

ART HINSHAW
Sandra Day O'Connor College of Law
Arizona State University
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ACADEMIC APPOINTMENTS

Sandra Day O'Connor College of Law, Arizona State University, Tempe/Phoenix, Az.

Clinical Professor of Law (2008 – present)
Associate Clinical Professor of Law (2004 – 08)
Faculty Director, Lodestar Dispute Resolution Center (2017 – present)
Director, Lodestar Dispute Resolution Program (2004 – 2017)
John J. Bouma Fellow in Alternative Dispute Resolution (2016 – present)
Interim Director, Clinical Program (2007 – 08; 2011 – 12; Spring 2022)

Major Committees:

Appointments Committee, 2012 – 13, 2021 – 22, 2023 – 24
University Faculty Senate, 2016 – 2019
Faculty Advisory Committee, 2014 – 15, 2018 – 19
Advisory Personnel Committee, 2011 – 12 (chair), 2015 – 16
Dean Search Committee, 2011 – 12
Grading Task Force, 2009 (chair)
Admissions Committee, 2006 – 09

Central European University, Budapest, Hungary

Visiting Professor of Law (Summers 2021, 2022, 2023)

Hamline University School of Law, St. Paul, Mn. (now Mitchell-Hamline)

Visiting Professor of Law (Summers 2011, 2013, 2015)

University of Missouri School of Law, Columbia, Mo.

Senior Fellow, Center for the Study of Dispute Resolution (2004 – 2023)
Adjunct Professor of Law (1999 – 2004)

Washington University School of Law, St. Louis, Mo.

Adjunct Professor of Law (2003 – 2004)

Academic and Scholarship Interests

Alternative Dispute Resolution (specifically mediation and negotiation)
Courses Taught: Mediation Clinic, Negotiation, Mediation, Conflict Theory Seminar

PUBLICATIONS

Books

DISCUSSIONS IN DISPUTE RESOLUTION: THE FOUNDATIONAL ARTICLES (with co-editors A. Schneider, and S. Cole) (Oxford University Press, 2021)

- 2021 Outstanding Book Award, International Institute for Conflict Prevention and Resolution
- *Reviewed at* 38 NEGOTIATION JOURNAL 137 (2022) by J. Nolan-Haley
- *Reviewed in Requiem or Resurgence*, 37 OHIO STATE JOURNAL OF DISPUTE RESOLUTION 533 (2022) by D. Yarn

NEGOTIATION AND LAWYERS (with A. Carrel, *et al.*) (West Academic, 2021)

DISPUTE RESOLUTION AND LAWYERS: A CONTEMPORARY APPROACH, 6th ed. (with L. Riskin, *et al*) (West Academic, 2019)

Articles and Book Chapters

Where is Negotiation in Hybrid Warfare? (with A. Borbely and C. Chrustie)
24 CARDOZO J. OF CONFL. RES. 517 (2023)

Mediators' Views of What Can Be Achieved Better in Initial Joint Sessions and in Initial Separate Caucuses
70 WASHINGTON UNIV. J. OF LAW AND POLICY 235 (2022) (with R. Wissler)

Joint Session or Caucus? Factors Related to How the Initial Mediation Session Begins
37 OHIO STATE JOURNAL OF DISPUTE RESOLUTION 391 (2022) (with R. Wissler)

What Happens Before the First Mediation Session? An Empirical Study of Pre-Session Communications
23 CARDOZO JOURNAL OF CONFLICT RESOLUTION 143 (2022) (with R. Wissler)

The Initial Mediation Session: An Empirical Examination
27 HARVARD NEGOTIATION LAW REVIEW 1 (2021) (with R. Wissler)

Designing Informal Mechanisms for Claims of Campus Sexual Misconduct
36 OHIO STATE JOURNAL OF DISPUTE RESOLUTION 737 (2021) (with B. Pappas and J. Reynolds)

Lon L. Fuller: Private Ordering and Mediation
in DISCUSSIONS IN DISPUTE RESOLUTION: THE FOUNDATIONAL ARTICLES (Oxford University Press, 2021) (A. Hinshaw, A. Schneider, and S. Cole eds.)

