

JONATHAN R. COHEN

EDUCATION

HARVARD UNIVERSITY, Ph.D. in Economics, 1993, A.M. in Economics, 1989.

National Science Foundation Fellowship in Economics.

Special fields in public finance and economics, law and philosophy.

Thesis, "On Reasoned Choice," supervised by Nobel Laureates Amartya Sen and Thomas Schelling.

HARVARD LAW SCHOOL, J.D., 1992.

Harvard Graduate Fellowship in Ethics and the Professions.

Mediator, Small Claims Court, Brookline, MA.

Student Advocate, Legal Services Center, Jamaica Plain, MA.

HARVARD COLLEGE, A.B. in Economics, *summa cum laude*, 1987.

Graduated after three years. Phi Beta Kappa, early election.

John Harvard Scholarship each year for highest academic achievement.

EMPLOYMENT

UNIVERSITY OF FLORIDA, LEVIN COLLEGE OF LAW, June 1999-current.

University Term Professor, 2018-current, *Professor of Law*, 2005-current;

Associate Professor, 2002-2005; *Assistant Professor*, 1999-2002;

Director of the Introduction to Lawyering and the Legal Profession Program, 2018-current;

Affiliate Professor, Center for Jewish Studies, 2020-current;

Associate Director of the Institute for Dispute Resolution, 2000-current.

Courses on negotiation, evidence, legal professionalism, law and religion, and Jewish law.

HARVARD LAW SCHOOL, PROGRAM ON NEGOTIATION, 1997-1999.

Hewlett Fellow & Lecturer in Law. Research and teaching about dispute resolution.

STONEMAN, CHANDLER & MILLER, Boston, MA, 1996.

Attorney. Litigated employment discrimination and public school financing cases.

MASSACHUSETTS APPEALS COURT, Boston, MA, 1996.

Law Clerk to the Hon. Benjamin Kaplan. Research and opinion drafting of appellate cases.

HARVARD UNIVERSITY, DEPARTMENT OF ECONOMICS, 1989, 1992-1993.

Teaching Fellow. Courses on microeconomics and economics, law and philosophy.

CLEARY, GOTTLIEB, STEEN & HAMILTON, New York, NY, Summer 1991.

Summer Associate. Cases concerning corporate taxation and international arbitration.

THE RAND CORPORATION, INSTITUTE FOR CIVIL JUSTICE, Santa Monica, CA, Summer 1988.

Consultant. Analyzed the tort and alternative systems for injury compensation.

HARVARD UNIVERSITY, JOHN F. KENNEDY SCHOOL OF GOVERNMENT, Summer 1986.
Research Assistant to Prof. Richard J. Zeckhauser. Edited public policy textbook.

NATIONAL BUREAU OF ECONOMIC RESEARCH, Cambridge, MA, 1985.
Research Assistant to Prof. David Bloom. Empirical research on labor arbitration.

PUBLICATIONS

CHAPTERS & ARTICLES

“Negative Identity and Conflict,” *Ohio State Journal on Dispute Resolution* (forthcoming 2020).

“Two Directions toward Ethical Peoplehood,” *55 Reform Judaism Quarterly* 65-96 (Winter 2018).

“Developing Communities of Dialogue,” *20 Cardozo Journal of Conflict Resolution* 105-113 (2018).

“Lawyers Serving Gods, Visible and Invisible,” *53 Gonzaga Law Review* 187-206 (2017-2018)

“A Genesis of Conflict: The Zero-Sum Mindset,” *17 Cardozo Journal of Conflict Resolution* 427-444 (2016).

“Open-Minded Listening,” *5 Charlotte Law Review* 139-164 (2014).

“Conflicts as Inner Trials: Transitions for Clients, Ideas for Lawyers,” *13 Cardozo Journal of Conflict Resolution* 393-412 (2012).

“Fostering Race-Related Dialogue: Lessons from a Small Seminar,” *22 University of Florida Journal of Law and Public Policy* 407-416 (2012).

