

ROBERT A. BARUCH BUSH

**HARRY H. RAINS DISTINGUISHED PROFESSOR
OF ALTERNATIVE DISPUTE RESOLUTION LAW
HOFSTRA UNIVERSITY SCHOOL OF LAW**

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EDUCATION

Professional: Stanford Law School, J.D. 1974
Order of the Coif

Undergraduate: Harvard University, B.A. 1969
Phi Beta Kappa
Magna Cum Laude
Sheldon Traveling Fellow for 1970-71

Post-Graduate: Center for Comparative Judicial Studies
(Florence, Italy)
Ford Foundation Research Fellow, 1974-75

Yale Law School
Research Fellow in Law and Economics, 1975-76

PROFESSIONAL AFFILIATIONS

Member, California State Bar Association

Member, American Bar Association

Member, Association of American Law Schools Section on Alternative Dispute Resolution

OCCUPATIONAL HISTORY

- 1980 - Present: RAINS DISTINGUISHED PROFESSOR OF LAW,
Hofstra Law School, Hempstead, New York, 11550.
- Teach Torts, Alternative Dispute Resolution, Mediation, Comparative Law, and Law and Economics
 - Teach Mediation Skills Course (intensive inter-session skills training course)
 - Conduct research, write and publish scholarly books and articles, secure grants for and direct “action research” projects (see Publications and Funded Projects below)
- 1999 - Present: CO-FOUNDER and PRESIDENT, Board of Directors,
Institute for the Study of Conflict Transformation, Inc.,
at Hofstra Law School (www.transformativemediation.org)
- Oversee activities of nonprofit Institute
 - Develop and present training and education programs on “transformative mediation” and related subjects, for organizations and groups
 - Conduct research and policy analysis on mediation and conflict intervention in various contexts, for government and community agencies and programs
 - Sponsor conferences and publications on transformative approaches to conflict and intervention
- 1978 - 1980: EDUCATION AND TRAINING CONSULTANT and
ATTORNEY, San Francisco, California
- Designed and taught courses on dispute resolution
 - Served as mediator, arbitrator and fact finder
 - Represented parties in legal matters
- 1976 - 1978: DEPUTY DIRECTOR FOR COMMUNITY DISPUTE SERVICES,
American Arbitration Association, San Francisco Regional Office
- Initiated and ran "community mediation" program
 - Designed/taught courses on negotiation and mediation

-- Served as mediator and arbitrator

PUBLICATIONS (selected list)

THE PROMISE OF MEDIATION: THE TRANSFORMATIVE APPROACH TO CONFLICT, 2d Revised Edition, with Joseph P. Folger (San Francisco: Jossey-Bass Publishers, forthcoming 2005).

“Rabbinic Mediation of Intra-Congregational Conflict: Changing the Quality of Conflict Interaction within a Congregational Community,” in Y. Levitz ed. **PRACTICAL SKILLS FOR PRACTICING RABBIS** (forthcoming, 2005).

“One Size Does Not Fit All: A Pluralistic Approach to Mediator Performance Testing and Quality Assurance,” 19 **OHIO STATE J. ON DISPUTE RES.** 965 (2004).

“Transformative Mediation: Changing the Quality of Family Conflict Interaction,” with Sally G. Pope, in **MEDIATING FAMILY AND DIVORCE DISPUTES**, J. Folberg, A. Milne & P. Salem eds. (N.Y.: Guilford Press, 2004).

“Changing the Quality of Conflict Interaction: The Principles and Practice of Transformative Mediation,” with Sally G. Pope, 3 **PEPPERDINE DISPUTE RES. L. J.** 67 (2002).

“Substituting Mediation for Arbitration: the Growing Market for Evaluative Mediation, and What it Means for the ADR Field,” 3 **PEPPERDINE DISPUTE RES. L.J.** 111 (2002).

“Mediation and ADR: Insights from the Jewish Tradition,” 28 **FORDHAM URBAN L. J.** 1007 (2001).

“Handling Workplace Conflict: Why Transformative Mediation,” 18 **HOFSTRA LAB. & EMPLOYMENT L. J.** 367 (2001).

DESIGNING MEDIATION: APPROACHES TO TRAINING AND PRACTICE WITHIN A TRANSFORMATIVE FRAMEWORK, co-ed. with Joseph P. Folger (N.Y.: Institute for the Study of Conflict Transformation, 2001).

“Understanding Conflict and Human Capacity: the Role of Premises in Mediation Training,” with Sally G. Pope, 38 **FAM. & CONCIL. COURTS REV.** 41 (2000).

"Transformative Mediation and Third Party Intervention: Ten Hallmarks of a Transformative Practitioner," with Joseph P. Folger. 13 **MEDIATION QUARTERLY** 263 (1996) [Lead article for Special Issue]

“What Do We Need a Mediator For?: Mediation’s Value-Added for Negotiators.” 12 **OHIO STATE J. ON DISPUTE RESOLUTION** 1 (1996).

“Chapter 14: Ethical Dilemmas.” In *MEDIATING LEGAL DISPUTES*, D. Golann ed. (Boston: Little Brown, 1996).

"Alternative Futures: Imagining How ADR May Affect the Court System in Coming Decades." 15 *REV. OF LITIGATION* 455 (1996).

"The Unexplored Possibilities of Community Mediation: A Comment on Merry and Milner." 20 *LAW & SOCIAL INQUIRY* 801 (1996).

