

# NANCY A. WELSH

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## **ACADEMIC APPOINTMENTS**

**Frank W. Elliott, Jr. University Professor, Professor of Law, and Director of Dispute Resolution Program, Texas A&M University School of Law, Fort Worth, TX**  
September 2017 to Present

- Courses taught: Civil Procedure; Mediation; Alternative Dispute Resolution Survey; Professional Responsibility; Dispute Resolution (MLS)

**William Trickett Faculty Scholar and Professor of Law, Associate Professor, Assistant Professor, Penn State University, Dickinson School of Law, Carlisle, PA**  
July 1998 to August 2017

- Courses taught: Civil Procedure; Federal Courts; Negotiation/Mediation; Conflict Resolution Theory/Dispute System Design Seminar; Mediation; Alternative Dispute Resolution; Dispute Resolution: Comparative and International Perspectives; Constitutional Law; Professional Responsibility
- Recipient of Teaching Excellence Award (2010)

**Visiting Professor and Adjunct Professor, Hamline University School of Law, St. Paul, MN**  
March 1998 to June 1998, June 1988 to June 1991

## **EDUCATION**

**Harvard Law School, Cambridge, MA**  
J.D., June 1982

**Allegheny College, Meadville, PA**  
B.A., *magna cum laude*, June 1979

- Honors: Phi Beta Kappa; departmental honors in English and Political Science; Louise Jordan Award as outstanding woman; Mulfinger Prize for best English senior project
- Activities: President of Allegheny Student Government; Editorial Board of *The Campus*; Music Director of WARC-FM

## **AWARDS AND RECOGNITION**

Outstanding Professor of the Year (2023-2024), Texas A&M University School of Law Student Bar Association, 2024

University Professor, Texas A&M University, awarded 2021

Fellow, American Bar Foundation, 2021

Member, American Law Institute, elected 2020

Boden Visiting Professor, Marquette University Law School, 2019

Outstanding Law Review Article Award, Texas Bar Foundation, 2018

Visiting Scholar, Program on Negotiation at Harvard Law School, 2016

Visiting Fellow, Institute for Advanced Study, Indiana University-Bloomington, 2016

Chair, ABA Section of Dispute Resolution, 2016-2017 (Budget Officer in 2013-2014, Vice-Chair in 2014-2015, Chair-Elect in 2015-2016)

Co-Chair, Editorial Board, *Dispute Resolution Magazine*, ABA Section of Dispute Resolution (with Professor Josh Stulberg, succeeding Professor Frank Sander), 2012-2015

Most Valuable Peacemaker Award, Pennsylvania Council of Mediators, 2011

Teaching Excellence Award, Penn State University, Dickinson School of Law, 2010

ADR Scholar, 12<sup>th</sup> Annual International Summerschool on ADR, Tulane Law School and Institut für Anwaltsrecht der Humboldt-Universität zu Berlin, 2010

Visiting Professor (Fulbright Grant Recipient), Department of Private Law, Tilburg University, Netherlands, 2006

Recognized as author of one of the three most-cited articles from the first ten years of the existence of the HARVARD NEGOTIATION LAW REVIEW (*The Thinning Vision of Self-Determination in Court-Annexed Mediation: The Inevitable Price of Institutionalization?*, 6 Harv. Negot. L. Rev. 1 (2001)).

"In the Trenches" Award, Legal Education Committee of the Section of Dispute Resolution of the American Bar Association, 2005

Faculty, Making and Saving Deals in the Global Business Environment, University of Roma "La Sapienza," ADR Center and Dispute Resolution Institute of Hamline University School of Law, Rome, Italy, 2004

Selected as one of the top lawyers in Minnesota by *The Minneapolis-St. Paul Magazine* in August, 1998

Selected as Leading Minnesota Attorney, 1997 (based on survey of peers)

## **PROFESSIONAL EXPERIENCE**

**Executive Director, Director of Mediation Services, Senior Consultant, Mediation Center**, Minneapolis/St. Paul, MN  
December 1986 to June 1998

- Directed non-profit organization with five staff members and a panel of more than 100 ADR professionals
- Mediated, facilitated, arbitrated and served as early neutral evaluator in contract, employment and public policy matters and conducted training in mediation, negotiation, facilitation, arbitration, conflict resolution

**Attorney, Leonard, Street and Deinard**, Minneapolis, MN  
September 1982 to December 1986

- Drafted pleadings; conducted discovery and pre-trial motion practice; negotiated settlements; participated in trial preparation of witnesses and exhibits, development of strategy, and trial; researched and wrote memoranda

- Involved in litigation of multimillion-dollar federal securities class action, as well as lawsuits involving claims of defamation, copyright infringement, violation of state and federal securities laws, breach of fiduciary duty, corporate mismanagement, employment termination, product liability, and breach of contract

## **SELECTED PUBLICATIONS**

### **Books**

EVOLUTION OF A FIELD: PERSONAL HISTORIES IN CONFLICT RESOLUTION (co-edited with Howard Gadlin) (DRI Press, 2020).

DISPUTE RESOLUTION AND LAWYERS, 6<sup>th</sup> ed. (co-authored with Leonard Riskin, Chris Guthrie, Art Hinshaw, Richard Reuben, and Jennifer Robbennolt) (West Academic, 2019).

DISPUTE RESOLUTION AND LAWYERS, 5<sup>th</sup> ed. (co-authored with Leonard Riskin, Chris Guthrie, Richard Reuben, and Jennifer Robbennolt) (West Academic, 2014).

DISPUTE RESOLUTION AND LAWYERS, 4<sup>th</sup> ed. (co-authored with Leonard Riskin, James Westbrook, Chris Guthrie, Richard Reuben, and Jennifer Robbennolt) (Thomson Reuters, 2009).

### **Articles in Law Reviews and Peer-Reviewed Academic Journals**

#### **Arbitration**

*Class Action-Barring Mandatory Pre-Dispute Consumer Arbitration Clauses: An Example of (and Opportunity for) Dispute System Design*, 13 ST. THOMAS LAW REVIEW 381 (2017).

*Using The Theories of Exit, Voice, Loyalty and Procedural Justice to Reconceptualize Brazil's Rejection of Bilateral Investment Treaties*, 45 WASHINGTON UNIVERSITY JOURNAL OF LAW AND POLICY 105 (2014) (co-authored with Andrea Kupfer Schneider and Kathryn Rimpfel).

*Recognition and Enforcement of Arbitration Agreements and Foreign Arbitral Awards: Application of the New York Convention in the United States*, 62 AMERICAN JOURNAL OF COMPARATIVE LAW 69 (2014) (supplement) (co-authored with Louis Del Duca).

*Mandatory Predispute Consumer Arbitration, Structural Bias, and Incentivizing Procedural Safeguards*, 42 SOUTHWESTERN LAW REVIEW 187 (2012) (papers presented at AALS workshop on the Supreme Court and the future of arbitration).

*What Is "(Im)Partial Enough" in a World of Embedded Neutrals?*, 52 ARIZONA LAW REVIEW 395 (2010) (part of special issue on funding justice).