Negotiation Ethics
in NEGOTIATION ESSENTIALS FOR LAWYERS (A. Schneider & C. Honeyman, eds., American Bar Assoc., 2019)

Outbursts: An Evolutionary Approach to Emotions in Mediation
34 NEGOTIATION JOURNAL 164 (2018) (with K. Williams) (peer reviewed)

Negotiation Ethics

in THE NEGOTIATOR'S DESK REFERENCE (A. Schneider and C. Honeyman, eds., 2017)

Regulating Mediators

21 HARVARD NEGOTIATION LAW REVIEW 163 (2016)

- 2017 Outstanding Professional Article Award, International Institute for Conflict Prevention and Resolution
- *Excerpted in* DISPUTE RESOLUTION & LAWYERS (6th ed., 2019) (L. Riskin, *et al.*)

Attorneys and Negotiation Ethics – A Material Misunderstanding?

29 NEGOTIATION JOURNAL 265 (2013) (with P. Reilly and A. Schneider) (peer reviewed)

- *Excerpted in* DISPUTE RESOLUTION: BEYOND THE ADVERSARIAL MODEL (C. Menkel-Meadow, *et al.*, 3rd ed., 2018)

Teaching Negotiation Ethics

63 JOURNAL OF LEGAL EDUCATION 82 (2013) (peer reviewed)

Foreclosure Mediation in Arizona

45 ARIZONA STATE LAW JOURNAL 749 (2013) (with T. Burr)

Gender and Attorney Negotiation Ethics

39 WASHINGTON UNIV. J. OF LAW AND POLICY 145 (2012) (with J. Alberts) (invited symposium)

Doing the Right Thing: An Empirical Study of Attorney Negotiation Ethics

16 HARVARD NEGOTIATION LAW REVIEW 95 (2011) (with J. Alberts)

- *Excerpted in* NEGOTIATION AND LAWYERS (2021)
- *Excerpted in* DISPUTE RESOLUTION & LAWYERS (6th ed., 2019)
- *Reprinted at* 61 DEFENSE LAW JOURNAL 47 (2012)

Mediators as Mandatory Reporters of Child Abuse: Protecting Mediation's Core Values

34 FLORIDA STATE UNIVERSITY LAW REVIEW 271 (2007)

The Challenge of Institutionalizing Alternative Dispute Resolution: Attorney Perspectives on the Effect of Rule 17 on Civil Litigation Practice in Missouri

67 MISSOURI LAW REVIEW 473 (2002) (with B. McAdoo)

Shorter Articles / Pieces

Developing a Well-Developed Literature – A Review of Mediation Ethics: A Practitioner's Guide

40 CONFLICT RESOLUTION QUARTERLY 367 (2023)

What the Early Stages of Mediation Look Like Today

29 DISPUTE RESOLUTION MAGAZINE 7 (Winter 2023) (with R. Wissler)

- *Excerpted in* GPSOLO MAGAZINE as a “Best of the ABA Sections” article compilation (March/April 2023)

An Unquestionable Mediation Conflict of Interest - The MGM Shooting Settlement

38 ALTERNATIVES TO THE HIGH COST OF LITIGATION 102 (July/August 2020)

Ethics and Negotiation: In a Process that can Involve Deception and Misdirection, What, Exactly, Is Acceptable Behavior?

25 DISPUTE RESOLUTION MAGAZINE 32 (Fall 2019)

- *Excerpted in GPSOLO MAGAZINE* as a “Best of the ABA Sections” article compilation (May/June 2021)

The Deceptive Partner

in THE ADVANCED GUIDE FOR MEDIATORS (S. Exon, ed., 2014) (commentary)

Mediators’ Reporting Duties for Child Abuse

in MEDIATION ETHICS: CASES AND COMMENTARIES (E. Waldman, ed., 2011) (commentary)

How Do We Know Mediation Training Works?

