

# TRANSCRIPT

## 2018 CAMP COURTHOUSE COLLOQUY UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT: THE ART OF MEDIATING INTRACTABLE DISPUTES

*featuring*  
HON. GEORGE J. MITCHELL

### PREAMBLE<sup>1</sup>

In 1974, the Civil Appeals Mediation Program (“CAMP”) was established in the Second Circuit of the United States Court of Appeals as a pioneering initiative. CAMP is an integral part of the court’s appellate process and provides mediation in suitable, counseled civil appeals that are eligible under Local Rule 33.1. In 2017, CAMP inaugurated the Courthouse Mediation Colloquy series to gather members of the judiciary, members of the bar, mediators, academics, and students in an informal, educational setting. The Colloquy features a distinguished guest engaging in a conversation with a representative of the court about aspects of mediation that are integral to a meaningful process.

The 2018 CAMP Courthouse Mediation Colloquy focused on *The Art of Mediating Intractable Disputes* with Hon. George J. Mitchell. Mitchell served as a Democratic senator from Maine from 1980 to 1995, and Senate majority leader from 1989 to 1995. He was the primary architect of the 1998 Good Friday Agreement

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<sup>1</sup> By Kathleen M. Scanlon and Dean W. M. Leslie.

Kathleen Scanlon is the Chief Circuit Mediator for the Second Circuit. She is a graduate of Brown University and Fordham Law School. She began her career as a law clerk to Judge Louis L. Stanton of the Southern District of New York, and she practiced as a litigator at Simpson Thacher & Bartlett and Heller Ehrman. She was Senior Vice President at the CPR International Institute for Conflict Prevention and Resolution and is a long-standing adjunct professor at Fordham Law School.

Dean W. M. Leslie is a Circuit Mediator for the Second Circuit and an Adjunct Professor at New York Law School, where he teaches both Drafting Contracts and Drafting Corporate Documents. He previously served as a Senior Settlement Coordinator for New York State Supreme Court, and is admitted as an attorney in New York, and as a solicitor in England and Wales.

for peace in Northern Ireland and U.S. Special Envoy for Middle East Peace. He was awarded the Presidential Medal of Freedom. A fuller biography is provided below.

We are grateful to the *Cardozo Journal of Conflict Resolution* for publishing the transcript of the annual Courthouse Mediation Colloquy so that the richness of these conversations may reach a wider audience.

## COLLOQUY

CHIEF JUDGE KATZMANN: Good afternoon, everyone. My name is Robert Katzmann and I am Chief Judge<sup>2</sup> of the United States Court of Appeals for the Second Circuit.<sup>3</sup> Today is a very special afternoon because we have Senator George Mitchell with us for our CAMP Courthouse Colloquy, a series which we inaugurated last year with John Feerick.<sup>4</sup> The program owes much to Kathleen Scanlon, our Chief Circuit Mediator, and to Sally Pritchard,<sup>5</sup> both of whom had the idea of bringing together all of the key players

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<sup>2</sup> Chief Judge Katzmann was appointed to the U.S. Court of Appeals for the Second Circuit in 1999, and became the Chief Judge on September 1, 2013. Prior to his appointment, he was Walsh Professor of Government, Professor of Law, and Professor of Public Policy at Georgetown University; a Fellow of the Governmental Studies Program of the Brookings Institution; and president of the Governance Institute.

<sup>3</sup> The United States Court of Appeals for the Second Circuit is one of thirteen United States Courts of Appeals. Congress established the present-day Second Circuit Court of Appeals by the Judiciary Act of 1891. Its territory comprises the states of Connecticut, New York, and Vermont, and the court has appellate jurisdiction over federal district courts in those states as well as certain agency appeals.

<sup>4</sup> John Feerick is the Founder and Senior Counsel of the Feerick Center for Social Justice, and was the Dean of Fordham Law School from 1982–2002. He has held the Sidney C. Norris Chair of Law in Public Service since 2004 and the Leonard F. Manning Professor of Law from 2002–2004. He began his career at Skadden, Arps, Slate, Meagher & Flom where he became a partner. He has served in numerous appointed public positions, including as the Chair of the New York State Commission on Government Integrity (1987–1990) and as President of the Citizens Union Foundation (1987–1999). He was President of the New York City Bar Association from 1992–1994. He was primarily responsible for the composition of the 25th Amendment to the United States Constitution.

<sup>5</sup> Sally Pritchard is the former Director of Legal Affairs for the Second Circuit. She oversaw the Staff Attorney's Office and the court's mediation program. She began her career as a law clerk to Judge Barbara S. Jones of the Southern District of New York. After practicing litigation at Debevoise & Plimpton, LLP, she clerked for Second Circuit Judge Dennis Jacobs. She was then a prosecutor in the Major Economic Crimes Bureau of the Manhattan District Attorney's Office before returning to the Second Circuit. She is a graduate of Yale University and Columbia Law School. Ms. Pritchard is currently at Tishman Speyer where she is Chief of Staff to Chairman Jerry Speyer.

involved in the work of mediation in the Second Circuit community.

This is really a wonderful group and we are so appreciative to all of them, especially to those mediators here who volunteer their time to serve the court. This is an extraordinary gathering because you're all here. I also want to thank Lou Lopez and his crew at the library for making the space available to us. Those of you who are members of the bar, and having been here for a while, may remember this part of the library as having stacks all around. And what we've done, as you can see, is we removed the stacks on this side of the library and have created this really magnificent space for special meetings like this.

Mediation is very important to the life of the Second Circuit, and so we want to showcase its work. We have with us the Chair of our Legal Affairs Committee, the very distinguished judge, Denny Chin,<sup>6</sup> who'll be conducting a conversation with our esteemed guest, the Honorable George Mitchell. My role is to say a few words about Senator Mitchell, and then there will be a conversation with Judge Chin.

George Mitchell occupies a rarefied place in our country, a man who has contributed so much, uniquely so. As a lawyer, prosecutor, federal judge, United States senator, diplomat, mediator, problem solver, and author. Simply put, there is no one on the scene today with his remarkable profile. Indeed, like our great mutual friend, Frank Coffin, Senator Mitchell has served in all three branches of government; thus, he might similarly be referred to as a veritable "walking violation of the separation of powers." We're glad to have Senator Mitchell with us.

Senator Mitchell was born and raised in Maine. He's a graduate at Bowdoin College where he majored in European History. After graduating, he served in the United States Army and was stationed in Berlin as an officer in the Army Intelligence Unit from 1954 to 1956. After leaving the military, he enrolled at Georgetown Law in the evening program and worked at Travelers Insurance Company during the day. Upon graduation, he was part of the Honors Program at the Department of Justice in the Antitrust Division. He left the DOJ in 1962 to join the staff of Maine Senator Edmund Muskie as executive assistant. Senator Mitchell later would return to private practice in Portland, Maine.