- Selected for reprinting in JOURNAL OF THE NATIONAL ASSOCIATION OF THE ADMINISTRATIVE LAW JUDICIARY at 30 J. NAT'L ASS'N ADMIN. L. JUDICIARY 495 (2010).

#### **Judicial Settlement**

*Magistrate Judges, Settlement and Procedural Justice*, 16 NEVADA LAW JOURNAL 983 (2016).

## Mediation

*Lawyers' Client-Inclusive Negotiations: The "New Mediation"?*, \_\_ HARVARD NEGOTIATION LAW REVIEW \_\_ (forthcoming 2024) (co-authored with Donna Shestowsky).

*But Is It Good: The Need to Measure, Assess and Report on Court-Connected ADR*, 22 CARDOZO JOURNAL OF CONFLICT RESOLUTION 427 (2021).

*Bargaining in the Shadow of Investor-State Mediation: How the Threat of Mediation Will Improve Parties' Conflict Management*, 17 ST. THOMAS LAW JOURNAL 373 (2021) (co-authored with Andrea Kupfer Schneider).

*Bringing Transparency and Accountability (with a Dash of Competition) to Court-Connected Dispute Resolution*, 88 FORDHAM LAW REVIEW 2449 (2020).

*Book Review: A THEORY OF MEDIATORS' ETHICS: FOUNDATIONS, RATIONALE, AND APPLICATION* 8 ASIAN JOURNAL ON MEDIATION 76 (2019).

*Dispute Resolution Neutrals' Ethical Obligation to Support Measured Transparency*, 71 OKLAHOMA LAW REVIEW 823 (2019).

*Do You Believe in Magic?: Self-Determination and Procedural Justice Meet Prejudice in Court-Connected Mediation*, 70 SMU LAW REVIEW 721 (2017) (part of symposium issue)

- Received "Outstanding Law Review Article Award" from the Texas Bar Foundation in 2018.

*The Thoughtful Integration of Mediation into Bilateral Investment Arbitration*, 18 HARVARD NEGOTIATION LAW REVIEW 71 (2013) (co-authored with Andrea Schneider).

- Abridged and updated in *Integrating Mediation Into Investor-State Arbitration*, TDM 1 (2014), [www.transnational-dispute-management.com](http://www.transnational-dispute-management.com) (co-authored with Andrea Schneider).

*Becoming "Investor-State Mediation,"* 1 PENN STATE JOURNAL OF LAW & INTERNATIONAL AFFAIRS 86 (2012) (co-authored with Andrea Schneider).

*Musings on Mediation, Kleenex, and (Smudged) White Hats*, 33 UNIVERSITY OF LA VERNE LAW REVIEW 5 (2011) (part of symposium issue on worldwide future of mediation).

*You've Got Your Mother's Laugh: What Bankruptcy Mediation Can Learn from the Her/History of Divorce and Child Custody Mediation*, 17 AMERICAN BANKRUPTCY INSTITUTE LAW REVIEW 427 (2009) (part of St. John's University School of Law conference on ADR in bankruptcy).

*Is That All There Is?: "The Problem" in Court-Oriented Mediation* 15 GEORGE MASON LAW REVIEW 863 (2008) (co-authored with Leonard Riskin).

*The Future of Mediation: Court-Connected Mediation in the U.S. and The Netherlands Compared*, 1 FORUM VOOR CONFLICTMANAGEMENT 19 (2007).

*En vergelijking tussen doorverwijzing naar mediation in civiele zaken: voorspelt de ervaring van de Verenigde Staten (VS) de toekomst van Nederland? (Comparing Court-Connected*

*Non-Family Civil Mediation: Does the U.S. Experience Predict The Netherlands' Future?*, 7 TREMA 310 (September, 2007).

*Look Before You Leap and Keep On Looking: Lessons from the Institutionalization of Court-Connected Mediation*, 5 NEVADA LAW JOURNAL 399 (2005) (co-authored with Bobbi McAdoo).

*The Place of Court-Connected Mediation in a Democratic Justice System*, 5 CARDOZO JOURNAL OF CONFLICT RESOLUTION 117 (2004).

*Stepping Back Through the Looking Glass: Real Conversations with Real Disputants About Institutionalized Mediation and Its Value*, 19 OHIO STATE JOURNAL ON DISPUTE RESOLUTION 573 (2004).

*Disputants' Decision Control in Court-Connected Mediation: A Hollow Promise[,] Without Procedural Justice*, 2002 JOURNAL OF DISPUTE RESOLUTION 179 (2002).

*Making Deals in Court-Connected Mediation: What's Justice Got To Do With It?*, 79 WASHINGTON UNIVERSITY LAW QUARTERLY 787 (2001).

*The Thinning Vision of Self-Determination in Court-Annexed Mediation: The Inevitable Price of Institutionalization?*, 6 HARVARD NEGOTIATION LAW REVIEW 1 (2001).

- Recognized as one of the three most-cited articles from the first ten years of the law review's existence.

*Adaptations to the Civil Mediation Model: Suggestions from Research into the Approaches to Conflict Resolution Used in the Twin Cities' Cambodian Community*, 15 MEDIATION QUARTERLY 345 (1998) (co-authored with Debra Lewis).

## **Negotiation**

*Negotiation Theories Engage Hybrid Warfare*, 24 CARDOZO JOURNAL OF CONFLICT RESOLUTION 543 (2023) (co-authored with Andrea Schneider and Sharon Press).

*The Reputational Advantages of Demonstrating Trustworthiness: Using the Reputation Index with Law Students*, 28 NEGOTIATION JOURNAL 117 (2012) (part of a special section on teaching distributive negotiation).

*Perceptions of Fairness in Negotiation*, 87 MARQUETTE LAW REVIEW 753 (2004).

*The Law of Bargaining*, 87 MARQUETTE LAW REVIEW 839 (2004) (co-authored with Russell Korobkin and Michael Moffitt).

*Negotiation as One Among Many Tools*, 87 MARQUETTE LAW REVIEW 853 (2004) (co-authored with Jennifer G. Brown, Marcia C. Campbell, & Jayne S. Docherty).

## **Dispute Resolution (and Civil Procedure, Ethics and Institutionalization) Generally**

*A Look at America: Dispute Resolution-Related Developments and Innovations – Part 1*, 26 ZEITSCHRIFT FÜR KONFLIKTMANAGEMENT (ZKM) \_\_ (April, 2023).

*A Look at America: Recent Research Regarding Mediation, Caucusing and Other Process Choices – Part 2*, 26 ZEITSCHRIFT FÜR KONFLIKTMANAGEMENT (ZKM) \_\_ (June, 2023).

*A Look at America: The Dynamism of the Field of Private Arbitration – Part 3*, 26 ZEITSCHRIFT FÜR KONFLIKTMANAGEMENT (ZKM) \_\_ (August, 2023).