12 DISPUTE RESOLUTION MAGAZINE 21 (Fall 2005) (with R. Wissler)

Juvenile Diversion: An Alternative to Juvenile Justice

1993 JOURNAL OF DISPUTE RESOLUTION 305 (student comment)

Works in Progress

Learning Negotiation Ethics (with J. Alberts)

The Dictates of Dicta: Mediation Confidentiality in the Wake of Wilcox v. Arpaio

Discussions in Dispute Resolution (Volume II): Coming of Age (with co-editors A. Schneider, and S. Cole)

HONORS AND AWARDS

2021 Outstanding Book Award, for DISCUSSIONS IN DISPUTE RESOLUTION: THE FOUNDATIONAL ARTICLES (with co-editors A. Schneider, and S. Cole) (Oxford University Press, 2021), International Institute for Conflict Prevention and Resolution

Ninth Circuit ADR Education Award (ASU College of Law), 2005 and 2019

2017 Outstanding Professional Article Award, for *Regulating Mediators*, 21 HARVARD NEGOTIATION LAW REVIEW 163 (2016), International Institute for Conflict Prevention and Resolution

2012 Outstanding Professional Achievement Award (Foreclosure Mediation Unit, ASU College of Law), International Institute for Conflict Prevention and Resolution

Outstanding Faculty Note and Comment Editor, ASU Law Journal, 2008

Faculty Support Award, University of Missouri Law School Board of Advocates, 2004

OTHER ACADEMIC ACTIVITIES

Sentinel Event Review of Police Use of Force and Vulnerable Populations

Co-Principal Investigator on \$250,000 grant from the AAA-ICDR Foundation (2021)

Subject Matter Expert, *Introduction to Human Rights Advocacy*, Amnesty International online course (2020)

Visiting Scholar, Program on Negotiation, Harvard Law School, Cambridge, Ma. (Fall 2017)

Contributor, *Indisputably – The ADR Prof Blog* (2008 – present)

James Boskey Dispute Resolution Essay Competition, Judge (2007 – 2017, 2020)

Organizer, 2nd and 11th Annual AALS Dispute Resolution Section's Works-in-Progress Conference (2008 and 2017)

Hernandez v. Middleton Construction and *Stewart Road Apartments*, role-play scenarios published in *MEDIATION: PRACTICE, POLICY, AND ETHICS, TEACHER'S MANUAL*, Carrie Menkel-Meadow, Lela P. Love, and Andrea K. Schneider (2006); *Stewart Road Apartments*, also appears in *NEGOTIATION: PROCESSES FOR PROBLEM SOLVING, TEACHER'S MANUAL*, Carrie Menkel-Meadow, Andrea K. Schneider, and Lela P. Love (2006)

Regional Host, ABA Representation in Mediation Competition (2006, 2009, 2013, 2017)

Coach, ASU and Missouri ABA Representation in Mediation Competition Teams
National Champions 2000 and 2006

EDUCATION

University of Missouri School of Law

LL.M. (Dispute Resolution): 2000 (4.0 gpa)

J.D.: 1993 (top 15%)

Washington University (St. Louis)

A.B. History: 1988

NON-ACADEMIC PROFESSIONAL EXPERIENCE

University of Missouri, Columbia, Mo. 2001 – 2004

Founding Director, Campus Mediation Service, and
Training Coordinator for Dispute Resolution, School of Law

Missouri Labor and Industrial Relations Commission, Jefferson City, Mo. 2000 – 2001

Mediator, Division of Workers' Compensation

Husch & Eppenberger, LLC, Kansas City, Mo. (now Husch Blackwell LLP) 1997 – 1999

Armstrong Teasdale, LLP, Kansas City, Mo. 1996 – 1997

Bar Memberships

Arizona, Missouri (inactive), Kansas (inactive)

SELECTED PRESENTATIONS

Academic Presentations

Discussions in Dispute Resolution: The Next Generation

ABA Dispute Resolution Section Meeting, Legal Educators' Colloquium, May 2023

Where is Negotiation in Hybrid Conflict?

