Prof. Bernard presents the results of twenty years of empirical research on domestic violence, psychological abuse, financial abuse and neglect among families. Her longitudinal studies tested theories of ethics, professional responsibility and alternative dispute resolution against the reality of cases docketed through the Oklahoma Supreme Court’s Early Settlement Mediation Program. The work of law students under her direction expanded the pre-mediation interview to become a sensitive instrument to guide assessment of risk for the parties, attorneys, staff, and others. With appreciation for contributions by colleagues in Florida, the OCU Center on Alternative Dispute Resolution developed insights and protocols to identify and address suicide/homicide risk; guns; and depression. The Center continues to teach attorneys how to work effectively and respectfully with non-attorney mediators, court administration, law enforcement, and medical and social service providers. Prof. Bernard will discuss the “charming abuser” in family business decision-making, neighbor disputes over property rights, landlord-tenant matters, or in the workplace.

Afternoon (3 hours):

Mediating Diversity in HD3D: Bringing High Definition and Depth to Identity Conflicts, Part One

The United States is indeed a “melting pot” where mediators cannot afford to act based upon only one or two dimensions of a person’s presumed identity. Prof. Bernard explains these multiple and simultaneous identities or belongings, and discusses how these dynamics manifest in community mediation & community policing.

Part One sets the larger framework of identity conflicts: meaning & method; the nuance and complexity of multiple "belongings." Most approaches to “diversity” in negotiation or mediation focus on very limited aspects of identity. But human beings do not neatly fit into a U.S. Census box. The Census itself tells the story of change in our modern society: namely, increasing numbers of Americans do not consider themselves of a single “race” or “color.” Further, religious traditions embedded in the culture can play a powerful role in shaping how a party hears, speaks, and processes information vital for problem-solving; even if that party might not self-identify as belonging to – as in actively participating in –
any one faith community. While most writing and training on diversity now include reference to gender, two key dimensions are usually left out: class and age. Yet, the level of education, economic status and differences in life experience due to age can be more determinative than race or religion. Part One introduces a cognitive framework for understanding complex, nuanced identity that proved helpful to incorporate community mediation into community policing.

Mediating Diversity in HD3D: Bringing High Definition and Depth to Identity Conflicts, Part Two

Part Two is a skills workshop for those seeking a more focused discussion of Florida mediators' own experiences plus hands-on simulations and debriefings that apply the HD3D approach.

Phyllis E. Bernard, M.A., J.D.

Phyllis Bernard’s career integrates many areas of knowledge about negotiating public-private business deals in the U.S.A. and abroad. Her experience proves of particular value where successful cross-cultural dynamics are vital to create and sustain joint ventures. She combines an awareness of theory and design with experience as a negotiator, mediator, ADR trainer and supervisor. Further, her work in ADR is informed by the other roles she has served -- as adjudicator, litigator, administrator and corporate director.

Bernard is a Professor of Law and founding Director of the Center on Alternative Dispute Resolution at the Oklahoma City University School of Law. For nearly a decade, she directed the Oklahoma Supreme Court’s mediation program in central Oklahoma, where she pioneered adaptations to the court’s generic model of mediation. This became known as tribal peacemaking “Oklahoma style” -- honoring commonly shared traditional values, without requiring membership in any specific Native American tribe to be effective.

At the request of the International Federation of Women Lawyers (FIDA) in Port Harcourt, Rivers State, Nigeria, Bernard developed the FIDA village peacemaker model of mediation, incorporating aspects of Oklahoma tribal peacemaking. The FIDA model, however, had to blend with tribal institutions in strife-torn regions of the Niger Delta. This model became a grassroots success story and was expanded under U.S. State Department and MacArthur Foundation grants to implement Rule of Law projects in Nigeria, Rwanda and Liberia. The model will soon be applied in Haiti.
Bernard began her legal career as an attorney in some of the most prominent national health law practices in Washington, D.C.; representing leading publicly-traded, not-for-profit, and public health care corporations and trade associations on issues of finance, regulatory compliance, employment law, corporate restructuring, and lobbying.

In the Reagan Administration she was appointed to serve on the Provider Reimbursement Review Board, the federal tribunal that hears appeals of “big ticket” financial disputes involving the government and hospitals, skilled nursing facilities and home health agencies under Part A of the Medicare program. The PRRB docket focused on cost allocation and questions about reimbursement of depreciation, personnel costs, and major capital expenses. Later, as a consultant for the Administrative Conference of the United States, Bernard developed and recommended a mediation model that, once implemented, was highly praised for managing the docket with much greater efficiency, lower cost and greater user satisfaction.

As a Commissioner on the Oklahoma Merit Protection Commission, hearing appeals of job actions involving state employees, Bernard was a leader in developing the OMPC’s first ethics code and establishing a multi-tiered ADR system largely to replace trial-type hearings.

Bernard serves on the Board of Directors for Southwest Power Pool, Inc., a regional transmission organization mandated by the Federal Energy Regulatory Commission to oversee the electric power grid and energy markets in a nine-state region. Bernard chairs the Human Resources (Compensation) Committee and serves on the Oversight (Regulatory Compliance and Audit) Committee. She has earned the Certificate of Professionalism from the National Association of Corporate Directors.

Bernard is a Fellow of the National Association of Administrative Law Judges. She has been honored by the American Bar Association for her work on developing culturally appropriate court-connected ADR models for Rule of Law Projects in Africa; recognized for her contributions to the ABA task force on Confidentiality in Government ADR; and received from the Southern California Mediators Association the Cloke-Millen Peacemaker of the Year award.

