

MARJORIE CORMAN AARON

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□ PROFESSIONAL EXPERIENCE / ACADEMIC APPOINTMENTS

- Current University of Cincinnati, College of Law, Professor of Practice (from 2007, with formal designation change from Professor of Clinical Law in 2011); Visiting Assistant Professor (1999-2007); Visiting Scholar (1998-99); teaching Negotiation, Client Counseling, Mediation, Mediation Advocacy, and Advanced Decision Analysis.
- Center for Practice, Director (formerly Center for Practice in Negotiation and Problem Solving), University of Cincinnati, College of Law (since 2001).
- Mediator, Arbitrator, Trainer, and Dispute Resolution Consultant, in private practice.
- Center for Public Resources (CPR) Institute for Dispute Resolution, Training Faculty.
- American Arbitration Association, Commercial Arbitration, and Mediation Panel Member.
- Winter 2011 University of Michigan Law School, Visiting Professor of Law, teaching Client Counseling and Negotiation.
- 2007-09 North Carolina Central State University School of Law, Dispute Resolution Institute Faculty, teaching Decision Analysis (summers).
- 2002, 03, 05, 06 Hamline University School of Law, Summer Faculty, Dispute Resolution Program, teaching Evaluative and Activist Mediation Practice, Decision Analysis, Representation in Mediation (summers).
- 1998-2006 Merrill Lynch Claims Resolution Process, Mediator Panel Member.
- 1994-1998 Program on Negotiation at Harvard Law School (PON), Executive Director. Responsibilities included: central operations; graduate courses in negotiation and mediation; case clearinghouse (published materials); *Negotiation Journal* and other publications; nineteen annual executive seminars on topics in negotiation; academic conferences; monthly faculty seminar series; dispute resolution community forum series; budget planning and implementation; negotiation of financial contracts; representation of PON within Harvard Law School, Harvard University and externally; budgetary oversight of nine research projects; management of all PON staff; working with Executive and Steering Committees to establish and achieve PON objectives.
- 1994-98 Mediator, in private practice in the Boston area.
- 1996/1998 Harvard Law School, Lecturer on Law, Winter Negotiation Workshop.
- Harvard Law School, Instructor, Advanced Mediation Workshop, Program of Instruction for Lawyers, with Professor R. Mnookin and G. Friedman.
- 1989-1998 Middlesex (MA) Multi-Door Court-House Mediator Panel, Mediator.
- Radcliffe Seminars Graduate Courses, Instructor, Mediation and Other Facilitative Roles, with Dr. Eileen Babbitt, Tufts University (course offered in conjunction with PON).
- 1993-1994 Harvard University, School of Business Administration (HBS), Senior Research Associate. Served on the faculty team that designed the Negotiation Curriculum for first-year MBA students; authored and presented course materials on alternative dispute resolution and gender issues in negotiation.
- 1988-1994 Endispute, Inc. (now known as JAMS, Inc.) Vice President, Director of Professional

Development. Mediated federal and state legal disputes including commercial contracts; business torts; corporate partnership; employment; securities; complex construction, engineering and design-related claims; real estate and business valuation; real estate trusts; personal injury and product liability; legal and other professional malpractice; age and gender discrimination; consumer protection statutes; allocation of superfund liabilities. Developed resolution processes for complex, multi-party cases and pools of related claims. Designed and taught workshops on mediation, negotiation, alternative dispute resolution, and litigation decision analysis for law firms, corporations, judicial groups, and universities. Developed training programs and materials for new judicial panelists; worked with Boston panelists to assist their achievement of the highest levels of mediation practice.

- 1989 Massachusetts Institute of Technology, Instructor, House Course, Introduction to Negotiation, taught with Prof. Michael Wheeler (Harvard Business School).
- 1986-87 Suffolk University Law School, Clinical Instructor and Supervisor, Prosecutor's Course.
- 1985-1987 Plymouth County, Massachusetts, Prosecutor's Office, Assistant District Attorney. Prosecuted criminal defendants in jury and non-jury trials.
- 1981-1985 Goodwin, Procter & Hoar, Litigation Associate, Boston, MA. Practice included wide range of litigated matters, including securities defense, product liability defense, trade secrets, general commercial contract and business torts, and first amendment issues.