Negotiation Strategies for War by Other Means, Cardozo School of Law, Nov. 2022

What Happens Before the First Mediation Session? An Empirical Study of Pre-Session Communications

AALS Works-in-Progress Conference, Pepperdine School of Law, Oct. 2021

Discussing Discussions in Dispute Resolution

ABA Dispute Resolution Section Meeting, Legal Educators' Colloquium, April 2021

Discussions in Dispute Resolution: The Origin Stories

Carrie Menkel-Meadow, *Pursuing Settlement in an Adversary Culture: A Tale of Innovation Co-Opted or the 'Law of ADR'*, Northwestern University, Pritzker School of Law, March 2021

Innovations in Teaching and Technology

Conversations about Innovations in Teaching, Research and Technology, online, June 2020

Engaging the Real World: Classroom Teaching and Scholarship Bridging the Societal Divide, Cultures, Legal Traditions, and Ethics in the Classroom (panelist)

Appreciating Our Legacy and Engaging the Future, Pepperdine School of Law, June 2019

Regulating Mediators

Quinnipiac-Yale Dispute Resolution Workshop, Yale Law School, March 2019

Legal Education's Impact on Student Negotiation Ethics

Georgia State University College of Law, Nov. 2018

When Mediators Go Bad

Harvard Law School, Nov. 2017

Negotiating Like Aristotle

AALS Works-in-Progress Conference, Arizona State College of Law, Oct. 2017

Discussions in Dispute Resolution: Mediation

Southeast Association of Law Schools Conference, August 2017

Discussions in Dispute Resolution: Public Policy

Southeast Association of Law Schools Conference, August 2017

- Mediation in Argentina and the United States: A Comparative Look*
Universidad Torcuato di Tella, Escuela de Derecho (Buenos Aires), May 2017
- An Evolutionary Approach to Emotions and Mediation*
AALS Works-in-Progress Conference, Marquette School of Law, Sept. 2016
- ADR in Faculty Governance and Change: What Works – If Anything – and What Doesn't*
Southeast Association of Law Schools Conference, July 2015
- The “New Normal” of Dispute Resolution: Pedagogical Lessons and Secrets from Mediation Clinics*
AALS Clinical Conference, Panelist, May 2015
- Learning Negotiation Ethics (or Not)*
Negotiation Workshop, Northwestern University Law School, October 2014
- Learning and Understanding Attorney Negotiation Ethics*
Lawrence Negotiation Lecture, Moritz College of Law at the Ohio State University, September 2013
- Legal Conflict: From Procedural Rules to Professional Ethics*
Law & Society Conference, Panelist, May 2013
- The Changing Face of Clinical Legal Education: Models, Pedagogies, and Opportunities for Transfer*
AALS Clinical Conference, Plenary Panelist, April 2013
- Teaching the Unteachable: Empathy, Morality, and Social Intuition*
ABA Dispute Resolution Section Meeting, Legal Educators' Colloquium, April 2013
- Learning Attorney Negotiation Ethics?*
UCLA Negotiation and Conflict Resolution Colloquium, UCLA School of Law, Feb. 2013
- Regulating the Rogue Mediator*
AALS Works-in-Progress Conference, Ohio State University College of Law, Nov. 2012
- Law Students, Lawyers, and Negotiation Ethics*
University of Missouri School of Law, September 2012
- Gender and Negotiation Ethics*
New Directions in Negotiation and ADR, Washington Univ. (St. Louis), Dec. 2011
- Lying in Negotiation*
Teaching ADR in Law Schools, Pepperdine University Law School, June 2011
- Fitting ADR into Your Law School Curriculum*
Teaching ADR in Law Schools, Pepperdine University Law School, Moderator, June 2011
- Lead Them into Temptation: Negotiation Ethics and the First Year of Law School,*
ABA Dispute Resolution Section Meeting, Legal Educators' Colloquium, April 2011