"Dispute Resolution--The Domestic Arena: Methods, Applications and Critical Issues." In *BEYOND CONFRONTATION* (J. Vasquez, J. Johnson, & L. Stamato eds., Ann Arbor: Univ. of Michigan Press, 1994).

THE DILEMMAS OF MEDIATION PRACTICE: A STUDY OF ETHICAL DILEMMAS AND POLICY IMPLICATIONS (Washington, D. C.: National Institute for Dispute Resolution, 1992) [Republished in "Symposium: The Dilemmas of Mediation Practice." 1994 *J. DISPUTE RESOLUTION* 1.]

"Mediation and Adjudication, Dispute Resolution and Ideology: An Imaginary Conversation." 3 *J. CONTEMP. LEGAL ISSUES* 1 (1989-90).

"Efficiency and Protection, or Empowerment and Recognition?: The Mediator's Role and Ethical Standards in Mediation." 41 *U. FLA. L. REV.* 253 (1989).

"Defining Quality in Dispute Resolution: Taxonomies and Anti-Taxonomies of Quality Arguments." 66 *DEN. U. L. REV.* 335 (1989).

“Between Two Worlds: The Shift from Individual to Group Responsibility in the Law of Causation of Injury,” 33 *U.C.L.A. L.REV.* 1473 (1986).

"Dispute Resolution Alternatives and the Goals of Civil Justice: Jurisdictional Principles for Process Choice." 1984 *WIS. L. REV.* 893 (1984).

FUNDED PROJECTS AND RESEARCH

2003-2004: Knowledge Gaps Project: Grant awarded by Hewlett Foundation, to conduct a survey of senior conflict resolution scholars, at Hewlett Theory Centers and elsewhere, in order to identify important gaps that remain in theoretical and practical knowledge about conflict and intervention, after three decades of work in this field.

2000-2003: Institute for the Study of Conflict Transformation: Grant awarded by Hewlett Foundation, for three years, for administrative expenses to support the operation of this non-profit “think tank” organization devoted to the development of the transformative model of conflict intervention. (Institute Co-Founder and President)

1998-2000: Practice Enrichment Initiative: Grant awarded by Hewlett and Surdna

Foundations, for two-year project to develop new resources for practice, research and policy for the mediation field. (Project Co-Director, with Joseph Folger.)

1996-1998: Training Design Consultation Project: Grant awarded by Hewlett and Surdna Foundations, for two-year project to engage and support 35 experienced mediation trainers in designing new training resources for “transformative approaches” to mediation. (Project Co-Director, with Joseph Folger.)

1994-1995: Assessment Consultant: Retained by Hewlett Foundation to assess the scholarly and practical work done over a ten-year period by 15 university-based “conflict theory centers” funded by the Foundation. (Report published on Hewlett Foundation website)

AWARDS

Annual Book Award, 1995, International Association of Conflict Management (for THE PROMISE OF MEDIATION).

Best Article Prize, 1992, Center for Public Resources (for "The Dilemmas of Mediation Practice").

Best Article Prize, 1990, Center for Public Resources (for "Mediation v. Adjudication").

Book Prize, 1989, Center for Public Resources (for "Quality of Dispute Resolution Symposium Issue" [participating author]).

RECENT LECTURES AND WORKSHOPS PRESENTED (partial list)

2004 Latrobe University Law School (Melbourne, Australia) Workshop
Presenter: “Transformative Mediation Theory and Practice” (30-hour introductory skills course)

2003 Dayton (Ohio) Law School Special Lecture: “Substituting Mediation for Arbitration: the Growing Market for Evaluative Mediation, and What it Means for the ADR Field.”

Yeshiva University Rabbinical Seminary Honors Program, Pastoral Skills Program
Presenter: “Mediation Skills for Congregational Rabbis.” (20-hour introductory course on mediation theory and skills – also taught in 2001 and 2002.)

2002 University of Maryland Symposium on Mediation, Plenary
Panelist: “Mediator Quality Assurance: Pluralistic or Monolithic

Approaches.”

Nordic Federation of Mediators Annual Conference (Copenhagen, Denmark), Plenary Panelist: “The Transformative Model of Conflict and Mediation.”

Yale University Dispute Resolution Forum, Lecturer: “What Parties Want from Mediators: the Transformative Dimensions of Conflict.”

2001 Annual Conference on Torah and Science (Miami, Fla.), Plenary Panelist: “‘Constructionism’ in Chassidic Thought and in Secular Scholarship.”

Maryland Conflict Resolution Office Annual Conference, Keynote Speaker: “Changing the Quality of Family Conflict Interaction: the Transformative Model of Conflict and Intervention.”

Association for Conflict Resolution Annual Conference, Workshop Presenter: “Transformative Mediation in the Workplace: the United States Postal Service REDRESS Program.”

ABA (American Bar Assoc.) Dispute Resolution Section Annual Conference, Special Skills Course Presenter: “A Videotaped Case Study of Transformative Mediation.”

Therapeutic Jurisprudence Assoc. Annual Conference, Plenary Panel Presenter: “The Relation of Transformative Mediation to the Therapeutic Justice Movement.”

2000 CADRE (Consortium for ADR in Education) Annual Conference, Plenary Speaker: “Changing the Quality of Conflict Interaction: a Transformative Approach to Mediation in Special Education.”

ABA Dispute Resolution Section Annual Conference, Special Skills Course Presenter: “An Approach to Coaching Mediators in the Transformative Model.”