



Winkler Institute for Dispute Resolution **ANNUAL REPORT** 2019-2020





**WINKLER
INSTITUTE
FOR DISPUTE
RESOLUTION**

Based at Osgoode Hall Law School in Toronto, Ontario and named for the former Chief Justice of Ontario Warren Winkler, the Winkler Institute for Dispute Resolution is a vibrant centre for research on innovation in dispute resolution, access to justice, and the future of the legal profession and justice system. Our projects are wide-ranging but always rooted in this mandate.

Whether it is exploring the potential for human-centred design and legal technology to transform justice services, innovating in dispute resolution and prevention, discovering new ways of thinking about the profession, or legal education and empowerment, we are consistently striving to find out how to do things better and more inclusively.

Additionally, we are closely tied in both mission and operation with the Osgoode Mediation Clinic, supporting the work of its three primary divisions (and their community partners) and facilitating its Small Claims Court Mediation Program.

Since opening our doors in 2014, the Winkler Institute has become a leading voice in Canadian justice innovation and reform and a partner on many research projects and initiatives with similarly minded organizations and institutions across the world.

We are always looking for more ways to work on pressing issues and to advance causes within our mandate.

Please do not hesitate to reach out by e-mailing us at WinklerInstitute@osgoode.yorku.ca



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A Word from the Academic Director



This past year brought us many things—success, challenges, surprises, but most of all, it ushered in a period of change. And we’re still in it. Between the global pandemic, which impacted all facets of our lives at the Institute, the law school, the justice system and, indeed, everywhere, and the widespread necessary reckoning with racism and the quest for racial justice, we, as a society, have been forced to immediately respond, question and adapt.

This work hasn’t been easy, but it is necessary, and it is a task that the Winkler Institute and its small but mighty team have been actively engaging with throughout the past few months. Although we may have spent the second part of this school year physically apart, our collaborative spirit and focus has enabled us to continue working towards our mandate of access to justice, innovation and equity in the legal-education sphere and justice system as a whole.

As you’ll see in this report, no doubt being read on a computer, tablet or phone, we, along with our valued institutional and community partners, have continued to research, host and direct a number of projects and initiatives that, while differing in scope and content, all aim to examine how we can make our society fairer, more just and simply better. It is as a result of your support that we are able to continue this mission, one whose importance has become even more evident as of late.

So, thank you, and we hope to be able to share, work and even laugh together soon in person. Until then, feel free to drop us a line at WinklerInstitute@osgoode.yorku.ca. We welcome any conversation, suggestion or support.

Take care,

A handwritten signature in black ink that reads "Martha". The signature is fluid and cursive, with a long horizontal line extending to the right.

Martha E. Simmons, PhD

Academic Director, Winkler Institute for Dispute Resolution

Planning for the Academic Year



Our team had a busy summer getting ready for the 2019–2020 school year!

