

Joan Stearns Johnsen

Johnsen@law.ufl.edu

617-549-0742

UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW

- Senior Legal Skills Professor, 2015-present. Subjects: Negotiation, Arbitration, Mediation, International Arbitration, and the Convention on the International Sale of Goods, Introduction to Lawyering, Coach, Willem C. Vis International Arbitration Team, Coach, Securities Triathlon Team.

ALBANY LAW SCHOOL

- Visiting Assistant Clinical Professor, 2010-2012. Director, Securities Arbitration Clinic. Subjects taught: Securities Arbitration Clinic, Negotiation, and Alternative Dispute Resolution.
- Coach, St. John's University School of Law Securities Triathlon Competition (negotiation, mediation, and arbitration).
- Moderator and Co-Program Chair, with Dean Patricia Salkin: Symposium on Deliberative Democracy. Panel: Prof. John Nolon, The Hon. Bruce Meyerson, Daniel Ruzow, and Prof. Philip Harter, November 2011.

EXPERIENCE

- Associate General Counsel, Commodity Exchange, Inc., New York.
- Assistant Commodities Counsel, Smith Barney, Harris Upham & Co., Inc., New York.
- Enforcement Attorney, Commodity Futures Trading Commission, Washington, D.C.

TRAINING and COACHING: Subjects: Cultural Competency, Persuasion, Negotiation, Gender and Negotiation, Mediation, Mediation Advocacy, Arbitration

- Faculty, American Bar Association, Section of Dispute Resolution, Advanced Arbitration Institute, 2016, 2017, 2018, 2019, 2020
- Faculty, American Bar Association Section of Dispute Resolution Advanced Negotiation Institute, Washington, D.C., October 2015.
- Faculty, American Bar Association, Section of Dispute Resolution, Advanced Mediation Institute, 2016, 2017, 2019, 2020.
- Design and presentation of trainings including: Negotiation Skills and Theory; Breaking Impasse; Gender Differences in Negotiation; Ethics in Negotiation; Persuasion Skills and Theory; Mediation Advocacy, 2009- present. Including Presentations for: Akerman; Bressler, Amery & Ross; Burns and Levinson; Cushman Wakefield; Merrill Lynch; Morgan Stanley, Smith Barney; UBS; Wells Fargo; Albany Bar Association; Brooklyn Bar Association; Maine State Bar Association; New Jersey State Bar; New York City Bar; and the New York State Academy of Trial Lawyers; WTS.

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- Faculty, ABA Advanced Mediation Institute, 2009-2017
- Faculty, Licensing Executive Society, Negotiation Skills, 2009
- Co-Trainer, Mediator Training for New York Volunteer Lawyers for the Arts, 2001, 2002, 2009.
- Co-Trainer, Mediator Training for the NASD/U.S. Bankruptcy Court in New York and Phoenix (1997, 1998.)
- Role-Play Coach for: the NASD/Bankruptcy Court Mediator Training; New York City Bar Mediator Training; and JAMS Mediator Training.

RESOLUTION EXPERIENCE

- Arbitrator since 1986; Mediator since 1994.
- Arbitrator and/or Mediator for the American Arbitration Association (AAA); International Institute for Conflict Resolution and Prevention (CPR); Financial Industry Regulatory Authority (FINRA/NASD); American Health Law Association, New York Supreme Court, Commercial Division; United States District Court, Southern and Eastern Districts of New York; National Futures Association (NFA),

SERVICE

- American Bar Association (“ABA”), Section of Dispute Resolution: Chair (2019-2020 bar year), Executive Committee. ABA Section of Litigation Co-chair, Mediation Sub-committee, Council Member, International Institute for Conflict Prevention and Resolution (CPR).
- International Bar Association, Officer at Large, Mediation Committee, 2020-
- Institute for Conflict Prevention and Resolution, (“CPR”), Council, 2019-
- New York State Community Dispute Resolution Center Mediator Ethics Advisory Board, 2011-present.
- New York State Division of Human Rights Mediation Committee, March 2011- November 2011.
- ADR Executive Committee of the Bar of the City of New York, 2008-2011.
- New York State Bar Association, Section of Dispute Resolution, Education Committee 2010-2012.

EDUCATION

- J.D., Case Western Reserve University School of Law, Cleveland, Ohio, Order of Barristers, Jessup Moot Court, Best Oralist, Regional Competition; Finalist, Nationals
- B.A., Northwestern University, Evanston, Illinois, B.A. French Literature and Language.

PUBLICATIONS

Book Chapter

- Burke, Louis F., ed. Chapter 5, “Mediation in the Futures Industry,” *Alternate Dispute Resolution in the Futures Industry*. Huntington, NY: Juris (2013).

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Law Review and other Publications