*A Look at America: The Impact of Dispute Resolution-Related Concepts and Skills Upon Legal Practice and Education – Part 4*, 26 Zeitschrift für Konfliktmanagement (ZKM) \_\_ (forthcoming, 2023).

*Symposium Introduction: The Renaissance Woman of Dispute Resolution: Carrie Menkel-Meadow's Contributions to New Directions in Feminism, Ethics, and ADR*, 10 TEXAS A&M LAW REVIEW xii (2022).

*Symposium Introduction: "ADR's Place in Navigating a Polarized Era,"* 35 OHIO STATE JOURNAL ON DISPUTE RESOLUTION 581 (2021).

*Symposium Introduction*, 5 PENN STATE YEARBOOK ON ARBITRATION AND MEDIATION v (2013) (judicial review of arbitral awards and mediated settlement agreements).

*The Current Transitional State of Court-Connected ADR*, 95 MARQUETTE LAW REVIEW 873 (2012) (part of symposium issue on the future of court-connected ADR).

*Integrating "Alternative" Dispute Resolution Procedures into Bankruptcy: As Simple (And Pure) As Motherhood and Apple Pie?* 11 NEVADA LAW JOURNAL 397 (2011) (part of symposium issue on conflict resolution and the economic crisis).

*I Could Have Been a Contender: Summary Jury Trial As A Means to Overcome Iqbal's Negative Effects Upon Pre-Litigation Communication, Negotiation and Early, Consensual Dispute Resolution*, 114 PENN STATE LAW REVIEW 1149 (2010) (part of symposium issue on Iqbal).

*Looking Down the Road Less Traveled: Challenges to Persuading the Legal Profession to Define Problems More Humanistically*, 2008 JOURNAL OF DISPUTE RESOLUTION 45 (2008) (part of University of Missouri-Columbia symposium entitled "Innovative Models of Lawyering: Collaborative Law and Other Processes").

*Remembering the Role of Justice in Resolution: Insights from Procedural and Social Justice Theory*, 54 JOURNAL OF LEGAL EDUCATION 49 (2004).

*Institutionalized Conflict Resolution: Have We Come to Expect Too Little?*, 18 NEGOTIATION JOURNAL 345 (October, 2002) (co-authored with Peter T. Coleman).

*Searching for a Sense of Control: The Challenge Presented by Community Conflicts Over Concentrated Animal Feeding Operations*, 10 PENN STATE ENVIRONMENTAL LAW REVIEW 295 (2002) (co-authored with Barbara Gray).

*Community Conflicts Over Intensive Livestock Operations: How and Why Do Such Conflicts Escalate?*, 7 DRAKE JOURNAL OF AGRICULTURAL LAW 7 (2002) (co-authored with Charles W. Abdalla, John C. Becker, Ralph Hanke, Celia Cook-Huffman, and Barbara Gray).

*Not Quite Protocols: Toward Collaborative Research in Dispute Resolution*, 19 CONFLICT RESOLUTION QUARTERLY 75 (2001) (co-authored with Christopher Honeyman and Barbara McAdoo).

*The State of the States: Dispute Resolution in the Courts*, CARDOZO ONLINE JOURNAL OF CONFLICT RESOLUTION (part of symposium sponsored by *Cardozo Online Journal of Conflict Resolution*, National Center for State Courts, and Policy Consensus Initiative) (1999).

*Does ADR Really Have A Place on the Lawyer's Philosophical Map?*, 18 HAMLIN JOURNAL OF PUBLIC LAW AND POLICY 376 (1997) (co-authored with Barbara McAdoo).

*Court-Ordered ADR: What Are the Limits?*, 12 HAMLIN JOURNAL OF PUBLIC LAW AND POLICY 35 (1991).

## **Chapters in Books and Proceedings**

### **Arbitration**

*Section 1: Defining Arbitration and Addressing Structural Bias*, in THE FEDERAL ARBITRATION ACT: SUCCESSES, FAILURES, AND A ROADMAP FOR REFORM (Richard A. Bales & Jill I. Gross, eds., Cambridge University Press, forthcoming 2024).

*Switching Hats in Med-Arb: The Ethical Choices Required to Protect Process Integrity*, in MEDIATION ETHICS: A PRACTITIONER'S GUIDE (Omer Shapira, ed., 2021).

*Interpretation and Application of the New York Convention in the United States*, in THE RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS--APPLICATION OF THE NEW YORK CONVENTION BY NATIONAL COURTS 995 (George A. Bermann ed., 2017) (co-authored with Louis Del Duca).

### **Judicial Settlement**

*The Application of Procedural Justice Research to Judicial Actions and Techniques in Settlement Sessions*, in THE MULTI-TASKING JUDGE: COMPARATIVE JUDICIAL DISPUTE RESOLUTION (Tania Sourdin and Archie Zariski, eds., 2013) (co-authored with Bobbi McAdoo and Donna Stienstra).

### **Mediation**

*Data and Regulation*, in MEDIATION MOVES – CONCEPTS, SYSTEMS, PEOPLE (Ulla Glaesser, Lin Adrian & Nadja Alexander, eds.) (Wolfgang Metzner Verlag, 2022).

*The Untethering of Mediation from Relationships*, in DISCUSSIONS IN DISPUTE RESOLUTION (Cole, Hinshaw & Schneider, eds.) (Oxford University Press, 2021).

*Mandatory Mediation and Its Variations*, in INVESTOR-STATE DISPUTES: PREVENTION AND ALTERNATIVES TO ARBITRATION II, Proceedings of the Washington and Lee University and UNCTAD Joint Symposium on International Investment and Alternative Dispute Resolution (Susan Franck and Anna Joubin-Bret, eds., 2011).

*The Importance of Context in Comparing the Worldwide Institutionalization of Court-Connected Mediation and The Bi-Modal Pattern of Mediation in the United States and Canada*, in ADR IN BUSINESS: PRACTICE AND ISSUES ACROSS COUNTRIES AND CULTURES (Arnold Ingen-Housz, ed., 2011).

*Mediation Confidentiality in the U.S. in* MEDIATION EN VERTROUWELIJKHEID (MEDIATION AND CONFIDENTIALITY) (Hester Montree and Alexander Oosterman, eds., 2009).

*Institutionalization and Professionalization, in* THE HANDBOOK OF DISPUTE RESOLUTION (Michael Moffitt & Robert Bordone, eds., 2005).

*Reconciling Self-Determination, Coercion and Settlement in* DIVORCE MEDIATION: CURRENT PRACTICES AND APPLICATIONS (J. Folberg, Ann Milne and Peter Salem, eds., 2004).

## **Negotiation**

*Distributive and Procedural Fairness Perceptions in Negotiation, in* NEGOTIATION ESSENTIALS FOR LAWYERS (Andrea Schneider & Chris Honeyman, eds., 2019).

*Perceptions of Fairness, in* THE NEGOTIATOR'S DESK REFERENCE, VOL. 1 (Chris Honeyman and Andrea Kupfer Schneider, eds., 2017).