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<sup>6</sup> Judge Chin was appointed to the U.S. Court of Appeals for the Second Circuit in 2010 and served as a U.S. District Judge in the Southern District of New York from 1994 through 2010.

In 1977, he returned once again to the public sector as the U.S. Attorney for Maine. He held that position until 1979 when he was appointed as a judge of the United States District Court for Maine. He resigned in 1980 to accept appointment to the United States Senate to fill the seat occupied by Senator Muskie, who as we recall, had become Secretary of State for President Carter. Senator Mitchell served from May 1980 to January 1995, and significantly in these times of great polarization, I note the simple datum that in 1988, he was reelected by the largest margin in Maine's history, 81% of the vote. He was the majority leader of the Senate from January 1989 to January 1995.

While in the Senate, he was responsible for several major pieces of legislation that benefited all of us. For example, the 1990 reauthorization of the Clean Water Act. He led the Senate in passing the nation's first Child Care Bill. He authored the Low-Income Housing Tax Credit Program. He was the leader in presiding over the passage of the Americans with Disabilities Act. He also led the passage of a higher education bill that expanded opportunities for millions of Americans. In this time of great cynicism about politics, his life in public service serves as an antidote to the cynicism which too many understandably have. So, we were so lucky that we had him in the Senate for all those years.

But even upon leaving the Senate, his role in public life continued, much to our benefit. I can't mention all of the things that he's done since leaving the Senate, but just listen and you will get a sense of an extraordinary life. Indeed, had he never been in the Senate and done all these things, it would be pretty amazing.

From 1995 and then 1996 to 2000, he served as special advisor to President Clinton as Independent Chairman of the Northern Ireland Peace Talks. Under his leadership in 1998, he ended decades of conflict with the historic accord referred to as the "Good Friday Agreement." In 1998, he was Chair of the United States Olympic Ethics Oversight Committee. He also chaired the Independent Commission investigating allegations of impropriety in the bidding process for the Olympic Games. From 2000 to 2001, Senator Mitchell served as Chair of the International Fact-Finding Committee on Violence in the Middle East, and he was selected because the parties wanted him to be there—President Clinton, Prime Minister Ehud Barak, and Chairman Yasser Arafat. The committee's recommendation became widely known as the "Mitchell Report," a report that was endorsed by the European Union, the Bush Administration, and several other governments.

After the terrorist attacks of September 11, 2001, he was appointed as an Independent Overseer to assist in the distribution of the Liberty Disaster Relief Funds collected by the Red Cross. From 2006 to 2007, Senator Mitchell, at the request of Major League Baseball, investigated and recommended changes to baseball involving performance-enhancing drugs. Beginning in January 2009, he served as the U.S. Special Envoy to the Middle East at the request of President Obama and Secretary of State Clinton. He is the recipient of more than 50 honorary degrees. He has authored numerous books including this one [holding book in hand], a great read, “The Negotiator.”<sup>7</sup> He serves as a partner at DLA Piper, was a chairman of the firm, and continues to be a great role model for lawyers of this generation and for all of us who aspire to a better future.

We’re so grateful to have you.

SENATOR MITCHELL: Thank you.

CHIEF JUDGE KATZMANN: Now, I turn it over to my wonderful colleague, Judge Chin.

JUDGE CHIN: Thank you, Judge Katzmann. Thank you, Senator Mitchell, for joining us today. This program is being presented as part of our mediation program. Our focus is mediation, although you mentioned to me a few minutes ago that you’ve never really been a professional mediator, but you are certainly one of the most accomplished negotiators in history, and so we’ll use that as the basis.

In your book, “The Negotiator,” you say that you are often asked, “How do you negotiate?” Your response is, “It is definitely not a science or math. It is very much an art, requiring knowledge, skill, judgment, and humility, especially humility.”<sup>8</sup> Mediation is sometimes referred to as an enhanced form of negotiation. Would you answer that question differently if it were framed as how do you mediate?

SENATOR MITCHELL: First, let me thank you, Judge Chin, and thank Judge Katzmann for his very kind introduction and for giving me the honor of being here. Before I expound my views on mediation, I want to say that I really do begin with humility be-

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<sup>7</sup> GEORGE J. MITCHELL, *THE NEGOTIATOR: A MEMOIR* (2015).

<sup>8</sup> *Id.* at 351.

cause there are some real mediators [here]. I'm looking right at John Feerick in front of me; kind of intimidating.

I do want to tell one story which may explain why I'm here. When Judge Katzmann's office called to ask me to be the Colloquy guest, I felt a little hesitant because I knew that most people in the audience would know more about the subject than I did. But then, I recalled my first day in the Senate. I was appointed, as Judge Katzmann indicated, and I went down to Washington; it was in the middle of the session; I was sworn into office in the morning. Then a young man I'd never met, who is now my administrative assistant, pulled out a card and read to me everything that I was going to do that day. He concluded by saying, "Tonight you're going to give the keynote address at a conference of 2,000 certified public accountants meeting here in Washington." I said, "Really?" He said, "Yes." I asked, "What do they want me to talk about?" He said, "The tax code." I said, "You want me to go talk to 2,000 CPAs about the tax code; every person in the audience knows more about the subject than I do." How is it possible? I didn't know until forty-eight hours ago that I was going to be here. How did these accountants hold this great spot open for me?" He said, "It's nothing like that." He said, "They had four last-minute cancellations. They saw on TV you were sworn in today and they thought you might be the only member of Congress who didn't have anything to do tonight." So I said, "Well, I can't go down there and talk to these people when I don't know anything about the subject." He said, "Listen, you're now a United States Senator. You'll regularly be called upon to stand up and speak in public on subjects you know nothing about. If you want to become a good senator, you'll get started and go speak to the accountants." So, I went down to tell the accountants what's in the Tax Code and here I am today to speak to you about mediation.

JUDGE CHIN: I assure you, you're not here because there were four cancellations before you.

SENATOR MITCHELL: I tell you, every lawyer I've ever met, and I've met a lot, has an ego, just like every senator I dealt with when I was majority leader has an ego. It's hard for us, often being the ones doing the talking and the center of attention, to subordinate our egos to the interest of those who we're serving. That's especially true in a public negotiation, a conflict situation, where everybody involved is a politician or prime minister or a senator or a legislator or a well-known figure. So, I learned the hard way when

I became majority leader that often you can get more out of someone by listening to what they have to say than telling them what you think they ought to do, and that has served me well.

I have done mediations. I did one of the mediations following 9-11 involving the Deutsche Bank building. The governor asked me to get involved and it was a long insurance dispute. I've done several other major public issues, but I don't do it on a full-time basis.

