

A Quiet Revolution in Legal Education: Santa Clara Law's Bates Mediation Clinic

By Jennifer Wooliscroft

While courtroom drama dominates

pop culture portrayals of our legal system, real transformation is happening in a much quieter corner of justice: Alternative Dispute Resolution (ADR). ADR, including mediation and negotiation, is reshaping how conflicts are resolved—offering faster, cheaper, and more collaborative outcomes while lightening the load on overburdened courts.

At the forefront of this shift is Santa Clara University School of Law, where the newly established Bates Mediation Clinic is a powerful testament to student initiative, faculty mentorship, and institutional vision. The Clinic was born from the School of Law's established strengths in this area, as well as the passion and persistence of recent graduate Leor Chechik J.D. '24, who saw a gap in access to practical, hands-on mediation training.

"Being a successful mediator depends so much on practice—on practical experience," she explains. "But a lot of mediators aren't accustomed to taking interns or allowing students to observe them," mainly due to privacy concerns. Yet, Chechik persisted, reaching out to Law Professor, Dean Emerita, and noted conflict resolution expert Lisa Kloppenberg to brainstorm.

Kloppenberg, who fondly refers to ADR as "Appropriate" Dispute Resolution, connected Chechik with John Bates J.D. '74, a prominent Bay Area mediator and co-founder of Judicial Arbitration and

Mediation Services, Inc. (JAMS). In addition to being a major benefactor of Santa Clara Law's Conflict Resolution Program, Bates also generously shares his time and considerable expertise as a teacher, speaker, and mentor.

During their meeting, Chechik and Bates had a breakthrough idea: establishing a dedicated, on-site clinic to provide greater numbers of SCU Law students with hands-on mediation training. When Chechik shared the details of the discussion with Kloppenberg, they were soon in talks with Bates and Santa Clara Law Dean Michael Kaufman to make the "Bates Mediation Clinic" at Santa Clara University School of Law a reality.



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ALEXA LE BLANC J.D. '25



Whether referred to as “Conflict Resolution,” or “Alternative Dispute Resolution,” mediation provides a viable alternative to traditional court cases, including:

Confidentiality:

Mediation offers a private setting for resolving disputes, unlike public court proceedings.

Cost Savings:

Mediation is generally less expensive than litigation, saving time and legal fees.

Faster Resolution:

Mediation typically leads to quicker settlements compared to lengthy court battles.

Control Over Outcome:

Parties in mediation have more say in the resolution compared to a judge's decision.

Preservation of Relationships:

Mediation encourages cooperation and can help maintain or repair relationships between disputing parties, which is particularly important in ongoing communities or professional settings like the Santa Clara Law network.

Mutually Satisfactory Results:

Agreements reached through mediation are often more satisfactory to both parties as they are self-created rather than imposed.

Flexibility and Customization:

Mediation allows for creative and tailored solutions that address the specific needs and interests of those involved, which might not be possible in a courtroom.

Reduced Stress:

The collaborative nature of mediation can be less stressful and emotionally draining than adversarial litigation.

Improved Communication:

The mediation process facilitates open and direct communication between parties, fostering understanding.

High Rate of Compliance:

Parties are more likely to abide by agreements they have helped create themselves.

The Power of Partnership: Introducing the Bates Mediation Clinic

A long-time advocate for access to Alternative Dispute Resolution training, Bates' willingness to establish Santa Clara Law's first-ever mediation clinic enables students to put theory into impactful action. In addition to expanded applied learning opportunities, the Clinic also resonates perfectly with the University's Jesuit identity and values. Mediation provides students with the opportunity to help opposing parties resolve their conflicts fairly while preserving the important social bonds that tie friends, neighbors, and communities together.

The launch of the Bates Mediation Clinic also significantly enhances access to justice for small claims litigants in Santa Clara County Superior Court. Here, under the supervision of experienced mediators and retired judges, students actively mediate small claims matters, providing crucial support to litigants while simultaneously developing “really strong, helpful, and innovative skills,” as Kloppenberg describes it.

During the 2024-2025 academic year, the Bates Mediation Clinic successfully resolved 12 cases and conducted 27 mediations through the dedicated efforts of five students. The Clinic's intentionally small size allows for valuable one-on-one mentoring from Judge Kirwan and other prominent mediation and arbitration experts like Judge Patricia M. Lucas (retired), ensuring students learn from an array of seasoned practitioners.

Mediation helps aspiring lawyers develop important client service abilities, like active listening, issue spotting, and working toward collaborative solutions. Alexa Le Blanc J.D. '25 found the experience so rewarding she returned as a teaching assistant to expand the Clinic and attract greater numbers of her law school peers.

In terms of outreach, in addition to offering law students hands-on experience, Bates sees a number of viable interdisciplinary applications, specifically highlighting how the Clinic can enhance the University's business school curriculum and benefit anyone interested in negotiation. “It's

inspiring to see Santa Clara Law spearhead this outreach to other programs, leading to their participation and promotion within the wider University community,” he explains, “which aligns well with the school's message of advancing the social good at both the undergraduate and graduate levels.”