For the American Bar Association Bernard has served on the governing Councils of the Section on Administrative Law and Regulatory Practice, the Section on Dispute Resolution, and ABA Africa. She has chaired the Dispute Resolution Section of the Association of American Law Schools.

Bernard received her A.B. *cum laude* (History) from Bryn Mawr College; her M.A. (American History) from Columbia University Graduate School of Arts & Sciences; and her J.D. from the University of Pennsylvania Law School. She is a member of the bars of the District of Columbia, the U.S. District Court for D.C., the Court of Appeals for the D.C. Circuit, and the U.S. Supreme Court.

Phyllis Elaine Bernard, M.A., J.D.
Faculty
Oklahoma City University School of Law

Summary of Curriculum Vitae
(Updated as of August 2015)

Full-Time Teaching Experience

Oklahoma City University School of Law, Oklahoma City, OK (1989-present)

Robert S. Kerr, Jr. Distinguished Professor of Law (named 2003)
Director, OCU Center on Alternative Dispute Resolution (beginning 1995)
Professor (with tenure)
Beginning August 1994

Associate Professor
Beginning August 1992

Assistant Professor
Beginning August 1989

Present Employment

Professor of Law, Oklahoma City University School of Law, Oklahoma City, OK (beginning 1989): Teaching portfolio includes federal, state and international administrative law and regulatory practice; the law of corporations, business ethics and regulatory compliance; alternative dispute resolution (interviewing & counseling, mediation, arbitration); professional responsibility/legal ethics; the emerging law of globalization, human rights and corporate social responsibility. Established and instructed in the Mediation Clinic; established, taught in and oversaw the Summer ADR Institute including the development and updating of all curricula, selection and supervision of all instructors (approximately 7-9), and supervision of all students (approximately 45-60 each summer) and staff involved. In the Mediation Clinic law students served as Oklahoma Supreme Court-certified mediator of the day for judges in Central Oklahoma, including small claims court and juvenile court. Outside of the Mediation Clinic, law students volunteered – without academic credit – to serve as mediator assistants who interviewed parties in divorce and child custody cases to evaluate whether mediation is appropriate. Students were trained and supervised by the Early Settlement Central Mediation Program.
**Founding Director, OCU Center on Alternative Dispute Resolution (beginning 1995):**

The Center on Alternative Dispute Resolution provides coherence and structure for the varied activities of OCU School of Law in the areas of negotiation, mediation and arbitration. The Center assures that all ADR programs operated under its auspices meet the dual obligations of public service and pedagogy. Research is an integral part of the Center’s activities, to improve continually the quality of service provided to the justice system. Special areas of focus include cultural dynamics; ethics; power imbalances; tribal peacemaking. Empirical research in domestic violence and cross-cultural communication have figured prominently, helping to shape continual quality improvement. The Center has produced a series of educational videotapes to promote better understanding and maximum effective utilization of mediation services provided under the court-connected program. In 2003 Prof. Bernard revised the ADR curriculum to emphasize the lawyer’s role in ADR processes, and to increase opportunities for students to complete the certificate program in client representation in ADR under the National Institute for Trial Advocacy. As Director of the program she oversees a faculty of six outside specialists in ADR, graduating an average of 15 students per year in the certificate program.

**Administrator and Instructor, The Summer ADR Institute (1999 to 2002):**

Created the Summer ADR Institute and its curricula to educate larger numbers of law students (and practicing attorneys and paralegals) about effective, ethical representation of clients' interests in ADR. Selected and supervised all adjunct faculty for the Institute (7-9 instructors plus approximately 15 coaches). Prof. Bernard taught 2-3 Institute courses per summer. Students learned the theory of negotiation, mediation and arbitration through demonstration and discussion, while acquiring skills through case simulation and coaching. All classes were taught as “applied legal ethics” – providing students multi-dimensional training in how to be an effective and ethical practitioner, guided by the ABA Model Rules of Professional Conduct. To assure grounding in real life, the Institute’s classes were linked to the ADR program of the Oklahoma State Supreme Court, the Early Settlement Central Mediation Program. In addition to the foundation courses in basic ADR methods, the Summer ADR Institute offered groundbreaking classes in client representation in divorce, child custody and post-decree modifications, including how to identify and handle cases involving domestic violence. An additional specialized track offered innovative training in the use of tribal peacemaking methods to meet the cultural needs of traditionally-oriented Native American clients.

**Director, The Early Settlement Central Mediation Program (1995 to 2005):**

ESC is the court-annexed mediation program for Oklahoma, Canadian and Cleveland counties, operated under contract with the state Administrative Office of the Courts to implement the statutory mandates of the Oklahoma Dispute Resolution Act, 12 O.S. §1801 et seq. Early Settlement Central’s coverage area serves approximately one million people in an area roughly equivalent to the northern half of the state of New Jersey, or the western two-thirds of the commonwealth of Massachusetts.
During the first year of operations at OCU, the program’s caseload increased by 50%, and the roster of volunteer mediators increased by 25% with greatly increased diversity. ESC maintained a roster of 60-80 certified mediators per year, under Prof. Bernard’s supervision. Prof. Bernard opted to cap growth of the program so that Early Settlement Central could emphasize quality of service, advanced training for mediators, and service to those segments of the public that have typically been under-served. Continual mediator training became a hallmark of the program, along with new, specialized referral programs in juvenile court, family, tribal and community dispute resolution under a transformative model. Early Settlement Central was the chosen mediation referral service for the Central Oklahoma Human Rights Alliance; handling disputes concerning discrimination based on race, religion, ethnicity or sexual orientation. Early Settlement Central was the chosen mediation referral source for the Oklahoma Department of Human Services’ child support enforcement cases and for Oklahoma Indian Legal Services in uncontested divorces.

