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□ PROFESSIONAL NEUTRAL AND LEGAL PRACTICE EXPERIENCE

1998-present Mediator, Arbitrator, Dispute Resolution and Decision Tree Analysis consultant based in Cincinnati, Ohio (1998 to present), through private appointments and as an American Arbitration Association (AAA) Mediator and Arbitrator Panelist, CPR Institute for Conflict Prevention and Resolution (CPR) Mediator and Arbitrator Panelist, and Cincinnati Bar Alternative Dispute Resolution Service (CBADR) Panelist. Web presence for neutral, consulting, and professional education offerings at Just-Decisions.com.

Types of legal disputes mediated or arbitrated include commercial contracts, construction and design claims, business torts and fraud, product liability, corporate governance, partnership, and fiduciary obligations, franchise claims, defamation, employment terms and non-competes, FLSA claims, class action employment discrimination litigation as well as individual sexual harassment and gender, age, race, and religious discrimination in employment claims, civil rights, environmental claims, real estate, trusts, consumer protection and mass claims, banking practices, real estate and business valuation, personal injury, intellectual property, insurance coverage, and professional malpractice.

Neutral practice included service as mediator and advisory arbitration panelist for individual claims and settlement allocation under the auspices of a special master in three national class action employment discrimination cases in the securities industry.

Consulting work included decision tree analysis for a company financing, packaging, and valuing data privacy breach litigation and other class actions, as well as strategic mediation advocacy and decision analysis for attorneys' valuation of data privacy breach and other major litigation.

1994-98 Executive Director, Program on Negotiation at Harvard Law School (PON). Responsibilities included: central operations; graduate courses in negotiation and mediation; case clearinghouse; *Negotiation Journal* and other publications; nineteen annual executive seminars on topics in negotiation; academic conferences; monthly faculty seminars; dispute resolution community forum series; budget planning and implementation; negotiation of financial contracts; representation of PON within Harvard Law School, Harvard University and externally; budgetary oversight of nine research projects; management of all PON staff; working with Executive and Steering Committees to establish and achieve PON objectives.

Mediation practice continued on limited basis, 1994-1998, under contractual terms with PON.

1989-1998 Middlesex (MA) Multi-Door Court-House Mediator Panelist, while at ENDISPUTE (now JAMS) and PON.

1988-94 Senior Mediator and Vice President, Director of Professional Development, ENDISPUTE, Inc. (prior to its merger with JAMS). Mediated federal and state cases involving commercial contracts, business torts, corporate partnership, employment, securities, complex construction, engineering and design-related claims, real estate and business valuation, real estate trusts, personal injury and product liability, legal and other professional malpractice, age and gender discrimination, consumer protection statutes, and allocation of superfund liabilities. Developed resolution processes for complex, multi-party cases and pools of related claims. Designed and taught workshops on mediation, negotiation, alternative dispute resolution, and litigation risk analysis for law firms, corporations, judicial groups, and universities as well as original training programs for new judicial mediator panelists.

1985-87 Assistant District Attorney, Prosecutor's Office, Plymouth County, Massachusetts.

1981-85 Litigation Associate, Goodwin Procter, Boston, MA. Practice included securities, product liability, trade secrets, commercial contract, business torts, and first amendment issues.

☐ ACADEMIC APPOINTMENTS AND FACULTY TEACHING EXPERIENCE

- 1999-2023 Professor of Practice *Emerita*, University of Cincinnati, College of Law: Visiting Assistant Professor and then (2007) Professor of Practice teaching Mediation, Negotiation, Mediation Advocacy, Client Counseling, Trial Practice, and Advanced Decision Analysis. Director, Center for Practice, University of Cincinnati, College of Law (2001-2023).
- 2011 Visiting Professor, University of Michigan Law School, taught Client Counseling and Negotiation (Winter Session and Spring Semester).
- 2002-2019 Summer Faculty Appointments: University of Graz (2019), University of Bordeaux (2017), and University of Nevada, William S. Boyd School of Law (2013) taught Client Counseling; Program on Negotiation at Harvard Law School, Harvard Negotiation Institute, co-taught Advanced Mediation Workshop; North Carolina Central State University School of Law, taught Decision Analysis; Hamline University School of Law taught Evaluative and Activist Mediation, Decision Analysis, and Representation in Mediation (2002-03 and 2005-06).
- 1996/1998 Lecturer on Law, Harvard Law School, Winter Negotiation Workshop.
- 1995 Instructor, Radcliffe Seminars Graduate Courses, Mediation and Other Facilitative Roles, with Dr. Eileen Babbitt, Tufts University (offered through PON).
- 1993-94 Senior Research Associate, Harvard Business School. Served on the faculty team designing required Negotiation Curriculum for first-year MBA students; authored and presented course materials on alternative dispute resolution and gender issues in negotiation.
- 1989 Instructor, Massachusetts Institute of Technology, House Course, Introduction to Negotiation, taught with Professor Michael Wheeler (of MIT, later Harvard Business School).