“The Path between Sebastian’s Hospitals: Fostering Reconciliation after a Tragedy,” *17 Barry Law Review* 89-131 (2011).

“The Negotiation Within: Outer Ideas on Inner Dialogues,” *Harvard Negotiation Law Review* (online) (March 18, 2010).

“Coping with Lasting Social Injustice,” *13 Washington and Lee Journal of Civil Rights and Social Justice* 259-283 (2007).

“The Culture of Legal Denial,” in *The Affective Assistance of Counsel*, Marjorie A. Silver, ed. (Carolina Academic Press, 2007). This chapter is based upon “The Culture of Legal Denial,” *84 Nebraska Law Review* 247-312 (2005).

“Judaism without Ordinary Law: Toward a Broader View of Sanctification,” *71 The Reconstructionist* 50-56 (Fall 2006).

- “The Culture of Legal Denial,” 84 *Nebraska Law Review* 247-312 (2005).
- “A Taxonomy of Dispute Resolution Ethics,” in *The Handbook of Dispute Resolution*, Michael L. Moffitt & Robert Bordone, eds., 244-253 (San Francisco: Jossey-Bass, 2005).
- “The Immorality of Denial,” 79 *Tulane Law Review* 903-953 (2005).
- “Toward Candor after Medical Error: The First Apology Law,” 5 *Harvard Health Policy Review* 1, 21-24 (Spring 2004). Symposium issue on medical error.
- “The Ethics of Respect in Negotiation,” in *What’s Fair: Ethics for Negotiators*, Carrie Menkel-Meadow & Michael Wheeler, eds., 257-263 (San Francisco: Jossey-Bass, 2004). This article originally appeared in 18 *Negotiation Journal* 115-120 (April 2002).
- “Let’s Put Ourselves Out of Business: On Respect, Responsibility and Dialogue in Dispute Resolution,” 108 *Penn State Law Review* 227-233 (2003). Symposium issue on the routinization of dispute resolution.
- “Adversaries? Partners? How about Counterparts? On Metaphors in the Practice and Teaching of Negotiation and Dispute Resolution,” 20 *Conflict Resolution Quarterly* 433-440 (Summer 2003). Symposium issue on dispute resolution pedagogy.
- “The Ethics of Respect in Negotiation,” 18 *Negotiation Journal* 115-120 (April 2002).
- “Legislating Apology: The Pros and Cons,” 70 *University of Cincinnati Law Review* 819-872 (2002).
- “When People are the Means: Negotiating with Respect,” 14 *Georgetown Journal of Legal Ethics* 739-802 (2001).
- “Apology and Organizations: Exploring an Example from Medical Practice,” 27 *Fordham Urban Law Journal* 1447-1482 (2000). Symposium issue on forgiveness and the law.
- “Introduction,” with Robert H. Mnookin, to *Negotiating on Behalf of Others*, Robert H. Mnookin & Lawrence E. Susskind, eds., 1- 20 (Thousand Oaks, CA: Sage, 1999).
- “Turning the Tables: Negotiation as the Exogenous Variable,” in *Negotiating on Behalf of Others*, Robert H. Mnookin & Lawrence E. Susskind, eds., 226-233 (Thousand Oaks, CA: Sage, 1999).
- “Advising Clients to Apologize,” 72 *Southern California Law Review* 1009-1069 (1999).
- “In God’s Garden: Creation and Cloning in Jewish Thought,” 29 *Hastings Center Report* 4, 7-12 (1999). This article was subsequently reprinted in *The Human Cloning Debate*, 2nd, 3rd & 4th editions, Glenn McGee and Arthur Caplan, eds., (Berkeley: Berkeley Hills Books, 2000, 2002 & 2004)

and in *Ethical Issues: Western Philosophical and Religious Perspectives*, Terrence Reynolds, ed., (Belmont, CA: Thomson Wadsworth, 2006).