JUDGE CHIN: Do you think there are any differences between mediating and negotiating?

SENATOR MITCHELL: Yes, very much so. While they're both in a sense voluntary, mediation is much more so. Anybody can walk out at any time. If you're in a public negotiation, it's hard. People do walk out, but it's very hard. There's a public element to it that they have to deal with. Whereas in mediation, anybody can go any time they want. They don't have to come and they can go whenever they want. So, I think you have to be very solicitous of and make people feel comfortable in the process. I have developed a certain procedure that I follow to get people comfortable, to get them open, to get them talking.

JUDGE CHIN: You talked about the importance of humility and, by the way, I think one of John Feerick's key characteristics is his humility.

SENATOR MITCHELL: Yes.

JUDGE CHIN: I'm going to deviate from my outline, but in reading your book, you told a story, and this relates to humility. You were at an event in Connecticut and a woman said she had driven three and a half hours to talk to you because you were such an important man and had done such great work. She handed you a poster to autograph. Would you tell that story?

SENATOR MITCHELL: Yes, sure. I spent five years working on the peace process in Northern Ireland. When I finished, I came back here and wrote a book about my experience. When the book was published, I went on a promotional tour. I learned the interesting fact, because I got many invitations, that in the United States there are more Irish-American organizations than there are Irish-Americans. [Laughter]. Every one of them invited me. I couldn't go to all, but I went to many. As I traveled the country, speaking to

these Irish-American groups, among themselves they had a competition as to who could give the longest, most fantastic, frequently quite ridiculous introductions. As I went through this, of course, I realized that the proper reaction would be for me to show some humility and to ask them to keep it short. But I had an improper reaction. I encouraged them and corrected them when they left something out. I kind of liked the process.

By the time I got to the last stop, it was in Stamford, Connecticut. I was way overly impressed with myself. When I went into the room, one woman came up to me, very excited, and shook my hand and asked for an autograph for a poster. I looked at it, I said, "Well, I'm happy to autograph it, but I think I should tell you that I'm not Henry Kissinger." It was a picture of Kissinger. She said, "You're not? Who are you anyway?" When I told her, she said, "Well, that's just terrible, I drove three and a half hours to meet a great man named Kissinger and all I've got is a nobody like you." So, I said, "Look, I'm sorry you feel so bad. I wish there's something I could do." After a moment, she said, "Well, there is." She leaned forward, I leaned forward, and in a conspiratorial voice, she said, "Nobody will ever know the difference. Would you mind signing Henry Kissinger's name on my poster?" which I did.

Here's the best part of the story. I've appeared with Kissinger several times here in Manhattan and one of those times we spoke about this story. It was a business conference with the two of us and a moderator. He asked about China and Russia and the Middle East. In the elevator, on our way down as we went down together, Henry said to me, "I've heard you speak often. I have to tell you tonight you spoke the best I've ever heard." I said, "Really?" I asked, "Was it my answer on China, the Middle East?" "No, no, no," he said, "It was that story you told in the beginning." He said, "That was really great. You should tell it all over America." So I do, and I keep a list for when I see him. The next time I can say the United States Circuit Court of Appeals for the Second Circuit is on the list.

JUDGE CHIN: Let's shift gears a little bit.

SENATOR MITCHELL: Yes.

JUDGE CHIN: We have quite a few judges in the audience. You became a federal judge at the age of forty-six in 1979.<sup>9</sup> You write

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<sup>9</sup> MITCHELL, *supra* note 7, at 106.

in your book that being a federal judge, especially in Maine, was as good as it gets in life.

SENATOR MITCHELL: Yes.

JUDGE CHIN: What did you like about it?

SENATOR MITCHELL: The independence, the fact that it was the only job in my life where people always did exactly what I asked them to do. When you're the Senate majority leader, all you can do is ask people to do what they should've been doing without being asked. When I chaired all those negotiations, I had no power to compel anybody to do anything. By gosh, my career as a federal judge was short, but nobody ever defied an order that I issued. Also, because it was so short, I can kind of brag that I was never overruled.

JUDGE CHIN: In the book, you mentioned that you, in particular, enjoyed the Naturalization Ceremony.

SENATOR MITCHELL: I did.

JUDGE CHIN: Why did you find that so special?

SENATOR MITCHELL: In Maine, we would have [the ceremonies] in two courthouses, one in Portland, one in Bangor, and I presided in both. People who had come from all over the world, gone through the required procedures, and I administered to them the Oath of Allegiance to the United States and made them Americans. It was a very emotional ceremony for me because my mother was an immigrant, and my father was the orphan son of immigrants. Neither of my parents had any education. My mother could not read or write. My father was a janitor at a local school. Because of their efforts, because of the openness of our great society, I got an education and became the majority leader of the U.S. Senate.

After each ceremony, I took the time to meet personally with each of the new citizens. I invited them into my chambers, one at a time or in family groups, and I asked them to tell me about their lives, what their hopes were, why they left their homes. Their stories were extremely inspiring; very emotional stories, different stories, but they were best summarized by a young Asian man. When I asked why he came, he replied in very slow and halting English "I came here, Judge, because in America, everybody has a chance."

I ask everyone here, a very highly educated audience, to think about the fact that a young man who had been a U.S. citizen for fifteen minutes, who could barely speak English, was able to sum up the essence of our country in a single sentence. “Everybody has a chance.” What we know, all of us, is that it remains an aspiration. It’s not a reality. I think today a child growing up in my circumstances probably has less opportunity at upward mobility than I did, and I think the great challenge of our society is to make our actions conform or reach the level of our aspirations, so that it is true that everybody has a chance.

JUDGE CHIN: Thank you. One of my regrets as a circuit judge is I don’t get to do the Naturalization Ceremony anymore which you get to do as a district judge. I think for a lot of judges, it’s one of the favorite things that we do.

SENATOR MITCHELL: It is, yes.

JUDGE CHIN: Despite your love of the job, you gave it up after about six months and people probably know the story, but won’t you tell us how that came about?

SENATOR MITCHELL: I happened to see Cy Vance, the Manhattan District Attorney, just a few nights ago, and I told him that it was because of his father, Cy Vance Sr. He was Secretary of State and resigned in protest, primarily over President Carter’s decision to launch a military operation trying to rescue the hostages in Iran. President Carter appointed Senator Ed Muskie from Maine as the Secretary of State, thereby creating a vacancy.

Now, I’d like to tell a humorous story about that, if I might. The governor of Maine, a great guy named Joe Brennan, announced that he was going to make a decision and announce it within just a matter of days. He said he was going to hold a press conference the next Monday at the state capital. A lot of names were mentioned. Mine was not because I’d just been appointed about six months earlier to the federal bench. So, that Sunday night, I went to bed early like everybody in Maine [Laughter], wondering what the governor was going to do.

