

**ROBERT A. BARUCH BUSH**

**HARRY H. RAINS DISTINGUISHED PROFESSOR  
OF ALTERNATIVE DISPUTE RESOLUTION LAW  
MAURICE A. DEANE SCHOOL OF LAW AT HOFSTRA UNIVERSITY**

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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**

Board Member and Fellow, Institute for the Study of Conflict Transformation

Member, Editorial Board, Conflict Resolution Quarterly

Member, Editorial Advisory Board, Israel Journal of Conflict Resolution

Member, American Bar Association

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

## OCCUPATIONAL HISTORY

1980 - Present:

**RAINS DISTINGUISHED PROFESSOR OF LAW,**  
Maurice A. Deane School of Law, Hofstra University,  
Hempstead, New York, 11549.

- Teach Torts, Alternative Dispute Resolution, Mediation, Negotiation, and Comparative Mediation
- Teach Mediation Principles and Practice (intensive skills training course, for winter session and summer skills institute)
- 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 MEMBER, Board of Directors,**  
Institute for the Study of Conflict Transformation, Inc.  
([www.transformativemediation.org](http://www.transformativemediation.org))

- Oversee activities of nonprofit Institute (affiliated with the Maurice A. Deane School of Law)
- 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)

“Reclaiming Mediation’s Future: Refocusing on Party Self-Determination” (with Joseph P. Folger), 17 *CARDOZO J. CONF. RESOL.* \_\_ (forthcoming, 2015).

“Transformative Mediation: Preserving the Unique Potential of Mediation” (with Joseph P. Folger), \_\_ *KONFLIKTDYNAMIK* (“CONFLICT DYNAMICS”) \_\_\_\_ (forthcoming 2015)

“Transformative Mediation: A Self-Assessment” (with Joseph P. Folger), 2 *INTERNATIONAL JOURNAL OF CONFLICT ENGAGEMENT AND RESOL.* 20 (2014).

“Mediation Skills and Client-Centered Lawyering: A New View of the Partnership,” 19 *CLINICAL L. REV.* 429 (2013).

“Response to Condlin’s Critique of Transformative Mediation” (with Joseph P. Folger), 15 *CARDOZO J. CONF. RESOL.* 231 (2013).

“Mediation and Social Justice: Risks and Opportunities” (with Joseph P. Folger), 27 *OHIO STATE J. ON DISPUTE RESOL.* 1 (2012).

*TRANSFORMATIVE MEDIATION: A SOURCEBOOK -- RESOURCES FOR CONFLICT INTERVENTION PRACTITIONERS AND PROGRAMS*, co-ed. with J. Folger and D. Della Noce (N.Y.: Institute for the Study of Conflict Transformation and Association for Conflict Resolution, 2010). [author/co-author of six chapters in volume.]

“Supporting Family Strength: The Use of Transformative Mediation in a PINS Mediation Clinic,” with L. Hershman, R. Thaler and C. Vitkovich, 47 *FAM. CT. REV.* 148 (2009).

“Staying in Orbit or Breaking Free: The Relationship of Mediation to the Courts Over Four Decades,” 84 *N. D. L. REV.* 705 (2008)

“Signposts and Crossroads: A Model for Live Action Mediator Assessment,” with D. Della Noce, J. Antes and J. Saul, 23 *OHIO STATE J. ON DISPUTE RESOL.* 197 (2008).

“Barriers to Participation: Challenges Faced by Members of Underrepresented Racial and Ethnic Groups in Entering, Remaining, and Advancing in the ADR Field,” with M. Volpe et al., 34 *FORDHAM URBAN LAW JOURNAL* 119 (2007).

*THE PROMISE OF MEDIATION: THE TRANSFORMATIVE APPROACH TO CONFLICT*, 2d Revised Edition, with Joseph P. Folger (San Francisco: Jossey-Bass Publishers, 2005). [*Translated into Russian, Italian, Swedish, German, Arabic, forthcoming in Spanish.*]

“The Knowledge Gaps Study: Unfinished Work, Open Questions,” with Lisa Blomgren Bingham, 23 *CONFLICT RES. Q.* 99 (2005).

“Resolving Conflicts: The Rabbi as Mediator,” in Y. Levitz & A. J. Twerski eds. *PERSPECTIVES IN RABBINIC COUNSELING* (NY: Feldheim, 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).