☐ AWARDS

- Harold C. Schott Scholarship Award, University of Cincinnati College of Law, October 2019.
- Goldman Prize for Excellence in Teaching, Univ. of Cincinnati College of Law, April 2010.
- University President's Excellence Award for Teaching, University of Cincinnati, May 2006.
- American College of Civil Trial Mediators, Education/Training Achievement Award, 1998.
- Center for Public Resources (CPR) Institute for Dispute Resolution, 1995 Second Prize for Excellence, Articles, "The Value of Decision Analysis in Mediation Practice," *Negotiation Journal* 11.2 (1995) 123-134.

☐ EDUCATION

- 1981 J.D., Harvard Law School, *cum laude*.
- 1978 B.A., Princeton University, *cum laude*, Woodrow Wilson School of Public and International Affairs.

☐ MEDIATION SEMINARS/ TRAINING WORKSHOPS DEVELOPED AND TAUGHT (SELECTED EXAMPLES)

- US Dist. Ct. Federal Mediator Panel, W.D. Michigan, *Advanced Mediation Workshop* (March 2023).
- Kentucky Bar Association, Mediation Training Workshop (with D. Golann, March 2019).
- United States District Court, Pennsylvania Middle District, *Decision Analysis for Mediators* (June 2015).
- United States District Court, Pennsylvania Middle District, *Advanced Mediation Workshop* (August 2014).
- Schiff Hardin, LLP, *Mediation Workshop*, Chicago, two day-program under the auspices of the CPR Institute for Conflict Prevention and Resolution (March 2013).

United States District Court, Western District of New York, *Mediator Training*, two three-day workshops for attorneys newly selected for federal court mediation panel, designed and co-taught with mediator Amy Glass, under the auspices of the CPR Institute for Conflict Prevention and Resolution (April and May 2012).

Making Mediators, a workshop over two evenings and two days for lawyer mediators, Center for Practice, University of Cincinnati College of Law, co-taught with James Lawrence (2002- 2010).

United States District Court Mediation Panel, Western District of Michigan, *Advanced Mediation Practice Challenges* for Court Mediator Panelists, two day-long workshops, under the auspices of the CPR Institute for Conflict Prevention and Resolution (2000 and 2006).

CPR Institute for Dispute Resolution, New Orleans, *Advanced Mediation Workshop*, three-day program designed and presented with Dwight Golann (April 2004), and *Advanced Mediation and Mediation Advocacy Workshop*, Atlanta, GA, designed and presented with Amy Glass (2006).

Decision Analysis for Lawyers I & II, Introduction and Beyond the Basics, Center for Practice, University of Cincinnati College of Law, two one-day workshops (2006-08, 2012-13). [Included here as relevant to mediation.]

Intensive Teachers' Mediation Workshop, Ontario Teachers College Mediation Program, Center for Practice, University of Cincinnati College of Law, with co-faculty Cathleen Kuhl (2006).

Advanced Mediation Workshop for Ohio Federal District Court Judges, University of Cincinnati College of Law, involving simulation work with College of Law students (2001).

JAMS-ENDISPUTE, Boston, *Mediation Workshop*, four-day program, with co-faculty Dwight Golann (June 1996; September 1998; February 1998).

Harvard Law School, Program of Instruction for Lawyers, *Advanced Mediation Workshop*, week-long program, with Professor Robert Mnookin (HLS) and Gary Friedman, Esq. (June 1997).

JAMS/ ENDISPUTE, *Evaluation in Mediation and Mediators' Introduction to Decision Analysis* (June 1996).

