

**DOUGLAS NORMAN FRENKEL**  
*Morris M. Shuster Practice Professor of Law*  
University of Pennsylvania Law School  
3501 Sansom Street  
Philadelphia, PA 19104-6204  
215-898-4628  
(FAX) 215-573-6783  
Email: dfrenkel@law.upenn.edu

**ACADEMIC APPOINTMENTS**

UNIVERSITY OF PENNSYLVANIA LAW SCHOOL

Morris M. Shuster Practice Professor of Law, from 2009  
Practice Professor of Law and Clinical Director, 1985-2008  
Lecturer/Clinical Supervisor and Clinical Director, 1978-1985

VISITING APPOINTMENTS

Visiting Scholar, University of Sydney Faculty of Law, University of Sydney,  
Sydney, Australia (Spring), 1997  
Visiting Professor of Law: Columbia; Fordham; New York, 1991-2001

**EDUCATION**

UNIVERSITY OF PENNSYLVANIA LAW SCHOOL, Philadelphia, Pennsylvania

J.D. *cum laude*, May, 1972.

UNIVERSITY OF PENNSYLVANIA (WHARTON SCHOOL)

B.S. (Economics) *cum laude*, May 1968

**COURSES**

Mediation Clinical Seminar: A theory, clinical, and participant/observation course:  
includes training students in mediation role/skills and supervising student  
mediations in real cases ranging from small claim civil litigation to complex  
employment discrimination and international child abduction matters.

Professional Responsibility: Upper-level elective and unique, required first-year courses  
making extensive use of case studies and videotaped teaching materials.

Negotiation; Interviewing, Counseling and Negotiation: Upper-level  
role/skills/ethics/theory/practice courses including simulated cases and extensive  
use of videotaping.

The Lawyering Process: Includes supervising student fieldwork (federal and state civil and  
family litigation); teaching of four-hour per week course in litigation-based

lawyering skills and professional responsibility; creation of simulated problems and video recorded teaching materials.

Family Law: First-year and upper-level courses.

## **PUBLICATIONS**

### **Books:**

THE PRACTICE OF MEDIATION: A VIDEO-INTEGRATED TEXT (Aspen Law & Business) with James Stark (multi-media theory/practice book with video case studies) (Second Edition, April 2012).

WEST'S PENNSYLVANIA FORMS AND COMMENTARY: Editor and contributing author of a multi-volume set of practitioner-oriented texts with forms in areas such as Civil and Criminal Procedure, Domestic Relations, Employment Law, Business Organizations, Debtor-Creditor, etc. (in collaboration with leading practitioners).

### **Articles:**

Changing Minds: The Work of Mediators and Empirical Studies of Persuasion (with James Stark), (forthcoming, 2012).

Words That Heal, *Annals of Internal Medicine*, Vol. 140, No. 6 (editorial essay, with C. Liebman), (March 16, 2004).

On Trying to Teach Judgment, 12 *Legal Education Review* 19 (2001).

Ethics: Beyond the Rules, 67 *Fordham Law Review* 697 *et seq.* (1998) law-social science study of determinants of conduct of large law firm litigators (with collaborators).

Work/Life Decisions in Law Practice, chapter in *Integrating Work and Life: The Wharton Resource Guide*, Friedman, DeGroot and Christensen, Eds. (Jossey-Bass Pfeiffer) (1998)

### **Video Teaching Materials:**

Mediation Skills: mediation case studies in family, consumer, and commercial settings (Published by Aspen Law & Business)

The Mediation Process: A Construction Case Study: mediation skills teaching materials set in a commercial dispute, with teacher's manual (published by American Arbitration Association, 1990).

Who's In Charge? The Lawyer as Counselor: teaching materials on process and ethical dimensions in client advising (published by University of Pennsylvania Center on Professionalism, 1985).