At about 11:00 p.m. the phone rang and it was the governor. He said, “I’d like you to come to the state capital tomorrow at noon, so I can announce that I’m going to appoint you to the Senate.” I said to him, “Joe, this is a big decision. I’m a federal judge and I’ve got to think about this. I have to talk to my family.” He

said, “I’ll give you one hour.” I asked for more, he said, “One hour.” So, I called my brothers. I had three older brothers. We grew up in a small town in Maine. My three older brothers were very famous athletes. I mean not just famous in Maine, famous in New England. I was not. So, at an early age, I became known around our small town as Johnny Mitchell’s kid brother, the one who isn’t any good. As you might expect I developed a massive inferiority complex and a highly competitive attitude toward my brothers. So, when the governor hung up, I called my brothers, ostensibly to seek their advice. But there was a note of triumphalism in my voice when I informed them that the governor had asked me if I would serve in the U.S. Senate and I wanted their opinions. Right away, my brother Johnny said, “Don’t take it.” He said, “You’re a born loser. You can never win an election. Stay on the federal bench.” My older brother liked to practice the Socratic method. He said, “Let me ask you a couple of questions. Aren’t the people of Maine entitled to have a qualified person representing the state? Isn’t it obvious that you aren’t among them?” So, after about ten minutes . . .

JUDGE CHIN: This is why you are so humble, by the way.

SENATOR MITCHELL: Yes, that’s right. So, literally, less than ten minutes after I hung up, I called the governor. I said, “Governor, I don’t need an hour because I’ve already received all the reassurance I need that I can do this job.” So, I was appointed and I went down and the rest is history.

JUDGE CHIN: Alright. Let’s talk about the Senate years. You were in the Senate for sixteen years, six years as Senate majority leader. In your book, you wrote that shortly after you were elected majority leader, you asked to meet with the minority leader, Senator Bob Dole. You wrote that for the next six years, you worked together in the Senate leadership. You would meet and talk several times a day. You occasionally had lunch or dinner together. You represented different parties with different political philosophies. You negotiated hundreds of agreements on Senate business and procedures. You wrote: “We discussed, debated, and voted on many hundreds of issues, some of them extremely contentious. We often disagreed. But not once did a harsh word ever pass between us in public or in private.”<sup>10</sup> It was a different time back then, I

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<sup>10</sup> MITCHELL, *supra* note 7, at 163–64.

guess, there was some bipartisan cooperation. What happened? Why do you think things are so different today?

SENATOR MITCHELL: Well, first I still thought it was tough, but it was nothing compared to now. That came about because the first person I called when I was elected majority leader was Bob Dole, who was then the minority leader, and I went to see him. I said to him, “You’ve been here twenty-eight years. I’ve been here only a couple of years. You know a lot more than I do, but I’ve been here long enough to know that if the leaders don’t trust each other, what is an already difficult job becomes impossible. And part of our responsibility is to get things done.” And so, I said to him, “I’m here to tell you how I’m going to behave toward you and ask you to reciprocate.” I laid out the most simple standards—decency, fairness, openness. I told him, “I’d never try to embarrass you, I will never lie to you, and I will always be open.” He was delighted. We shook hands and we remain very close friends to this day.

Now, what has changed? That would take a few hours to discuss, and I don’t know if I have the whole answer, but I’ll mention just two factors that I think are major contributors.

The first is gerrymandering. Technology is neutral. Gerrymandering has existed from the beginnings of our country. Elbridge Gerry signed some of the original documents in our nation’s history. But technology has allowed gerrymandering in a way that is vastly different from the first 220 years of our nation’s history. You’re seeing now the beginnings of a pushback. The Pennsylvania Supreme Court has recently taken action. The Supreme Court of the U.S. hopefully is going to take on the issue. It has to change because you can’t have one party get 45, 46, 47% of the vote and 70% of the seats. That’s not democracy.

The second issue is money. If you remember nothing else from this session, when you go home tonight, pull up on your computer a “60-Minutes” program that appeared in April of 2016 when a Republican congressman from Tampa, Florida, David Jolly—I’ve never met him, I had never heard of him before then—described the orientation procedure that he received when he entered Congress. To be fair, both sides do the same thing. He said it was all about raising money. They gave him a card setting forth a sample workday for him—four hours making fundraising calls, one hour working on legislation, and one hour meeting constituents. The bond of trust between the American people and our elected leaders has been severed, and that’s the real corruption of our process.

I'm going to ask this audience a question I ask all over America, to thousands and thousands of people in hundreds of audiences. How many here believe that our members of Congress are more responsive to their constituents than they are to their donors? [No hands were raised]. This is the response I get all over America.

The first time a person raised a hand was in the suburbs of Washington about two years ago, when in a huge crowd, one lone woman raised her hand. I didn't say anything. I was surprised because nobody had ever raised their hand. After, when I sought her out, I said, "Look, I don't want to embarrass you, but I have to say you're the only person in America who has raised your hand, so I've got to ask you why." She said, "It's very simple. My husband is a member of Congress." [Laughter]. But that's about it.

Now, listen, the corruption is not people saying, "'Senator' Chin, if you'll vote my way, I'll give you a bag of cash." Fortunately, that's very rare on our side. It's much more subtle than that. It's much more corrupt than that. We all know what it is. They have to raise money incessantly.

You just saw [this scenario] in Pennsylvania. In one congressional district, \$14 million was spent by or on behalf of the losing candidate. One congressional district. I guess about a third of that might have been spent for the winning candidate. It's the bond of trust that Americans have toward elected officials that has been severed. I don't like to say bad things about courts, but I believe that the Supreme Court in a series of decisions, not just *Citizen's United*,<sup>11</sup> but in a series of decisions has basically poured gasoline on the fire. And precisely at the same time, in a series of related actions, transparency has declined. There's not a person in this room, in this country, who knows how many—not millions, not hundreds of millions—billions of dollars was spent in the last presidential election. You don't know who gave what to whom. The defenders of that process keep saying, "Sunlight is the great disinfectant. If the public knows who's giving what to whom, then you can lift all restrictions." The problem is we've lifted the restrictions and transparency has plummeted and we now have the worst of both worlds, and people wonder why our system is failing as it is.

JUDGE CHIN: Why don't we, in the interest of time, move on to Northern Ireland? You spent three and a half years negotiating, working in Northern Ireland and indeed your efforts helped bring

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<sup>11</sup> *Citizen's United v. Fed. Election Comm'n*, 130 S. Ct. 876 (2010).

about the Good Friday Agreement in 1998, ending centuries of conflict. You write that this was far more demanding than the six years you spent as majority leader in the Senate.<sup>12</sup> Why was it so demanding? Can you talk to us about your time there?