*Making Reputation Salient: Using the Reputation Index with Law Students, in* ASSESSING OUR STUDENTS, ASSESSING OURSELVES (Noam Ebner, James Coben and Christopher Honeyman, eds., 2012).

*Perceptions of Fairness, in* THE NEGOTIATOR'S FIELDBOOK (Andrea Schneider & Christopher Honeyman, eds., 2006).

*The Law of Bargaining, in* THE NEGOTIATOR'S FIELDBOOK (Andrea Schneider & Christopher Honeyman, eds., 2006) (co-authored with Russell Korobkin & Michael Moffitt).

## **Dispute Resolution Generally**

*Discovering Our Field in Our Stories and Crosscurrents, in* EVOLUTION OF A FIELD: PERSONAL HISTORIES IN CONFLICT RESOLUTION (Howard Gadlin & Nancy A. Welsh, eds., 2020).

*We Need Good Data to Know Whether What We Are Doing – and Espousing – Is Good, in* THEORIES OF CHANGE FOR THE DISPUTE RESOLUTION MOVEMENT: ACTIONABLE IDEAS TO REVITALIZE OUR MOVEMENT (John Lande, ed., 2020).

*New Horizons for the ADR Field: Where Are We Headed and Where Can We Go? in* THEORIES OF CHANGE FOR THE DISPUTE RESOLUTION MOVEMENT: ACTIONABLE IDEAS TO REVITALIZE OUR MOVEMENT (John Lande, ed., 2020) (also containing the following co-presenters' summaries: Michael Z. Green, Lela P. Love, Chris Guthrie, Ava J. Abramowitz, and Noam Ebner).

*Methodologies and Terminology for Research with a Real-World Focus, in* THEORIES OF CHANGE FOR THE DISPUTE RESOLUTION MOVEMENT: ACTIONABLE IDEAS TO REVITALIZE OUR MOVEMENT (John Lande, ed., 2020) (with co-presenters and co-authors Roselle Wissler, Howard Herman, Russell Korobkin and Donna Shestowsky).

*Online Communication Technology and Relational Development, in* RETHINKING NEGOTIATION TEACHING (Christopher Honeyman, James Coben & Giuseppe De Palo, eds., 2009) (co-authored with Anita Bhappu, Noam Ebner, & Sanda Kaufman).



*Court-Connected General Civil ADR Programs: Aiming for Institutionalization, Efficient Resolution and the Experience of Justice*, in ADR HANDBOOK FOR JUDGES (Donna Stienstra & Susan Yates, eds., 2004) (co-authored with Bobbi McAdoo).

*Alternative Dispute Resolution (ADR) in Minnesota--An Update on Rule 114* in COURT-ANNEXED MEDIATION: CRITICAL PERSPECTIVES ON SELECTED STATE AND FEDERAL PROGRAMS, 203 (Edward Bergman and John Bickerman, eds., 1998) (co-authored with Barbara McAdoo).

### **Articles in Professional Journals**

#### **Arbitration**

Ross et al. v. American Express et al.: *The Story Behind the Spread of Class Action-Barring Arbitration Clauses in Credit Card Agreements*, 21 DISPUTE RESOLUTION MAGAZINE 18 (Fall 2014) (co-authored with Stephen J. Ware).

*"Moving the Ball Forward" in Consumer and Employment Dispute Resolution: What Can Planning, Talking, Listening and Breaking Bread Together Accomplish?*, 19 DISPUTE RESOLUTION MAGAZINE 14 (Spring 2013) (co-authored with David B. Lipsky).

*Judicial Review of Arbitration Awards and Mediation Agreements: Tips for Sustaining Deference*, 67-APR DISP. RESOL. J. 48 (February/April 2012) (co-authored with Julia Rabich and Sarah Stoner).

*Arbitration Clauses and Beyond: Avoiding Pitfalls in Drafting Dispute Resolution Clauses in Employment Contracts*, 1 JOURNAL OF ALTERNATIVE DISPUTE RESOLUTION IN EMPLOYMENT 35 (Fall 1999).

#### **Mediation**

*What's It All About?: Finding the Appropriate Problem-Definition in Mediation*, 15 DISPUTE RESOLUTION MAGAZINE 19 (Summer 2009) (co-authored with Leonard Riskin).

- Selected for reprinting in the Russian publication, MEDIATION AND LAW: INTERMEDIATION AND CONCILIATION (2010).

*Eyes on the Prize: The Struggle for Professionalism*, 11 DISPUTE RESOLUTION MAGAZINE 13 (Spring 2005) (co-authored with Bobbi McAdoo).

*Institutionalizing Mediation in the Courts: What Do Empirical Studies Tell Us?*, 9 DISPUTE RESOLUTION MAGAZINE 8 (Winter 2003) (co-authored with Barbara McAdoo and Roselle Wissler).

*All in the Family: Darwin and the Evolution of Mediation*, 7 DISPUTE RESOLUTION MAGAZINE 20 (Winter 2001).

#### **Dispute Resolution Generally**

*Theory and Reality in Regulating Dispute Resolution*, 20 DISPUTE RESOLUTION MAGAZINE 22 (Summer 2014) (book review of REGULATING DISPUTE RESOLUTION: ADR AND ACCESS TO JUSTICE AT THE CROSSROADS).

*The ABCs of ADR: Making ADR Work in Your Court System*, 37 THE JUDGES JOURNAL 11 (Winter 1998) (co-authored with Barbara McAdoo).

*Grappling the Monster Case: The Next Frontier in ADR*, 54 BENCH AND BAR OF MINNESOTA 21 (September 1997) (co-authored with the Hon. Ann Montgomery).

*System Implementation Means Difficult Choices*, 14 ALTERNATIVES TO THE HIGH COST OF LITIGATION 135 (December 1996) (co-authored with Barbara McAdoo).

*The Times They Are A' Changin'--Or Are They? An Update on Rule 114*, 65 HENNEPIN LAWYER 8 (July-August 1996) (co-authored with Barbara McAdoo).

## **Monographs and Reports**

### **Arbitration**

NATIONAL ROUNDTABLE ON CONSUMER AND EMPLOYMENT DISPUTE RESOLUTION: CONSUMER ARBITRATION ROUNDTABLE SUMMARY REPORT (April 17, 2012) (co-authored with Tom Stipanowich, Lisa Blomgren Bingham and Larry Mills).

### **Dispute Resolution Generally**

*One Foray into the Theory-Practice Divide: Lessons for Future Expeditions in ENGINEERING BROAD-BASED DISCUSSIONS: ENGAGING MULTIDISCIPLINARY GROUPS TO CREATE NEW IDEAS IN CONFLICT RESOLUTION* 5 (monograph) (2003) (co-authored with Grace D'Alo).

*Here There Be Monsters: At the Edge of the Map of Conflict Resolution in MONSTERS IN THE WATERS: FEAR AND SUSPICION DIVIDE THE FIELD OF CONFLICT RESOLUTION* 1 (monograph) (2001) (co-authored with Christopher Honeyman and Barbara McAdoo).