“Reasoning Along Different Lines: Some Varied Roles of Rationality in Negotiation and Conflict Resolution,” 3 *Harvard Negotiation Law Review* 111-122 (1998).

ADDITIONAL PUBLICATIONS

“Our Schools Alone Cannot End Anti-Semitism,” *Gainesville Sun* (May 10, 2019). This op-ed was republished online by newspapers throughout Florida.

“Why ‘Originalists’ Who Loved Scalia Should Want a Vote on His Replacement,” *Washington Post* (Op-ed, online, “The Fix”) (Feb. 22, 2016).

“Ferguson: Prejudice and Prejudgment,” (Op-ed) *The Orlando Sentinel* (Dec. 7, 2014) at A22.

“From Jacob to Israel: On Conflicts and Inner Growth,” *The Times of Israel* (Feb. 16, 2014) (available at <http://blogs.timesofisrael.com/from-jacob-to-israel>).

Letter to the Editor concerning apology and medical mistake, *New York Times* (May 26, 2008) at A18.

Letter to the Editor concerning homosexuality and Jewish law, 59 *United Synagogue Review* 2, 6-7 (Spring/Summer 2007).

“Future Research on Disclosure of Medical Errors,” (Letter to the Editor) *Annals of Internal Medicine* (September 21, 2004).

“Legislating Apology,” *Alternative Dispute Resolution Newsletter*, published by the ADR section of the Oregon State Bar, 7, 10, 11 (Summer 2003) (reprinted excerpt from “Legislating Apology: The Pros and Cons,” *University of Cincinnati Law Review*, *supra*).

“DR Ethics Book Brings It All Together,” 8 *Dispute Resolution Magazine* 4, 26 (Summer 2002).

“*Transforming Practices* Advances Dialogue on Spirituality in Law Practice,” 7 *Dispute Resolution Magazine* 3, 34 (Spring 2001).

Remarks presented at the Ninth Annual Stein Center Symposium, “The Role of Forgiveness in the Law,” 27 *Fordham Urban Law Journal* 1414-1420 (2000).

“Apologizing for Errors: Ethical Corporate Conduct Can also be Good for Business,” 6 *Dispute Resolution Magazine* 4, 16-18 (Summer 2000).

“Encouraging Apology Improves Lawyering and Dispute Resolution,” 18 *Alternatives* 171-182 (October 2000).

“Annotated Bibliography,” with Pacey Foster, to *Negotiating on Behalf of Others*, *supra*, 299-316 (Sage 1999).

“*Difficult Conversations Made Easier*,” 4 *Harvard Negotiation Law Review* 305-312 (1999).

“Advising the Client Who Wants to Apologize,” 5 *Dispute Resolution Magazine* 3, 19 (1999).

“The PONS Negotiation,” revisions to exercise, Program on Negotiation, Harvard Law School (1999).

“Clinton Apologize? Not in America,” with Robert H. Mnookin, 106 *Harvard Law Record* 4 (Feb. 20, 1998), at 7.

“Playing God,” 27 *Reform Judaism* 1, 10 (1998).

PRESENTATIONS

“Negative Identity and Conflict,” Conference on *ADR’s Place in Navigating a Polarized Era*, Texas A&M Law University School of Law (online), March 20, 2020.

“Negative Identity and Conflict,” University of Florida Levin College of Law Faculty Enrichment Series, March 16, 2020.

“Free Speech and the First Amendment,” Gainesville Chapter of Hadassah, Oct. 15, 2107.
Discussing Jewish and secular responses to white nationalist Richard Spencer’s speech. Panelist.

“A Conversation on Antisemitism and Islamophobia: Understanding Religious Discrimination and What the Legal Community Can Do to Address It,” University of Florida Levin College of Law, April 19, 2017. Moderator.

“Lawyers Serving Gods, Visible and Invisible,” Pepperdine School of Law’s Nootbar Institute Conference on Law, Religion, and Ethics. March 10, 2017.