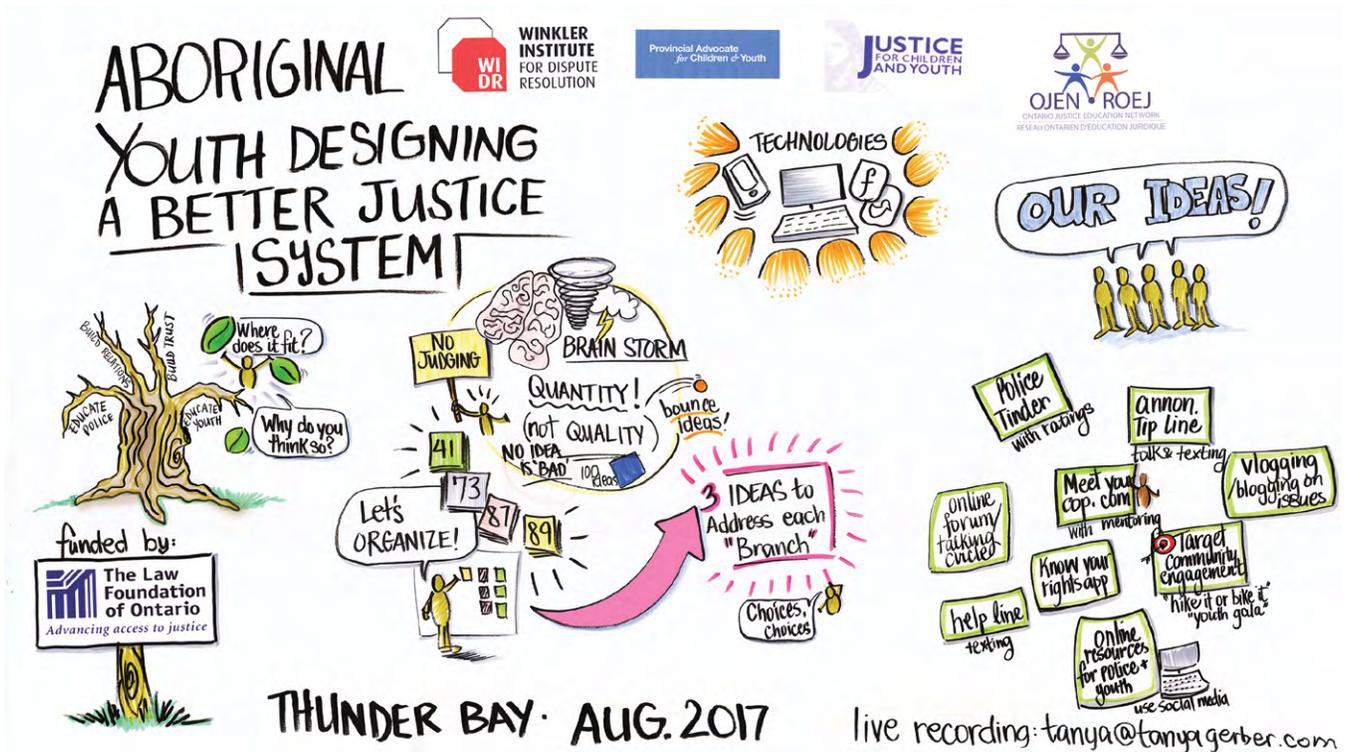
Engaging with Our Campus



Winkler staff and students were busy this year connecting with various groups in the Osgoode and wider York University community to build our brand across campus and spread the word about our mediation services.



Indigenous Youth: Designing a Better Justice System Phase Two



Supported by a generous grant from The Law Foundation of Ontario, the Winkler Institute and its project partners Justice for Children (JFCY) and the Ontario Justice Education Network (OJEN), continue to collaborate on the [Indigenous Youth: Designing a Better Justice System](#) project into its second phase of development. The purpose of this project is to create technological solutions that would improve interactions and the relationship between police and Indigenous communities and accelerate the implementation of the recommendations found in the “Justice & Juries - A First Nations Youth Action Plan for Justice Report.”

In the first phase of the project in the summer of 2017, the Winkler Institute brought together 30 Indigenous youth from all across Ontario for a 3-day workshop in Thunder Bay. In this workshop, Indigenous youth worked together to brainstorm and design technology prototypes and out of it, an idea for a mobile-based educational game, called Shield Your Rights was created. Shield Your Rights aims to empower youth by incorporating the traditional Seven Grandfather Teachings (wisdom, love, respect, bravery, honesty, humility, and truth) in a quest to teach users about youth legal rights during police interactions.



In phase two, the Youth Leadership Team (YLT), consisting of six Indigenous youth from across Ontario, continued working with staff from the Winkler Institute, OJEN, and JFCY to further develop the plot of the game, its design, and the legal knowledge that they want to share with the players. The YLT are working hard to ensure that the final proposed game will be an effective public legal education tool for Indigenous youth across Ontario.

The team met regularly through the past fall, winter, and spring. During a recent gathering in March, the team was lucky to have Meagan Byrne, a Métis game designer and co-founder of the Achimostawinan Games (a video game company dedicated to developing Indigenous games for an Indigenous audience) with them to help guide the narrative of the game. The Winkler Institute is so proud of the work the youth have done and, due to current circumstances, the group will be finishing out this phase of the project strongly...but virtually. We are, however, looking forward to convening again with everyone when it is safe to do so...hopefully for the next stage of development!



Jean-Paul Bevilacqua
@jpbevi

The Youth Leadership Team for the [@LawFoundationOn](#)-funded project "Indigenous Youth: Designing a Better Justice System" is back at it for our regular gathering in Toronto.

We're lucky to have [@byrne_meagan](#) with us this time around to provide guidance on narrative for the game.



Cyberjustice Lab: Autonomy Through Cyberjustice Technologies (ACT Project)

As a part of the Autonomy Through Cyberjustice Technologies (ACT) partnership with the Cyberjustice Laboratory at the University of Montreal, the Winkler Institute continues to explore online dispute resolution as a means to achieve access to justice.

In a collaboration with the Cyberjustice Lab, on May 15, 2020, our Assistant Director, Jean-Paul Bevilacqua participated in a panel titled “Learning from experience – How to inform the public of their rights in times of crisis”. The discussion centered around the establishment of new technological tools and services seeking to inform the public of their rights during a pandemic and around the impact that the pandemic has had on access to justice. The panelists also included Julie Matthews, the Executive Director at the Community Legal Education Ontario (CLEO) and Katie Sykes, an associate professor at the Thompson Rivers University Faculty of Law. The three panelists spoke in detail on how the pandemic has affected access to

justice, the different groups who are vulnerable to those effects, the various technological tools the panelist’s respective organizations have utilized in response to the pandemic, and the issues arising from the development and use of those tools.

Additionally, as part of the ACT partnership, the Winkler Institute and its founding Academic Director, Trevor Farrow, will continue collaborating as an academic partner in one of ACT’s 16 subprojects titled “Subproject 1: Pre-Conflict Decision Tools: Orienting Litigants and Defendants”. Led by Valentin Callipel, the Head of Mission at the Cyberjustice Laboratory, this subproject aims to develop tools to assist in pre-conflict decision making. On May 22, 2020, Trevor Farrow, two research assistants from the Winkler Institute, and the other committee members of the subproject had an online meeting to discuss the various projects that the member’s organizations are currently taking on, in hopes of using these projects as case studies for Subproject 1.

Winkler Institute
@winklerinst

Our assistant director @jpbevi will be taking part in this @CyberjusticeLab-hosted talk as a part of the broader "Access to Justice and Marginalized Communities" discussion on Thursday. Join him and the rest of the panel by registering here: bit.ly/2yG0TJG #A2J

Web-talk

FEEDBACK - HOW TO INFORM THE PUBLIC ABOUT HIS RIGHTS DURING A PANDEMIC ?

