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EXPERIENCE

Alexander Blewett III School of Law at the University of Montana,
Missoula, Montana

Helen & David Mason Professor of Law, October 2024-Present

Professor of Law, November 2021-October, 2024

- Courses: Evidence, Alternative Dispute Resolution, Negotiations, Advanced Torts
- Honors & Awards
 - Heman Memorial Award for Excellence in Teaching, 2023-24

Dean & Professor of Law, July 2015-October 2021

University of Montana, Missoula, Montana

Acting Provost, March 2018-August 2018

St. John's University School of Law, New York, NY

Professor of Law, September 2004-June 2015

Founder and Faculty Chair, Hugh L. Carey Center for Dispute Resolution,
January 2009-June 2015

Associate Dean for Faculty Scholarship, September 2008-August 2011

Associate Professor of Law, September 2002-September 2004

Assistant Professor of Law, September 1998-August 2002

- Courses: Evidence, Alternative Dispute Resolution, Negotiation, Lawyering, Civil Procedure, Introduction to Law
- Honors & Awards
 - Faculty Outstanding Achievement Medal, 2011-12
 - Professor of the Year, 2001-02, 2011-12
 - Dean's Teaching Awards, 2000-01, 2006-07, 2010-11

College of William & Mary, School of Law Williamsburg, Virginia

Visiting Professor of Law, Fall 2004

Miller & Chevalier, Chartered

Washington, DC

Associate, September 1996-June 1998

- Practice focused on litigation against the federal government, including False Claims Act, Tucker Act, tax, and regulatory matters, with broad experience in pre-trial, trial, and appellate litigation.

Baker & Hostetler

Washington, DC

Associate, Summer 1993, September 1994-August 1996

- Practice focused on litigation in state and federal courts, including commercial disputes, antitrust, insurance coverage, First Amendment, and tax matters. Practice included all aspects of litigation, including taking and defending depositions, arguing motions in state and federal court, and trial.

EDUCATION

Washington & Lee University School of Law, Lexington, Virginia

- J.D., *Magna Cum Laude*, 1994
- Editor in Chief, *Washington & Lee University Law Review*
- Order of the Coif

Colgate University, Hamilton, New York

- B.A., English, 1989

SCHOLARSHIP

Court-Connected Mediation in Montana: Law, Practice, and Recommendations for Reform (with Brianna Anderson & Brock Flynn)(work-in-progress).

Arbitrating with Indian Tribes: Separability, Tribal Sovereign Immunity, and Exhaustion of Tribal Remedies, 55 NEW MEXICO LAW REVIEW 295 (2025).

The Efficacy of Mandatory Mediation in Courts of Limited Jurisdiction: A Case Study from the Missoula Justice Court, 17 AMERICAN JOURNAL OF MEDIATION 1 (2024)(co-authored with Brock Flynn).

“Whimsy Little Contracts” with Unexpected Consequences: An Empirical Analysis of Consumer Understanding of Arbitration Agreements (with Jeff Sovern, Elayne Greenberg, and Yuxiang Liu) 75 MARYLAND LAW REVIEW 1 (2015).

Bargaining with Consequences: Leverage and Coercion in Negotiation, 19 HARVARD NEGOTIATION LAW REVIEW 69 (2014).

Status and Contract in an Emerging Democracy: The Evolution of Dispute Resolution in Ghana, 16 CARDOZO JOURNAL OF CONFLICT RESOLUTION 101 (2014).

Hard Bargaining in the Classroom: Realistic Simulated Negotiations and Student Values, 28:1 NEGOTIATION JOURNAL 93 (2012)(peer-reviewed).

The Knowledge Guild: The Legal Profession in an Age of Technological Change: Review Essay of RICHARD SUSSKIND, THE END OF LAWYERS? RETHINKING THE NATURE OF LEGAL SERVICES, 11 NEVADA L.J. 184 (2010).

Arbitration, Bankruptcy and Public Policy: A Contractarian Analysis, 17 AMERICAN BANKRUPTCY INSTITUTE L. REV. 503 (2009).

Judicial Review and the Limits of Arbitral Authority: Lessons from the Law of Contract, 81 ST. JOHN'S L. REV. 99 (2007).

