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## RESUMÉ OF ELIZABETH BADER

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A leader in the movement to integrate psychology, spirituality and conflict resolution. Active in a wide variety of areas as lawyer/mediator, coach, author and public speaker. Numerous cutting-edge interdisciplinary articles on the psychology and spiritual dynamics in mediation. (See Publications, below). Awarded the 2011 Margaret S. Mahler Psychiatric Research Institute's Literature Prize for her interdisciplinary work, a rare honor for a lawyer. Certificated by the Somatic Experiencing Trauma Institute after completion of 3-year training program on trauma. Founding chair, Psychology of Conflict Resolution committee, within the American Bar Association, 2009-2013. Mediation practice has included resolution of complex civil disputes, including mass-tort-related, multi-party litigation. Formerly an appellate specialist with approximately 15 published opinions.

McCutchen, Doyle, Brown & Enersen, San Francisco

Litigation associate, business and insurance litigation. 1987 - 1988.

The Honorable Allen E. Broussard, Jr.  
California Supreme Court. San Francisco, California

Judicial Extern, Hon. Allen Broussard, Jr., Supreme Court. 1985-86.

CalFarm Insurance Company, Sacramento, California  
McCaslin & Wells, Yuba City, California

Research and writing for attorneys who represented a local insurer but also had private plaintiffs' side practices. 1980-1987.

## **PUBLICATIONS**

### **Treatises**

“*Mediation Confidentiality*,” Chapter 7 in *A Litigator’s Guide to Effective Use of ADR in California* (Continuing Education of the Bar 2005).

“*Appeal From Superior Court Judgment*,” Chapter 14 in *California Administrative Mandamus* (Continuing Education of the Bar 2003).

“*Automobile Insurance*,” Chapter 50 in *California Insurance Law & Practice* (Matthew Bender & Co. 1987).

*Traumatic Medicine & Surgery for the Attorney*, 1979. Executive Editor. (Matthew Bender & Co. 1979).

Editor/writer of chapters on medicine in *Gray’s Attorneys’ Textbook of Medicine* and in *Courtroom Medicine* by Matthew Bender.

### **Articles by Elizabeth Bader**

“*The Psychology and Neurobiology of Mediation*,” 17(2) *Cardozo Journal of Conflict Resolution* 363 (2016).

<http://www.elizabethbader.com/NeurobiologyofMediation.pdf>

“*Self, Identity and the IDR Cycle: Understanding the Deeper Meaning of ‘Face’ in Mediation*,” *International Journal of Applied Psychoanalytic Studies* (2011) (an international peer-reviewed journal). Wiley Online Library,

<http://onlinelibrary.wiley.com/doi/10.1002/aps.295/abstract>

“*The Psychology of Mediation (II): The IDR Cycle, A New Model For Understanding Mediation*,” <http://www.mediate.com/articles/baderE3.cfm> (November 2010).

“*The Psychology of Mediation: Issues of Self and Identity and the IDR Cycle*,” 10(2) *Pepperdine Dispute Resolution Law Journal* 183 (2010). Also available at [www.elizabethbader.com/SelfandIdentity.pdf](http://www.elizabethbader.com/SelfandIdentity.pdf)

“*The Psychology of Mediation, Part I: The Mediator’s Issues of Self and Identity*,” <http://www.mediate.com/articles/baderE2.cfm> (January 2010).

“*The Psychology of Mediation: The IDR Cycle*,” 3(9) *Bar Association of San Francisco Bulletin* 6 (September 2008). (Abstract of article).

"*The Psychology of Mediation: The IDR Cycle*," Social Science Research Network, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1086223](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1086223). (Abstract of article).

"*Mediation Confidentiality: What Litigators Need to Know After Rojas v. Superior Court*," 26(5) California Civil Litigation Reporter 189 (2004).

"*Defects in Construction: Will California's Mediation Confidentiality Statutes Still Remain Standing After Rojas v. Superior Court?*" 14(3) California Construction Law Reporter 97 (2004).

Analysis of *Rojas*, 26(15) Insurance Litigation Reporter 536 (2004). (Untitled, under byline).

