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Bader Conflict Resolution Services

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PROFESSIONAL BIOGRAPHY

Elizabeth E. Bader, Esq.
Bader Conflict Resolution Services
580 California Street, 5th Floor
San Francisco, California 94104

Professional mediator of civil disputes, including multi-party, mass-tort-related litigation, and a wide variety of other disputes. A leader in the movement to integrate psychological understanding into conflict resolution, and the first person to identify the IDR cycle, the core psychological dynamic in negotiation and mediation. *See Bader, The Psychology of Mediation: Issues of Self and Identity and the IDR Cycle*, 10 PEPP. DISP. RESOL. L.J. 183 (2010). Founding chair of an ABA committee on the psychology of conflict resolution. Presenter and leader of groups for attorneys and therapists on the psychology of conflict resolution. Widely published author on mediation confidentiality. *See also Rojas v. Superior Court* (2004) 33 Cal. 4th 407, 418, fn. 7 (mentioning Ms. Bader by name in confidentiality case). Formerly an appellate specialist, handling a wide variety of civil cases.

McCutchen, Doyle, Brown & Enersen
San Francisco, California 94111

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. Fall, 1985.

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

Research, writing and insurance coverage analysis on personal injury, property damage and coverage cases. 1980-1987.

Matthew Bender, Inc., New York, New York,
Author/editor of numerous medicolegal publications. 1978-1983.

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). Updated by publisher.

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

“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

“*The Psychology of Mediation: Issues of Self and Identity and the IDR Cycle*” 10 Pepperdine Dispute Res. L.J. 183 (2010).

The Psychology of Mediation, Part I: The Mediator’s Issues of Self and Identity, <http://www.mediate.com/articles/baderE2.cfm>.

“*The Psychology of Mediation: The IDR Cycle*,” 3(9) Bar Ass’n. 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. (Abstract of article).

“*Mediation Confidentiality: What Litigators Need to Know After Rojas v. Superior Court*,” 26(5) Cal. Civ. Litig. Rep. 189 (2004).

“*Defects in Construction: Will California’s Mediation Confidentiality Statutes Still Remain Standing After Rojas v. Superior Court?*,” 14(3) Cal. Const. L. Rep. 97 (2004).

26(15) Ins. Litig. Rep. 536 (2004). (Untitled analysis of *Rojas* under byline).

“*Confidentiality in Ins. Coverage Mediation: Will It Survive Rojas v. Superior Court?*” 26(2) Ins. Litig. Rep. 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) Cal. Tort Rep. 343 (2003).

“California’s Powerful Anti-SLAP Statute: Litigating After *Briggs v. Eden Council for Hope & Opportunity*,” 21:3 CEB Civ. Litig. Rep. 1, 82-87, May 1999 at 1, 82-87. (Co-authored with Mark Goldowitz).

"Strategies for Defeating and Defending the 1973 Pollution Exclusion," 11(3) Ins. Litig. Rep. 75 (1989).

"California Insurer's Duty to Defend: How Far Does It Extend?" 52 Ins. Counsel J. 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).

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

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

Articles About Ms. Bader

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).

OPINIONS¹

Rojas v. Superior Court, 33 Cal. 4th 407, 418, fn. 7, 15 Cal. Rptr. 3d 643, 93 P. 3d 260 (Cal. 2004). (Reference to Elizabeth Bader in course of taking judicial notice).

Conestoga Services Corp. v. Executive Risk Indemnity Inc., 312 F. 3d 976 (9th Cir. 2002).

¹Published opinions in which Ms. Bader represented a party or amicus curiae during her career as an appellate specialist.

Equilon Enterprises v. Consumer Cause, 29 Cal. 4th 53, 124 Cal. Rptr. 2d 507, 52 P. 3d 685 (Cal. 2002).

Nash v. MacDonald, 92 Cal. App. 4th 847, 112 Cal. Rptr. 2d 230 (Cal. App. 2001), review denied, *depub'n ordered*, Jan. 3, 2002 (Cal. 2002).

Briggs v. Eden Council for Hope & Opportunity, 19 Cal. 4th 1106, 81 Cal. Rptr. 2d 471, 969 P. 2d 564 (Cal. 1999).

Los Carneros Community Associates v. Penfield & Smith Engineers, review granted (Cal. October 21, 1998, S072581). (Representation in a petition for review after case was lost in court of appeal; case settled after the Supreme Court granted review).

Ruisi v. Thieriot, 53 Cal. App. 4th 1197, 62 Cal. Rptr. 2d 766 (Cal. App. 1997).