- Attorney Negotiation Ethics: An Empirical Assessment*
Quinnipiac-Yale Dispute Resolution Workshop, Yale Law School, March 2010
- Regulating Attorney Negotiation Ethics through Norms*
Southwest-West Junior Faculty Conference, March 2010
- Overcoming the Difficulties of Teaching Negotiation Ethics*
AALS Annual Conference, January 2010
- Doing the Right Thing: An Empirical Study of Attorney Negotiation Ethics*
Conference on Empirical Legal Studies, October 2009
- Doing the Right Thing: A Study of Attorney Negotiation Ethics*
AALS Works-in-Progress Conference, October 2008
- Negotiation Ethics: A Material Misunderstanding?*
UNLV Boyd School of Law, November 2007
- Teaching the Future Lawyer: Balancing the Teaching of Neutrality and Advocacy in Mediation and Arbitration Courses*
ABA Dispute Resolution Section Meeting, Legal Educators Colloquium, Panelist, April 2007
- Understanding Mediation in Ethnic and Religious Conflicts*, June 2006
- State Institute of Islamic Studies – Bandar Lampung, Indonesia
 - State Institute of Islamic Studies – Lombok, Indonesia
 - State Institute of Islamic Studies – Semarang, Indonesia
 - Satya Wacana Christian University – Salatiga, Indonesia

Professional Presentations

- Mediation Primer for Judges and Lawyers*
Arizona Court of Appeals, February 2023
- Empirical Findings: Early Stages of Family Mediation*
Maricopa County Association of Family Mediators, November 2022
- Advancing Social Justice Initiatives Through Alternative Dispute Resolution*
The Chicago Bar Association, April 2022
- Mediation Conflicts of Interest*
ABA Dispute Resolution Section, Ethics Committee, June 2021
- The Begin Symposium: Conflict Resolution Part 1*
The Menachem Begin Heritage Center, February 2021
- Ethics in the Trenches – 2nd Annual*
Maricopa County Association of Family Mediators, November 2020
- Understanding Attorney Negotiation Ethics*
International Academy of Mediators, November 2019

Understanding Negotiation

Water Environment Federation and Arizona Water Association, March 2019

Center(s) of Attention: The Past, Present & Future of Law School Dispute Resolution Centers
ABA Dispute Resolution Section, Legal Educators' Colloquium, April 2018

The Mediation Experience in the United States

Club de Abogados Mediadores, Buenos Aires, Argentina, July 2017

The ABA Standards and Dispute Resolution Courses: Quintessentially Experiential

ABA Dispute Resolution Section Conference, Legal Educators' Colloquium, April 2017

Regulating Mediators

ABA Dispute Resolution Section, 14th Annual Advanced Mediation Training Institute,
Keynote, October 2016

Alternative Dispute Resolution in Administrative Law

Federal Administrative Law Judicial Conference, Panelist, September 2016

What Works in Mediation? What Do Mediation Consumers Value in the Process? A Community Townhall

ABA Dispute Resolution Section Conference, Showcase Program, Panelist, April 2016

Probate ADR Conference

Arizona Supreme Court, December 2015

Ethical Decision Making When Values Clash

United States Ombudsman Association, October 2015

In My Backyard: Keeping the "Not" Out of NIMBY

American Shortline Regional Railroad Association, September 2015

Understanding Negotiation Ethics and Putting Them in Context

Maricopa County Attorney's Office, May 2015

Change, Uncertainty, and the Unknown

Florida Dispute Resolution Center Annual Conference, Keynote, August 2014

Cosmetologists Are Regulated; Why Aren't Mediators

ABA Dispute Resolution Section Conference, Panelist, April 2014

The Honesty Conundrum: Negotiation Ethics and the Business of Lawyering

North Carolina Bar Association, Annual Professionalism Program, December 2013

Mediation Ethics and the Bad Apple Problem

Arizona Bar ADR Section, October 2013

Design-Build Dispute Resolution: Designing and Implementing Foreclosure Mediation Programs

ABA Dispute Resolution Section Conference, April 2011

Attorney Negotiation Ethics in the Real World
ABA Dispute Resolution Section Conference, April 2010

Negotiation Ethics
Arizona District Court Conference, February 2010

The Elephant in the Room: A Look at Attorney Negotiation Ethics
Oregon Mediation Association Conference, November 2009

Rethinking Conflict: What's Really at Stake?
Arizona School Boards Association, Keynote, August 2008