- Series of Practitioner Pieces for the ABA Section of Litigation, ADR Committee
- *7 Keys to Unlock Mediation's Golden Age: Expand the Value of Mediation into Deal Making*, Co-wrote one of a series of articles forming the 7 Keys. A practitioner piece for Mediate.com
- *The Ethics of Settling a FINRA Dispute: Can you Lie?* PLI Securities Arbitration 235 (August 2014).
- *Understanding Impasse: How to Prevent, Avoid, and Break Deadlocks*, 20 PIABA B.J. 373 (2013).
- *Deal Resolution: The Facilitated Negotiation of Transactions*, 30 Windsor Rev. Legal & Soc. Issues 193 (March 2011).
- (Reprint) *Telephonic Mediation: An Overview*, 1899 PLI/Corp 195 (August 2011).
- *Telephonic Mediation: An Overview*, The Neutral Corner, Vol. 3 FINRA (2011).
- *Preparation: Getting There is More Than Half the Fun*, ABA Continuing Legal Education (CLE) Alternative Dispute Resolution Advanced Mediation and Skills Seminar (Oct. 2009).
- *Making the Mediation Fair for All: What Should the Parties Expect From Their Mediator*, 1755 PLI/Corp 45 (August 2009).
- *Mediation Advocacy: How to Win the Heart and Mind of Your Mediator: Preferring a Slow Yes to a Quick No*, 1615 PLI/Corp. 11 (August 2007).
- *Telephonic Mediation*, ABA Continuing Legal Education (CLE) Alternative Dispute Resolution, ADR in Bloom (April 2007).
- *Deal Mediation: A New Use for An Old Friend*, International Mediation Institute, <http://imimmediation.org/joan-stearns-article>
- *The Dreaded Mediation Impasse: Possible Ways of Avoiding It*, 11 SUM PIABA B.J. 66 (2004).
- *Telephonic Mediation: What, Who, When and Why*, 11 Securities Arbitration Commentator 1 (Jan. 2000).
- *Mediator Friend or Foe*, SF 16 ALI-ABA 415 (2000).
- *Mediator Friend or Foe, Using the Mediator to Your Best Advantage*, ABA Continuing Legal Education (CLE) Alternative Dispute Resolution: How To Use It To Your Advantage (Oct. 2000).
- *Ten Things Your Arbitrator Would Love To Tell You, But Can't*, 1131 PLI/CORP 573 (August, 1999).
- *Securities Mediation: Point/Counterpoint, Reply to David Robbins Article*, 9 Securities Arbitration Commentator 1 (Nov 1997).

PROFESSIONAL PRESENTATIONS (PARTIAL LIST)

- Program Chair and Faculty, Town Hall on Prevention, June, 2020.
- New York City Bar, Negotiation for Everyday Bargaining, May, 2020
- Chartered Institute of Arbitrators, Panel Discussion on Techniques for New Lawyers for Careers in International Arbitration, April, 2020.

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- Panelist, Women and Leadership, PLI, New York, New York, 2017
- Panelist, CPR 5th Annual Business Congress, Curitiba, Brazil May, 2017
- Panelist, ABA Delegate, DiTella School of Law, Buenos Aires, Argentina, May, 2017.
- Panelist, Securities Arbitration Panel, ABA Dispute Resolution Section, San Francisco, April, 2017.
- Moderator, Ethics in Mediation, ABA Section of Litigation, San Francisco, May, 2017.
- Panelist, Negotiation Ethics, Securities Arbitration, PLI, New York, New York, August 2014
- Panelist, Deal Mediation, CPR Mediation Congress, Belo Horizonte, Brazil, April 2014
- Panelist, Managing Client Expectations and Understanding the Psychology of Decision Making, Public Investors Arbitration Bar Association Annual Meeting, Ponte Vedra Beach, Florida, October 2012.
- Speaker, Public Investor's Arbitration Bar Association, Legal Issues in Mediation, Annual Meeting, Law Day, Rancho Mirage, California, October 2011.
- Program Chair and Moderator, What Clients Expect of Mediators, ABA, Section of Dispute Resolution Teleconference, October 2011.
- Sole Presenter, Deal Mediation, ACR-GNY, New York, New York, June 2011.
- Program Chair and Moderator, The Future of Mandatory Arbitration: A Conversation About Dodd-Frank and The Arbitration Fairness Act.
- Program Chair and Moderator, Point/Counterpoint Caucusing in Mediation, Panel David Hoffman and Prof. Robert Mnookin, ABA Teleconference 2010
- Program Chair and Moderator, The Brains Behind the Deals, Neuroscience and Negotiation, Speaker Prof. Richard Birke, ABA Section of Dispute Resolution Teleconference, February 2010
- Program Chair and Moderator, Settlement Counsel, Bar of the City of New York, November 2010
- Program Chair and Moderator, Closing the Deal in Mediation, Bar of the City of New York, December 2010.
- Speaker, Mediation of Cross Border Art Disputes, American Bar Association, Section of Dispute Resolution Annual Meeting, New York, New York April, 2009
- Speaker, Deal Mediation, Counselors of Real Estate Annual Meeting, Boston, Massachusetts, October 2008.
- Speaker, Deal Mediation, ACR and AAA Conference for Commercial Mediators, Austin, Texas, September 2008
- Program Chair and Moderator, Deal Mediation, ABA Section of Dispute Resolution, Telephonic Web-cast, February 2008.
- Program Chair and Moderator, Settlement Counsel, ABA Dispute Resolution Section Annual Meeting, Seattle, Washington, April 2008
- Speaker, Deal Mediation, Union International des Avocats, Paris, France, October 2007
- Mediation, State Bar of New York, September 2007
- Program Chair and Moderator, Telephonic Mediation, ABA Dispute Resolution Section Annual Meeting, Washington, D.C., April 2007

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- Speaker, Mediation in Securities Employment Matters, National Employment Lawyers Association (“NELA”), June 2002.

GUEST LECTURES

Albany Law School, Baruch College Ziklin School of Business, Boston College Graduate School of Business, Cornell University School of Law Fordham Law School, Michigan State University School of Law, and St. John’s University School of Law,

BAR MEMBERSHIPS

- Admitted to practice in New York (active) and the District of Columbia (inactive)

LANGUAGES

- Proficient in French, knowledge of German