"*Confidentiality in Insurance Coverage Mediation: Will It Survive Rojas v. Superior Court?*" 26(2) Insurance Litigation Reporter 37 (2004).

"*Using Hard Facts to Clarify Good Law: a Principled Approach to Rojas v. Superior Court and the Interpretation of California's Mediation Confidentiality Statutes (Evid. Code §§ 1115 et seq.)*," 24(10) California Tort Reporter 343 (2003).

"*California's Powerful Anti-SLAP Statute: Litigating After Briggs v. Eden Council for Hope & Opportunity*," 21:3 CEB Civil Litigation Reporter 1 (May 1999) (Co-authored with Mark Goldowitz).

"*Strategies for Defeating and Defending the 1973 Pollution Exclusion*," 11(3) Insurance Litigation Reporter 75 (1989).

"*California Insurer's Duty to Defend: How Far Does It Extend?*" 52 Insurance Counsel Journal 252 (1985). Cited in *Garvey v. State Farm*, 191 Cal.App.3d 1248, 1255 fn. 6 (Cal. App. 1985), *rev'd*, *Garvey v. State Farm*, 48 Cal. 3d 395 (Cal. 1989). Winner, Second Prize, International Association of Insurance Counsel Legal Writing Contest.

California Administrative Mandamus (Continuing Education of the Bar Updates, 1994-2001).

California Lawyer, October 1989, at 131. (Story and picture).

### **Articles Discussing Elizabeth Bader's Work**

Zeno Germano, Mediación De Conflictos Familiares En Ámbito Jurídico: Estado Del Arte (Family Conflict Mediation In The Forensic Setting: State Of The Art Review) *Subjetividad y Procesos Cognitivos*, 19(2) 74-98, 2015.

Grant Jones and Peter Paxton, ADR and Trusts, “*The Process of Mediation,*” in *An International Guide to Arbitration and Mediation of Trust Disputes*, Spiramus Press, Ltd. 2015.

Rachel Hastings, “*Placing Neuroethics in its Place,*” 11 *Eukaryon*, Lake Forest College <http://www.lakeforest.edu/live/files/2698-hastingsplacingpdf>. March 2015.

Sofia Erikson, “*The psychology of mediation, A qualitative study on mediation of Ethiopia,*” Linneuniversitat, 2014.

S. Gober, [The development of a measure of Margaret Mahler's theory integrating the infant, the mother, and their dyadic relationship during the infant's first five months of life](http://rucore.libraries.rutgers.edu), 2014 - rucore.libraries.rutgers.edu

Scott L. Rogers, “*Mindfulness in Law,*” in “*The Wiley Blackwell Handbook of Mindfulness*” (Eds. Amanda Ie, Christelle T. Ngnoumen, Ellen J. Langer), 487-525. Published Online, John Wiley & Sons, Ltd. March 2014.

R. Renner, F. Schneider, D. Hohenwallner *et al.*, “[Meeting The Challenges Of Transdisciplinary Knowledge Production For Sustainable Water Governance](#)’ Mountain Research and Development, BioOne Online. 2013.

Richard E. Custin and Colette L. Custin, “*The Psychology of a Successful Mediation,*” *Peacemaker Quarterly*, International Academy of Dispute Resolution, June 2013. [Abstract](#).

Emily Fusting, “[Making the Brain a Friend Not a Foe: What Interventionists Should Know about Neuroscience](#)” *Am. J. Mediation*, 2012. - HeinOnline

Jonathan E. Fields, “*The Psychodynamics of Mediation: Overcoming Ego to Resolve Conflict,*” 10(1) *Family Mediation Quarterly* 13, Winter 2011.

Phyllis Pollack, “*Mediation and Early Childhood Development,*” <http://www.pgpmmediation.com/2011/04/15/mediation-and-early-childhood-development/> 2011.

Francis X. Shen, [Law and Neuroscience Bibliography: Navigating the Emerging Field of Neurolaw](#), *International J. Legal Info.*, 2010 - HeinOnline

Lee Glickstein, “*Nobody Knows,*” *Relational Presence Journal*, October 2010.