Jean-Paul Bevilacqua
Assistant Director,
Winkler Institute for
Dispute Resolution

Julie Matthews
Executive Director,
Community Legal
Education Ontario

Katie Sykes
Associate Professor,
Thompson Rivers
University Faculty of Law

Free registration
Thursday 14 May - 13:30 (EDT)

Laboratoire de
CYBERJUSTICE
Laboratory

Small Claims Court Mediation Program

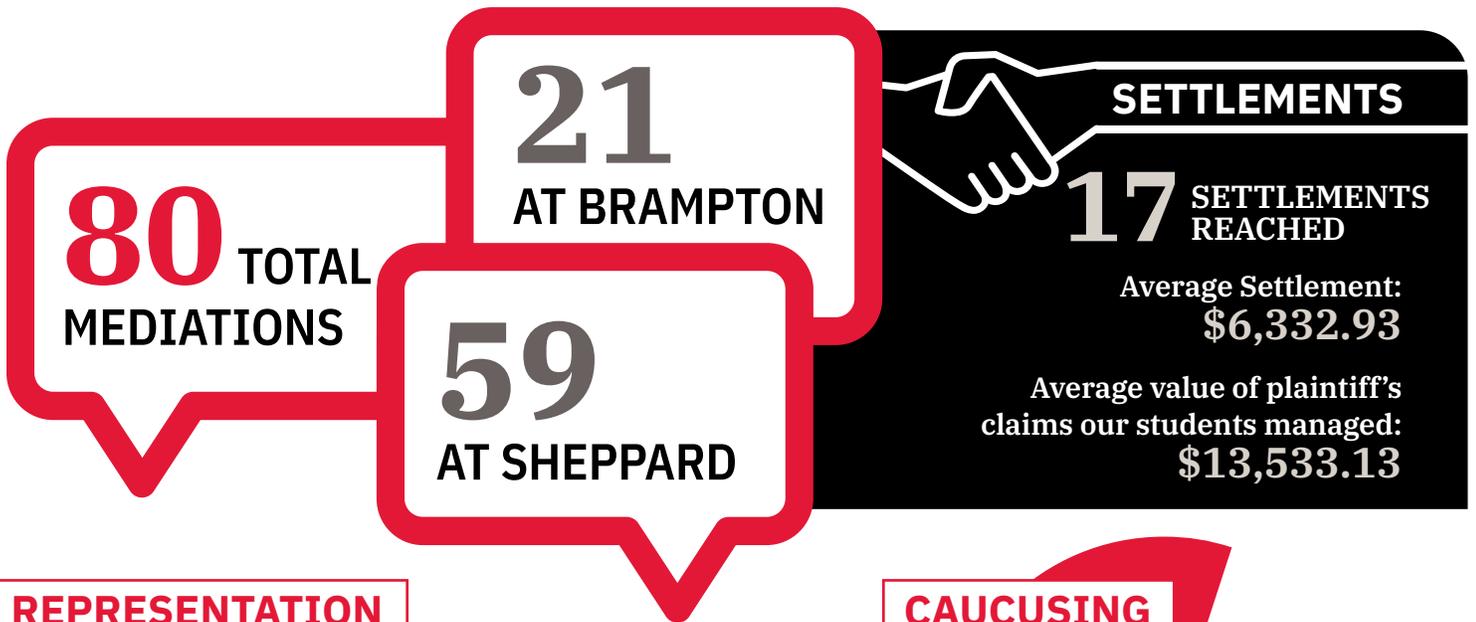
The Winkler Institute continues to be recognized for its contributions and innovations to ADR. The contribution and dedication of our students to the Winkler Institute is no small part of that acclaim. Our partnership with the Osgoode Mediation Intensive Program allows its students to engage in the innovative projects the institute takes on.

As a part of their experiential-learning components, students in the Osgoode Mediation Intensive Program and in the fall seminar “Theory and Practice of Mediation” participate in the Small Claims Court Mediation Program with the Sheppard and Brampton courthouses. After receiving their formal and rigorous training in mediation at the beginning of the school year, students conduct mediations on weekday mornings at these courthouses. The cases they receive are diverted to mediation due to their deemed suitability for the process.

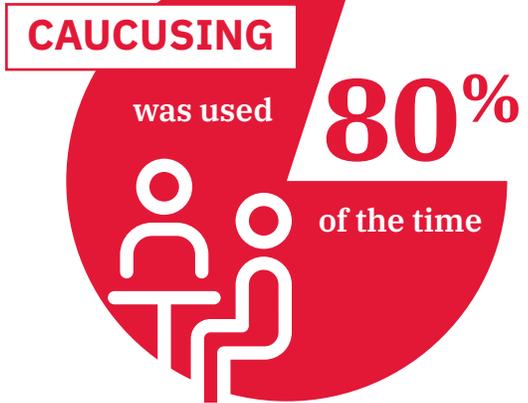
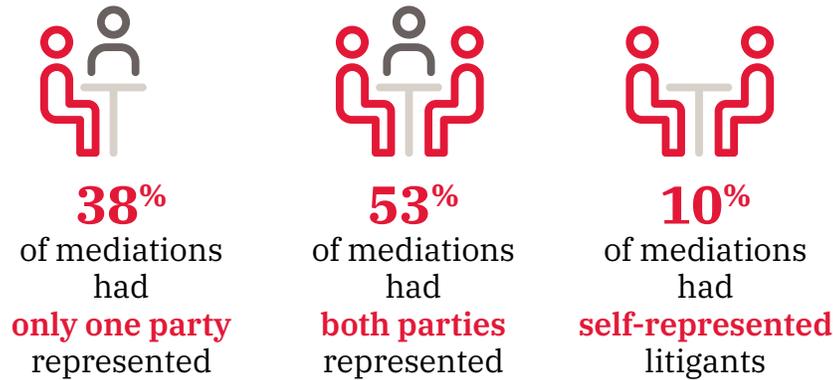
This is the kind of hands-on learning that Osgoode delivers at its best, providing an invaluable opportunity for students to put theory into practice in a real-world setting, while effectively assisting the country and province’s mandate of access to justice for its inhabitants. By providing mediation for parties currently in the justice system, students are, in their own small but significant way, alleviating some of the strain felt by both the courts as well as the litigants themselves.