ALTERNATIVE CONFLICT RESOLUTION STRATEGIES FOR ADDRESSING COMMUNITY CONFLICTS OVER INTENSIVE LIVESTOCK OPERATIONS (report submitted in June, 2000 to the Pennsylvania Department of Agriculture) (co-authored with Barbara Gray, Charlie Abdalla, John Becker and Celia Cook-Huffman).

A GUIDEBOOK ON COMMUNITY PARTICIPATION IN ADDRESSING DISPUTES OVER INTENSIVE LIVESTOCK OPERATIONS (submitted in June, 2000 to the Pennsylvania Department of Agriculture) (co-authored with Barbara Gray, Charlie Abdalla, John Becker and Celia Cook-Huffman).

### **Administrative Law**

COST SEPARATIONS FORMULAE IN TELECOMMUNICATIONS: THE DEVELOPMENT OF THE "RELATIVE USE" STANDARD (Program on Information Resources Policy, jointly sponsored by Harvard University and the Center for Information Policy Research, 1983).

## **Works in Progress**

*Why Go to Court When You Can Access Its Enforcement Power for Free?* (working title)

## **SELECTED PRESENTATIONS**

### “American ADR, Justice and Avoiding *Injustice*”

- Symposium, Japan Association of Arbitration and Alternative Dispute Resolution, Kyoto, Japan, July 13, 2024

### “Lawyers’ Client-Inclusive Negotiations: The New Mediation?”

- Texas Association of Mediators Annual Conference, March 24-25, 2023
- Alternative Dispute Resolution Speaker Series, University of California College of Law - San Francisco, March 21, 2023

### “Negotiating Hybrid Warfare or Managing Hybrid Conflict?”

- Melnick Annual Symposium of the Cardozo Journal of Conflict Resolution: Negotiation Strategies for War by Other Means, November 18, 2022

### “What Data Should Courts Collect and Report on ADR”/“Assessment, Direction and Vision for the Future”

- Jed D. Melnick Symposium on Presumptive ADR and Court Systems of the Future, Benjamin Cardozo School of Law, October 23, 2020 (online due to COVID-19)
- “Measurement and Methodology: Approaches to the Study of Access to Justice” Roundtable, Law and Society Association’s annual conference, May 29, 2020 (online due to COVID-19)
- Annual spring conference, ABA Section of Dispute Resolution, May 18, 2020 (online due to COVID-19)

### “From Where We Are to Where We Are Heading: Alternative Means to Investor-State Dispute Settlement”

- Panel Chair, 2020 Editor-in-Chief Lecture on Innovative Strategies for Conflict Management: Improving Investor-State Relations to Propel Global Growth, St. Thomas University School of Law, Minneapolis, MN, February, 2020

### “Expanding Access to Justice with ODR: Best Practices and Standards from the ADR Field”

- Online Dispute Resolution Forum, National Center for State Courts, Williamsburg, VA, October, 2019

### “New Horizons for the ADR Field: Where Are We Headed and Where Can We Go?”

- Plenary presentation, Appreciating our Legacy and Engaging our Future Conference, co-sponsored by the Straus Institute for Dispute Resolution, ABA Section of Dispute Resolution, and Aggie Dispute Resolution Program, Malibu, CA, June, 2019

### “Special Masters in Civil Litigation”

- Supreme Court of Ohio’s 2020 Dispute Resolution Conference, Ohio State University, Columbus, OH, March, 2020 (recorded due to COVID-19)
- Annual spring conference, ABA Section of Dispute Resolution, Minneapolis, MN, April, 2019

### “Bringing Transparency and Accountability (with a Dash of Competition) to Court-Connected Dispute Resolution”/“What We Do and Don’t Know About Court-Connected Mediation”

- Achieving Access to Justice Through ADR: Fact or Fiction Symposium, Fordham Law Review & Fordham Law School Conflict Resolution and ADR Program, November, 2019

- Overton Lecture at inaugural Institute for Dispute Resolution Faculty Workshop, University of Florida Levin College of Law, Gainesville, FL, September, 2019
- Opening keynote presentation, 27<sup>th</sup> Annual Florida Dispute Resolution Center Conference (part of Florida Supreme Court), August, 2019
- Faculty workshop presentation, Marquette University Law School, Milwaukee, WI, February, 2019

“Combining Mediation and Arbitration: Procedural Safeguards”

- Asian International Arbitration Centre, Kuala Lumpur, Malaysia, March, 2018

“An Ethical Obligation to Support Transparency?”/“Trustworthiness, Transparency and Procedural Safeguards”

- Plenary presentations, Viadrina International Mediation “mediation moves...” Conference 2018, in Frankfurt (Oder), Germany – sponsored by the Master Program Mediation and Conflict Management of the European University Viadrina, the Master's Program on Mediation at the University of Copenhagen, and the Singapore International Dispute Resolution Academy at Singapore Management University, October, 2018
- *Expanding the Scope of Dispute Resolution and Access to Justice: The Use of Mediation Within the Courts* Research Forum, Singapore Management University and the Centre for Cross-Border Commercial Law in Asia, Singapore, March, 2018
- AALS Works-in-Progress Conference, Arizona State University Sandra Day O'Connor College of Law, Phoenix, AZ, October, 2017

“A Need to Update the Model Standards of Conduct for Mediators”

- Alternative Dispute Resolution Symposium, Elon University School of Law, Greensboro, NC, October, 2017

“Do You Believe in Magic? Self-Determination and Procedural Justice Meet Prejudice in Court-Connected Mediation”/“Self-Determination, Procedural Justice and Court-Connected Mediation”

- SMU Dedham School of Law, Dallas, TX, February, 2017
- Plenary, *Practice and Regulation of Mediation: Achievements and Challenges*, Nordic Conference, University of Copenhagen, January, 2017

“ODR: A Time for Celebration and the Embrace of Procedural Safeguards”/“Perceptions of Procedural Fairness: How Online Systems Can Build Trust and Fairness into Their Processes”/“ODR and Ethics”

- ODR 2017 Conference, Paris, France, June, 2017
- Plenary (with Colin Rule), Association of Family and Conciliation Courts Annual Conference, Boston, MA, June, 2017
- LSC Technology Innovation Grants Conference, San Antonio, TX, January, 2017
- AALS Works in Progress Conference, Marquette University School of Law, Milwaukee, WI, September, 2016
- Plenary, ODR 2016 Conference, The Hague, Netherlands, May, 2016

“Judges, Settlement, and Procedural Justice”

- Association of Family and Conciliation Courts Annual Conference, Boston, MA, June, 2017
- Maurer School of Law, Indiana University-Bloomington, Bloomington, IN, March, 2016
- Harvard Law School, Cambridge, MA, February, 2016

“Class Action-Barring Mandatory Pre-Dispute Consumer Arbitration Clauses: An Example of (and Opportunity for) Dispute System Design”

- Maurer School of Law, Indiana University-Bloomington, Bloomington, IN, March, 2016
- University of St. Thomas School of Law, Minneapolis, MN, November, 2015

“The Place of Procedural Justice and Due Process in the Enforcement of (Certain) Arbitral Awards under the New York Convention”

- Texas A&M University School of Law, Fort Worth, TX, March, 2015
- University of Maryland Carey School of Law, Legal Theory Workshop Series, Baltimore, MD, October, 2014

“Procedural Justice and Due Process”

- Law & Society Annual Conference, Minneapolis, MN, June, 2014
- ABA Dispute Resolution Section Annual Conference, Miami, FL, April, 2014
- Psychology and Lawyering: Coalescing the Field, UNLV William S. Boyd School of Law and Saltman Center for Conflict Resolution, February, 2014
- AALS Annual Conference, New York City, NY, January, 2014

“Special Education Mediation and Exhaustion (of Parents and Remedies)”

- Symposium entitled “Dispute Resolution in Special Education,” Ohio State University, Moritz College of Law, February, 2014

“Fiduciary Duties: Imagined or Real?”