Prof. Bernard developed a training module for the Oklahoma Association of Chiefs of Police, under a grant by the U.S. Department of Justice, to train law enforcement officers in referring neighbor, family and other continuing “people problems” to Early Settlement mediation statewide, and was foundational trainer for this project. Early Settlement has become a part of the state’s community policing effort.

To meet the new statutory mandate under Oklahoma’s Charter Schools Act that arbitration be available under Early Settlement, Prof. Bernard created an arbitration program for this purpose, selected and trained arbitrators from Oklahoma City and Tulsa to serve in this role.

Models of culturally appropriate mediation developed through ESC served as the foundation for development of court-connected and community mediation through ABA Africa and the ABA Dispute Resolution Section. Bernard’s 2002 grant from the U.S. State Department funded the “Bayelsa Mediation Exchange” which adapted the Native American tribal peacemaking model developed in Oklahoma to meet the needs of community disputes in the Niger Delta. The Mediation Exchange further developed methods for facilitated dialogue to achieve grassroots democracy, modeled on the Oklahoma Partnership for Public Deliberation. The model has been adapted for use throughout Nigeria, Rwanda and Liberia.

**Member, Board of Directors, Southwest Power Pool, Inc. (beginning 2003):**

Prof. Bernard was nominated by then-President of OCU Tom McDaniel to succeed him as an independent member of the Board of Directors to oversee policy and operations for SPP, a not-for-profit organization mandated by the Federal Energy Regulatory Commission to oversee the electric power grid from the Dakotas to New Mexico. She serves on the Oversight (Regulatory Compliance) Committee and the Strategic Planning Committee. Bernard chaired the Human Resources (Compensation) Committee during the company’s growth from staff of 150 employees to 600; during which she helped develop systems for workplace structure, benefits and corporate culture that contributed significantly to the company’s selection as “Best Place to Work”
In the state of Arkansas. Her election was a critical part of the transition of SPP from a stakeholder-controlled 21-member board to an independent 7-member board, mandated by the Federal Energy Regulatory Commission to oversee the electric power grid in an 11-state region; integrating new technologies into the grid while assuring reliability, cost-effectiveness, cybersecurity and fairness in its multi-billion dollar per year energy trading market. SPP is comprised of more than 65 public utility participant members representing investor-owned utilities, municipal systems, generation and transmission cooperatives, state authorities, federal agencies, wholesale generators, and power marketers involved in the purchase and sale of wholesale, bulk electric power.

**Summary of Prior Employment**

*Member, Provider Reimbursement Review Board, U.S. Department of Health and Human Services (1986-1989):* Administrative Appellate Judge appointed under Pres. Ronald Reagan, serving on the five-member panel that is the last agency trial-type hearing for disputes about major capital (fixed and operating) costs and allocations due under Medicare Part A (in 1986 dollars $45 billion per year; $96 billion if converted to current dollars). Bernard’s expertise in cost accounting, capital financing and corporate reorganizations brought fresh, hands-on experience to the decision of appeals by hospitals, skilled nursing facilities, home health agencies, rehabilitation centers when Medicare intermediaries (insurance companies representing the government) denied claims for major overhead costs. The PRRB’s work was a blend of forensic accounting, law and regulatory compliance concerning proper accounting, proofs and allocations of capital financing (bonds, loans, debentures, sinking funds, etc.); depreciation; personnel costs; cash flows and allocations, especially as derived from ancillary businesses; faculty practice plans in medical schools; sharing of costs and income between medical schools, their hospitals and the central administration of their universities. The amounts in controversy, case by case, ranged from the statutory minimum of $10,000 to $41 million in 1986 dollars. The typical case sought resolution of $250,000 to $300,000 per year (equivalent to $500,000 to $600,000 today). While on the PRRB, Bernard served as the EEO officer for the Board, overseeing the personnel/human relations operations of the five-member Board and its staff of twenty employees subject to the federal Merit Protection System (classifications GS 5 and above), including ten Board Advisors (senior civil servants Classified GS 13-15). Bernard also served as docket manager, working to improve the quality of adjudications and their efficient disposition by encouraging the negotiation and settlement of cases prior to PRRB hearing. Annual hearing schedule: approximately 200-300 cases per year.

*Private practice in Washington, D.C. with some of the nation’s leading health law firms, from 1981-1986: Powell Goldstein Frazier & Murphy; Memel Jacobs Pierno & Gersh; Dewey Ballantine Bushby Palmer & Wood; Weissburg & Aronson.*

Bernard’s career in health law marked the leading edge of the growth of this area of practice, focusing on the corporate, regulatory and finance issues that created the modern landscape of the health care industry today; including managed care, PPOs,
integrated hospital systems and networks, Wall Street financing for capital projects, financing mechanisms to protect hospitals that serve a disproportionate share of uninsured and underinsured populations, and the privatization of public hospitals. On the non-hospital side, her work included revamping union health care benefits and retirement benefits for Fortune 100 companies such as Chrysler Corporation during its federal bailout in the early 1980s.