❑ PUBLICATIONS

Client Science: Advice for Lawyers on Counseling Clients through Bad News and Other Legal Realities (Oxford University Press, forthcoming 2012).

"Using Evaluations in Mediation," with D. Golann, Chapter 31 in *American Arbitration Association Handbook on Mediation*, Second Edition (JurisNet, LLC 2010).

One of two featured mediators in DVD "The Skills of a Legal Mediator" by D. Golann, published by the ABA Section of Dispute Resolution, and JAMS Foundation, for use with D. Golann, *Mediating Legal Disputes* (American Bar Association, Section of Dispute Resolution, 2009).

"Evaluation and Decision Analysis," with D. Golann, Chapter 8 in D. Golann, *Mediating Legal Disputes* (American Bar Association, Section of Dispute Resolution, 2009).

Negotiating Outcomes: Pocket Mentor Series (Harvard Business School Press, 2007).

"Finding Settlements with Numbers, Maps, and Trees," in *The Handbook of Dispute Resolution*, M. Moffit and R. Bordone, eds. (San Francisco: Jossey Bass, 2005) 202-218.

"Do's and Don'ts for Mediation Practice," *Dispute Resolution Journal*, 11, 2: Winter 2005, included in *Best Articles*, published by the ABA, GP SOLO, 23,2: March 2006.

Mediators at Work: Termination Tempest, with Dwight Golann (Video, Harvard Law School Program on Negotiation, 2004).

Breach of Warranty: Foster Fuels, with Dwight Golann (Video, Harvard Law School Program on Negotiation, 2002).

"Initial Contacts in Mediation" in two parts (October/November), in *Alternatives* (a publication of the CPR Institute for Dispute Resolution, 2002).

"The Right Frame: Managing Meaning and Making Proposals," *Harvard Management Communication Letter*, Vol. 2, No. 9 (2002) 1-4.

"Negotiating," on-line article featured in the *Harvard Managementor* (Cambridge: Harvard Business School Publishing, also available on CD Rom, 1999).

"Using Evaluations in Mediation," with Dwight Golann, in *Dispute Resolution Journal* 52, 2 (1997) 26-34.

“Evaluation in Mediation,” in *Mediating Legal Disputes*, Dwight Golann, ed. (Boston: Little, Brown & Company, 1996) 267–305.

“Decision Analysis as a Method of Evaluating the Trial Alternative,” with David P. Hoffer, Esq., in *Mediating Legal Disputes*, Dwight Golann, ed. (Boston: Little, Brown and Company, 1996) 307–334.

“The Value of Decision Analysis in Mediation Practice,” in *Negotiation Journal*, 11, 2 (1995) 123–134. Awarded Second Prize for Excellence by CPR Institute for Dispute Resolution.

Alternative Dispute Resolution Notebook, for Aetna Insurance Corporation, Copyright, Endispute Inc., Boston, 1993.

Judicial Panel Notebook, Copyright, Endispute Inc., Boston, 1991.

Extensive inventory of case simulations and other teaching materials including videos for teaching negotiation and mediation. Two videos and numerous case simulations distributed by the Program on Negotiation at Harvard Law School, Case Clearinghouse, since 1988.

❑ EDUCATION

- 1981 J.D., Harvard Law School, *cum laude*.
- 1978 B.A., Princeton University, *cum laude*, Woodrow Wilson School of Public and International Affairs.

❑ PROFESSIONAL ORGANIZATIONS (including Committee Appointments)

- Current American College of Civil Trial Mediators, Board Member 2005 -07, Academic-Honorary Member since 1999.
- American Bar Association, Section on Dispute Resolution, Annual National Conference: Program Co-Chair (2002-3); Program Chair (2001-2); Chair, Fund-raising Committee (1998-99), since 1998.
- CPR Institute for Dispute Resolution, Sustaining Academic Member, since 1997; publications award judge, since 2004; CPR-Georgetown Ethics Commission (Provider Principles Drafting Subcommittee), 1998.
- 2001 American Bar Association, Section on Dispute Resolution: Task Force on Mediation and the Unauthorized Practice of Law.
- American Bar Association, Section on Dispute Resolution: Task Force to Design Dispute Resolution Process for the American Bar Association.
- 1999 - 2008 Cincinnati Collaborative Law Practice, Board Member.
- 1999 - 2006 Ohio Commission on Dispute Resolution and Conflict Management, Vice Chair (formerly served as Secretary of the Commission).
- 1999 - 2003 Publications Committee of the American Bar Association Section on Dispute Resolution.
- 1999 - 2001 CPR Institute for Dispute Resolution Academic, Advisor to the Theory to Practice Project (funded by the William and Flora Hewlett Foundation).
- 1994-1998 Program for Young Negotiators, Board Member.