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

## FUNDED PROJECTS AND RESEARCH

2007: U.S. State Dept. Speaker's Program: Grant awarded by U.S. Embassy in Israel to participate in organizing and conducting a two-day conference on the potential value of transformative mediation practices for addressing social conflicts within Israel. (In cooperation with the Program on Conflict Management and Negotiation, Bar Ilan University, Ramat Gan, Israel)

2007-2008: Hofstra Consultation on Ethno-Political Conflict Intervention: Grant awarded by Hofstra Law School, to organize and conduct a two-day consultation meeting with practicing ethno-political conflict interveners, on the potential value of transformative practice principles for interveners in the ethno-political arena. (In cooperation with the Institute for the Study of Conflict Transformation, with Dr. Joseph Folger)

2005-2006: Barriers to Participation Project: Grant awarded by Hewlett Foundation, to conduct focus group interviews of minority group members who are active in the ADR field, regarding the barriers they perceive to entry and advancement of minorities in the ADR field. (Project Co-Director, with Dr. Maria Volpe)

2005-2006: Turning Points Project: Grant awarded by Hewlett Foundation, to conduct analysis of videotaped and simulated mediations, to develop descriptive vocabulary that fully describes nonlinear, transformative turning points in mediations.

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.

2000-2004: Institute for the Study of Conflict Transformation: Grant awarded by Hewlett Foundation, for four 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)

1999-2006: Workplace Mediation Consultant: Retained as Consultant (through ISCT) by United States Postal Service and by Federal Transportation Security Administration, over multiple years, to design, develop and present transformative mediation training for workplace mediators, to develop evaluation protocol for assessing mediator competency,

and to conduct research on workplace mediation impacts.

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 foundation website)

## AWARDS

Annual Peacebuilder Award, 2006, New York State Dispute Resolution Association (for work in developing transformative model of mediation (co-awardee with Dr. Joseph Folger).

Annual Book Award, 1995, International Association of Conflict Management (for **THE PROMISE OF MEDIATION** [first edition]).

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)

2011 Institute of Mediation and Arbitration of Quebec Colloquium on Workplace Conflict, Special Lecturer on “Transformative Mediation and Workplace Conflict: The REDRESS Experience,” and Training Workshop Presenter (Transformative Mediation Skills).

Mediation Center of Dutchess County (NY), Training Consultant, “Between Lawyer and Client: Skills for Relating to Difficult Clients.”

New American Academy, Brooklyn, NY, Training Consultant, “Skills in Self-Management of Conflict for Elementary School Teachers and Students.”

2010 Association of Conflict Resolution Annual Conference, Plenary Panelist, “Transformative Mediation: Fifteen Years of Theory, Research and Practice.”

Art Law & Culture Society, Opening Speaker, "The Art of Mediation: the Transformative Approach to Conflict."

Center for Alternative Dispute Resolution Annual Conference, Keynote Speaker, "Social Justice and Transformation in Dispute Resolution."

Institute on Diversity, Ethics and Quality Practice, Workshop Presenter, "Ethics and Diversity."

2009 Maryland Mediation and Conflict Resolution Office, Master Class Presenter, "Conflict Transformation in Popular Culture."

Dutchess County (NY) Mediation Center, Master Class Presenter, "Rethinking Conflict: Relational Themes in Popular Culture."

2008 Third International Conference on Transformative Mediation, Plenary Speaker, "Transformation, Justice, and Peace."

University of Baltimore Negotiation and Conflict Management Program, Guest Lecturer, "The Centrality of Empowerment in Transformative Practice."

Lawrence Kaplan Lecture in Conflict Resolution, Allegheny County Bar Assoc. and Mediation Council of Western Pa., Guest Lecturer, "The Relationship of Mediation to the Courts Over Forty Years."

2007 Bar Ilan University (Israel) Program on Conflict Management, Conference Keynote Speaker, "Transformative Mediation and Social Conflict in Israel."

Hofstra Law School Consultation on Ethno-Political Conflict Intervention (Rome, Italy), Organizer and Co-Leader, "The Potential Value of Transformative Practices in Ethno-Political Conflict Intervention."

Temple Law School, Symposium on Ethical Standards in Elder Mediation, Featured Panelist, "Professional Identity and Ethical Responsibility."

Harvard Law School, Guest Lecturer, "Party-Driven Conflict Intervention: the Uniqueness of the Transformative Model."

2006 Second International Conference on Transformative Mediation, Conference Director and Closing Plenary Speaker, "Purpose and Practice: The 'Why' behind the 'What' and 'How' of Practice, in Transformative Mediation and Beyond."

Pepperdine University Law School, Straus Institute of Dispute Resolution, Seminar Presenter, "Selected Issues in Mediation: Transformative Mediation."

University of California at Santa Barbara, Seminar Presenter, "Transformative Mediation: Theory and Skills."

2005 New York Assoc. for Conflict Resolution Annual Conference, Keynote Speaker, "Something New, or Business as Usual: the Mediation Field after Two Decades."

Association of Conflict Resolution Annual Conference, Workshop Presenter:  
“A Short History of the Transformative Framework.”

ABA Dispute Resolution Section Conference, Workshop Presenter:  
“New Perspectives in Transformative Mediation Practice.”

- 2004 First National Conference on Transformative Mediation, Plenary Speaker:  
“Transformative Practice Ten Years After *The Promise of Mediation*.”

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

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