## **UNIVERSITY OF PENNSYLVANIA LAW SCHOOL CENTER ON PROFESSIONALISM**

One of four faculty members who founded a Law School-based program of teaching, research and service aimed at educating the profession in the developing norms of professional conduct. The project put on courses, special programs, developed widely-used teaching videos, aided in drafting of new rules governing lawyer conduct.

## **ADMINISTRATIVE/PROGRAM DEVELOPMENT ACTIVITIES AS DIRECTOR OF GITTIS CENTER FOR CLINICAL LEGAL STUDIES (1980-2008)**

Architect of unique experiential learning curriculum: designed and guided development of “real case” courses in Litigation, Transactional Lawyering (Small Business Clinic), Mediation, Legislative Lawyering, Interdisciplinary Child Advocacy, Transnational Lawyering and externship placements.

Program administration: hiring/supervision of seven full-time clinical faculty, four adjunct faculty, four staff; design and expansion of state-of-the-art law office facility and use of video technology; fund raising including annual giving and program endowment.

Fundraising/Development: participate in raising program’s endowment; launched Friends’ annual giving; obtained federal and state grants and institutional support to create five new courses, expanded size of clinical faculty and tripled student enrollments.

Led statewide effort that produced reform of Pennsylvania student practice rules (authorizing practice by second-year students).

Created standards for outside practitioner supervision of externship students.

Association of American Law Schools (AALS): Standing Committee on Clinical Legal Education (1991-1994); Clinical Section Executive Committee (2007-2009).

Member, Pennsylvania Task Force on Law School-Legal Services Collaboration.

## **DISPUTE RESOLUTION ACTIVITIES**

Mediator: complex and smaller federal and state civil litigation, employment disputes, higher education/institution matters, family disputes including international child abductions (Hague Convention).

Arbitrator: Philadelphia Court of Common Pleas, U.S. District Court (E.D. Pa.), securities-related arbitration systems and as a privately-retained and AAA Commercial Panel arbitrator.

Negotiator: merger of competing nonprofit organizations, Philadelphia, PA.

Coordinator of American Arbitration Association Task Force on Law and Business Schools (national faculty group aimed at increasing professional school teaching and research in alternative dispute/conflict resolution).

Judicial mediation trainer: Mid-West State Court Trial Judges (State Justice Institute program, Chicago); ABA Judicial Division Training Program, (Wilmington, DE).

Instructor, Theories of Conflict Resolution, Bryn Mawr Graduate School of Social Work and Social Research (Spring 1999).

Mentor, Child Custody Mediation Training Program, Philadelphia Court of Common Pleas.

**PUBLIC SPEAKING/PROFESSIONAL PRESENTATIONS** (*partial listing*)

“Pedagogy in Mediation Teaching”, “Teaching Mediation Ethics”; Teaching ADR in Law Schools Conference, Pepperdine University Law School (June 2011)

“Effective Mediation Persuasion: What the Research Tells Us”; ABA Section of Dispute Resolution Conference, San Francisco (April 2010)

“Changing Minds: The Work of Mediators and Empirical Studies of Persuasion”; Law School Workshops, Washington University (November 2009); Quinnipiac-Yale Dispute Resolution Workshop (December 2009); Mid-Atlantic Clinicians’ Workshop (February 2010); New York Clinical Theory Workshop (February 2011)

“Persuasion by Mediators”; Keynote speech, New Jersey Association of Professional Mediators (November 2009)

“Towards a ‘Progressive’ Model of Persuasion and Problem-Solving in Mediation”; “Innovations in Teaching ADR Through Simulations”; ABA Section of Dispute Resolution Conference, New York (April 2009)

“Unpacking the Art of Listening”; International Journal of Clinical Education Conference, Cork, Ireland (July 2008)

“Ethical Issues in Cross-Border Mediations”; International Conference on Cross-Border Child Abductions, University of Miami Law School (February 2008)