The data we garnered from the program, available to view through our [year-end report](#), provides important insights on the impacts and effectiveness of mediation in a Small Claims Court context.





REPRESENTATION



FAIRNESS

85% of surveyed respondents reported that they felt the mediation process was fair.

STUDENTS IDENTIFIED SEVERAL FACTORS THAT IMPACTED FAIRNESS:

- The role of legal representation
- Language barriers
- Appropriate time to conduct mediations
- Impartiality
- Treating parties equally
- Providing a roadmap of the mediation process
- Addressing power imbalances

AREAS OF LAW

- Construction
- Employment
- Contract
- Property damage
- Repayment of loans/ mortgages

New areas of law included

- Insurance matters
- Real estate disputes

Partnership with PBSC on Resource Database for ADR Professionals

In the fall of 2018, the Winkler Institute partnered with the Conciliation and Arbitration Board of Canada to host three roundtables on dispute resolution. The roundtables were hosted in Toronto, Calgary, and Montreal to improve the dispute-resolution capacity of the communities that we serve. Participants in the roundtables expressed the need for deliverables such as instructional documents, resource databases, and catalogues of the work being done by each organization and their dispute-resolution processes to allow for the sharing of best practices. Stemming from these findings, the Winkler Institute undertook the creation of a public ADR resource database for practitioners.

This past year the Winkler Institute partnered with the Osgoode Chapter of Pro Bono Students of Canada (PBSC) to create the database. To maximize the utility of the database, PBSC students focused on Canadian research and articles with an emphasis on recent work from the past five years. Our PBSC students compiled a list of 120 resources ADR professionals could use to help their practice. Resources ranged from papers on Indigenous dispute resolution to consumer contract dispute resolution, and included a blend of academic articles, practical papers, and encyclopedia entries.

The Winkler Institute is grateful for the contributions the PBSC students, Thadsha Chandrakumaran and Felice Yeung, as well as to its own summer students for bringing the database to life.



OSGOODE HALL
CHAPTER

Mooting Celebration

In the spring of 2019, Osgoode sent two teams of three students to the International Academy of Dispute Resolution's International Law School Mediation Tournament, which took place in Athens on March 14-17. The tournament promotes mediation as an effective dispute-resolution method and provides law students with a valuable opportunity to develop their advocacy skills. Coached by the Winkler Institute's Jean-Paul Bevilacqua and Martha Simmons, one of Osgoode's teams took first place at the competition which consisted of a total of 53 teams. This victory was celebrated along with Osgoode's other wins this past fall at the Mooting Celebration where the team's banner was unfurled.



A Revamped Look for The Osgoode Mediation Clinic



“For community members to seek the services of the mediation clinic, they need to know it exists.”

This year, the students in the [Osgoode Mediation Clinic](#) took on the ambitious project of modernizing the clinic’s digital presence. Clinic students conducted an email campaign in the fall to advertise the services they could provide, refreshed the clinic’s logo, updated and improved the clinic’s social media presence, and developed promotional posters.

One of the biggest upgrades to the clinic’s digital presence was the production of a [promotional video](#). The video highlights the services the clinic provides and gives a face to its name. Our talented clinic students filmed and edited the video. Our promotional video gained attention on both the Osgoode Mediation Clinic’s and Osgoode Hall Law School’s social media platforms. The promotional video will enable future intensive program students to better market the Osgoode Mediation Clinic’s services and reach a wider base of potential users, helping people settle their disputes outside of court.



The Winkler Institute extends its gratitude to the Experiential Learning Office for their grant which enabled our students to produce this video.

Final Mediation Simulations and Assessments

To provide an enriching and experiential learning opportunity, students in the fall seminar “Theory and Practice of Mediation” and the Mediation Intensive Program, taught by Academic Director Martha Simmons and Assistant Director Jean-Paul Bevilacqua, are evaluated through final simulated mediations. To bring these to life, we gave them a flair for the dramatic.

This past year we continued our recent partnership with York University’s Department of Theatre. Osgoode students served as mediators, while York Theatre students acted as clients. Osgoode students got the benefit of having a more realistic mediation experience to practice and hone their mediation skills. This partnership highlights just one of the many ways in which the Winkler Institute is at the forefront of innovation in how ADR is taught to Canada’s next generation of lawyers and mediators. We thank York Theatre and its students for their continued partnership.



Dentons Cup and Advocacy Society

The Dentons Cup, a negotiation competition created and sponsored by Dentons Canada LLP, allows students to practice, compete, and put their negotiation skills to the test in a series of simulated negotiations. The negotiations are scored based on a team's planning, flexibility, teamwork, ability to deal with ethical issues, and ultimately the ability to obtain the best possible outcome for their client. Osgoode's Dentons Cup competition is run by the Osgoode Advocacy Society (formerly known as the Osgoode Negotiation Club). In teams of two, students compete with other teams in order to qualify for the final round at the Canadian National Negotiation Competition (CNNC). We are so proud of not only all the teams who competed in this competition, but also of our very own Karen Mann for organizing and facilitating this event.