Bernard began practice in 1981 at Weissburg & Aronson. This work focused on health care finance, corporate and administrative law for health care corporations and trade associations. Clients included major publicly traded corporations such as Hospital Corporation of America; National Medical Enterprises; American Medical International; the national trade association representing the interests of the for-profit sector, the Federation of American Hospitals (now, the Federation of American Health Systems); the District of Columbia Hospital Association and its individual member hospitals, e.g., Georgetown University Hospital and D.C. General Hospital. Bowen v. Georgetown University Hospital, 488 U.S. 204 (1988) – affirming that retroactivity is disfavored in the law - was one of these cases. Major litigation in the form of group appeals of Medicare financing practices taught Bernard the skills of case management for multi-party appeals involving private non-profit, religious, and public hospitals and their trade associations, plus national labor unions such as AFSCME and SEIU. Licensure and accreditation of health care facilities – under federal and state law, plus professional association standards – continued as a critical part of Bernard’s practice portfolio throughout her law firm career.

In 1983 Bernard took the financial and litigation skills learned at Weissburg & Aronson to her new work with the public and non-profit sector. Her principal work from 1983 onward involved the National Association of Public Hospitals as a trade association, and representing their individual members, e.g., the New York Health and Hospitals Corporation, Cook County General Hospital (Chicago), Los Angeles County-USC Medical Center. At Dewey Ballantine corporate work included developing innovative approaches to self-insurance and joint ventures for Fortune 500 companies such as Chrysler, John Deere and Travelers Insurance. A small but valuable part of the Dewey Ballantine experience included working with the Hon. Joseph P. Califano (managing partner of the D.C. office) in his role as Special Counsel to the House of Representatives Committee on Ethics in the investigation of the drug use and sexual misconduct on Capitol Hill. Among other things, this experience taught a great deal about assuring confidentiality, prudence and dealing with the press. Other non-health care related work included counseling Fortune 500 clients on the Federal Election Campaign Act and campaign/lobbying ethics issues. On behalf of the National Association of Public Hospitals, Bernard’s practice increasingly involved lobbying with Congress, administrative agencies and the White House – without the assistance of major financial contributions, solely on the basis of solid legal analysis and persuasive argumentation.

With Memel Jacobs (1984-1986) Bernard worked on corporate reorganization of non-profit hospitals and privatization of public hospitals, to create ancillary business lines
and increase operational flexibility. Clients expanded to include investment banking houses (as bond or underwriter’s counsel). Bernard focused especially on capital financing (specifically bonds and public bond issues); employment law (labor agreements, employment discrimination); legal implications of corporate reorganizations and privatizations for cash flow from Medicare, Medicaid and other third-party payors; and establishment of health maintenance organizations and preferred provider networks. Shortly before the unfortunate demise of the Memel Jacobs partnership (due to overinvestment in a new office building in Los Angeles) the health law practice group moved to Powell Goldstein simultaneously with Bernard’s appointment to the PRRB.

Service to the Law School and University

University Prioritization Task Force on Support Services (2014)
Chair, Disciplinary Tribunal, School of Law (2013-2015)
Oikos Senior Fellow on Peace and Non-violence, Wimberly School of Religion (2007-2010)
Academic Liaison, University Office of International Education (2007-2010)
Member, Appointments Committee (2001-2004, 2007)
Member, Dean’s Advisory Committee (2002-2004)
Member, Special Accommodations Committee (2001-2002)
Member, Strategic Planning Committee, Subcommittee on Curriculum (2001)
Member, Faculty Liaison Committee for the Native American Legal Resource Center (1999-2001)
Chair, Petitions & Retentions Committee and Disciplinary Tribunal (2010-present)
Chair, Curriculum and Academic Standards Committee (1995-96)
Chair, Law Library Committee (1992-94; 2010-2012)
Facility Advisor, ABA Law Students Division (1993-95)
Faculty Advisor (Coach), National Moot Court Team (1991-93)
Law School Faculty Liaison to OCU Legal Assistant Program (1991-95)
Chair, Committee on Adjudication, Section of Administrative Law & Regulatory Practice, American Bar Association (2012-2013). Chief responsibility: to review and analyze all
significant administrative agency trends at national and state levels for annual conference report and book contribution.

*Member, Oklahoma Clean Energy Independence Commission, 2009-2010,* appointed by state Governor to offer input on developing sustainable resources for electric power.

*Recipient, Cloke-Millen Peacemaker of the Year Award, Southern California Mediation Association (November 2005)*

*Member, Task Force on Family Law Education Reform, Hofstra Law School, Hempstead, NY (November 2004):* national project with Association for Family And Conciliation Courts, AALS and ABA to revise the teaching of family law in American law schools, including integrating ADR fully into the curriculum.

*Chair, Section of Alternative Dispute Resolution, Association of American Law Schools (2005-2006)*

*Chair-Elect, Section of Dispute Resolution, Association of American Law Schools (2004-2005), Program Chair 2005 Annual Meeting and primary author of workshop materials: interactive role-play exercises demonstrating the use of mediation at various stages in a family business dispute, including issues of ethnicity, gender and generational conflict.*

*Member of Governing Council, ABA Africa Law Initiative (2004-2005).*

*Co-Chair, Subcommittee on International Training and Education (2004-2005) and Vice-Chair, Ethics Committee (2004-2005), American Bar Association, Dispute Resolution Section.*

*Long-Range Planning Officer, American Bar Association Dispute Resolution Section (2002-2003). Section Liaison to ABA Africa Law Initiative Council (2002-2004)*

*Member of Governing Council, American Bar Association Dispute Resolution Section (1999-2002) (approximately 9,000 members). Co-Chair, Subcommittee on International Training and Education (2001-2002). Vice-Chair Ethics Committee (1998-2001). Section liaison to ABA Task Force on Confidentiality in Government ADR (2000-2002). Member of Section Task Force on Research and Statistics. Member of advisory committee to oversee section’s $300,000 grant under the Hewlett Foundation to assure its law school education mission is fulfilled. Co-editor and chapter author of book on ethics issues in ADR, published by the Section in 2002. Project Director and primary grant-writer for U.S. State Department-funded ADR exchange project in Southeastern Nigeria for 2002 (total budget approximately $100,000 including contributed costs). Part one of the project brought a delegation of legislators, their staff and key officials to Oklahoma for training in consensus-building skills; part two brought Bernard and two co-trainers to Nigeria to train larger numbers of legislators, staffs and local officials in consensus-building skills in the newly emerging democracy of Rivers State, Bayelsa State and Cross River State. Part three of the project trained larger numbers of village women peacemakers (previously trained under the model developed by Bernard with
FIDA), community leaders, educators and attorneys in facilitative skills to find common ground in inter-ethnic and inter-religious dialogue in Rivers State. This project is co-sponsored by the American Bar Association Africa Law Initiative. All participation by Prof. Bernard was pro bono.