SENATOR MITCHELL: Yes, sure. First, of course, there was a heavy overlay of violence. Although there were nominal ceasefires, violence continued. There were numerous bombings, assassinations, many death threats. It hung over the society like an unyielding fog and it created tremendous fear and anxiety in the lives of everybody who lived there and everybody who worked there.

Secondly, the attitudes had been deeply entrenched. Keep in mind that when we [finally] got the [Good Friday] agreement, it was 800 years after the British domination of Ireland began. This was not a recent issue. This has been going on for eight centuries and attitudes can harden over that period of time. There was no recent history of successful dialogue or discussion. There was a minority, but vehement, opposition to my participation. So, it was hard to get a handle on [the process] and to get it going. For most of the time, there was little or no progress.

But to the great credit of the political leaders of Northern Ireland and the people of Northern Ireland, they're the real heroes of the process. They were able to summon the courage and the vision and the strength. These are people who had been in contact with conflict all of their lives. While we were negotiating, two of the representatives in the talks were assassinated. Some of the political leaders had themselves been imprisoned for acts of violence. One leader had been convicted of an attempted murder and attempted bombing, had been sentenced to sixteen years, served six of them, came out, and became a voice for peace in the process. So, it was very difficult, but ultimately these great leaders rose to the occasion.

In most democracies, it's fashionable to criticize, ridicule, and demean elected officials and God knows a good bit of it is deserved. But we don't pay enough tribute and attention when people do rise to the occasion. That's why I say that the real heroes were the politicians in Northern Ireland. They took the risk.

JUDGE CHIN: This was about as intractable a dispute as one could have. What were the keys to resolving this?

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<sup>12</sup> GEORGE J. MITCHELL, *MAKING PEACE*, at xv (Univ. of Cal. Press 2001) (1999).

SENATOR MITCHELL: I think it'll take a long time and the judgment of history to make a final determination, but I think there were several. First, the involvement of women. Northern Ireland is a very conservative society. But mothers and sisters became alienated because they were in constant fear and anxiety. People were scared to send their kids off to school in the morning, afraid to go out at night. This is a very difficult way to live, particularly as the conflict became more intense, more savage, and the killings more indiscriminate.

JUDGE CHIN: Did women join in the negotiation?

SENATOR MITCHELL: Yes, they did. It's a long story. We contrived a method that a newly formed party, the Northern Ireland Women's Coalition, was able to get elected and participated in the process.

Secondly, the creation of the European Union was a major contributing factor because for more than a half century, the United Kingdom and Ireland had a cold and sometimes hostile relationship. Ireland gained its independence from the U.K. after a bitter Civil War in early 1922. It wasn't until fifty or sixty years later that they [finally] decided that if there was to be a settlement about Northern Ireland, they had to work together—and they did to their great credit.

Thirdly, the fear factor. All those years that I was there, the negotiations were interrupted by violence; an assassination would occur. The ritual Saturday funeral in which huge crowds of thousands of people attended and demands for revenge dominated the proceedings were commonplace. So often we could not have a meeting, but I would receive telephone calls from leaders on both sides, saying, "You've got to keep this going." The two governments would ask me to hold a press conference and say how great things were going when, of course, they were just the opposite. I knew that they feared, and they told me that they feared, a complete breakdown of the talks because then there would have been a resumption of violence on a level far more destructive than ever before.

So I used that [possibility to] encourage the agreement. I basically said to them, "If this process fails, many will die. You might be killed. Your family will be in danger and the only thing you'll ever be remembered for"—and these are Members of Parliament, all elected officials in some way or other—"is the death and destruction that you unleashed on your society." So, it was a combi-

nation of positive incentives and negative disincentives. I have to say I can't repeat often enough, they had great courage. Careers were ended instantly; for some of the political leaders, their careers were finished when they signed the agreement. There continued to be violence against some of them. Their families suffered. Yet they did it.

JUDGE CHIN: What about the role of deadlines—did you set deadlines at some point?

SENATOR MITCHELL: I did, yes.

JUDGE CHIN: Was that important to the success?

SENATOR MITCHELL: Yes. After about a year and a half of talks without progress, we had an especially bad period. Two days after Christmas in 1997, a prominent Protestant paramilitary leader was murdered in prison by a group of Catholic prisoners. That touched off a round of tit-for-tat assassinations. The process was rapidly spiraling downhill. So, I decided that the only chance was a hard, unbreakable deadline to force a decision; otherwise it would just dissipate into back and forth killing. I established a deadline, with their participation and help. We finally got the agreement by forcing a decision.<sup>13</sup>

JUDGE CHIN: It was essentially met, too, right?

SENATOR MITCHELL: Yes, but let me tell you, Judge, afterward I was often asked by the press why I waited two years to set the deadline. The press would say, "Just think if you set it after a couple of weeks, you'd have saved all these lives." My answer was, "If I'd set a deadline before then, it wouldn't have worked. It's a matter of timing and judgment." I think deadlines are valuable, but you can't be random about it. You have to make your best judgment as to the right time for it. That's where the skill and intuition of the mediator or negotiator comes into play.

JUDGE CHIN: A few days before the agreement was reached, there was a public poll that said that 83% of those in Northern Ireland believed that an agreement was impossible. Yet you managed to do it, and the approval rating afterwards was just overwhelming.<sup>14</sup>

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<sup>13</sup> MITCHELL, *supra* note 12, at 145–46.

<sup>14</sup> MITCHELL, *supra* note 12, at 241.

SENATOR MITCHELL: It was approved in a referendum. Ninety-five percent (95%) in the Republic of Ireland, 71% in Northern Ireland. I think that earlier poll, Judge, while accurate, reflected people's fearing to get their hopes up. Their hopes had been dashed so many times before. They all wanted it to happen, but they were afraid it wasn't going to happen and they didn't want to get their hopes up.

JUDGE CHIN: You sometimes refer to the agreement as "Andrew's Peace." What do you mean?

SENATOR MITCHELL: After about eighteen months, we hadn't made any progress, literally none; they argued all the time. In Northern Ireland, a walkout was a standard practice. You stand up, you yell at the other guy, and when you're finished, you throw your papers down, and walk out before he has a chance to answer. It took me six months to get them to sit and listen, to stay in the room and listen to the other side. It was very discouraging.

In October of 1997, my wife gave birth to our son [Andrew] right up here on Amsterdam Avenue in Roosevelt Hospital. I got home from Northern Ireland just as she was leaving for the hospital, and I told my wife that I thought maybe I should not go back. My wife is an independent person. She had a job, a life, but now we had a child, our obligations were different. I called my staff in Northern Ireland, as I did every day when I was in the U.S., and got a briefing. Then I asked my assistant to find out and tell me how many children were born in Northern Ireland that day. The answer came back quickly—sixty-one. I kept thinking, my wife and I have such dreams for our son, don't the sixty-one parents in Northern Ireland have the same dreams for their children? I talked it over with my wife and she said to me, "If you don't go back and the war resumes, you'll never forgive yourself. So, you got to give it another chance." I went back and six months later, we got an agreement.