We would also like to thank Dentons Canada LLP and its team for hosting the event as well as acting as judges throughout the competition.



INADR International Intercollegiate Mediation Tournament



This past year, the Winkler Institute and Osgoode Hall Law School hosted the 20th annual [INADR International Intercollegiate Mediation Tournament](#). This tournament is an undergraduate mediation tournament made up of 30 teams from around the world. Students get a chance to learn practical skills through extensive INADR mediation and advocacy training before participating in the tournament. In addition to hosting the tournament, students in our mediation intensive had the opportunity to design and facilitate the pre-competition training participants received as well as to judge and provide feedback during the various rounds.



Boston University and the University of Texas at Dallas won the mediator and client-advocacy awards respectively. The tournament was an excellent way for students to gain practical experience, and learn from INADR and Winkler Institute experts. We are thankful to the Osgoode students and faculty who volunteered to be judges as well as the teams, coaches, and INADR team who made this tournament possible.

Seneca College Presentation

Our Osgoode Mediation Clinic students, Alex and Colleen, conducted an “Understanding Negotiations” seminar in February 2020 for the Seneca Leadership Institute. Our students had the opportunity to train Seneca College students, who are enrolled in the Seneca Leadership Program, on how to be successful negotiators. Not only did the Seneca College students learn the theory of negotiations, they got to apply and practice their new negotiation skills by participating in hands-on simulations that focus on negotiation of terms of employment. Our Osgoode team received excellent feedback from the training and have been asked to come back to present on a new topic next year!



ADR Competitions

Canadian National Negotiation Competition (Feb 2020)

The qualifying teams from the Dentons Cup competition are invited to compete in the Canadian National Negotiation Competition. Only the top 14 teams from law schools across Canada are invited and the winners from this competition will qualify for the annual International Negotiation Competition. This year, the CNNC was hosted at the University of New Brunswick in Fredericton and our students Alina Butt and Abiramy Uthirakumaran placed first, winning the entire competition. Were it not for COVID-19, they would have moved onto the International Negotiation Competition this past summer in Montana, but the competition was postponed. Depending on the number of 2020 teams that are able to participate, the teams who were to compete will either participate in a parallel competition or in the 2021 International Competition itself.



Jean-Paul Bevilacqua @jpbevi · Feb 24

Congratulations to @OsgoodeNews students Alina Butt and Abiramy Uthirakumaran on their victory at the Canadian National Negotiation Competition at @UNBLaw this past weekend! We are so proud of our students and their hard work and are excited to see them excel in this #ADR field.



John Kleefeld @UNBKleefeld · Feb 23

Replying to @UNBLaw and @mcinnescooper

3/2/1 place: Hayden Redl and Abbie Treslan @UsaskLaw; Danica Jorgenson and David MacDonald @UNBLaw; Alina Butt & Abiramy Uthirakumaran @OsgoodeNews.

International Academy of Dispute Resolution 19th Annual International Law School Mediation Tournament (March 4)

The [International Academy of Dispute Resolution's International Law School Mediation Tournament](#) is a competition featuring law and graduate school participants from all over the world. INADR's mission is to: "build, through education, worldwide recognition of the power of dispute resolution, peacefully resolve conflicts, and promote conciliation and healing".



Jean-Paul Bevilacqua @jpbevi · Mar 4

The team from @OsgoodeNews is so happy to be here! Looking forward to seeing everyone and getting started :)



The International Academy of Dispute Resolution @INA... · Mar 4

Excited to welcome our 2020 INADR International Law School Mediation Tournament students in less than an hour! We can't wait to see what happens this year. #INADR #INADRChicago2020



This year's 19th annual tournament was held at Loyola University Chicago School of Law and our two teams of three, Robert MacKenzie, Karen Mann and Adam Voorberg, and Jessie Armour, Joshua Harriott and Jared Toll, performed successfully and admirably. Robert MacKenzie, Karen Mann and Adam Voorberg turned in an impressive performance, winning their room in the finals as mediators and placing second overall in the competition, and our second team, Jessie Armour, Joshua Harriott and Jared Toll also placed and received individual awards for client/advocate and mediator in the preliminary rounds. We are so proud of this hard-working and talented group of mediators and advocates!



Jean-Paul Bevilacqua @jpbevi · Mar 5

Final prep before first round. Let's do this! #INADR2020



Jean-Paul Bevilacqua @jpbevi · Mar 6

Our @OsgoodNews teams had a great time in the preliminary rounds and are happy to be advancing to the semi-finals in both the mediator and client-advocate categories. Time for some late-night prep in advance of tomorrow's session!



Jean-Paul Bevilacqua @jpbevi · Apr 9

Very proud of the work and success of @OsgoodNews' #ADR teams and their comprising students. We are lucky to have a flourishing program in this important practice stream at our law school, and this is evident in the students' impressive performance: bit.ly/3c6aOG0



Advocacy Week

Advocacy Week, formally known as “ADR Week” is a week-long program of events that provides students with an opportunity to learn about and engage with the dispute resolution practice and the mediation clinic. This year’s plan for Advocacy Week included a mediation training titled “Mediation 101: Training and Simulation”, an open house for the Osgoode Mediation Clinic, a Winkler Negotiation Competition led by the Osgoode Advocacy Society, and an Earth Law Moot, a collaboration with the Earth Law Club. Advocacy Week was set to be held from March 9th – 14th, 2020, but due to COVID-19, no events were administered. Although Advocacy Week had to be cancelled, we are so proud of all the hard work that our students and faculty put into developing the event and we are excited to see what next year’s Advocacy Week will entail!