F. Peter Phillips, “*Negotiating with the King,*” August 10, 2010. <http://businessconflictmanagement.com/blog/2010/08/negotiating-with-the-king/>

Archie Zariski, “*A Theory Matrix for Mediators*,” 26(2) Negotiation Journal 203 (April 2010).

Carrie Sperling, “*Priming Legal Negotiations Through Written Demands*,” 60(1) Catholic University Law Review 107 (2010).

John Folk Williams, “*Consensus Building and the Unshakeable Rightness of Belief*,” Feb. 17, 2010. <http://www.crosscollaborate.com/2010/02/consensus-building-unshakable-rightness-belief/>

Stewart Levine, *Getting to Resolution*, Berrett-Koehler 2009.

Philip Carrizosa, San Francisco Daily Journal, July 27, 2004, p. 1. (Discussion of role in *Rojas*, with quote).

Jennifer Byrd, San Francisco Daily Journal, Mar. 11, 1996, p. 2. (Bio and discussion).

San Francisco Daily Journal, April 11, 1996, p. 2. (Quoted on book on O. J. Simpson case).

Greg Peters, The Recorder, Oct. 22, 1991, p. 1. (Quoted in story on East Bay fire).

Beret Strong, California Lawyer, Sept. 1991, p. 129. (Quoted in article about lawyers who meditate).

Jane Gross, The New York Times, Dec. 18, 1988, p.1. (Story and picture).

## OPINIONS

Prior to becoming a mediator, Elizabeth Bader was a certified appellate specialist. The following are a few of her approximately 15 published opinions:

- *Rojas v. Superior Court*, 33 Cal. 4th 407, 418 (Cal. 2004). (California Supreme Court mediation confidentiality; reference to Ms. Bader at fn. 7).
- *Briggs v. Eden Council for Hope & Opportunity*, 19 Cal. 4th 1106, 81 Cal. Rptr. 2d 471, 969 P. 2d 564 (Cal. 1999). (First California Supreme Court case construing the anti-SLAPP statute protecting First Amendment rights; argued for prevailing party).
- *Conestoga Services Corp. v. Executive Risk Indemnity Inc.*, 312 F. 3d 976 (9<sup>th</sup> Cir. 2002). (Rare Ninth Circuit win on Garvey/Partridge concurrent causation doctrine in malpractice cases).

- *Ruisi v. Thieriot*, 53 Cal. App. 4th 1197, 62 Cal. Rptr. 2d 766 (Cal. App. 1997). (Powers of special masters; *post-Burgess* move-away case).
- *Betz v. Pankow*, 16 Cal. App. 4th 919, 20 Cal. Rptr. 2d 834 (Cal. App. 1993). (Gender bias in arbitration; amicus brief noted at 16 Cal.4<sup>th</sup> 922).
- *Nash v. MacDonald*, 112 Cal. Rptr. 2d 230 (Cal. App. 2001), *rev. den.*, *depub'n ordered*, Jan. 3, 2002 (Cal. 2002) (construction defect litigation).

## **TEACHING AND TRAINING ACTIVITIES**

Discussant in a program on spiritual groups hosted by the Marin California Association of Marriage and Family Therapists (MCAMFT), January 23, 2015.

“Multidimensional Conflict Resolution: Aligning with the True Self,” Speaker at the Monthly Gathering for Change Agents. Hosted by Audrey Seymour and Beth Scanzani, August 6, 2014.

“Peace as Inner Power: An Interview with Elizabeth E. Bader,” A Future Primitive Podcast of the Marion Institute, Interview by Joanna Harcourt-Smith, October 7, 2013. <http://www.marioninstitute.org/blog/2013/10/peace-inner-power-interview-elizabeth-e-bader>

“The Self of Peace: What Conflict Resolution Teaches Us About Who We Really Are,” Luncheon Program for the Mediation Society, April 3, 2013.

“The Self of Peace: Lessons on the Nature of the Self from Conflict Resolution,” Science and Nonduality Conference 2012, San Rafael, CA. November 2012. Presentation focusing on the spiritual and psychological dimensions of peace and conflict resolution.