JUDGE CHIN: Yes. Now, sadly, four months after you signed the agreement, a bomb went off [in Omagh] and twenty-nine people were killed. I guess a group claiming to be the real IRA took credit for it. How did that feel?

SENATOR MITCHELL: It was a horrific incident. I was in Maine with my wife and children, trying to work on my book and recover. I thought it was all over. Omagh is a small, kind of a market town

in a rural area. There's a central square where the city hall is, and then several narrow streets leading off the square. It's just a truly incredible tragedy. It was the practice of these murderers to place calls just before the bombs went off to give the police enough time to evacuate people, so there wouldn't be too many deaths.

Somewhere in the translation, a mistake was made and the police thought that the bomb was placed at the central public square. So they rushed people away, and hundreds of people headed down very narrow streets with buildings on both sides. On one of those streets, called Market Street, there was a single car parked, an old Vauxhall that was packed with more than 500 pounds of explosives. The people, thinking they were running away from the bomb, ran into the bomb. It exploded as people were running on both sides of it. Some people were touching it. Thirty people were killed and 350 were severely injured, many of them permanently maimed. It was a horrific incident. It was a reminder of the enduring nature of the conflict.

Just a few weeks later, a firebomb was thrown into the bedroom of a home where two young children were sleeping and they were burned to death. A reminder of the violence. But the groups who wanted to rekindle sectarian violence didn't succeed. The political leaders were able to maintain calm.

The process collapsed the following summer and the Prime Ministers and the press asked me to return, and I went back for several months. It was kind of a Rube Goldberg thing, we put it back together again, just to get it back on track and, so far, it has stayed on track.

When I announced the agreement, I described it as a historic achievement, which it was. But at the same time, I said that by itself, it didn't guarantee peace or stability or reconciliation, because there was so much deep-seated hostility that it would take generations to overcome.

JUDGE CHIN: Let's move on to the Middle East. In 2009, President Obama asked you to serve as a Special Envoy to the Middle East. You knew that the prospects of success were slim-to-none.

SENATOR MITCHELL: Right. It turned out to be minus-none.

JUDGE CHIN: Minus-none. You recall the conversation in Jerusalem where you had mentioned the 800 years of conflict in Northern Ireland and then an elderly gentleman came up to you and said, "Did you say 800 years?" You said, "Yes, 800 years." He repeated

again, “800?” and then he said, “Ah, such a recent argument. No wonder you settled.”<sup>15</sup> [Laughter].

SENATOR MITCHELL: Yes, that’s right. Let me just say that about a year ago, I was out in Queens and I spoke at a large gathering of Irish-Americans. I began by telling them I was going to say something that I never thought I would believe, let alone say in public. After five years in Northern Ireland and just after five months in the Middle East, I’ve come to regard the Irish as real easy to deal with, that they were a bunch of patsies. [Laughter]. If you want a real conflict, go to the Middle East.<sup>16</sup>

JUDGE CHIN: What’s different about the Middle East? Why is it so intractable, even more than Northern Ireland?

SENATOR MITCHELL: It’s far more complicated. For one thing, there are many, many more external factors. In Northern Ireland, you’ve got the U.K. and Ireland sitting up there by themselves in the North Sea. Over in the Middle East, many of you have been to Israel, five miles over there is Syria, and just a little ways over there is Iraq and not a very long distance away are others. There’s tremendous tumult and upheaval in the region. The political order that was imposed by the British and the French in the aftermath of the First World War, which was done without consultation of the people who lived in the region, didn’t serve the interest of the people in the region. That [political order] lasted for about a century. It’s now collapsing amidst tremendous violence. Islam is going through a period of deep division and stress and all of this impinges on, and in turn affects, the Israeli-Palestinian issue. But I remain hopeful.

I delivered last night at Boston University what’s entitled the Yitzak Rabin Memorial Lecture and expressed hope that the two sides, the Israelis and Palestinians, will come to recognize that, despite the enormous difficulties and the risks of agreement, the alternative of no agreement poses far greater risk. Indeed, in my judgment, without an agreement there is the almost certainty of a resumption of widespread conflict. I hope that they will come to do that [reach an agreement]. That’s a whole separate issue. I dealt with that in another book last year.<sup>17</sup>

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<sup>15</sup> MITCHELL, *supra* note 7, at 306.

<sup>16</sup> *Id.* at 338.

<sup>17</sup> GEORGE J. MITCHELL & ALON SACHAR, *A PATH TO PEACE: A BRIEF HISTORY OF ISRAELI-PALESTINIAN NEGOTIATIONS AND A WAY FORWARD IN THE MIDDLE EAST* (2016).

It's hard to be optimistic right now, but I do think, ultimately, nations like individuals act out of self-interest. But nations also, like individuals, sometimes have trouble figuring out their self-interest. When they come to it, I think they'll take the right steps.

JUDGE CHIN: What can a mediator or negotiator do in the Middle East? Is a path to peace possible?

SENATOR MITCHELL: Yes, I do believe it. All conflicts come to an end one way or the other. It's either through total victory or defeat or through a negotiated settlement. I think that will happen there as circumstances evolve to make more clear there really isn't any alternative to a two-state solution.

I wrote my book with a colleague last year because we recognized that support for the two-state solution is declining among Israelis, among Palestinians, among Americans, and around the world. But we went to great lengths to analyze the alternatives and frankly the alternatives are far less feasible, far less practical, and far less likely to be adopted. So, while there has been, in this case, thousands of years, I do think that the risks of continuing for both sides without an agreement are truly enormous.

The population figures are daunting for Israel, truly daunting. Let me cite a few of them. Right now, there are in the area between the Jordan River and the Mediterranean Sea about 6.25 to 6.5 million Jews, and about an equal number of Arabs. But the birth rates are dramatically different, so that within just two or three years, the Israelis, the Jews, will be in a minority. Former Prime Minister Ehud Barak has said it several times in public statements. Then they will have to choose between either being a Jewish state or democratic state. It can't be both. That's the painful choice they will face.

Take the overall population figures. Right now, one in five persons on earth is Muslim, about 1.8 billion. By 2050, that's just thirty-two years away, there'll be nearly 10 billion people on earth and 3.5 billion will be Muslim, which was the total world population in 1970. The population figures for Muslims, of course, include many non-Arabs. There are now 400 million Arabs. In 2050, there'll be about 700 million, and the number of Jews will increase only to about 12 million. So the population figures are truly daunting.