❑ AWARDS

- Goldman Prize for Excellence in Teaching, University of Cincinnati College of Law, April 2010.
- University President’s Excellence Award for Teaching, University of Cincinnati, May 2006.

American College of Civil Trial Mediators, Education/Training Achievement Award, 1998.

Center for Public Resources (CPR) Institute for Dispute Resolution, 1995 Second Prize for Excellence, Articles, "The Value of Decision Analysis in Mediation Practice," *Negotiation Journal* 11.2 (1995) 123-134.

❑ EXECUTIVE SEMINARS AND TRAINING WORKSHOPS (SELECTED EXAMPLES)

New Zealand Ministry of Foreign Affairs and Trade, New Zealand Ministry of Economic Development, New Zealand Office of Treaty Settlements, New Zealand Ministry of Women's Affairs, New Zealand Leadership Development Centre, Wellington, NZ various programs between 1999 and 2010, including *Advanced Negotiation Seminar*, a three-day workshop, Master Class workshop, *Negotiation in a Nutshell*, *Great on Your Feet*, and *Women Negotiating Powerfully*, with original simulation materials.

New Zealand Department of Building and Housing, *Mediators' Master Class* (2009, 2010).

Center for Practice (formerly Center for Practice in Negotiation and Problem Solving) of the UC College of Law (2002- 2010). *Making Mediators*, a workshop over two evenings, and two days for lawyer mediators (co-faculty with James Lawrence). Created original workshop design and materials integrated with one credit course on Mediation Advocacy at the UC College of Law.

Center for Practice of the UC College of Law (Fall 2009 & 2010). Developed evening workshop series "Actors' Directions for Winning Trial Performance" with Professor Rocco Dal Vera and day-long workshop "Client Troubles? It's Time for Psychiatric Advice, with Dr. Douglas Mossman.

Center for Practice of the UC College of Law (December 2007 & 2008, September 2009). Developed four workshops relating to the application of speech, rhetoric, debate and professional presentation skills for legal practice. Created original teaching materials and facilitated programs with acting, presentation, and rhetoric/debate presenters, entitled: *Great On Your Feet and In the Moment: How To Listen, Think, and Speak to The Unexpected*, *Lawyers Present – So Present Well!*; *Drama Does it for Lawyers: Starring with Clients, Colleagues and the Court*, and *Actors' Directions for Winning Trial Performance*.

Center for Practice (formerly Center for Practice in Negotiation and Problem Solving) of the UC College of Law (December 2001 - 2008). One-day workshops: *Decision Analysis for Lawyers and Clients*; *Getting to the Goal in Tough Negotiations and Mediating Without Mistakes* (co-faculty with Dwight Golann, Suffolk University Law School); *Effective Negotiation Strategy and Practice and Advanced Negotiation Insights* (co-faculty with Professor Michael Watkins, then at Harvard Business School, or with Dwight Golann, Suffolk University Law School). Original marketing documents, workshop design and materials.

Federal District Court Mediation Panel, Western District of Michigan (February 2006) *Advanced Mediation Practice Challenges for Court Mediator Panelists*, day long workshop. (Second invitation, initial program presented in 2000).

New York Stock Exchange Enforcement Division, New York, NY (October 2005), *Negotiation Workshop*, consultation and two day program with original, tailored materials, with David Laws of MIT and Howard Bellman, mediator.

Mediation Apprenticeship Program Seminar Series of the Center for Practice in Negotiation and Problem Solving, UC College of Law (March 2006). Evening seminar on *Mediation Ethics*, with co-faculty John Cruze.

