

WIN-WINS FOR THE WORKPLACE

Students tackle high-level employment disputes.

By Christina Schweighofer

When a financial industry employee filed a sexual harassment complaint against her boss, two USC Gould Advanced Mediation Clinic students were there to help. After a day of mediation, the complainant walked away with a new goal: go back to school. Although the settlement award was less than she had hoped for, it was enough to cover tuition in a degree program that would advance her career.

Sosnick appreciated the expediency of the mediation process, which allowed the parties to “settle in one day,” thereby avoiding a lengthy and expensive court process.

The new program works in partnership with the Department of Fair Employment and Housing (DFEH)’s Dispute Resolution Division, which referred the sexual harassment case Miller and Sosnick mediated to the Mediation Clinic. Last



Students in the Advanced Mediation Clinic help resolve cases by looking beyond the letter of the law.



Profs. Klerman, Sullivan and Vincent plan the new federal employee mediation program with Supervising Administrative Judge Diane Gross of the EEOC.

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Caroline Vincent
USC Employment Mediation Program

Third-year law students Matthew Miller ’18 and Benjamin Sosnick ’18 felt satisfied with the outcome. The students had come to the case through a new Employment Mediation Program offered through the Mediation Clinic.

Resolving the case meant looking beyond the letter of the law, factoring in relationship issues while paying attention to the centrality of jobs in people’s lives. “Work often builds identity,” Miller explained. “We tie our work and our value as human beings together.”

term, the clinic also formed a partnership with the Division of Labor Standards Enforcement, allowing student mediators to act as settlement officers in wage and hour disputes. In the spring, it began mediating Federal employee cases with the Los Angeles office of the Equal Employment Opportunity Commission.

“These government connections give USC Gould students a chance to work on high-level employment disputes,” said USC Gould professor and Mediation

Clinic Director Lisa Klerman. “These cases involve dramatic and colorful underlying fact patterns,” she said, noting that the law is continually evolving as new legislation and case decisions augment employee protections in the workplace.

Two USC Gould alumni, Caroline Vincent ’78 and Martin Sullivan ’10, lead the Employment Mediation Program. They provide training, coaching and hands-on supervision, either as co-mediators or observers and instructors. In both DFEH and EEOC cases, students contact and prepare the participants in advance of the mediation, conduct the mediations, help draft settlement agreements and follow up if the case doesn’t settle at the hearing.

Vincent, a mediator and arbitrator with ADR Services in Los Angeles, is pleased with the students’ work.

“We have resolved about 70 percent of the DFEH cases that we mediated. It is truly a win-win for the students and the DFEH,” she said. Almost every employment case goes through mediation at some point, notes Sullivan, an employment litigation defense attorney with Ogletree Deakins in Los Angeles, so mediation experience is very valuable.

“I was a Mediation Clinic student while at Gould nearly a decade ago,” Sullivan said. “Looking back, I know now that I started my career with a distinct advantage. This new Employment Mediation Program will be even more useful to tomorrow’s graduates, who will have navigated the thorny legal and interpersonal barriers to settlement. By the time these students graduate, they will have the skills to be highly effective mediators and better lawyer-advocates.”

The facts of the sex harassment case were modified to protect confidentiality.