The Contractarian Model of Arbitration and Its Implications for Judicial Review of Arbitral Awards, 85 OREGON L. REV. 1 (2006).

The Right to a Jury Decision on Sentencing Facts after Booker: What the Seventh Amendment Can Teach the Sixth 39 GEORGIA L. REV. 895 (2005).

A Legisprudential Analysis of Evidence Codification: Why Most Evidence Rules Should Not Be Codified—But Privilege Law Should Be, 38 LOYOLA L.A. L. REV. 809 (2004).

Race, Rankings, and the Part-Time “Free Pass”, 54 JOURNAL OF LEGAL EDUCATION 395 (2004).

Questions of Fact in the Practice of Law: A Response to Allen & Pardo's Facts in Law, Facts of Law, 8 INT'L J. EVID. & PROOF 47 (2004)(peer reviewed).

The Right to a Jury Decision on Questions of Fact Under the Seventh Amendment, 64 OHIO STATE L.J. 1125 (2003).

The Problem of the Expert Juror, 75 TEMPLE L. REV. 493 (2002).

Meaning, Intention, and the Hearsay Rule, 43 WM. & MARY L. REV. 275 (2001).

Apportioning Tort Damages in New York: A Method to the Madness, 75 ST. JOHN'S L. REV. 427 (2001).

Curtailing the Judicial Certification of Expert Witnesses, 24 AM. J. TRIAL AD. 347 (2000).

Section 1500 and the Jurisdictional Pitfalls of Federal Government Litigation, 47 AM. U. L. REV. 301 (1997).

The Constitutionality of State Allocation of Punitive Damage Awards, 50 WASH. & LEE L. REV. 843 (1993).

CONFERENCES & PRESENTATIONS

Presenter, “Civil Litigation,” *Montana Association of Legal Assistants Certified Paralegal Exam Training*, University of Montana – Missoula College, October 2025.

Presenter, “AI in the Courtroom: Emerging Issues,” *Western Montana Bar Association CLE*, October 2025.

Moderator, “AI in Higher Education and Legal Practice & Ethical Considerations,” *2024 IP Day in Montana*, Alexander Blewett III School of Law at the University of Montana, March 2024.

Presenter, “Enforcing Arbitration Agreements Involving Indian Tribes,” *AALS Section on Dispute Resolution Works-in-Progress Conference*, Quinnipiac University School of Law, November 2023.

Presenter, “Evidence of Value in Bankruptcy,” *Montana State Bar Bankruptcy Section Meeting*, August 2023.

Presenter, “Rules of Evidence Update,” *Montana Judges Association Annual Meeting*, October 2022.

Presenter, “Decision Analysis in Settlement,” *Montana Trial Lawyers Association Annual Meeting*, August 2020.

Presenter, “Negotiating the Duty to Disclose,” Eastern Montana Bar Association, April 2017.

Presenter, “Arbitration, Bankruptcy & Public Policy,” *Montana State Bar Bankruptcy Section Meeting*, August 2016.

Presenter, “Consumer Arbitration: Beyond Financial Services Contracts,” *Montana Trial Lawyers Association Annual Meeting*, August 2016.

Presenter, “‘Whimsy Little Contracts’ with Unintended Consequences: An Empirical Analysis of Consumer Understanding of Arbitration Agreements,” *Dispute Resolution Works-in-Progress Conference*, Southwestern Law School, November 2014.

Presenter, “Are We Doing It Right? Rethinking Cultural Assumptions in ADR Training,” *ABA Dispute Resolution Section 2014 Annual Meeting: Legal Educators Colloquium*, April 2014.

Presenter, “Bargaining with Consequences: Leverage and Coercion in Negotiation,” *Quinnipiac-Yale Dispute Resolution Workshop*, February 2014.

Convenor and Moderator, *ADR and the Regulatory State*, AALS Dispute Resolution Section Panel, AALS Annual Meeting, January 2014.

Moderator, Cardozo Journal of Conflict Resolution Panel Discussion, *Secret Courts? The Delaware Court of Chancery Arbitration Experiment*, January 2013.

Presenter, “From Status to Contract in an Emerging Democracy: The Evolution of Customary Dispute Resolution in Ghana,” *Dispute Resolution Works-in-Progress Conference*, The Ohio State University Moritz School of Law, November 2012.