Center for Practice in Negotiation and Problem Solving of the UC College of Law (December, 2004 and 2005) Half day workshop: *Counseling and Convincing Difficult and Emotional Clients*, with Dr. Daniel Shapiro of the Program on Negotiation at Harvard Law School and Harvard Medical School); original workshop design and materials.

CPR Institute for Dispute Resolution, New Orleans, LA (April 2004), *Advanced Mediation Workshop*, three day program designed and presented with co-faculty Dwight Golann. *Advanced Mediation and Mediation Advocacy Workshop*, Atlanta, GA (June 2006) designed and presented with co-faculty Amy

Glass of Michigan Mediation Services.

Ohio Supreme Court, Committee on Dispute Resolution, Columbus, OH (January 2004) *Mediating Multi-Party Disputes*, and *Mediating Truancy Disputes*, day-long workshop.

University of Dayton Business School, Dayton, OH (June 2002), Executive Leadership and Development Program, day-long workshop: *Negotiation Strategies and Practice*.

Cincinnati Bar Association, Cincinnati OH (November 2003), CLE program, *Mediation Ethics*.

Grassroots Leadership Academy, Cincinnati, OH (2001/2002); one-day program: *Negotiation Practice Workshop* (pro bono work).

Equal Employment Opportunity Commission, Ohio, half-day seminar, facilitated discussion on Advanced Challenges in Employment Mediation, (October 2001).

Pietragallo, Bosick & Gordon, Pittsburgh, PA (March 2001), day-long workshop *ADR Immersion: Diving into the Myth, Magic & Mine Fields of Mediation*; presentation on building an ADR department.

Ohio Federal District Court Judges, *Advanced Mediation Workshop* (February 2001), original workshop design, involving simulation work with UC College of Law students.

Israel Mediation Center, multi-day workshop (July 2000) Israel: *Advanced Mediation Techniques*.

Ohio State Bar Association, Cleveland, OH (December, 2000), two-day *Mediation Workshop* (co-faculty with James Lawrence) for lawyer-mediators.

Hunneman-Coldwell Banker, Cape Cod, MA (November 2000), multi-day workshop: *Effective Negotiation Practice*. Tailored workshop design.

Gray, Carey, Ware & Friedenrich, La Jolla, CA (October 2000), half-day program: *Negotiation Workshop* (original video training materials created).

Old Castle, Architectural Products Group, Boston, MA (2000), half-day workshop: *Effective Negotiation*.

General Electric Corporation, Stamford, CT (February 1999), *ADR Seminar for Y2K Challenges* (co-faculty with Professor Dwight Golan, original materials created).

GE Capital Corporation, Stamford, CT (1999), one day workshop on GE RESOLVE program (co-faculty with Professor Dwight Golann) original materials created.

Milacron, Inc., Cincinnati OH (October 1999), two-day workshop: *Negotiators' Summit*.

Blue Green Corporation, Atlanta, GA (November 1998) one-day workshop: *Negotiators' Summit*, largely based upon original materials created for the workshop.

JAMS-Endispute, Boston, MA, (September 1998; February 1998; June 1996), four-day program: *Mediation Workshop* (co-faculty with Professor Dwight Golann).

Harvard Law School, Program of Instruction for Lawyers (June 1997), week-long workshop: *Advanced Mediation Workshop*, with Professor Robert Mnookin (HLS) and Gary Friedman, Esq.

Radcliffe Seminar Series, Cambridge, MA (Spring 1996 and 1997), one-day workshop: *Effective Negotiation Strategies*.

JAMS/Endispute (June 1996), two curriculum segments in mediation workshop: *Evaluation in Mediation* and *Mediators' Introduction to Decision Analysis*.

Kennedy School of Government, Cambridge, MA (April 1995). *Mediation within an Organizational Context* (original materials created; also served on faculty design team).

Program on Negotiation at Harvard Law School, Project on International Dispute Resolution, Cambridge, MA (1995–2001), curriculum segment: *Mediation and Alternative Dispute Resolution*, in

workshop on Managing International Business Relationships.

Program on Negotiation at Harvard Law School, Project on Negotiating in the Workplace (1996-1998), curriculum segment: Facilitation, within a two-day training program.

