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ACADEMIC APPOINTMENTS

UNIVERSITY OF PENNSYLVANIA LAW SCHOOL

Morris Shuster Practice Professor of Law, from 2009
Practice Professor of Law and Clinical Director, 1985-2008
Lecturer/Clinical Supervisor, 1978-80 and Clinical Director, 1980-1985

VISITING APPOINTMENTS

Visiting Scholar, University of Sydney Faculty of Law, Sydney, Australia, 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 classroom instruction in mediation role/skills and supervision of 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 course making extensive use of case studies and videotaped teaching materials.

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

The Lawyering Process: litigation-based clinical classroom and fieldwork course: includes case supervision and creation of simulated problems and videotape teaching materials.

Family Law: First year and upper-level courses.

PUBLICATIONS

Books:

THE PRACTICE OF MEDIATION: A VIDEO-INTEGRATED TEXT (Wolters Kluwer) with James Stark (multi-media theory/practice book with video case studies) (Third Edition, December 2018).

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:

Improving Lawyers' Judgment: Is Mediation Training De-Biasing? (with James Stark), 21 Harvard Negotiation Law Review 1 (2015)

Changing Minds: The Work of Mediators and Empirical Studies of Persuasion (with James Stark), 28 Ohio State J. on Dispute Res. 263 (2013). Named Outstanding Original Article of 2013 by International Institute for Conflict Prevention and Resolution (CPR). Highlights also were published in a two-part series in the Fall 2011 and Winter 2013 editions of the A.B.A.'s *Dispute Resolution Magazine*.

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 Wolters Kluwer)

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).

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, Mediation, Legislative Lawyering, Interdisciplinary Child Advocacy, Transnational Lawyering and externship placements. Several of these courses were the first of their kind in the U.S. and became models for other law schools. Penn's clinical course enrollments tripled.

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

Consultant to U.S. and foreign law schools on clinical program and simulation/skills course design

Led statewide effort that produced reform of Pennsylvania student practice rules

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

DIRECTOR OF PENN LAW MEDIATION CLINIC (1983-present)

Founder and lead instructor/supervisor of the nation's first in-house mediation clinical course. Created course materials and supervisory system that became models for other schools nationwide. Co-authored video-integrated textbook that is the leading skills work in the field. Established referral relationships with courts and agencies that support rich and diverse student case work including nationally unique project with U.S. State Department in mediating Hague Convention disputes stemming from international abduction of children.

DISPUTE RESOLUTION ACTIVITIES

Mediator: Hague Convention international child abduction disputes; complex and smaller federal and state civil litigation, employment disputes, higher education/institution matters (including complaints of sexual assault and academic freedom disputes).

Director of American Arbitration Association Task Force on Law and Business Schools (led early 1980s national faculty group aimed at increasing professional school teaching and research in alternative dispute/conflict resolution; this project spawned many of today's courses and teaching resources)

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

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

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

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

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 developed widely used teaching videos and aided in drafting of new Pennsylvania rules governing lawyer conduct.

PROFESSIONAL PRESENTATIONS *(partial listing)*

“Clinical Education Evolves in the U.S.: The Mediation Clinic As Case Study”: Clinical Legal Education Association of Japan, Tokyo, October 2017.

“Mediating Cross-Border Family Conflict: Enhancing Resolution Through Parenting Coordination”: Conference on “Culture, Dispute Resolution and the Modernized Family” Kings College, London (July 2016)

“International Custody Mediation: Parenting Coordination as Process Enhancement”: Association of Family and Conciliation Courts Annual Conference, Seattle, WA (June 2016)

“What Works in Mediation? What Do Consumers Value?”: ABA Section of Dispute Resolution Conference “Showcase Program”, New York, NY (April 2016)

“Business Mediation: Lessons from the United States”: Keynote address, Icelandic Mediators’ Association, Reykjavik, Iceland (November 2015)

“The Heart of Mediation”: Asia-Pacific International Mediation Summit, Delhi, India (February 2015).

“Mandating Mediation: Lessons from the U.S.”: Keynote address, Mediation Symposium, Christchurch Canterbury University, U.K., (December 2014)

“Mediating Hague Convention Abduction Disputes: Barriers to Resolution”: ABA Dispute Resolution Conference, Miami, FL (May 2014)

“Mediating International Child Abduction Disputes: Lessons from a Pilot Project”: International Society of Family Law Conference, Tel Aviv, Israel (January 2014)

“Improving Lawyers’ Judgment: Is Mediation Training De-Biasing?”: Cardozo Law School Works-in-Progress Conference (November 2013); New York Law School Clinical Theory Workshop (December 2013); U. of Nevada Las Vegas Conference on Lawyering and Psychology (February 2014); U. of Connecticut Law School Faculty Workshop (October 2014);

“Mediation Clinics: Design Choices”: AALS Clinical Legal Ed., Conference, San Juan, Puerto Rico (April 2013)

“Mediation: Uses and Trends”: Keynote Speech, CADE Program on Dispute Resolution, CADE University, Mexico City, Mexico (November 2012)

“Mediator Persuasion”: International J. on Clinical Legal Education Conference, Durham University, Durham, England (July 2012)

“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

Member, Advisory Board, Canterbury Christchurch (U.K.) University Mediation Clinic

Children’s Hospital of Chicago: Member of Conflict Skills Expert Review Panel

Pennsylvania Innocence Project: Member of start-up advisory board; Academic Committee

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

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

Ethics Advisor/Consultant to law firms and National Disability Rights Network

Associate, Goodman and Ewing, Summer 1982

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