- ABA Dispute Resolution Section Annual Conference, Chicago, Illinois, April, 2013
- ABA Dispute Resolution Section Annual Conference, Denver, Colorado, April, 2011

“The Application of Procedural Justice Research to Judicial Behaviors in Settlement Sessions” and “Judges and Mediation” and “The Many Flavors of Fairness”

- Law & Society Annual Conference, Seattle, May, 2015 (by videoconference)
- ABA Dispute Resolution Section Annual Conference, Seattle, WA, April, 2015
- Law & Society Annual Conference, Minneapolis, MN, June, 2014
- Law & Society Annual Conference, Boston, Massachusetts, June, 2013
- Law & Society Annual Conference, Honolulu, Hawaii, June, 2012
- Law & Society Annual Conference, San Francisco, California, June, 2011
- ABA Dispute Resolution Section Annual Conference, Denver, Colorado, April, 2011

“Institutionalizing Mediation Through Legislation: Israel and Abroad”

- University of Haifa, May, 2012

“Co-optation of ADR: Has It Become Cheap Justice?”

- Symposium entitled “Does ADR Work?: Evaluating the Effectiveness of Alternative Dispute Resolution,” Harvard Law School, February, 2012

“What Is ‘(Im)Partial Enough’ in a World of Embedded Neutrals?” and “Mandatory Predispute Arbitration, Structural Bias and Incentivizing Procedural Safeguards” (*also* “The Rise of the Embedded Neutral: Operating Within the Shadow of the Judge or Expropriating and Undermining the Judge’s Legitimacy?,” “The Successful Institutionalization of Alternative Processes in U.S. Courts, the Rise of the ‘Embedded Neutral,’ and New Concerns About Courts’ Deference,” and “Embedded Neutrals, the Appearance of Impartiality and Unacknowledged Normative Choices”)

- AALS ADR Section Works-in-Progress Conference, Ohio State University, Moritz College of Law, November, 2012
- AALS Dispute Resolution Section Program on the Supreme Court and the Future of Arbitration, January, 2012
- Keynote presentation, Sixth Annual Alternative Dispute Resolution Symposium, Fordham Law School, November, 2011
- Conference on the Future of Arbitration, George Washington Law School, March, 2011
- Faculty colloquium series, University of Missouri School of Law, Columbia, MO, February, 2011
- AALS ADR Section Works-in-Progress Conference, Arizona State University, Sandra Day O'Connor College of Law, October 24, 2008
- University of Nevada-Las Vegas, William S. Boyd School of Law, October, 2008
- Dispute Resolution Series, Hofstra University School of Law, Hempstead, New York, September 17, 2008
- 2007 Northern California ADR Faculty Conference, Stanford Law School, April, 2007
- 3<sup>rd</sup> Annual ADR Institute, Pennsylvania Bar Institute, March, 2007
- Erasmus University, May, 2006
- Seminar sponsored by Tilburg University, The Catholic University of Leuven, and The Francqui Foundation, May, 2006 (with Honorary Chair Robert Mnookin)
- Private Law Department, Tilburg University, May, 2006
- Conference on "Advocaat en Mediation" (The Advocate and Mediation), sponsored by de Rechtspraak and Nederlandse Orde van Advocaten, April, 2006
- Legal Educators' Colloquium, Annual Conference of the ABA Section of Dispute Resolution, April, 2006
- Quinnipiac University School of Law, December, 2005
- Marquette University Law School, November, 2005

"Comparing the Needs Currently Addressed by Court-Connected Mediation in the U.S. and the Netherlands and Looking to the Future"

- Symposium on Forecasting the Future: Cutting Edge Issues in ADR, La Verne College of Law, January, 2011
- Moving Mediation Conference, Dutch Council for the Judiciary, Ministry of Justice and the Netherlands Court-Connected Mediation Agency, November, 2009
- 9<sup>th</sup> Annual ABA Section of Dispute Resolution Spring Conference, April, 2007
- "The State of Affairs of Mediation in Europe: What Can Governments Do (More)?" International Expert Meeting sponsored by the Dutch Ministry of Justice, June, 2006
- Workshop sponsored by The Netherlands Ministry of Justice and WODC, May, 2006
- Workshop sponsored by the Institut fur Anwaltsrecht of The University of Cologne, May, 2006
- Workshop sponsored by ACBMediation, May, 2006

"The Application of Dispute System Design Principles and Procedural Justice Theories to the Potential Use of Mediation and Other Consensual Processes in the Investor-State Context"

- ABA Dispute Resolution Section Annual Conference, Chicago, Ill., April, 2013 (with focus on Argentina as case study)
- Panel on International Investment Law: Investment Treaties and Dispute Resolution, 2010 Biennial Conference of the American Society of International Law and the International Economic Law Interest Group, in partnership with the *Minnesota Journal of International Law* and ASIL-Midwest, University of Minnesota Law School, November, 2010

“The Future of Family Mediation and Court-Connected Dispute Resolution”

- ABA Section of Dispute Resolution Annual Conference and Legal Educators’ Colloquium, April, 2010

“Finding the Appropriate Problem Definition in Mediation”

- Symposium on ADR in the Courts, co-sponsored by the ABA Section of Dispute Resolution and the California Administrative Office of the Courts, April, 2010

“I Could Have Been A Contender: The Potential Effects of *Twombly* and *Iqbal* on Pre-Litigation Negotiation and Other Forms of Early, Consensual Dispute Resolution”

- Reflections on *Iqbal* Symposium, Penn State University, Dickinson School of Law, March, 2010

“How Early and New Tools of Settlement Have Transformed the Practice of Law”

- ADR Institute, Pennsylvania Bar Institute, March, 2010
- 10<sup>th</sup> Annual ABA Section of Dispute Resolution Spring Conference, April, 2008

“Mediation in Bankruptcy: Another Form of Justice or Just A New Tool for Gaining Advantage?”