Mastering the Conundrum of Mediator Ethics: The Good, the Bad and the Ugly
Association of Conflict Resolution Annual Meeting, Panelist, October 2007

Win-Win Negotiation
Arizona League of Cities and Towns, Keynote, August 2007

Best Practices for Mediators
Maricopa County Superior Courts ADR Department, September 2006

Child Abuse and Mediation, What's a Mediator to Do?
Maricopa County Association of Family Mediators, April 2005

PROFESSIONAL ACTIVITIES

ABA Dispute Resolution Section

Dispute Resolution Magazine

Co-Chair, 2023 - present

Editorial Board, 2022 – present,

Committee on Legal Education Policy,

Co-Chair, 2016 – 2017

Member, 2017 – 2019

Task Force on Dispute Resolution Education, Co-Chair, 2014 – 2016

Standing Committee on Ethical Guidance for Mediators, 2011 – 2020

Nomination Committee, 2013

Annual Spring Conference, Program Co-Chair, 2009 – 2012

Legal Education Committee

Chair, 2007 – 2009

Representation in Mediation Competition Subcommittee

Co-Chair, 2005-2007, Problem Drafting Committee, 2001 – 2002

Planning Committee Legal Educators' Colloquium, 2005 – 2006, 2008 – 2014

Spring Conference Special Committee, 2011

AALS, Alternative Dispute Resolution Section

Chair, 2010

Chair Elect, 2009

Ex-Officio 2011

Executive Committee, 2009 – 2014; 2016

Arizona Commission on Judicial Conduct
Member, 2013 – 2018

Maricopa County Superior Court
Pro-Tem Judge, 2015 – 2017

Project Civil Discourse, Arizona Humanities Council
Steering Committee, 2007 - 2011

Arizona Bar Dispute Resolution Section, Board of Directors
Treasurer, 2007 – 2010

Arizona Association of Conflict Resolution, Board of Directors
Member at Large, 2005 – 2010

The Missouri Bar, Complaint Resolution Program
Mediator, 2001 – 2004

MEDIA APPEARANCES

Bloomberg, *Arizona Lifts Ban on Sheriff's Deputies Practicing Law*, May 19, 2021
(<https://news.bloomberglaw.com/us-law-week/arizona-lifts-ban-on-sheriffs-deputies-practicing-law>)

Phoenix Business Journal, *My View: Alternative Dispute Resolution Needed to Save Government Money when Arizona Sues Itself*, October 26, 2020
(https://www.bizjournals.com/phoenix/news/2020/10/26/saving-government-money-when-state-sues-itself.html?ana=RSS&s=article_search&utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+bizj_national+%28Bizjournals+National+Feed%29)

KPNX-TV (Phoenix NBC affiliate), *ASU Law Professor Offers Advice for Some Survivors of Las Vegas Shooting Raising Questions about Settlement*, June 11, 2020
(<https://www.12news.com/video/news/investigations/asu-law-professor-offers-advice-for-some-survivors-of-las-vegas-shooting-raising-questions-about-settlement/75-b0a917eb-bddc-4534-8db8-8e08b654741a>)

KNXV-TV (Phoenix ABC affiliate), *Judge in Deputy Marshall's "Panties" Case Once Dated Sex Offender*, January 4, 2020 (discussing judicial ethics, <https://www.abc15.com/news/local-news/investigations/judge-in-deputy-marshall-panties-case-once-dated-a-sex-offender>)

Arizona Attorney Magazine, *#MeToo for Lawyers*, January 2020 (discussing web-based self-help tool kit)

Indiana Lawyer, *Dealing with Differing Perceptions of Reality*, September 24, 2014 (discussing factual disagreements, deception, and lying in mediation)

KTAR radio (Phoenix), *The Think Tank*, October 20, 2013 (discussing negotiation strategies associated with the federal government shutdown)

KJZZ radio (Phoenix NPR affiliate), *The Show*, August 2, 2013 (discussing negotiation strategies associated with a bus driver strike)

REFERENCES

Available upon request