❑ PUBLICATIONS

BOOKS

- 2019 *Risk and Rigor: A Lawyer's Guide to Decision Tree Analysis for Assessing Cases and Advising Clients* (DRI Press 2019), with website: <https://www.riskandrigo.com/>, containing links to video demonstrating applications of concepts in the text as well as other resources relating to decision tree analysis.
- 2012 *Client Science: Advice for Lawyers on Counseling Clients through Bad News and Other Legal Realities*. Oxford University Press.

SELECTED CHAPTERS, ARTICLES, VIDEOS & INSTRUCTIONAL MATERIALS

- 1988-2024 Extensive inventory of case simulations and teaching materials including instructional videos for negotiation and mediation training, to be published and distributed by the Mitchell-Hamline School of Law. (Some pre-1998 case simulations are distributed by the Program on Negotiation at Harvard Law School, Case Clearinghouse.)
- 2021 "The Haunting Specter of Fiss' Against Settlement," in A. Hinshaw and A. Schneider, eds., *Discussions in Dispute Resolution: The Foundational Articles* (Oxford University Press, forthcoming 2021).
- 2020 "Confessions and Redemption-and Politics-For an Un-Neutral Person Who Mediates," *Alternatives* 38,9.
- 2020 "Reflections on Untethered Philosophy, Settlements, and Nondisclosure Agreements," *Alternatives*, 38,8.
- 2019 "Beyond Abstinence: Promoting Safe, Impartial, and Evaluative Acts" (co-authored with Dwight Golann) *Dispute Resolution Magazine* (October 2019).
- 2019 "The Haunting Specter of Fiss' Against Settlement" in *Discussions in Dispute Resolution: The Formative Articles* (Hinshaw, Schneider, and Cole, eds.) (Oxford Univ. Press, 2021).

- 2018 *Value Pharming - Targeted Negotiation Takes: Micro Strategies and Skills, Independent Immunities: A Multi-Issue Transactional Negotiation, and Settle for More or Less II*, three videos directed and produced with Professor Dwight Golann, available through the ABA/Suffolk video website.
- 2016 *Mediation of a Multi-Party Dispute – Ceiling Collapse*, video directed and produced with Professor Dwight Golann, available through the ABA/Suffolk video website.
- 2016 *Mediation of an International Business Dispute*, video directed and produced with Professor Dwight Golann, available through the ABA/Suffolk video website.
- 2016 *Dale Doran Employment Non-Compete Case*, interviewing and counseling video, directed and produced with Professor Dwight Golann, available through the ABA/Suffolk website.
- 2015 “Shaking Decision Trees for Risks and Rewards” (co-authored with Wayne Brazil), *Dispute Resolution Magazine* (Fall 2015).
- 2015 *Hapless Harvest Interviewing and Counseling*, a four-part video series including segments on interviewing and counseling both “By the Book” and “Not by the Book”, directed and produced these video recordings with Professor Dwight Golann, available through the ABA/Suffolk teaching video website.
- 2014 *Divorce Mediation, Bea Larsen Divorce Mediator*, initiated, directed, and produced this video recording funded by the Cincinnati Bar Foundation, “published” on DVD and through ABA/Suffolk video website.
- 2014 “The Client Science Course,” a complete package of course materials (simulations, exercises, problem sets, and 100+ page instructors’ guide for teaching lawyer-client interviewing and counseling) at www.clientscience.com (beta site publication in 2013).
- 2013 “‘Translating the Terrain’ over Cultural Myths & Mistaken Assumptions” *Alternatives*, 21, 8 (Sept.) 115- 118.
- 2013 “Client Science: Advice for Lawyers on Initial Client Interviews” (in the nature of supplemental book chapter, published through the clientsciencecourse.com website).
- 2012 “Strategy at the Negotiation Table: From Stereotypes to Subtleties,” *Alternatives* 30, 4.
- 2012 *Mediation Advocacy in Fine Fix*, produced with Dwight Golann, funded by JAMS Foundation.
- 2010 “Using Evaluations in Mediation,” with Dwight Golann, Chapter 31 in *American Arbitration Association Handbook on Mediation*, 2nd edition (JurisNet, LLC) 327-355.
- 2009 One of two featured mediators in DVD “The Skills of a Legal Mediator” by Dwight Golann, published by the ABA Section of Dispute Resolution, and JAMS Foundation.
- 2009 “Evaluation and Decision Analysis,” with Dwight Golann, Chapter 8 in D. Golann, ed., *Mediating Legal Disputes* (American Bar Association, Section of Dispute Resolution) 145-177.
- 2007 *Negotiating Outcomes: Pocket Mentor Series* (Harvard Business School Press).
- 2005 “Do’s and Don’ts for Mediation Practice,” *Dispute Resolution Journal*, 11, 2 (Winter 2005) 19-22, included in *Best Articles Published by the ABA, GP SOLO*, Vol. 23, No. 2 (March).
- 2005 “Finding Settlements with Numbers, Maps, and Trees,” in *The Handbook of Dispute Resolution*, M. Moffit and R. Bordone, eds. (San Francisco: Jossey Bass) 202-218.
- 2004 *Mediators at Work: Termination Tempest* (video, Harvard Law School Program on Negotiation), with D. Golann.
- 2002 *Breach of Warranty: Foster Fuels* (video, Harvard Law School Program on Negotiation), with D. Golann.
- 2002 “Initial Contacts in Mediation,” *Alternatives*, Vol. 20, No.9 (October) 167-180; Vol. 20, No. 10 (November) 184, 204-205.
- 1999 “The Right Frame: Managing Meaning and Making Proposals,” *Harvard Management Communication Letter*, Vol. 2, No. 9: 1-4.