- ADR Institute, Pennsylvania Bar Institute, March, 2010
- Conference/Symposium on Conflict Resolution and the Economic Crisis, William Boyd School of Law, University of Nevada at Las Vegas, February, 2010

“What Does Justice Have to Do With Mediation?” (also “Insights from Social and Procedural Justice Theory”)

- ABA Section of Dispute Resolution Annual Conference and Legal Educators’ Colloquium, April, 2010
- Conference on User Driven Approaches in Dispute Resolution, Tilburg University Institute for Interdisciplinary Studies of Civil Law and Conflict Resolution Systems, November, 2009
- Dispute Resolution Lecture Series, William Boyd School of Law of the University of Nevada, April, 2005
- 2003 Annual Meeting Workshop on Alternative Dispute Resolution, AALS, Washington D.C., January 3, 2003
- Legal Educators’ Colloquium sponsored by ABA Section of Dispute Resolution, April, 2002

“You’ve Got Your Mother’s Laugh: What Bankruptcy Mediation Can Learn from the Her/History of Divorce and Child Custody Mediation”

- Symposium--ADR Meets Bankruptcy: Cross-Purposes or Cross-Pollination?, St. John’s University School of Law, October, 2009

“Managing the Impact of Videoconferencing on the Relational Element of Legal Education and Dispute Resolution”

- Online Dispute Resolution Forum, University of Haifa, Haifa, Israel, June, 2009

“ADR and Multi-party Disputes”

- Conference on Access to Justice in European Mass Disputes, Tilburg University and Ministry of Justice of the Netherlands, October, 2008

“Balancing Client Self-Determination and Efficient Resolution of Family Cases”

- 44<sup>th</sup> Annual Conference of the Association of Family and Conciliation Courts, Washington D.C., May-June, 2007

“Institutionalizing Court ADR: What Does Empirical Data Tell Us?”

- National Conference on Court ADR, 9<sup>th</sup> Annual ABA Section of Dispute Resolution Spring Conference, April, 2007
- Legal Educators’ Colloquium, Annual Conference of the ABA Section of Dispute Resolution, April, 2005
- Mini-Conference on Court ADR sponsored by the ABA Sections of Dispute Resolution and Litigation, ABA Judicial Division, Ninth Circuit Standing Committee on ADR, Association for Conflict Resolution, National Association for Community Mediation, National Center for State Courts, Federal Bar Association, National Association for Court Management and Conference of State Court Administrators, April, 2002

“Taking the Dimension Less Travel’d: The Challenges of Changing Lawyers’ and Law Students’ Issue Identification”

- Symposium honoring the work of Leonard Riskin, University of Missouri-Columbia, October, 2006
- 18<sup>th</sup> Annual Conference of the International Association for Conflict Management, June, 2005
- Legal Educators’ Colloquium at 2<sup>nd</sup> annual conference of the ABA Section on Dispute Resolution, April, 2000

“Is (Statutory) Regulation a Good Incentive for Parties to Choose Mediation?”

- “The State of Affairs of Mediation in Europe. What Can Governments Do (More)?” International Expert Meeting sponsored by the Dutch Ministry of Justice, June, 2006

“An Overview of Mediation with a Focus on Victim-Offender Mediation”

- Workshop sponsored by the International Victimology Institute of Tilburg University, March, 2006

“Stepping Back Through the Looking Glass: Real Conversations with Parents and School Officials about Special Education Mediation and its Value”

- Conference sponsored by Connecticut SERC and the Centers on Dispute Resolution and Children and Families of the Quinnipiac University School of Law, May, 2005
- Consortium for Appropriate Dispute Resolution in Special Education, Third Annual Symposium on Dispute Resolution in Special Education, December, 2004
- Quinnipiac/Yale Dispute Resolution Workshop, October, 2002

“Eyes on the Prize: The Struggle Toward Professionalism”

- Colloquium Series, University of St. Thomas School of Law (Minnesota), March, 2005
- 26<sup>th</sup> Annual Conference of the Society of Professionals in Dispute Resolution, October, 1998

“The Place of Court-Connected Mediation in a Democratic Justice System”

- “Justice in Mediation” Symposium, Cardozo School of Law of Yeshiva University, March, 2004



“It’s the Context, Stupid! Why the Context Matters in Institutionalizing Mediation”

- Fifth Annual Conference of the ABA Section on Dispute Resolution, San Antonio, TX, March 20-22, 2003.

“Can Two Wrongs Make a Right? Exploring the Fuzzy Math of Mediator Ethics”

- 11<sup>th</sup> Annual Emerging Issues in Mediation Conference of the University of Wisconsin-Madison Division of Professional Development and Applied Studies and the Wisconsin Association of Mediators, November, 2002

“Effects of Legal Training and Practice on Ethics and Justice Perspectives”

- 15<sup>th</sup> Annual Conference of The International Association for Conflict Management, June, 2002

“Judges, Attorneys, Clients, Mediators: What Do They Want From Mediation? Are They All After the Same Thing?”

- Association of Conflict Resolution Annual Conference, October, 2001
- ABA Section of Dispute Resolution Annual Conference, April, 2001

“The Challenge of Walking the Talk of Self-Determination in Court-Annexed Mediation”

- University of Wisconsin’s Institute for Legal Studies, November 1, 2000
- 28<sup>th</sup> annual conference of Society of Professionals in Dispute Resolution, September, 2000
- 2<sup>nd</sup> annual conference of the ABA Section on Dispute Resolution, San Francisco, CA, April 6-8, 2000
- 26<sup>th</sup> Annual Conference of the Society of Professionals in Dispute Resolution, October, 1998

“Alternative to *What?* The Influences on ADR Theory and Practice” and “Is the Devil in the Details? Do We Care?”

- 5<sup>th</sup> Annual Conference on Emerging Issues in Mediation, sponsored by the University of Wisconsin-Madison and the Wisconsin Association of Mediators, Madison, WI, November 10-12, 1999.

“Darwin and the Institutionalization of Mediation: Adapting the Process So That It Survives and Thrives in New Environments”

- 27<sup>th</sup> Annual Conference of the Society of Professionals in Dispute Resolution, September, 1999

“The State of the States: Dispute Resolution in the Courts”

- Symposium sponsored by the *Cardozo OnLine Journal of Conflict Resolution*, the National Center for State Courts and the Policy Consensus Initiative, September, 1999

**INVITED PARTICIPATION IN CONFERENCES/DIALOGUES (IN ADDITION TO SYMPOSIA REFLECTED ABOVE)**

Global Pound Conference, University of Maryland, Francis King Carey School of Law, June, 2017

2016 Maryland Judiciary ADR Research Symposium, University of Maryland, Francis King Carey School of Law, June, 2016

Expanding the Canon of Negotiation, Marquette University Law School, December, 2013

National meeting on court-affiliated ADR research project, co-sponsored by the University of Maryland School of Law and Maryland Judiciary, Administrative Office of the Courts, Court Research and Development, November, 2010

2010 Conference on Civil Litigation, Duke Law School, May, 2010

Joint Symposium on International Investment and ADR: Preventing and Managing Investment Treaty Conflict, Washington & Lee University School of Law's Frances Lewis Law Center and United Nations Conference on Trade and Development, March, 2010

