help keep the clinic at full capacity, I’ve agreed to be “recalled to service” at Hastings to teach the Mediation Clinic in the spring semester for three years. I am grateful to have retired on a high note, having received the 2019 Rutter Award for Teaching Excellence.

Reflections on the Past and Future

As I look back on my career, I feel very lucky. My values, interests, and identity steered my career to the intersection of three movements: ADR, clinical legal education, and Asian American activism. This inextricable combination has given me purpose and satisfaction, and these three movements' shared goals have matched my own: make all voices heard, expand avenues to recourse, afford agency over decision-making, redistribute resources, decentralize power, and recognize each person's humanity.

Being in DC, an early adopter of all things ADR, I had opportunities galore, from mediating and arbitrating for multiple organizations to chairing the DC Bar Attorney-Client Arbitration Board and creating its mediation component. This hot spot united individuals from diverse backgrounds and occupations who had an appetite for informal dispute resolution, and I met, collaborated with, and leaned on many wonderful individuals. The ABA Dispute Resolution Section, the National Association for Community Mediation, and the Society of Professionals in Dispute Resolution were all based there. My favorite DC "ADR people" connection was the Culture and Conflict Resolution book group organized by Carrie Menkel-Meadow, with Howard Gadlin, Homer La Rue, Kevin Avruch, Wallace Warfield, Donna Stienstra, and Melanie Greenberg. Co-authorship with Homer was my motivation to write "Prohibiting 'Good Faith' Reports under the Uniform Mediation Act: Keeping the Adjudication Camel Out of the Mediation Tent" (Izumi and La Rue, 2003). The people in ADR sparked my joy. Group generalizations are often inapt, but I've found my ADR colleagues to be an inquiring, reflective, moral, and unfailingly supportive bunch.

I identify deeply as a clinical professor of law. The practice of mediation, not merely the theoretical, animates my academic work. Educating and supervising students to

serve the community through their mediations has been especially rewarding. I found my tribe in the AALS Clinical Section, a sanctuary of like-minded lawyers dedicated to *praxis*. We have pushed new policies and standards that afforded greater job security (tenure and long-term contracts), perquisites (research budgets, sabbaticals), and governance rights. One of my proudest moments was receiving the section's 2018 William Pincus Award for Outstanding Service and Commitment to Clinical Legal Education, the first ADR professor to do so.

As I've noted, throughout my career I have often been the first or the only Asian American female in a workplace or role, so I've been delighted to see the number of Asian American law teachers skyrocket since my first year. Pan-Asian demand for empowerment and recognition imbued my commitment to AAPI (Asian American/Pacific Islander) issues. Two such endeavors included a team of Asian American conspirators: a nonprofit and a book. In 1993, five friends and I formed the Asian Pacific American Bar Association Educational Fund (AEF) to award summer fellowships that placed law students in public interest jobs to benefit the AAPI community. More than 25 years later, AEF's impact and capacity have ballooned tenfold. My co-authored casebook, *Race, Rights and Reparations: Law and the Japanese American Internment* (Yamamoto, Chon, Izumi, Kang, and Wu, 2001), was produced with a grant from the Civil Liberties Public Education Fund, which was established by Congress as part of the larger redress effort.

Implicit bias and its effect on mediator neutrality have become a central interest (Izumi, 2010 and 2017), sparked by Jerry Kang's presentation at the 2005 Conference of Asian Pacific American Law Faculty. Jerry's talk made me want to apply implicit bias research to mediation ethics using Asian stereotypes and examples drawn from

the Mediation Clinic. Since then, I have given dozens of implicit bias presentations to lawyers, mediators, arbitrators, students, teachers, and others.

In the big tent of dispute resolution, I have inhabited one nook—mediation education—these 30-odd years. Like other disciplines, the vastness of our field, with innumerable roles, activities, and processes, creates specializations. I admire our colleagues who work on the front lines of seemingly endless racial, ethnic, religious, and political clashes around our country and the world. I sometimes wonder if humans are doomed to repeat the same injustices and atrocities in shifting locations, failing to learn lessons from history, but perhaps with Pollyanna positivity, I have faith that dispute resolution, and mediation specifically, *can* make the world a better place.

I cite three reasons for my belief that the key values and the state of mediation are more solid than ever. First, the field adapts to a shifting environment and modern needs. The role of the mediator, or dispute resolution neutral, has expanded to encompass more functions and facets. Process models and practices have morphed as research, empirical evidence, and human conduct require. Social science, behavioral science, and neuroscience are now commonly discussed; interdisciplinary projects gather diverse orientations; international programs open cultural perspectives. Core mediation tenets remain timely and relevant, yet challenges pivot with the times.

Second, I have been attending ABA and AALS dispute resolution programs from their inception, and every year I am more impressed by a new generation of teachers, scholars, and practitioners who are contemplating and writing about our field. These “young lions” question, prod, and cajole us to look anew at how dispute resolution matters (or not). Appropriately, there is less romanticism about dispute resolution and more criticism from inside the field. The 30th

anniversary of Richard Delgado's seminal critique, "Fairness and Formality: Minimizing the Risk of Prejudice in Alternative Dispute Resolution" (Delgado, Dunn, Brown, Lee, and Hubbert, 1985), was an occasion to re-evaluate ADR against social justice goals (ADR Symposium, 2017). ADR *should* be evaluated from critical race, feminist legal theory, LGBTQ, and other analytical viewpoints.

Of course, there are shortcomings. One failure is the continuing lack of diversity within mediator and arbitrator ranks. Despite years of lip service and committees, statistics show that people of color continue to lag in representation, from eligible pools to ultimate selection. At a 2015 presentation to the International Academy of Mediators, Claudia Viera and I revealed statistics on mediators of color within seven service providers: the range was 3 percent to 14 percent. The good news is there is action beyond complaining. For instance, Homer La Rue has proposed a rubric, the Ray Corollary Initiative, to push the numbers up, transferring rules from sports and law firms.

I saved for last the third, and biggest, reason for my confidence in ADR's future: my Mediation Clinic students. Each semester, they have shown up, earnest and primed to learn theories and techniques to apply in their mediations. Many have been students of color from immigrant families who have faced and overcome adversity. Given the intensity of hands-on learning in the clinic, I have had deep and frequent interactions with them in my office, the classroom, the courtroom, and the mediation room. They have struggled, tackled obstacles, and come out better for it. With an altruistic spirit, they have supported their peers and committed to public service. They have been demanding of me and the world in the right ways. Their passion, aspirations, growth, and resilience inspire me. They are the future, and it is good.

Notes

¹ Robert MacCrate was an American lawyer who served as president of the New York State Bar Association and the American Bar Association. With the backing of the ABA Task Force on Law Schools and the Profession, the 1992 MacCrate Report criticized the state of American legal education and called for a practice-oriented, rather than theory-oriented, approach to legal education.

² The CDRC undertaking led to my book chapter, “ADR Processes in Criminal and Delinquency Cases,” in the American Bar Association’s *ADR Handbook for Judges*, which was published in 2004.

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