Here's another factor, Judge, that has to be taken into account. Israel and the Gulf Arabs, most notably Saudi Arabia, have some identical foreign policy interests in the region. Their highest

priority is to deter Iran's drive for dominance in the region, both of them, and yet there is no public cooperation between them, even though they both share the same objective. Now, there are some private discussions, and they both recognize that it makes no sense to continue in a public state of war while they're facing this tremendous threat from Iran. So, an agreement with the Palestinians would enable (and what I think is necessary) a full-fledged regional agreement. It would also be a huge economic benefit because the Arab nations have a surplus of labor. Israel has a highly advanced economy, spectacular growth in the area of technology, and it's just a natural fit if they can get over the issues that keep them apart.

JUDGE CHIN: We can only hope. We have only a couple of short areas left. If anyone wants to write a question, we have someone walking around with blue index cards, you can write a question for the Senator because we will have some time for Q and A.

You've served on the boards of some of the country's most important companies: Disney, Federal Express, Xerox, I hate to say it, the Red Sox. You were chairman of the Disney Company.<sup>18</sup> Are mediation skills useful when one is serving on a board?

SENATOR MITCHELL: Very much so. In the case of Disney, I'd served on the board for several years. There developed an internal challenge to the management of the company and the board asked me to serve as chairman. I served for about three years, and helped to manage the changeover that occurred in leadership. We were very fortunate that Michael Eisner, who was the CEO for twenty years, did a truly amazing job and the company grew dramatically. Then he was succeeded by Bob Iger who has done a great job in his own right. So, we're fortunate in both respects. But the transition was very difficult—it was public and a lot of animosity was expressed at a couple of annual meetings. But it worked out okay and I think it was very helpful [that I had the negotiation and mediation] experiences that I had.

There are many lawyers here who are on, or who represent, boards. As we all know, the obligations and commitment of directors of a public company have increased dramatically in recent years. It's very different from when I started going on boards just twenty years ago. One has to be very mindful of the obligations and the demands of the positions. All directors have to apply

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<sup>18</sup> MITCHELL, *supra* note 7, at 271.

themselves to a degree that I think had not been the case for a very long time in American corporate history.

JUDGE CHIN: You've spent a lot of time in New York now. You haven't become a Yankee fan yet?

SENATOR MITCHELL: Not yet, Judge, and never.

JUDGE CHIN: Never.

SENATOR MITCHELL: My son went to school here at St. Bernard's on the Upper East Side. He said, "Daddy, a lot of my friends are Yankee fans." He said, "I really like Derek Jeter. Is it okay if I like the Yankees a little bit?" I said, "There are some things in life that you can't do." [Laughter]. I said, "If you're a Red Sox fan, you can't be a Yankee fan, and vice versa." But it's been a great rivalry, although, boy, I'm going to say the Yankees look good this year. It's going to be tough.

JUDGE CHIN: We'll see. Let's conclude our discussion with some general questions about the role of lawyers. You're practicing now full-time. Are you doing much in terms of mediation or negotiation as a lawyer?

SENATOR MITCHELL: Yes. I do a few mediation cases. They tend to be large, complex, primarily corporate disputes. But what I do mostly now, Judge, is I do for multinational companies what I did for the baseball investigation and for the Olympics investigation. I review their operations with a view toward enhancing their ability to assess risk and to comply with all the legal requirements. For a large multinational company that is not an American company there's a push and a pull. Our market is so large and attractive that they can't stay out of it. But many of them are bewildered by the difficulty and complexity. If you're in the U.K. and you're a financial institution, you have a single regulator. In Switzerland, you have a single regulator. Here, they have the Federal Reserve, the Comptroller of Currency, and New York State. Many of them are put off by what they see as the complexity, the difficulty, what they regard as inconsistency. We try to help them figure out ways to properly assess risk.

There's another challenge, Judge, that I think all large organizations have. The challenge of leadership is greater as more people are involved. Our law firm is a combination of several firms in the United States, then combining with several firms outside the

United States. We have different cultures. What's legal in one country may be accepted in another, may be illegal in a third. And so, blending cultures, creating a universal standard of ethics is very difficult, particularly in a world in which corruption is very widespread, in some places even an accepted way of doing business.

I was on the board of Unilever, a very large multinational company, which then was doing business in ninety countries, when we voted to stop doing business in Russia. We just stopped. It was too difficult to do it in a way that was legal, that resisted the illegal demands made upon people. That's a huge challenge to business. It's a challenge here. We have, I think, a vigorous enforcement system. We have an independent judicial system. We all take that for granted. We live with it every day. It is absent in much of the world and it produces and interacts with poor governance. It creates governments that can't meet the needs of their people that are really autocracies, where a relatively small number of people become extraordinarily wealthy and the vast majority aren't able to enjoy the kind of opportunities that Americans have. So, I try to provide a service to companies, try to help them see their way through here, not by resisting the standards of fairness and justice that we have, but trying to apply them in a way that's positive for their business.

JUDGE CHIN: We're going to turn to some questions from the audience. We have a number of young lawyers in the audience and law students. What advice would you give to them about mediation and negotiation? And also, for those who are aspiring to elected office, what advice would you offer?

SENATOR MITCHELL: When I speak at law schools, I say something that's really important for young lawyers. It will sound absurd to a young lawyer to say, "You must be fully prepared. You must approach every case and every client with a total commitment to knowing everything there is about it." They say, "Well, of course." I say, "Wait till you get into business." And if you're any good, you're going to have more than one [case], more than two, more than ten, more than twenty and you won't want to turn a case away because you'll think you may never get another one.

I tell them that in my short tenure as judge, and in the years I tried cases as U.S. Attorney (and I spent three years trying cases), it was shocking the number of people who are unprepared, weren't ready to do the job.

The second thing I tell them, and I tell my kids this when they go to school, that you're going to see people cheating. It's a part of life. And worse, you're going to see people cheat and get away with it. It serves as an almost irresistible temptation when you see that happen. But you can't succumb to it, because there's no case, no fee, no client, no headline that's worth your own integrity. These are very easy things to say, they're not easy things to live by. I think that we don't make enough of an effort as a society to drum that into our young people, lawyers, and non-lawyers. There's a special responsibility, of course, for all lawyers.

JUDGE CHIN: What about elected public office? I mean, it just seems to have a negative air about it now. Do you have advice for young lawyers who are thinking about that, should they do it?

SENATOR MITCHELL: Absolutely. They ought to get involved. That's the greatest thing in life. Every human being wants to succeed. How do you define success? Fame, recognition, fortune? You can acquire things, you can buy another car. You can buy another apartment. You can buy another refrigerator. But you will find out that the more of that you get, the more you'll realize there's got to be something else. The greatest fulfillment in life comes from doing something that is larger than your self-interest and helps others, and public service offers that opportunity. I don't define public service just as elected office. There's a lot people can do in public service that does not involve running in an election. I encourage those who want to participate because it's a great, great feeling. There is nothing in the world more satisfying than doing something meaningful in that respect.