“Mandatory Mediation and The Vanishing Trial: Is Court Now the Alternative?”; Lecture, La Escuela Libre de Derecho, Mexico City (May 2007)

“Mediation of Bioethics Conflict”; Jefferson University School of Medicine (January 2007)

“On Teaching Mediation”; New England Regional Clinicians’ Meeting, Boston, MA  
(October 2006)

“Text Meets Video Technology”; ABA Conference on Dispute Resolution, Atlanta  
(April 2006)

“Integrating Text and Video Technology”; Clinical Theory Workshop, New York  
(January 2006)

“Mediation of Family Business Disputes”; AALS Annual Meeting (Jan. 2005)

“International Clinical Collaboration”; Catholic University School of Law  
(October 2004)

“Mediation of Health Care Disputes: A Process Whose Time Has Come”; Penn Bioethics  
Center Graduation, Philadelphia (May 2004)

“Mediator Strategies”; ABA/PBA Mediation Forum, Philadelphia (June 2003)

“Student Practice Authorization”; Presentation to Chinese Ministry of Justice delegation.  
New York (April 2002)

“Mediation of Business Conflicts”; Wharton School Lecture (April 2002)

“Current Trends in U.S. Clinical Legal Education”; City University of Hong Kong School  
of Law (March 2001)

“Mandating Mediation”; Penn Law European Society, Amsterdam, Holland (June 2000)

“Co-Mediation of Employment Disputes”; Northeast Regional Employment Institute,  
Philadelphia, PA (April 2000)

“Resolving Physician-Patient Disputes Through Mediation”; Pennsylvania Psychiatric  
Society, Philadelphia, PA (October 1999)

“Emerging Ethical Issues for Neutrals and Advocates”; AAA Continuing Education  
Program, Philadelphia, PA (September 1999)

“Revealing and Refining Student Moral Intuitions”; Association of American Law  
Schools Workshop on Professional Responsibility, Washington, D.C., (October  
1998)

“Ethics: Beyond the Rules”; plenary session, ABA National Conference on Professional  
Responsibility, Montreal, Canada (May 1998)

“Negotiating Skills”; ABA Environmental Law Section Meeting (November 1997)

- “Mediator Qualifications, Licensing and Certification”; Presentation to Attorney General’s Consultative Committee on Dispute Resolution, Sydney, Australia (May 1997)
- “American Legal Ethics in the 90’s: Implications for Legal Education”; University of Sydney Law School Faculty Colloquium (March 1997)
- “Negotiation Skills”; National Dispute Resolution Center, Sydney, Australia, (February 1997)
- “Ethics: Beyond the Rules”; American Bar Association Annual Meeting, Orlando, Florida (August 1996)
- “Mediation in the U.S.”; Law Society of Kenya (Nairobi, Kenya, June 1996)
- “Clinical Goals and Possibilities”, “Administrative Issues in Implementing Clinical Programs”, “Teaching Mediation and Professional Responsibility Clinically”; Workshop on Clinical Legal Education in Africa, Addis Ababa, Ethiopia (July 1996)

#### **OTHER PROFESSIONAL EXPERIENCE AND CONSULTATIONS**

Staff, Managing Atty., Community Legal Services, Inc., Philadelphia, PA, 1973-1978

Law Clerk, Hon. Theodore Spaulding, Superior Court of Pennsylvania, 1972-1973

Consultant to U.S. and foreign law schools on clinical program and simulation course design, skills instruction, and ethics teaching

Ethics Advisor, National Disability Rights Network

Consultant to lawyers and law firms on legal ethics including service as expert witness

Private Law Practice/Consultation (part-time, specializing in civil litigation, domestic relations, and real estate).

Associate, Goodman and Ewing, Summer 1982

Special Counsel to University’s Judicial Inquiry Officer re: University disciplinary proceedings

#### **PERSONAL**

Born, July 14, 1947 in New York City.

Married, with two children.

Admitted to practice in Pennsylvania and in Federal Courts