*Pro bono consultant, ABA Liberia* (2006). ABA Africa Law Initiative project funded by the U.S. State department, where Bernard reviewed and revised the village mediation model designed to replace most small claims and family court matters in post-conflict Liberia.

*Pro bono consultant, Rwandan Ministry of Justice* (2004). ABA Africa Law Initiative project funded by a MacArthur Foundation grant. The specific project goal is to provide training for members of the judiciary and police in the use of mandatory mediation in cases involving women and children with HIV/AIDS who seek to enforce their rights under new Rwandan legislation regarding land and marriage. In conjunction with the MacArthur project Prof. Bernard was asked to develop a mediation and arbitration model to implement Rwanda’s new legislation requiring ADR in most civil and family and most criminal cases. The model was used by 18,500 volunteer mediators throughout Rwanda as the regular civil, criminal and family dockets are diverted to accommodate the impending genocide trials. Today, the number has grown to more than 30,000, under the “Abunzi” Mediation Committee Act.

*Pro Bono Project Chair, Nigerian Mediation Exchange*, (2002) U.S. Department of State grant designed by Bernard in conjunction with ABA Africa Law Initiative Council and Dispute Resolution Section. $100,000 project (1) refining tribal peacemaking model developed for FIDA to address inter-religious and inter-ethnic disputes using rural village peacemakers; and (2) adapting the public deliberation model of the Oklahoma Partnership for Public Deliberation for use in the Niger Delta.— Rivers State, Bayelsa State and Cross River State.

*Pro bono consultant, International Federation of Women Lawyers (FIDA) Rivers State and Bayelsa State Zones* (2000). Port Harcourt, Nigeria. Developed training curriculum in facilitative, non-coercive mediation skills for 300-500 women, primarily from rural villages in the Niger Delta — under the project name “Women Building Peace.” Trained FIDA members who became the trainers. Wrote peacemaker training manual for continued use, linked to the culture of the area and in a format suitable for those with
limited reading skills. Taught peer mediation and problem-solving skills for The Adolescent Project (TAP.)

Consultant, United Nations World Health Organization (1997). Short-term consultancy to the Ministry of Health, Lao Peoples Democratic Republic (Laos), to research and draft the first health legislation for the nation, with special focus on privatization, hospital licensure, quality of care and mediation of disputes over quality of care standards.

Consultant, Federal Office of Rural Health Policy, U.S. Public Health Service, Chair, Grant Review Committee, Rural Health Outreach Grants (June 1997). Guided the decision-making process for review of approximately 65 responses to requests for proposals from universities and free-standing health care providers throughout the U.S. for annual grants of $100,000 to $500,000 each to deliver quality services while offering education and research components.

Consultant, Administrative Conference of the United States, Washington, D.C. (1993-95). Analyzed the long-term viability of the Provider Reimbursement Review Board (U.S. Department of Health and Human Services), the federal administrative tribunal established by Congress to hear and resolve major institutional claims against the Medicare program. Questioned whether the adjudicatory structure originally created to handle retrospective, cost-based reimbursement still had a place in the new regulatory environment of prospective, DRG (diagnosis-related group)-based payment, and the increasing use of ADR methods elsewhere. Proposed an ADR structure for referral of PRRB cases. Was adopted by HHS in 1999, as one of its most successful innovations in adjudication.

Member, National Advisory Committee on Rural Health, U.S. Public Health Service (1991-95), Chair, Health Finance Work Group, Washington, D.C. (1991-95). Served on the statutory advisory body working with the Federal Office of Rural Health Policy to formulate national policy on rural health care matters, including alternative health delivery systems; antitrust and rural health network development; managed care; telemedicine; pay equity for rural practitioners; trauma services; survival of the rural hospital; economic development and rural communities; access for the indigent and for minorities; mental health services; youth services; alcohol and substance abuse; and Native American and Alaska Native health needs.

State Commissioner, Oklahoma Merit Protection Commission (1992-95). Served on the adjudicatory body hearing appeals of decisions rendered by administrative law judges and reached under alternative dispute resolution (ADR), involving state employees and government agencies. Claims involved a variety of alleged employment law violations, including age, race, sex discrimination, violation of job classification guidelines, whistleblowing, etc. Assisted in developing the first system for resolving OMPC cases through ADR rather than adjudication, including a series of public rulemakings on procedure. Drafted the first ethics code for OMPC Commissioners.
Member, Oklahoma Futures Commission, Prepare the Workforce Workgroup (1992-93). Working with the Oklahoma Department of Commerce, Department of Labor, and Board of Regents to provide law school input into the development of a statewide plan for educating Oklahoma’s workforce to meet the state’s economic goals for the 21st century.

Member, Governor’s Cabinet Review Team on Health and Human Services (1991-92). Analyzed the provision of all public social and health services to Oklahoma’s rural and urban elderly to optimize access and efficiency, and to reduce costs.