Rethinking Negotiation Teaching Conference, Hamline Dispute Resolution Institute, May, 2008

Conference on Court ADR Research, hosted by the Federal Judicial Center and the Moritz College of Law of the Ohio State University, November, 2005

Workshop organized by the Hewlett Foundation and Stanford University to discuss the evolution and future development of the field of conflict resolution, January, 2004

"Collaborating on Research Priorities in Dispute Resolution: A Theory/Practice Workshop" Osgoode Hall Law School, May, 2002

Hewlett Theory Centers 2002 conference "Framing New Directions for Theory from Practitioners' Experience: What Don't We Know? What Do We Need to Know? And How Can We Find Out?" sponsored by the William and Flora Hewlett Foundation, March, 2002

"ADR Evaluation Summit" sponsored by the Maryland Mediation and Conflict Resolution Office and Salisbury University's Center for Conflict Resolution, November, 2001

Hamline University School of Law's 2001 Symposium on Advanced Issues in Dispute Resolution entitled "Moving to the Next Level: Intentional Conversations about Race, Mediation and Dispute Resolution," October, 2001

Conference sponsored by the Theory to Practice Project to develop teaching tools based on *The Handbook of Conflict Resolution* (eds. Morton Deutsch and Peter Coleman), March, 2001

"Reflective Practice/Best Practice in Evaluating Court-Connected ADR" Conference, co-sponsored by the Georgia Office of Dispute Resolution and the Consortium on Negotiation and Conflict Resolution, November, 2000

Meeting of the Mediation Law Project Academic Advisory Committee to the ABA Section on Dispute Resolution and National Conference of Commissioners on Uniform State Laws, October, 1999

### **SELECTED CURRENT AND PAST PROFESSIONAL ACTIVITIES**

Admitted to practice before the Minnesota Supreme Court and in all other courts of the state (currently in compliance with registration requirements but in non-resident status)

## **Lawyers' Professional Organizations**

Member, American Bar Association (Dispute Resolution and Litigation Sections), Association for Conflict Resolution, Association of American Law Schools (Alternative Dispute Resolution and Civil Procedure Sections)

American Bar Association, Section of Dispute Resolution

- Chair, Chair-Elect, Vice-Chair, Budget Officer, Immediate Past Chair
- Member, Section Executive Committee
- Member, Section Council
- Co-Chair, Editorial Board, *Dispute Resolution Magazine*
- Chair and Co-chair, Publications Board
- Chair, Advisory Committee on Dispute Resolution Research
- Chair and Co-chair, James Boskey Essay Competition Committee
- Member of Organizing Committee, Consumer Arbitration Study Group
- Co-chair, Legal Educators' Colloquium
- Member, Executive and Steering Committees, Annual Conference of the American Bar Association Section on Dispute Resolution

Chairperson and Member, Minnesota State Bar Association, Committee on Alternative Dispute Resolution

Co-Chairperson and Member, Lawyers Alliance for Nuclear Arms Control, Minneapolis-St. Paul Chapter

## **Court-Related Organizations**

U. S. District Court of the Middle District of Pennsylvania

- Member, Mediation Advisory Board
- Member, Mediator Panel

Member, ADR Review Board (appointed by Chief Justice to advise Minnesota Supreme Court regarding Rule 114 of the General Rules of Practice)

Member, ADR Implementation Committee (appointed to advise Minnesota Supreme Court regarding court-annexed ADR)

## **Academic Publications**

Co-Chair, Editorial Board, *Dispute Resolution Magazine*

Member, Advisory Board, *International Journal of Online Dispute Resolution*

Member, Editorial Board, *Conflict Resolution Quarterly*

Member, Editorial Board, *The CCH Journal of Alternative Dispute Resolution in Employment*

## **Education-Related Organizations**

Association of American Law Schools, Alternative Dispute Resolution Section

- Member, Executive Committee

- Chair and Chair-Elect, Alternative Dispute Resolution Section

Member, Law and Society Association, International Research Collaborative on Judicial Dispute Resolution

Founding member, ADR Law Profs Blog (indisputably.org)

### **Other Dispute Resolution Organizations**

International Mediation Institute (created by Netherlands Mediation Institute, Singapore Mediation Centre/Singapore International Arbitration Centre and International Centre for Dispute Resolution/American Arbitration Association)

- Member, Independent Standards Committee
- Member, Task Force on Investor-State Mediation

Member, Board of Directors of the Board of Certification, International Ombudsman Association

Member, Advisory Committee on Alternative Dispute Resolution, Joint State Government Commission of the General Assembly of the Commonwealth of Pennsylvania

Member, Steering Committee of the Theory-to-Practice Project (funded by the Hewlett Foundation)

Member, research team for the Conflict Resolution Project funded by the Pennsylvania Department of Agriculture (through the Agricultural Law Research and Education Center)

Member, Board of Directors, Minnesota Chapter of the Society of Professionals in Dispute Resolution

### **Other**

Representative, Institute of Commercial Law

Radio Announcer and Newscaster, WRIE-AM and WLVU-FM, Erie, PA

### **SELECTED CURRENT AND PAST UNIVERSITY AND LAW SCHOOL-RELATED SERVICE ACTIVITIES**

Texas A&M University

- Member, University Professorships Selection Committee and Faculty Senate Ombuds Search Committee
- Member, Associate Professor Task Force
- Reader, 2020-21 Tenure and Promotion Dossiers (advising Provost)
- Member, IFRAC

Texas A&M University School of Law

- Director, Dispute Resolution Program (2017-present)
- Director, Faculty Awards Program (2021-2023)
- Chair, Peer Review Committee (2020-2021)

- Member, Strategic Planning, Governance, PTAC (2018-2019), Peer Review (2019-2020), Appointments CSC Subcommittee (2023-2024), Curriculum and Dean's Advisory Committees

Penn State University, Dickinson School of Law (1998 – 2017)

- Chair of the Unified Faculty (after approval of separate accreditation of Penn State Law and Dickinson Law)
- Faculty Senator, Dickinson Law
- Ombudsperson, Dickinson Law
- Chair, Vice-Chair and Secretary of the Faculty (before separate accreditation)
- Chair and Vice-Chair, Promotion and Tenure Committee
- Chair and Member, Faculty Development Committee, Diversity Committee
- Faculty Advisor, Certificate in Dispute Resolution and Advocacy
- Faculty Advisor, *Penn State Law Review*
- Co-Faculty Advisor, *Yearbook of Arbitration and Mediation*
- Faculty Advisor, ADR Society
- Faculty Advisor, ABA Law Student Division Negotiation Competition Team
- Associate Director, Center for Dispute Resolution
- Member, Dean Search Committee
- Member, Library Committee, Orientation Committee, Faculty Rights and Responsibilities Committee, Academic Rules Committee, Clinics and Externships Committee, Certificate Committee, Appointments Committee, International/Nonresident Educational Programs Committee, Teaching and Technology Committee

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