For Le Blanc, what makes the Bates Mediation Clinic stand out is the ability to be involved throughout the entire process, from explaining confidentiality to drafting settlement agreements. “The live feedback in court was a highlight, especially learning from experienced figures like Judge Kirwan,” she says. Le Blanc initially noticed Judge Peter Kirwan's name while flipping through Santa Clara Law's course catalog. She knew and admired him from her work as a senior legal assistant at Olsen & Magnan and “immediately decided to take any course he offered.”

For 16 years, Kirwan J.D. '86, a retired Santa Clara County Superior Court judge, has been an adjunct professor at Santa Clara University School of Law, teaching popular courses in mediation and negotiation. In 2024, he expanded his commitment to dispute resolution by joining Signature Resolution as a mediator, where he utilizes his extensive experience to facilitate dialogue and guide parties toward fair and efficient resolutions. Kirwan also received a Lifetime Achievement Award from the Santa Clara County Trial Lawyers Association and co-taught the course this spring with retired Presiding Judge Patricia Lucas.

Le Blanc especially appreciates how the Bates Mediation Clinic serves as a campus clearinghouse for all things ADR, bringing together “diverse perspectives from industry leaders” to enrich students’ understanding of the theory and practice of mediation.



Access to Justice: Serving the Community, Empowering the Individual

Third-year student Khyber Shepperd J.D. '25 recalls his most recent mediation session handling an occasionally tense but ultimately successful tenant/homeowner association dispute. "You see a range of issues, from consumer complaints to debt collection to landlord-tenant disagreements," he explains, "and some days can feel like an emotional rollercoaster—you have to carefully balance people's feelings and expectations" to reach a balanced and mutually beneficial solution.

Shepperd highlighted the practical insights he gained, like navigating courtroom decorum and speaking with deputies about scheduling, which is often missing from traditional legal education. "People will tell you to check out the courthouse, talk to the judges, and just start to get comfortable," he explains. "It's ideal to do that early on, but given the rigors of law school, it can be hard to find the time." While graduates can always learn on the job post-graduation, Shepperd says he feels more confident knowing it won't be his first time in a courtroom setting.

Such immediate, hands-on interactions allow students like Shepperd to hone their

communication skills and adapt to rapidly changing circumstances—a crucial skill for any attorney, regardless of specialty. Having access to experienced mentors "like Alexa [Le Blanc] and, of course, Professor Kloppenberg," also helped him manage moments of uncertainty. "Having them working with you in Superior Court boosts your confidence because you learn to test your thinking and adjust your approach in real-time," he says.

In addition to the ways the Bates Mediation Clinic benefits students, clients also experience a less adversarial and more collaborative approach to resolving important kitchen table issues. Chechik notes that, especially for non-native English speakers, mediation allows litigants to feel "more relaxed and confident," underscoring how effectively ADR serves marginalized communities, particularly those lacking familiarity with the courtroom setting.

Chechik, who recently became Director of the Conflict Resolution Program, says that for many mediation clients, law students often represent their first encounter with the legal system. By demystifying seemingly arcane court procedures and using plain-spoken language, Santa Clara Law students

ensure that the most vulnerable members of our community receive a fair hearing and constructive outcome. The experience also helps build actionable empathy, allowing students to interact with people whose life experiences can differ vastly from their own.



The ability to keep things civil, to operate in good faith, are things that will serve you well in any profession.

KHYBER SHEPPERD J.D. '25

Relieving the Courts: ADR as a Systemic Solution

The systemic benefits of ADR are equally compelling. “We relied on local lawyers with alternative dispute resolution skills to help us resolve cases,” Kirwan says, explaining how such collaboration keeps the legal pipeline moving. “Without it, courts would be so backed up that even routine matters could face exceptionally long delays.”

Looking ahead, Kirwan feels there’s strong interest from local courts in expanding the Clinic’s reach. Checik also envisions a broader role for SCU Law students, helping courts in areas that currently lack sufficient mediation support. “There are so many places where students can gain amazing experience while also meeting a major community need,” she says. Yet, despite its clear advantages, mediation training often remains peripheral in law school curricula. Checik puts it bluntly: “Only about 3% of civil cases actually go to trial, and 97% are settled. If you want to know what happens behind the scenes, this is the perfect clinic for you.”

The skills gained—empathy, negotiation, communication, and strategic thinking—make graduates not just capable lawyers, but well-rounded professionals. As Shepperd notes, “the ability to keep things civil, to operate in good faith, are things that will serve you well in any profession.” Mediation demands emotional intelligence and tact, especially when navigating contentious interpersonal dynamics. “It’s always hard to balance difficult emotions from the parties,” Shepperd admits, “but that comes with the territory.” The true advantage of the Bates Mediation Clinic lies in the opportunity it provides to build those foundational skills in a supportive and structured environment.

A Model for the Future: Promoting ADR and Preparing Practice-Ready Lawyers

The success of the Bates Mediation Clinic points to a larger imperative: embedding robust mediation and conflict resolution training into the core of legal education. For Bates, the Clinic is “the most meaningful vehicle” for educating students in conflict resolution while advancing the School’s role in public service.

By equipping future lawyers with the tools to resolve disputes collaboratively and compassionately, Santa Clara Law prepares graduates for the realities of modern legal practice. As the value of mediation gains wider recognition across institutions, the Bates Mediation Clinic serves as a compelling model, demonstrating the win-win potential in cultivating conscientious attorneys who serve vulnerable litigants while supporting increased efficiency within our court system.