American Academy of Pediatrics v. Lungren, 12 Cal. 4th 1007, 51 Cal. Rptr. 2d 201, 912 P. 2d 1148 (Cal. 1996), *rehrg. granted, new opinion*, *American Academy of Pediatrics v. Lungren*, 16 Cal. 4th 307, 66 Cal. Rptr. 2d 210, 940 P. 2d 797 (Cal. 1997).

Farmers Ins. Group v. County of Santa Clara, 11 Cal. 4th 992, 47 Cal. Rptr. 2d 478, 906 P. 2d 440 (Cal. 1995).

DeVoll v. Burdick Painting, Inc., 35 F. 3d 408 (9th Cir. 1994).

Adoption of Michael H., 10 Cal. 4th 1043, 43 Cal. Rptr. 2d 445, 898 P. 2d 891 (Cal. 1995).

Planned Parenthood Shasta-Diablo, Inc. v. Williams, 10 Cal. 4th 1009, 43 Cal. Rptr. 2d 88, 898 P. 2d 402 (Cal. 1995).

Planned Parenthood Shasta-Diablo, Inc. v. Williams, 7 Cal. 4th 860, 30 Cal. Rptr. 2d 629, 873 P. 2d 1224 (Cal. 1994).

People v. Williams, 4 Cal. 4th 354, 14 Cal. Rptr. 2d 441, 841 P. 2d 961 (Cal. 1992).

Newsham v. Board of Permit Appeals, 46 Cal. App. 4th 930, 54 Cal. Rptr. 2d 170 (Cal. App. 1996).

American Academy of Pediatrics v. Lungren, 40 Cal. App. 4th 255, 32 Cal. Rptr. 2d 546 (Cal. App. 1994), *review granted, new opinion*, *American Academy of Pediatrics v. Lungren*, 12 Cal. 4th 1007, 51 Cal. Rptr. 2d 201, 912 P. 2d 1148 (Cal. 1996), *rehrg. granted, new opinion*, *American Academy of Pediatrics v. Lungren*, 16 Cal. 4th 307, 66 Cal. Rptr. 2d 210, 940 P. 2d 797 (Cal. 1997).

Betz v. Pankow, 16 Cal. App. 4th 919, 20 Cal. Rptr. 2d 834 (Cal. App. 1993).

United States v. Graulich, 978 F.2d 580 (10th Cir. 1992).

People v. Murtha, 235 Cal.App.3d 1688, 1 Cal. Rptr. 2d 788 (Cal. App. 1991) *rehrg. granted, new opinion*, *People v. Murtha*, 14 Cal. App. 4th 1112, 18 Cal. Rptr. 2d 324 (Cal. App. 1993).

People v. Taylor, 222 Cal.App.3d 612, 271 Cal. Rptr. 785 (Cal. App. 1990).

Philippine Export & Foreign Loan Guar. Corp. v. Chuidian, 218 Cal.App.3d 1058, 267 Cal. Rptr. 457 (Cal. App. 1990).

TRAINING ACTIVITIES

Forthcoming & Continuing (As of January 2010):

“My Client/My Self: Reflective Practices in Conflict Resolution. “ Ongoing groups in Santa Rosa and San Francisco. Participants include attorneys and therapists.

“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.

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

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

JFK University, Graduate School of Professional Psychology, March 9, 2010. For graduate school students.

ACR Conflict Coaching Committee, April 14, 2010.

Presenter, Collaborative Practice California. April 24, 2009. San Francisco.

Recent Presentations:

Presenter/Organizer, “The Psychology of Impasse in Negotiation and Mediation,” November 18, 2009, 10:00 am Pacific Time, American Bar Association Teleconference Panel sponsored by the ADR Committee of the Tort Trial & Insurance Practice Section and the Dispute Resolution Section of the ABA.

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

Trainer, "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.

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

Presenter, "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," Int'l telesalon with attorneys and therapists, July 24, 2008.

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

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

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

Presenter, "*The Anti-SLAPP Statute: Has It Gone Too Far?*" May 11, 2000, Bar Association of San Francisco.

Presenter, "*The Appellate Process: Tips and Traps for the Unwary*," Queen's Bench Bar Ass'n of the Greater Bay Area, San Francisco, California, June 18, 1998.

EDUCATION & MISCELLANEOUS

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

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

Adjunct Member, American Group Psychotherapy Association.

Member, Editorial Boards, California Insurance Law and Regulation Reporter, Insurance Litigation Reporter and California Tort Reporter.

Adjunct Member, American Group Psychotherapy Association. Admitted to California Bar in 1987. Also member of California, Ninth Circuit and United States Supreme Court bars. Many, many hours of mediation training.