“Comm(unity) amidst Diversity: Sharing Our Experiences,” University of Florida Levin College of Law, Diversity & Community Relations Committee, March 29, 2016. Moderator.

“Leadership Roundtable: Is Justice Blind? Recognizing Bias in the Legal Profession and Beyond,” Eighth Judicial Circuit Bar Association program, Gainesville, FL, March 11, 2016. Table discussion moderator.

“MLK Jr.’s Letter from Birmingham Jail: Lessons for Social Justice Advocacy,” University of Florida Levin College of Law, Center for the Study of Race and Race Relations, Jan. 14, 2016.

“The Changing Face of Legal Education,” Inns of Court Meeting, Gainesville, FL, Sept. 24, 2105.
Brief remarks.

“Race Matters in the Legal Curriculum,” University of Florida Levin College of Law, Center for the Study of Race and Race Relations, Sept. 9, 2015. Moderator.

“Connecting the Parts: On Empathy, Mindfulness, and Listening to Learn,” American Bar Association Dispute Resolution Section Annual Meeting, Chicago, IL, Apr. 5, 2013. Moderator and panelist.

- “Listening with an Open Mind,” Association of North Central Florida Mediators, Gainesville, FL, Aug. 15, 2012.
- “The Use of Apology in an Adversarial System: Cutting-Edge Techniques for Effective Lawyering,” Gators for Alternative Dispute Resolution Speakers Series, Gainesville, FL, March 27, 2012.
- “Race Talk in the Age of Obama,” University of Florida Levin College of Law, Center for the Study of Race and Race Relations Symposium, Gainesville, FL, Feb. 8, 2012. Panelist.
- “Better LATE than Never: Four Communication Skills for Preventing Legal Problems,” American Association of Law Schools, Annual Meeting, Washington, D.C., Jan. 6, 2012.
- “Conflicts as Inner Trials: Transitions for Clients, Ideas for Lawyers,” Conference on “What’s Faith and Identity Got to Do with It?” Cardozo Law School, New York, NY, Nov. 9, 2011.
- “The Path between Sebastian’s Hospitals,” Texas Wesleyan School of Law, Ft. Worth, TX, Oct. 19, 2011.
- “How to Get What You Want: Embracing the Art of Negotiation in Your Personal and Professional Life,” American Bar Association Midyear Meeting, Orlando, FL, February 5, 2010.
- “The Path between Sebastian’s Hospitals,” American Association of Law Schools, Alternative Dispute Resolution Section Conference, Harvard Law School, Cambridge, MA, Nov. 13, 2009.
- “The Benefits and Limitations of an Apology,” Office of the Judge of Compensation Claims, Statewide Webinar originating in Gainesville, FL, July 11, 2008.
- “Coping with Lasting Social Injustice,” International Conference: Justice and Policing in Diverse Societies, San Juan, Puerto Rico, June 12, 2008.
- “Negotiating Social Divisions: Lessons from ADR for Responding to Structural Injustices, and Vice Versa,” Law and Society Association Annual Meeting, Chicago, IL, May 28, 2004. Panel moderator.
- “Negotiation Effectiveness: Is it the Words We Use, the Meaning We Intend, or Who’s Speaking that Counts?” American Bar Association Dispute Resolution Section Annual Meeting, New York, NY, April 15, 2004. Panelist.
- “The Immorality of Denial,” Stetson Law School, Gulfport, FL, Feb. 26, 2004.
- “Looking Inside to Reconnect with Ideals,” Conference on *Dispute Resolution and Capitulation to the Routine: Is There a Way Out?* Penn. State Dickinson School of Law, Carlisle, PA, April 11, 2003.
- “Education or Emotional Segregation,” University of Florida, Levin College of Law, Conference on “Rhyme, Rhetoric & Race,” Gainesville, FL, March 27, 2003. Panel moderator.
- “The Culture of Legal Denial,” Florida State University, Tallahassee, FL, March 24, 2003.