Guest Lecturer, Boalt Hall (UC Berkeley) Law School, LLM Program. November 9, 2011.

“TeleForum on Self and Identity.” A 3-part series on self and identity in conflict resolution with practitioners and therapists from around the country. May through September 2011.

“Negotiating with the King: Face and Ego in Conflict Resolution.” Featured speaker in a live program and webcast for the Colorado Bar Association Dispute Resolution and Business Law Sections. May 27, 2011.

“Me, Myself and I: Psychological Dimensions of ‘Face’ in Mediation.” Program sponsored by the Association for Dispute Resolution of Northern California. November 12, 2010.

Guest Lecturer, University of California, Berkeley LLM program. Oct., 2010.

“Self, Identity and the IDR Cycle: An Experiential Introduction.” Collaborative Practice California. April 24, 2010. San Francisco.

ACR Conflict Coaching Committee, April 14, 2010.

Guest Lecturer, JFK University, Graduate School of Professional Psychology. March 9, 2010.

“Men Are From Mars, Women Are From Venus: How to Have A Successful Mediation Here on Earth.” San Francisco Trial Lawyers panel. March 2010.

“Self and Identity in Conflict Resolution: The IDR Cycle, Implications for Group.” American Group Psychotherapy Association, February 2010.

Marin County Bar ADR Committee. Feb. 17, 2010. San Rafael, California.

“Impasse as a Narcissistic Crisis.” SEEDS Community Resolution Center. January 20, 2010. Berkeley, California.

“Self, Identity and the IDR Cycle: Going Deeper.” January 29, 2010. San Francisco, California.

“The Psychology of Impasse in Negotiation and Mediation.” November 18, 2009. Panel sponsored by the ADR Committee of the Tort, Trial & Insurance Practice Section and the Dispute Resolution Section of the ABA.

“Impasse as a Narcissistic Crisis, Understanding the IDR Cycle.” Collaborative Practice San Francisco. October 13, 2009. Presentation for group that includes attorneys and therapists.

"My Client/My Self, Using Reflective Practices in Client Counseling and Conflict Resolution." Groups conducted in San Francisco and Santa Rosa. Groups include attorneys and therapists.

"Impasse as a Narcissistic Crisis: Understanding the IDR Cycle." Bar Association of San Francisco. May 28, 2009.

"Impasse as a Narcissistic Crisis: Understanding the IDR Cycle." Collaborative Council of the Redwood Empire. September 24, 2008. Attended by attorneys, therapists and financial professionals.

Organizer/Panelist, "Gender and Conflict Resolution." International telesalon with attorneys and therapists, July 24, 2008.

"Envisioning a Healing Process in Cases of Medical Error: A Dialogue on Collaborative Law." Collaborative Practice California. April 26, 2008.

"Effectively Mediating Bad Faith and Coverage Cases." United Policyholders Luncheon. San Francisco, March 31, 2004.

"How Should the California Supreme Court Decide Rojas v. Superior Court?" Bar Association of San Francisco. April 2003.

"The Anti-SLAPP Statute: Has It Gone Too Far?" BASF. 2000.

"The Appellate Process: Tips and Traps for the Unwary." SF, June 1998.

### **EDUCATION, AWARDS & MISCELLANEOUS**

Recipient, Margaret S. Mahler's Psychiatric Research Foundation Literature Prize for 2011.

Founding and Continuing Chair, Psychology of Conflict Resolution Committee, a subcommittee of the American Bar Association's Tort, Trial and Insurance Practice Section's ADR Committee. (2009 - present).

Formerly Member, Editorial Advisory Board, Insurance Litigation Reporter, California Tort Reporter (West Publishing).

JD, University of California, Davis, California. 1987. Top 10% of class.

·High Honors in an independent study project with the Honorable John Noonan of the Ninth Circuit. 1986.

·BNA Law Student Award, 1987.

·American Jurisprudence Award: Marital Property.

·American Jurisprudence Award: Juvenile Justice.

Winner, International Association of Insurance Counsel Legal Writing Contest for essay on insurers' duty to defend. (Second Prize.)

BA *cum laude*, Bard College, Annandale-on-Hudson, N.Y. 1973.