Winkler Institute @winklerinst · Mar 11

The Institute is excited to be presenting Advocacy Week alongside our partners the Osgoode Mediation Clinic and the Advocacy Society. Plenty of opportunities for @OsgoodeNews students to get involved, so we'll see you out there!

Osgoode Mediation Clinic @OsgoodeMC · Mar 11

Join the Osgoode Mediation Clinic and the Advocacy Society next week for Advocacy Week! Check out our Facebook page for more details and information about how to sign up for these events!

<p>our Mediation 101 session where you will learn the basics of mediation and have an opportunity to practice your new skills.</p>	<p>Mediation Clinic? Come meet the current students and learn about the work the team has been up to this year.</p>
<p>9:30 - 10:30 AM Training 12:30 - 2:30 PM Practice Rounds</p>	<p>12:30 - 2:30 PM</p>
<p>WEDNESDAY MARCH 19</p>	<p>THURSDAY MARCH 18</p>
<p>NEGOTIATION COMPETITION</p>	<p>EARTH LAW MOOT</p>
<p>The Winkler Institute Negotiation Competition is a multi-party negotiation competition. This is a one-round competition for IL students!</p>	<p>Interested in participating in Osgoode's first collaborative Earth Law Moot? Keep an eye out for information from the Earth Law Club about the moot!</p>
<p>12:30 - 2:30 PM</p>	<p></p>

Report on Community Mediation

The Winkler Institute and St. Stephen's Community House have a long partnership in advancing community mediation. In 2019, the Winkler Institute and St. Stephen's Community House partnered to evaluate the effectiveness of community mediation and coaching, as practiced in the 12 services clinics of the Ontario Community Mediation Coalition (OCMC). Our project sought to address the effectiveness of volunteer-led community mediation processes to resolve current disputes, transfer new skills to the participants, and increase participant's confidence in their conflict resolution skills.

The Results

The results of the study were very promising. 63% of participants felt more confident in resolving disputes as a result of participation in community mediation or conflict coaching programs. Participants also reported developing greater self-awareness and ability to emphasize, peacefully discuss difficult issues, and engage in active listening. 71% of participants reported seeing themselves as peacebuilders in their community, highlighting the positive role that community mediations play in the community at large.

What Does Our Study Mean for Community Mediations?

Our study also highlighted important information that policymakers and practitioners can use in leading mediations. Two findings with a direct impact on how mediations are conducted stand out:

1. The report underscores the importance of mediation being voluntary. Survey respondents reported that being forced into mediation made them less invested and appreciative of the mediation process. Voluntary participation must continue to be an essential aspect of community mediation.
2. Setting clear expectations before, during, and after the mediation was also found to be important to a mediation's success. Participants reported that setting expectations helped facilitate their understanding of the mediation process and contributed to the overall success of the mediation.

Due to the confidential nature of community mediations, academic discourse has been limited to date. We hope the results of this study will spur further research on the effectiveness of community mediation and provide useful data for practitioners and organizations.

In July, the Institute worked with St. Stephen's to present the findings of this report through a coordinated social media blitz and media campaign. The report can be accessed [here](#). We look forward to further profiling our research at upcoming conferences.

This project was made possible by generous funding from The Law Foundation of Ontario. We are grateful for their assistance. We would also like to thank researchers Helen Ries at Great River Consulting and Pamela Power, members and clients of the Ontario Community Mediation Coalition, and our long-term partner, St. Stephen's Community House.

COMMUNITY MEDIATION: IT WORKS!

Funded by The Law Foundation of Ontario, a recent research report by St. Stephen's Community House and the Winkler Institute for Dispute Resolution reveals interesting findings on community mediation.

WHAT IS COMMUNITY MEDIATION?

The Ontario Community Mediation Coalition (OCMC) is an umbrella organization representing community mediation services in Ontario. Goals of community mediation include helping neighbours resolve immediate conflict, and contribute to more peaceful communities. This project was undertaken to address the effectiveness of volunteer-led community mediation processes to resolve current disputes, transfer new skills to the participants and increase their confidence in resolving other disputes.

THE RESULTS

More than double of the participants felt better than those who said they felt the same or worse after mediation.

41% identified greater self-awareness around understanding other perspectives.

"It gives a process for resolving conflicts and so that could be applied to other situations."

36% reported stopping and thinking before speaking.

43% reported better listening.

39% learned how to peacefully discuss difficult issues.

44% reported communicating differently.

65% use skills gained in community mediation and/or conflict coaching in other conflict situations.

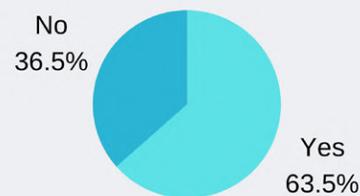
IMPORTANT FINDINGS

Voluntary Participation

Voluntary participation is a basic tenet of OCMC community mediation and/or conflict coaching process and is important to its success.

Conflict Resolution Skills

63.5% felt more confident in resolving other conflict situations as a result of participation in community mediation or conflict coaching



Participants in OCMC community mediation and conflict coaching processes were interested in learning more about conflict resolution skills after they had been through the process. Nearly 64% of participants would have been interested in continuing to build their conflict resolution skills after experiencing community mediation.