- 1996 “Evaluation in Mediation,” in *Mediating Legal Disputes*, D. Golann, ed. (Little, Brown & Co.) 267–305.
- 1995 “The Value of Decision Analysis in Mediation Practice,” in *Negotiation Journal*, 11, 2: 123–134. Awarded *Second Prize for Excellence* by CPR Institute for Dispute Resolution.
- 1991 *Judicial Panel Notebook*, Copyright, ENDISPUTE Inc. (now JAMS), Boston.

❑ WORKSHOPS IN NEGOTIATION, CLIENT COMMUNICATION, AND PRESENTATION (SELECTED EXAMPLES)

CPR Institute for Dispute Resolution, *Science for Artful Client Counseling Under Conditions of Complexity, High Stakes, Uncertainty & Unwelcome Realities*, program on client communication and basic decision analysis, St. Louis, MO (November 2015) and *Art and Science of Client Counseling*, Toronto (June 2016).

Merck Pharmaceutical, *Negotiation, Conflict, & Powerful Speech Workshop* (Oct. 2014, March & Dec. 2015).

New Zealand Office of Treaty Settlements, training and consultation toward resolution of treaty settlement claims (August 2013).

The Procter & Gamble Company, *Picturing, Pondering, Pursuing Perfect Negotiation Process for Greater Gain in an All-Play Game* (Nov. 2012), and *Negotiating with Emotional Resisters* (Feb. 2013)

LPK, Inc., *Negotiating Forward without Fear and With Emotion*, and *Negotiation Psychology: Taking Aim at Difficult and Entrenched* (April 2013).

Ford-UAW, Ohio, *Better Bargaining: Art, Science, and Practice*, two-day workshop for Ford & UAW bargaining teams (June 2011, March and May 2015).

New Zealand Ministry of Foreign Affairs and Trade, New Zealand Ministry of Economic Development, New Zealand Office of Treaty Settlements, New Zealand Ministry of Women’s Affairs, New Zealand Leadership Development Centre, various programs between 1999 and 2010, including *Advanced Negotiation Seminar, Master Class Workshop, Negotiation in A Nutshell, Great on Your Feet, and Women Negotiating Powerfully*.

New York Stock Exchange Enforcement Division, New York, NY, *Negotiation Workshop*, consultation, and two-day program with original materials, with David Laws (MIT) & Howard Bellman (Nov. 2005).

Actors’ Imaginary Truths for Lawyers, UC Law Downtown Faculty Teach-In (2016).

Negotiating Anchors, Perception, Power, and Improvisation for Better Deals, UC Law Downtown Faculty Teach-In (2015).

On Delivering Bad News to Clients, jointly sponsored by the Cincinnati Bar Association, and UC Law Center for Practice, half-day CLE workshop (2013).

Client Troubles? It’s Time for Psychiatric Advice and *The Psyche at Work: Psychiatrists’ Advice for Employee Trauma, Violence, and Mental Health Disorders*, two day-long workshops developed with Douglas Mossman, M.D., Director, Weaver Center for Law and Psychiatry (2010 and 2011).