Past affiliations

Partner, Oklahoma Partnership for Public Deliberation, Oklahoma State University Advisory Board and Faculty (donated time): Oklahoma Geriatric Education Center, Oklahoma Center on Aging (1995-2001): With co-authors wrote introductory teaching module for educating Red Earth Gerontology Scholars (health care administrators, nurses, and practitioners in rural Oklahoma and Arkansas) concerning health law and finance as they affect rural elders, especially Native Americans and African Americans. Developed curriculum as long-distance learning option.

Advisory Board, The Appropriate Dispute Resolution Program, University of Oregon School of Law
Member, ADR Committee, Oklahoma Bar Association
Master, The Ruth Bader Ginsburg American Inn of Court
Pro bono consultant, Oklahoma Conference of Black Mayors
Advisory Committee, Oklahoma Rural Managed Care Demonstration Project

Selected Local Community Service

Member, Board of Directors, Urban League of Greater Oklahoma City, Inc. (1993-1995)
Leadership Oklahoma City, Class X, Oklahoma City Chamber of Commerce

Member, Board of Directors, Visiting Nurses Association of Oklahoma City/Oklahoma County, Inc. (1989-1992)

Education

J.D. 1981 University of Pennsylvania School of Law
Philadelphia, PA
Honors: Law Students Civil Rights Research Fellowship
(funded position as law clerk at the Equal Employment Opportunity Commission, Region III office)

Studies at Wharton School of Finance & Business - Leonard Davis Institute for Health Economics

M.A. 1978  Graduate School of Arts and Sciences
          Columbia University
          New York, New York
          Honors: President’s Fellowship
          Graduate Research Assistantship

A.B. 1976  Bryn Mawr College
          Bryn Mawr, PA
          Honors: Degree granted *cum laude*
          Bryn Mawr College Nominee for the Danforth Fellowship
          Esther Walker Award (for excellence in the study of urban blacks)
          National Achievement Scholar (National Merit Scholarship Corporation)

**Bar Memberships**

Court of Appeals for the District of Columbia
U.S. District Court for the District of Columbia
U.S. Court of Appeals for the District of Columbia Circuit
U.S. Supreme Court

**State Certifications in Mediation**

Pursuant to Oklahoma Dispute Resolution Act, 12 O.S. §1801 *et seq.* certified to perform mediations under the court annexed mediation program (general civil) and to perform family and child custody mediations, adult guardianship mediation and mediations under the Individuals with Disabilities in Education Act and the Americans with Disabilities Act.

**Selected Presentations to Academic and Professional Audiences** (1989 to present)

“Teaching About ADR and Human Rights: Can We Handle the Truth?” Works-in-progress conference, Association of American Law Schools Alternative Dispute Resolution Section, Los Angeles, CA, November 2014


“Ralph Ellison: As I Knew Him,” Oklahoma City, OK, April 2014
“After Trayvon: A Conversation on Race and Justice”, Norman, OK, September 2013


Cardozo Symposium on Faith and ADR, November 2012

Oklahoma Judicial Conference, Tulsa, OK, December 2011

“Ancient Traditions and Modern Commerce: China,” Oklahoma City University International Symposium on Sino-American Law, May 2011

“Unsettling the Settlement” – American Bar Association Section on Dispute Resolution Annual Conference, Denver, CO, April 2011

Organizer and presenter: Mini-symposium on Popular Culture and Political Violence, OCU School of Law, February 2011

“Faith and Values in Business Relationships” – Gulen Conference, University of Chicago, Chicago, IL, November 2010

“Less About Retail; More About Relationships: Cross-Cultural Business Negotiations” – Culture Summit sponsored by U.S. Army Intelligence Center of Excellence, Tucson, AZ, April 2010

“Identity and Negotiation Across Cultures” – Second Generation of Negotiation Project, sponsored by Hamline University, Istanbul, Turkey, October 2009


“The Lawyer’s Mind: Why a 21st Century Legal Practice Will Not Thrive Using 19th Century Thinking (With Thanks to George Lakoff),” Symposium on The Future of ADR: Incorporating Dispute Resolution into Society, Moritz School of Law, Ohio State University, February 2009

“Client Representation in ADR: Beyond Game Theory,” Third Annual Symposium on Dispute Resolution Fordham University School of Law, New York, NY October 2008


Scholarship of Teaching and Learning Presentations on SoTL teaching portfolio project: “Scholarship of Teaching and Learning, Work in Progress” (December 2008); “Thinking Out Loud: Including Emotion and Morality in Law Teaching” (April 2009)

Keynote Speaker, “The Future of Court-Connected ADR: Is It Time to Renovate the Multi-Door Courthouse?” Southern California Mediation Association Annual Conference, Pepperdine School of Law, Malibu, CA (November 2005)

Panelist, “Teaching About Cultural Issues in ADR,” American Bar Association Dispute Resolution Section Annual Conference, Los Angeles, CA (April 2005)


Panel Moderator, “Dispute Resolution Ethics,” ABA Dispute Resolution Section Annual Conference, San Antonio, TX (March 2003)


Featured Faculty for Workshop, Mediation for Judges, American Bar Association - presented by the Judicial Division and Dispute Resolution Section and the National Judicial College (Reno, NV) - Delaware Supreme Court, Wilmington, DE (February 2002).