Setting Expectations

Setting expectations for the OCMC community mediation and/or conflict coaching process for the participants is important to its success. Setting expectations for before, during and after mediation would help participants to better understand the journey they are embarking on.

*Results taken from Community Mediation Research Summary Report. For more information, please contact Peter Bruer at bpeter@sscto.ca or 416-925-2103 x1225.

Online Services

COVID-19 has forced many sectors of the justice system to modernize their procedures, and we are no exception to that. To help our community during this time, we began to offer online services in June. The transition to mediating online has helped us review our procedures, find ways we can modernize our services and help the community in more effective ways.

While many businesses and activities have shut down during the course of the pandemic, including courts, disputes between individuals, businesses, and employers and employees still need to be resolved. The closure of the

courts, particularly Small Claims Court, possess a real challenge to resolving legal and personal disputes between people. Online Dispute Resolution (ODR) presents one innovative way of resolving disputes between individuals during this time and going forward. The closure of the courts and traditional in-person mediation setting has resulted in an explosion of research and writing on ODR.

We are excited about the potential ODR holds to transform the way we mediate. Through mediating over Zoom, we are analysing the way people communicate with one another, the role the mediator plays during the course of a mediation, and how parties use caucuses. Mediating online highlights the importance of clearly setting expectations before, during, and after the mediation, as well as the value in communicating clearly and efficiently with participants.

ODR also holds the potential to improve community access to mediation. While concerns exist around access to computers and internet, ODR is incredibly accessible. Instead of requiring participants to travel long distances, or block off entire days, an online mediation can be done at flexible times, in flexible locations, as long as participants have internet access. This allows us to better plan mediations around peoples work, school, and family schedules. It also allows participants to engage in a mediation in a safe and familiar place like their home.

Our online experience over the summer will provide us with a strong foundation for the mediation clinic in the fall and the services we provide going forward.

LIST OF SPECIALIZED AREAS		
<p>Youth Conflicts</p> <ul style="list-style-type: none"> Bullying Teacher-Student Conflicts Student Group Conflicts Disciplinary Issues 	<p>Housing Disagreements</p> <ul style="list-style-type: none"> Tenant-Tenant (Roommates) Landlord-Tenant Tenant Groups Housing Organizations 	<p>Personal & Professional Conflicts</p> <ul style="list-style-type: none"> One-on-One Coaching Employer-Employee Issues Employee-Employee Issues Business Partner Conflicts
<p>Family Disputes</p> <ul style="list-style-type: none"> Parenting Goals Disciplinary Issues Intergenerational Issues Partner Communication 	<p>Campus-Related Issues</p> <ul style="list-style-type: none"> York University Students Sports Teams Issues Campus Clubs Issues Professor-Student Issues 	<p>And More!</p> <p>This is not an exhaustive list. Contact us to find out if your conflict is suitable for our online mediation services.</p>



Summer Student Blogs

Each summer, the Winkler Institute hires summer students to assist with our mission and prepare for the upcoming academic year. One of the tasks our summer students work on is contributing to the “Justice Innovation Blog” on the Winkler Institute website. Winkler students write about student experiences in the mediation clinic and experiences with ADR and legal education.

“That is why places like the Osgoode Mediation Clinic matter – community-focused and accessible, they provide a fair playing ground for people, particularly those who are vulnerable, to resolve their conflicts in a positive and inexpensive manner, and, in the process, better their lives and that of those around them.”

Our student blog posts highlight the ways that law students are confronting the challenges posed by ADR and using ADR to overcome the barriers to accessing justice. Student blog posts compliment the posts from staff, professors, and practitioners to provide insight into the ways the Winkler Institute is at the forefront of ADR innovation. This summer our students wrote some truly exceptional blog pieces. Our student’s experience with completing half a year of law school online and conducting mediations over Zoom and other platforms has given them unique perspectives on the future of dispute resolution, legal education, and how we provide legal services.

“As the nonsensical red tape disappears and the justice system catches up to the 21st century, there is an opportunity to emerge into our new normal with processes that truly make an impact on the access to justice crisis. While it took a pandemic to propel the justice system forward, the legal profession is staked with so many of the best and brightest minds that, I am hopeful, will continue to work together on this front. It is working together which has made these far-reaching changes possible”

Beyond innovations in ADR, our student’s blog posts provide an opportunity for students to use their voices to [empower the communities](#) we serve and [call for a more inclusive legal education](#).

“Recognizing the flaws of the legal systems must be a starting point for legal education. First-year students should learn how race impacts damages awards in torts, how race impacts the credibility of the accused, complainants, and witnesses, and how bias interferes with mediation. As students, it’s important to hear non-legal perspectives on the law and see how the legal system impacts people as a result of their race. We should not worry whether law students will become too critical of the legal system, that criticism is necessary for change.

The first-year curriculum is abstract. The real-world impacts of the law are not. We read cases that are hundreds of years old that still impact life today, we focus on the decisions of judges and often gloss over the facts. We are told there is an access to justice crisis, but we rarely are told the true extent of it, who it impacts the most, and what solutions are proposed. We never discuss why racialized individuals are disproportionately affected by the law.”

As an institution committed to empowerment, improving access to justice, and creating innovations in the future of the legal system, we are proud that our students are using our platform to call for a better legal profession.

Outstanding Achievements and Recognitions

We are incredibly lucky to have such a dedicated and outstanding team of students and faculty at the Institute. This year, a significant group of them were highlighted for the various contributions. Congratulations to them all

Jean-Paul Bevilacqua, our Assistant Director, received the Adjunct Faculty Teaching Award!