“Ethics and ADR,” American Association of Law Schools Annual Meeting, Washington, D.C., Jan. 3, 2003. Panel chair and presenter.

“Negotiation Ethics: Some Varied Considerations,” Conference on “Strategies for Effective Mediation and Arbitration” sponsored by the Florida Bar Association, Tampa, FL, Nov. 8, 2002.

“Apologies in Law and Mediation,” at Florida Dispute Resolution Center’s 11th Annual Conference, Orlando, FL, August 22, 2002.

Interviewed about Corporate Apology, National Public Radio, “Marketplace,” April 3 & 4, 2002.

“Legal Aspects of Apology,” Marquette University Law School, Milwaukee, WI, Feb. 4, 2002.

“Apology Across the Law,” Therapeutic Jurisprudence Second International Conference, Cincinnati, OH, May 4, 2001.

“Apology and Lawsuits,” American Bar Association Dispute Resolution Section Annual Meeting, Alexandria, VA, April 27, 2001. Panel moderator.

“Apology and Forgiveness in Mediation: A Conversation,” Quinnipiac-Yale Dispute Resolution Workshop, New Haven, CT, Feb. 12, 2001.

“The Power of Apology,” American Bar Association Dispute Resolution Section Regional Meeting, St. Petersburg, FL, Dec. 1, 2001.

“The Role of Forgiveness in the Law,” Fordham University Law School, New York, NY, Jan. 28, 2000.

“Genetics and the Law Symposium,” University of Florida, Health Law and Policy Association, Oct. 29, 1999. Presented paper, “In God’s Garden: Creation and Cloning in Jewish Thought.”

“Measuring and Managing Ethical Risk,” Center for Ethics and Religious Values in Business, Notre Dame, IN, Sept. 23-24, 1999. Commented on papers in law, economics, and ethics.

“Issues for the Millennium: Cloning and Genetic Technologies,” Boston University, MA, June 1-2, 1999. Presented paper, “In God’s Garden: Creation and Cloning in Jewish Thought.”

SERVICE

Chair, Curriculum & Strategic Planning Committee, Levin College of Law, 2018-current.

Chair, Adjunct Teaching Committee, Levin College of Law, 2017-2018.

Budget Supervisor for Moot Court Teams, Levin College of Law, 2015-current.

Faculty Adviser, Jewish Law Students Association, Levin College of Law, 2000-2004, 2017-current.

Advisory Council, Center for the Study of Race and Race Relations, University of Florida, 2003-current.

Member, Promotion and Tenure Committee, Levin College of Law, 2007-2013, 2014-2018.

Co-Chair, Diversity and Community Relations Committee, Levin College of Law, 2011-2013.

Member, Strategic Planning Committee, Levin College of Law, 2009-2011.

External Reviewer, National Science Foundation, 2002, 2007.

External Reviewer, *Journal of Legal Education*, 2005.

Member, Curriculum Committee, Levin College of Law, 2004-2005.

Vice Chair, Negotiation Committee, American Bar Association Dispute Resolution Section, 2001-2004.

I have been quoted in newspapers, magazines and websites concerning legal aspects of apology, including the *New York Times*, *Washington Post*, *USA Today*, and *ABA Journal*, and interviewed on radio and television programs.

AWARDS

“When People Are the Means: Negotiating with Respect,” 14 *Georgetown Journal of Legal Ethics* 739-802 (2001) was chosen for the 2002 CPR Institute for Dispute Resolution “Highly Recommended Reading List.”

“Advising Clients to Apologize,” 72 *Southern California Law Review* 4 (1999) was awarded a 1999 CPR Institute for Dispute Resolution Awards for Excellence in Dispute Resolution, second prize for articles.

BAR MEMBERSHIPS

Massachusetts, 1992-current

New York, 1993-current