Panel Member, “Ethics, Professionalism and Independence of the Federal Administrative Judiciary,” ABA Judicial Division, ABA Annual Meeting, Chicago, IL (August 2001)

Workshop Presenter, “Tribal Peacemaking Oklahoma Style,” Annual Mediators’ Conference, Oklahoma Supreme Court Administrative Office of the Courts, Oklahoma City, OK (July 2001)

Panel Member, “Faith-Based Initiatives,” Interfaith Alliance, Oklahoma City, OK (May 2001)


Featured Faculty for Workshop, Mediation for Judges, American Bar Association - presented by the Judicial Division and Dispute Resolution Section, Los Angeles, CA (February 2001).

Panel Member, “Ethics Progressing: New Roles for Advocates and Neutrals,” Fall Meeting of the Dispute Resolution Section, American Bar Association, St. Petersburg, FL (December 2000)


Audio-panel Member for national tele-conferenced CLE, ABA Connection, “ADR Today” (one of the largest nationwide audiences until that date), American Bar Association (June 2000).


Panel Member, “Confidentiality in Government ADR,” Fall Meeting of the Section on Administrative Law & Regulatory Practice, program co-sponsored by the Dispute Resolution Section, American Bar Association, Washington, D.C. (October 1999).

Panel Member, “Hot Topics and Current Trends in Mediation,” Fall Meeting of the Dispute Resolution Section, American Bar Association, Albuquerque, NM (October 1999).

Panel Member, “Hot Topics and Current Trends in Mediation,” ABA Annual Meeting, Dispute Resolution Section, Atlanta, GA (August 1999).


Panel Member, “Mediation and Race,” Spring Meeting of the Dispute Resolution Section, American Bar Association, San Francisco, CA (April 1999).


Panel Member, “Does Mediation Work for the Litigating Lawyer?” Mid-Year Meeting of the American Bar Association, Los Angeles, CA (February 1999).


BAR-BRI Oklahoma Bar Review Faculty, Administrative Law, Tulsa and Oklahoma City; also revised BAR-BRI outline on federal and state administrative law. (June 1997)


Lecturer, “Community and Conscience: The Dynamic Challenge of Lawyer’s Ethics in Tribal Peacemaking,” Faith and Life Festival, OCU, Oklahoma City, OK (February 1997).

Continuing Legal Education Lecturer, American Bar Association Mid-Year Meeting, "Environmental Ethics and Legal Ethics," San Antonio, TX (January 1997).


Continuing Legal Education Lecturer, Legal Aid of Western Oklahoma, "Ethics and Family Law," Oklahoma City, OK (October 1996).

Panel Organizer and Member, American Society of Law, Medicine & Ethics, Health Law Teachers' Conference, "Alternative Dispute Resolution and the Health Care Industry," Wilmington, DE (June 1996).

Panel Member, Sovereignty Symposium IX, "Legal Ethics in Tribal Representation" (basic and advanced sessions), Tulsa, OK (June 1996).

Faculty Workshop Presenter, Duke University School of Law, "Adjudicating Medicare Hospital Payment Disputes: Isn't There a Better Way?" Durham, NC (April 1996).

Panel Organizer and Moderator, South Central Women's Studies Conference, "Women, Power and Mediation," University of Oklahoma, Norman, OK (March 1996).

Panel Member, Section on Alternative Dispute Resolution, Association of American Law Schools Annual Meeting, discussing "Styles of Mediation (Transformative Mediation)," San Antonio, TX (January 1996).

Workshop Organizer and Panel Member, "Women, Power, and Alternative Dispute Resolution," University of Oklahoma Women's Studies Department, Norman, OK (December 1995).


Faculty, OCU Legal Assistant Program, teaching Ethics for the Legal Assistant and Administrative Law, Oklahoma City, OK (1992-95).

Guest Lecturer, OCU School of Nursing, Oklahoma City, OK (1990-1995).

Conference Faculty, OCU Native American Legal Resources Center, The Art of Judging, "The Transition from Lawyer to Judge," Oklahoma City, OK (September 1993).

Continuing Education Workshop - Sole Faculty, "Medicare Payment for Mental Health Services," Northwest Area Health Education Center, Enid, OK (March 1992).

Guest Lecturer, Langston University, Criminal Justice program, Langston, OK (February 1991).

Continuing Legal Education - Sole Faculty, "Medicare Provider Reimbursement Appeals," Oklahoma City, OK (December 1989).

Books


Author – Chapter: *Muntu Meets Mencius*; in Rethinking Negotiation, Christopher Honeyman, James Coben, eds. DRI Press (2012)

Co-author- Chapter: Ethics for ADR Provider Organizations, chapter in Mediation Ethics: Cases and Commentaries, Ellen Waldman, ed. (2011)


Author - Chapter: *Comparative Legal Ethics in Arbitration*, chapter in YEARBOOK ON INTERNATIONAL COMMERCIAL ARBITRATION, Center for International Legal Studies, Kluwer (2009)


Co-editor, DISPUTE RESOLUTION ETHICS: A COMPREHENSIVE GUIDE (American Bar Association 2002); Author - Chapter VI: Dispute Resolution and the Unauthorized Practice of Law.

Author - Chapter 8: Alternative Dispute Resolution, A GUIDE TO FEDERAL AGENCY ADJUDICATION (American Bar Association 2003).