“One of the best qualities about Jean-Paul Bevilacqua as a teacher is that he adapts his approach to teaching and coaching to address different student learning needs, and to create an inclusive learning environment that respects diversity and promotes equity ... there is no shortage of students who have been positively impacted by him as a teacher, coach, and mentor at Osgoode.”



Jean-Paul Bevilacqua
@jpbevi

What an absolute, meaningful honour (and a true surprise) to receive @OsgoodeNews' Adjunct Faculty Teaching Award this year. It has been such an unexpected joy to be back at Osgoode teaching. A huge congratulations to this year's other winners! osgoode.yorku.ca/news/honouring...



One of the best qualities about Jean-Paul Bevilacqua as a teacher is that he adapts his approach to teaching and coaching to address different student learning needs, and to create an inclusive learning environment that respects diversity and promotes equity ... there is no shortage of students who have been positively impacted by him as a teacher, coach, and mentor at Osgoode.



Samantha Craig-Curnow, a student at the Osgoode Mediation Clinic, received the 2020 Dean's Gold Key Award.

Samantha began in the Mediation Clinic in the Fall 2017 semester. With the support of CASS and in consultation with the Indigenous community at York, Samantha worked to develop the Indigenous Dispute Resolution Protocol for York University. The protocol has been approved for implementation by York's Indigenous Council (an advisory body for Indigenous issues on campus) and members of the community are currently being trained to implement the protocol. She was able to undertake this work while also developing basic mediation skills through the Small Claims Court program and other on-campus mediations undertaken by the Campus Division during her time with the Osgoode Mediation Clinic.

Robert MacKenzie, a student at the Osgoode Mediation Clinic and member of the Advocacy Society, also received the 2020 Dean's Gold Key Award.

Prior to joining the Mediation Clinic as a Student Mediator, Robert MacKenzie participated in several advocacy competitions organized by the Osgoode Advocacy Society – of which he would later become Vice President. He was then accepted into the Mediation Clinic in the 2019-2020 academic year. While with the clinic, he had the opportunity to compete in the INADR International Mediation Competition in Chicago, Illinois where he acted as a mediator through to the final round and placed 2nd overall for mediation.

Karen Mann, a research assistant at the Winkler Institute and president of the Osgoode Advocacy Society, with the hat-trick, received the 2020 Dean's Gold Key Award as well.

Publications

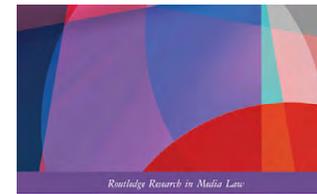
LGBTQ2+ Law: Practice Issues and Analysis

Our Assistant Director, Jean-Paul Bevilacqua, was a contributor in the new and exciting publication titled *LGBTQ2+ Law: Practice Issues and Analysis*. This book is the first of its kind to examine issues relating to sexual orientation, gender identity and its impact in areas of legal practice (especially in areas of family, immigration, estates, and criminal law), while offering practical treatment of these specific challenges within a legal context.

In addition, Edmond Publishing was awarded the “Hugh Lawford Award for Excellence in Legal Publishing” for the above textbook. This award is to honour publishers who have provided the legal profession with quality materials for use and understanding and researching the law. Congratulations to Edmond Publishing and all those involved in this worthwhile endeavour and resource.



Our assistant director with former premier of Ontario Kathleen Wynne, who provided the foreword for the book, and Joanna Radbord, lawyer and general editor of the publication.



MEDIATION AND POPULAR CULTURE

Jennifer L. Schulz



Mediation and Pop Culture Book

Dr. Jennifer L. Schulz, a Winkler Institute Fellow and Associate Professor and Associate Dean (Research and Graduate Studies), Faculty of Law at the University of Manitoba, just had her book titled *Mediation & Popular Culture* published by Routledge Books. This book examines mediation topics such as impartiality, self-determination and fair outcomes through popular culture lenses. Congratulations to Dr. Schulz on your book!



Winkler Institute @winklerinst · Nov 12, 2019

Our assistant director and @OsgoodeNews prof @jpbevi is featured in this exciting new, just-released publication. Check it out!

Edmond Publishing @EdmondPublishing · Nov 12, 2019

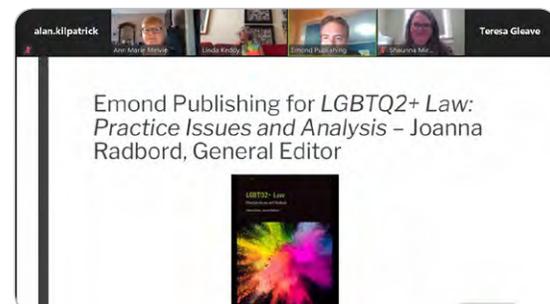
#LGBTQ2+ Law: Practice Issues and Analysis is now available! Order your copy at emond.ca/lgbtq2. Featuring a foreword by @Kathleen_Wynne, this title features over 40 contributors, including @samuelsingerlaw, @jpbevi, & @BoydArbitration.

#LGBTQ #GenderIdentity #Law



CALL/ACBD @CALLACBD · Jun 5

Congratulations to @EdmondPublishing for receiving the "Hugh Lawford Award for Excellence in Legal Publishing" for *LGBTQ2+ Law: Practice Issues and Analysis*: emond.ca/lgbtq2-law-pra...! #CALLACBD2020





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