□ PROFESSIONAL PRESENTATIONS (SELECTED EXAMPLES)

- Sept. 2011 *Difficult Delivery: Bearing Bad News*, Procter & Gamble Legal Department (also, Nov. 2010).
- April 2011 *Failure in Mediation*, ABA Section on Dispute Resolution Spring Conference, Denver, CO, with Dwight Golann.
- April 2010 *Clientology: the Science of Communicating with Clients*, ABA Section on Dispute Resolution Spring Conference, San Francisco, CA with Dwight Golann and Patricia Foster.
- April 2009 *When the Music Stops: How to Overcome 'Insulting' First Offers, Bad Faith Refusals to Negotiate and Other Impasses in Bargaining*, ABA Section on Dispute Resolution Spring Conference, NYC, with Dwight Golann and David Geronemus.
- On Teaching Mediation and Mediation with Multi-Phased Simulation Bagger-Delishco*, in the "Shoptalk" session of the Legal Educators' Colloquium at the ABA Section on Dispute Resolution Spring Conference, NYC.
- April 2008 *Breaking the Rules: The Truth About Consequences*, ABA Section on Dispute Resolution Spring Conference, Seattle, WA, with Dwight Golann.
- June 2007 *On Negotiating*, CEO Roundtable, Cincinnati, OH.
- March 2007 *Academy to Action for Practical Negotiation Advice*, Westchester Chamber Alliance.
- Nov. 2006 *Spotlight on Women Negotiating*, for Women's Networking Initiative of the law firm of Thompson, Hine & Flory, Cincinnati, Ohio.
- June 2006 *Decision Analysis: It's Not Just for Settlement Anymore!*, lecture presentation at the Spring Meeting of the CPR Institute for Dispute Resolution, Atlanta, GA.
- April 2006 *Mediator Manipulation: The Art and The Ethics*, plenary Frank E. Sander lecture, ABA Section on Dispute Resolution Spring Conference, Atlanta, GA, with Dwight Golann.
- February 2006 *Negotiating Medical Faculty Issues*, interactive presentation for the University of Cincinnati Medical School, junior faculty professional development luncheon series.
- April 2005 *Teaching Materials and Approaches for Adjuncts*, panelist, ABA Section on Dispute Resolution Spring Conference, Los Angeles, CA.
- April 2005 *Teaching Client Counseling*, panelist, Legal Educators's Colloquim, ABA Section on Dispute Resolution, Los Angeles, CA.
- January 2005 *Mediation for Advocates*, Young Lawyers Program, Cincinnati Bar Association.
- October 2004 *Triaging Family and Family Business Disputes*, panelist, Symposium on Preventing and Resolving Family Business Disputes, ABA Section on Dispute Resolution, Boston, MA.
- March 2005 *Effective Negotiation Strategy and Practice*, workshop session, University of Cincinnati Women's Leadership Conference (also presented in 2002).
- March 2004 *Mediating Without Mistakes*, Procter & Gamble Legal Department, Cincinnati, OH.
- March 2003 *Advanced Mediation in Employment Disputes*, presentation at the ABA Section on Dispute Resolution, Annual National Conference, with mediator Margaret Shaw.
- June 2002 *Ethics behind Closed Doors*, chaired a panel presentation at the CPR Institute for Dispute Resolution, Spring Meeting, Seattle, WA, primary author of materials.
- Dec 2001 *ADR Process Choices*, Taft, Stettinius and Hollister, CLE workshop program.

- May 2001 *Psychology in Negotiation*, Family Law Section of the Cincinnati Bar Association.
- April 2001 *Managing the Merits*, skills teaching session, ABA Section on Dispute Resolution, Annual National Conference, San Francisco, CA.
- June 2000 *Arbitration Process Demonstration* (and experimentation) (co faculty with Prof. Thomas Stipanowich), CPR Institute for Dispute Resolution, Spring Meeting, Charleston, SC.
- April 2000 *Decision Analysis in Mediation*, skills teaching session, ABA Section on Dispute Resolution, Annual National Conference, Washington, DC.
- June 1999 *Psychological Hardwiring: Tips for the Sophisticated Negotiator*, Harvard Law School Association of Cincinnati.

☐ PERSONAL

Married: David H. Aaron, Professor, Hebrew Union College, Cincinnati, Ohio
Children: Joshua Samuel (1990), Elisha Meir (1997)