Articles

“Finding Common Ground in the Soul of Culture” Hamline Journal on Dispute Resolution (2012)
The Lawyer’s Mind: Why a 21st Century Legal Practice Will Not Thrive Using 19th Century Thinking (With Thanks to George Lakoff), 25 JOURNAL ON DISPUTE RESOLUTION (OHIO STATE UNIV., MORITZ SCHOOL OF LAW) 165 (2010)

Bringing Soul to International Negotiation, 25 NEGOTIATION JOURNAL (HARVARD) 147 (April 2009) – lead article

What Some Theories Say; What Some Mediators Know, 15 DISPUTE RESOLUTION MAGAZINE (ABA) 6 (Spring 2009)

Eliminationist Public Discourse in a Conflicted Society: Lessons for America from Africa ?, 93 MARQUETTE LAW REV. 173 (Fall 2009)


Begging for Justice: Initial Reflections on Mandating ADR to Enforce Women’s Rights in Rwanda, 7 CARDOZO JOURNAL OF CONFLICT RESOLUTION 325 (Spring 2006)

The Administrative Law Judge as a Bridge Between Law and Culture, 23 JOURNAL OF THE NATIONAL ASSOCIATION OF ADMINISTRATIVE LAW JUDGES (PEPPERDINE UNIVERSITY SCHOOL OF LAW) 1 (Spring 2003)

Mediating with an 800-lb Gorilla: Medicare and ADR, 60 WASHINGTON & LEE LAW REVIEW 1417 (Fall 2003)

Oklahoma: The New Africa, 26 OKLA. CITY UNIV. LAW REVIEW 901 (Fall 2001).

Teaching Ethical, Holistic Client Representation in Family ADR, 47 LOYOLA (NEW ORLEANS) LAW REVIEW 163 (2001)

Only Nixon Could Go to China: Third Thoughts on the Uniform Mediation Act, 84 MARQUETTE LAW REVIEW 113 (2001).


Empowering the Provider: A Better Way to Resolve Medicare Hospital Payment Disputes, 49 ADMINISTRATIVE LAW REVIEW 269 (Spring 1997).
Privatization of Rural Public Hospitals: Implications for Access and Indigent Care, 47 MERCER LAW REVIEW 991 (1996).


From “Good Ol’ Boys” to “Good Young Law”: The Significance of the Oklahoma Administrative Code, 18 OKLA. CITY UNIVERSITY LAW REVIEW 267 (Summer 1993)

Social Security and Medicare Adjudications at HHS: Two Approaches to Administrative Justice in an Ever-Expanding Bureaucracy, 3 HEALTH MATRIX JOURNAL OF LAW-MEDICINE (Case Western Reserve Univ. School of Law) 339 (Summer 1993)


Foreign Languages

General reading proficiency in French and Spanish; conversational fluency fluctuates, depending upon frequency of use. Rudimentary Pidgin (Special English),
James Mills  james@jamesmills.org  Aurora, CO. 382.7790

Education and Licenses
UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW (J.D., *cum laude*, 2014)
Research Assistant – Assisted in teaching 1L course, “Introduction to Lawyering”
Book Awards – “Interview, Counseling, and Negotiation” “Cross Cultural Legal Counseling” “Mediation Advocacy”
Member - Gators for Alternative Dispute Resolution (2012-2014)
SAINT MARY’S COLLEGE OF CALIFORNIA (B.A., in Performing Arts, *with honors*, 2010)
MEMBER OF THE COLORADO STATE BAR (June 2015)
FLORIDA SUPREME COURT CERTIFIED COUNTY MEDIATOR (2013 - 2016)

Experience
Legal
LAW OFFICE OF JAMES MILLS, Aurora, CO (July 2015 - Present)
Provide legal and mediation services to small businesses and artists.
UF HEALTH SHANDS HOSPITAL, Gainesville, FL (Spring 2014) – Legal Intern
Researched and drafted memos advising in-house counsel on various legal and business issues for the most comprehensive academic health center in the Southeast.
MEDIATOR FOR FLORIDA COUNTY COURTS (2013-2014)
Co-mediated small claim disputes.
SAN FRANCISCO CROSSFIT, San Francisco, CA (Summer 2013) – Legal Intern and Coach
Researched trademark and copyright issues, revised independent contract agreements, and assisted with organizational planning and strategy.

Business
MOVEMENTRY, LLC, Denver, CO (2011 - present) – Owner
Teach classes and seminars specializing in athletic movement quality and mobility development.

Artistic
BALLET DANCER from 1998 – 2011:
Boston Ballet, Smuin Ballet, Colorado Ballet, Infinity Dance Theater, Tulsa Ballet, Oakland Ballet, San Francisco Opera, and many regional companies as a guest artist.

Speaking
CITY OF LITTLETON, CO (February 2016)
Presented on nonverbal communication in the workplace to municipal employees.
9TH ANNUAL COLORADO ADR CONFERENCE, Denver, CO (September 2015)
Faculty Speaker presenting on body language in mediations and negotiations.
UNIVERSITY OF WARSAW, Warszawa, Poland (December 2014)
Guest speaker to the American Legal Studies class at the University of Warsaw.
Taught two hours of continuing mediation education lectures to Polish mediators.

Service
SAN FRANCISCO OPERA
Elected by peers to serve as their American Guild of Musical Artists’ union representative.
COLORADO BALLET
Elected by peers to represent their interests on an executive search committee for a new Artistic Director and on to a committee charged with writing and negotiating the first collective bargaining agreement.

1) **The Power of Body Language in Negotiation and Mediation** - Does your negotiation and mediation preparation include consideration of how you will hold and use your body? This presentation explores research on how body language communicates information, expresses our internal state of being, and even affects internal hormonal balance. We will experiment with body language through interactive exercises designed to help you negotiate, mediate, and counsel more effectively.

2) **The ONE skill that binds them all: Listening** - We all know that listening is an essential skill for a counselor, mediator, and in any social context. But if we are honest, how successful are we in actually listening? In this presentation we will refresh our understanding of listening skills and dive deeply into putting this knowledge into practice.