JUDGE CHIN: Did you ever get used to the fundraising part of it?

SENATOR MITCHELL: Never.

JUDGE CHIN: Never.

SENATOR MITCHELL: But here is a problem. After I left Northern Ireland, I received a call from a gentleman, representing the Queen's University, who said, "We'd like you to become the chancellor of Queen's." I said, "No, thanks" and I hung up. He called me back forty-eight hours later, he said, "When I reported it, they asked, why did he decline?" He said, "Well, I didn't ask him. So they directed me to call you back and ask you." I said, "Look, I just spent fifteen years raising money in the Senate and I know that

for American college presidents and chancellors their job is raising money. I don't want to raise more money." "Oh," he said, "we have a different system." He said, "We regard fundraising as beneath the dignity of the chancellor." I said, "I accept." [Laughter].

Six months later, after I was inaugurated, he came to me and said, "We are creating something called the Queen's Foundation and we want you to be the patron." I said, "What's the foundation and what does the patron do?" They said, "It's a fundraising mechanism and you're the chief fundraiser."

JUDGE CHIN: You can't escape it.

SENATOR MITCHELL: You can't escape fundraising, Judge, it's part of our life.

JUDGE CHIN: North Korea—advice to those who are going to the table as we are apparently about to embark on negotiations. How do you assess the prospects?

SENATOR MITCHELL: The prospects are not great, but I believe that there should be a negotiation. I do not believe it should begin with the meeting between the leaders. I think that's a risky approach, better to have the leaders meet after there has been either an agreement or at least some progress toward an agreement. I think this is kind of putting the cart before the horse. It gives to this North Korean leader what he wants, and that is to be deemed, to be seen, as an equal of the President of the United States, to be judged as a world figure on a level with the United States, which in some respects he is, but for the wrong reasons.

However, I do think negotiations make sense since there isn't any realistic military alternative that presents itself. I think maintaining the sanctions and getting into a negotiation is the right course. Hopefully, our president will be persuaded that if he feels the need to go, having now committed to going, that it will be more of a ceremonial beginning and then let the negotiations play out, rather than having the leaders themselves trying to negotiate an agreement on what is a very difficult, controversial subject.

JUDGE CHIN: After all your research and preparation for Northern Ireland, was there anything that you did not know in advance until you started talking to the different parties?

SENATOR MITCHELL: Well, the truth is, the question should be, is there anything I knew? Because I really didn't know very much. I

had never been to Northern Ireland. I had been to Ireland only once. My father was the orphan son of Irish immigrants, but he never knew his parents. He was raised in a Catholic orphanage in the city of Boston. He was adopted by an elderly couple who were not Irish. I never heard my father say the word "Ireland." So, I really had no sense of Irish heritage. I had a superficial knowledge of the conflict.

**JUDGE CHIN:** How did you get picked to do this without any expertise in Northern Ireland?

**SENATOR MITCHELL:** To his great credit, in 1992, when Bill Clinton ran for president, he committed to make peace in Northern Ireland a high priority for his administration. No previous president would have touched it with a ten-foot poll. You had the U.K., our mother country, our closest ally, and Ireland, where we have a huge bond of blood. There are more than 30 million Americans with Irish heritage. Most politicians, including John Kennedy and Ronald Reagan, thought it was politically too difficult. Clinton jumped right in, to his credit.

On the evening before I announced my retirement from the Senate, I had dinner with President Clinton at the White House. He first tried to talk me out of retiring and I told him he couldn't change my mind. Then he said to me, "I'd like to know that I could ask you to do some things if the opportunity presents itself. Would you be willing to consider such a possibility or are you turned off politics?" I said, "I'd love to consider any possibility and I love public service." A few months later, he asked me to go to Northern Ireland. What he said to me was, "I'm serious about this. I really want to try to make peace there." He said, "You are the outgoing majority leader of the United States Senate." He said, "If you go, they'll know I'm serious." I said, "How long?" He said, "Six months."

I organized a White House conference on trade and investment to underpin the effort at peace there. It was a great conference. The night before [the conference], about eleven o'clock, Clinton called me up. He said, "I'm reading the draft speech my staff has given me [to read at the conference]," and he said, "I do not have much to say in the speech. When I complained about it, they all said, 'Well, the British and Irish, they kind of like you [Senator Mitchell].'" He said, "If I can announce tomorrow that you're going to stay for another six months that'll help me." I said,

“Okay.” I went for another six months, and then it ended up being five years.

JUDGE CHIN: Thank you very much.

SENATOR MITCHELL: Thank you, Judge.

JUDGE CHIN: Wonderful opportunity.

KATHLEEN M. SCANLON: Good afternoon. I’m Kathleen Scanlon, Chief Circuit Mediator. Thank you so much, Senator Mitchell and Judge Chin, for a really enjoyable afternoon. Thank you so much.

SENATOR MITCHELL: My pleasure.

KATHLEEN M. SCANLON: I also want to thank Chief Judge Katzmman for his leadership and his vision of using this library as a space to have this informal gathering, which is very appropriate for mediation which is an informal proceeding within the very formal walls of the Second Circuit Courthouse. Thank you very much, Judge Katzmman.

Very briefly, we have a new brochure that we’ve left at everyone’s seat. It covers many new initiatives at CAMP, including this Colloquy. This is our second colloquy and I want to recognize our first colloquy guest, John Feerick, and thank him for coming. Today would not have been possible without so many other people who have helped and my colleague Dean Leslie will extend our thanks.

DEAN W. M. LESLIE: Hello, everyone. I’m Dean Leslie. I’m the other Circuit Mediator at CAMP. It’s an interesting day today. Alfred Lord Tennyson famously stated, “I’m a part of all that I met.” This colloquy is really an expression of that. We’re all a part of it. I want to thank you all for coming today. I really want to thank our esteemed judiciary from the Second Circuit and from New York State Supreme Court and their staff. I want to thank the ADR providers for coming, the students, educators, government and private sector, our professionals, it’s really excellent that you’re all here today.

I also want to mention a couple of specific people, I want to thank Emma Pletenycky whose attention to detail and real efficiency allayed many of our trepidations about today. Today has been very good and thank you so much Emma. I also want to thank Tonya Lapsley-Cockett, Karen Milton. I’d like to thank

David Paris, John Perrie, any number of people that have helped us, Lou Lopez, our ushers, and others who took a firm hold of the logistics today. Thank you very much and I'm glad you're all here.

KATHLEEN M. SCANLON: Thank you again. There's a reception to your right and I hope you can join us.