Getting to the Goal in Tough Negotiations and *Mediating Without Mistakes*, Center for Practice, University of Cincinnati College of Law, with Prof. D. Golann (2006).

Counseling and Convincing Difficult and Emotional Clients, Center for Practice, University of Cincinnati College of Law, with Dr. Daniel Shapiro (of the Program on Negotiation at Harvard Law School and Harvard Medical School) (2004 & 2005).

Cincinnati Bar Association, Cincinnati OH, CLE program, *Mediation Ethics*, (November 2003).

❑ PROFESSIONAL PRESENTATIONS (SELECTED EXAMPLES)

Decision Tree Analysis for Lawyers, Lawyer’s Club of Cincinnati (September 2022).

Mediators Climb (Decision) Trees, ABA Section on Dispute Resolution Conference (April 2019).

Fly on the Wall: Videos of Diverse Mediator Styles, with Professor Dwight Golann, ABA Section on Dispute Resolution Conference (April 2017).

Without a Joint Session: What's your Plan B? with Professor Dwight Golann and Jay Folberg, ABA Section on Dispute Resolution Conference (April 2015).

Decision Analysis in Practice, Cincinnati Inns of Court (April 2014) and Kentucky Inns of Court (April 2015).

Mediators' Set-Up for Lawyers' Work, ABA Section on Dispute Resolution Spring Conference, Miami, FL, with Professor D. Golann (April 2014).

How to Share a Mediator's Powers: The Advocate's Perspective, ABA Section on Dispute Resolution Spring Conference, Chicago, IL, with Professor D. Golann (April 2013).

Mediator Evaluation: Giving Bad News, Kentucky Bar Assoc. Annual Conference, Louisville, KY (June 2012)

How to Counter "Spin" without Counter-Spinning: Ways to Deal with Aggressive Advocates and Ill-Counseled Clients, with Professor D. Golann, ABA Section on Dispute Resolution, Washington, DC (April 2012).

Difficult Delivery: Bearing Bad News, Procter & Gamble Legal Department (Nov 2010; Sept. 2011).

Failure in Mediation, ABA Section on Dispute Resolution, Denver, CO, with D. Golann (April 2011).

When the Music Stops: How to Overcome 'Insulting' First Offers, Bad Faith Refusals to Negotiate and Other Impasses in Bargaining, ABA Section on Dispute Resolution Spring Conference, NYC, with Professor D. Golann and David Geronemus (2010).

Mediator Manipulation: The Art and The Ethics, plenary Frank E. Sander lecture, ABA Section on Dispute Resolution Spring Conference, Atlanta, with Professor D. Golann (April 2006).

Advanced Mediation in Employment Disputes, presentation at the ABA Section on Dispute Resolution, Annual National Conference, with mediator Margaret Shaw (March 2003).

Arbitration Process Demonstration (and experimentation) (co faculty with Prof. Thomas Stipanowich), CPR Institute for Dispute Resolution, Spring Meeting, Charleston, SC (June 2000).

PROFESSIONAL ORGANIZATIONS (INCLUDING COMMITTEE APPOINTMENTS)

Current	Cincinnati Bar Association; Ohio State Bar Association. American Bar Association, Section on Dispute Resolution, Annual Conference: Program Co-Chair (2002-3); Program Chair (2001-2); Chair, Fund-raising Committee (1998-99), since 1998. CPR Institute for Dispute Resolution, Academic Member, since 1997; publications award judge, 2004-2010; CPR-Georgetown Ethics Commission (Provider Principles Drafting Subcommittee), 1998. American College of Civil Trial Mediators, Academic Member.
2001	American Bar Association, Section on Dispute Resolution: Task Forces on Mediation and the Unauthorized Practice of Law, and Task Force to Design Dispute Resolution Process.
1999 - 2008	Cincinnati Collaborative Law Practice, Board Member.
1999 - 2006	Ohio Commission on Dispute Resolution and Conflict Management, Member, Secretary, and Vice Chair.
1999 - 2003	Publications Committee of the American Bar Association Section on Dispute Resolution.

PERSONAL

Married: David H. Aaron, Professor, Hebrew Union College, Cincinnati, Ohio.

Children: Joshua Samuel (1990), Elisha Meir (1997).