Presenter, “Integrating Legal Writing Skills Development into ADR Courses,” *ABA Dispute Resolution Section Legal Educators Colloquium*, April 2012.

Presenter, *Negotiating for a Better Win: Distributive Bargaining for Lawyers*, St. John’s University-Manhattan, April 2012.

Co-Convenor, Symposium, *Worlds of Work: Employment Dispute Resolution Systems Around the Globe*, Cambridge University, July 2011.

Presenter, “Time to Get Our Students ‘In the Ring’ of Competitive, Distributive Bargaining?” *ABA Dispute Resolution Section Legal Educators Colloquium*, April 2011.

Moderator, Fordham Law Dispute Resolution Symposium, *The Supreme Court and Recent Arbitration Jurisprudence: Where Are We Headed?* January 2011.

Presenter, “Leverage and Coercion in Negotiation,” *AALS Dispute Resolution Section Works-in-Progress Conference*, University of Oregon Law School, October 2010.

Co-Convenor, Symposium, *Reaching Ac[C]hord: Resolving Disputes Over Music Downloading*, St. John’s University School of Law, November 2010.

Presenter, “Arbitration, Bankruptcy, and Public Policy: A Contractarian Analysis,” *AALS Dispute Resolution Section Works-in-Progress Conference*, Harvard Law School, November 2009.

Presenter and Co-Convenor, “Arbitration, Bankruptcy, and Public Policy: A Contractarian Analysis,” Symposium: *ADR Meets Bankruptcy: Cross-Purposes or Cross-Pollination*, St. John’s University School of Law, October 2009.

Civil Evidence Update for Court Attorneys, New York Judicial Institute, January 2008.

Civil Evidence Training for New Judges, New York Judicial Institute, November 2007.

Moderator and Panelist, *Transatlantic Perspectives on ADR*, Chartered Institute of Arbitrators, London, July 2006.

Panelist, J. Walker McKenna Forum: *Federal Sentencing Practice after Blakely, Booker, & Fanfan*, St. John's University School of Law, March 2005.

Presenter, "Decisions on Decision: The Fact-Law Distinction and the Structure of Adversarial Adjudication," William & Mary College of Law, October 2004.

Presenter, "The Problem of the Expert Juror." Symposium on the Modern Jury Trial, University of Texas-Austin, March 2003.

Presenter, "An Inferential Theory of the Fact-Law Distinction," Washington & Lee University School of Law, April 2001.

DISPUTE RESOLUTION TRAINING PROGRAMS

Lead Trainer, *Foundations of Mediation* (40-hour training), Community Dispute Resolution Center of Missoula, January 2026.

Trainer, *Evidence* (30-hour seminar), Montana Judicial Institute – Training for Judges of the Courts of Limited Jurisdiction, June 2025.

Lead Trainer, *Foundations of Mediation* (40-hour training), Community Dispute Resolution Center of Missoula, January 2025.

Lead Trainer, *Foundations of Mediation* (40-hour training), Community Dispute Resolution Center of Missoula, January 2024.

Co-Lead Trainer, *Family Mediation* (20-hour training), Community Dispute Resolution Center of Missoula, March & April, 2023.

Lead Trainer, *Foundations of Mediation* (40-hour training), Community Dispute Resolution Center of Missoula, January 2023.

Trainer, *Foundations of Mediation* (40-hour training), Community Dispute Resolution Center of Missoula, January 2021.

Mediation Training, Catholic University of Ghana, Sunyani, Ghana, August 2011 & August 2012 (Member of team of St. John's and Fordham professors working with Giving to Ghana Foundation to train court-connected mediators).

Organizer, ADR Training, *Project Reconciliation – Ghana 2008: A Seminar on Dispute Resolution Techniques*, St. John's School of Law, July 2008.

MEMBERSHIPS AND AFFILIATIONS

Chair-Elect, State Bar of Montana Dispute Resolution Section, 2025-26.

Member, Montana Supreme Court Commission on Rules of Evidence, Spring 2025-Present.

Certified Mediator, Community Dispute Resolution Center of Missoula, 2019-Present.

Chair, AALS Dispute Resolution Section, 2014.

Admitted to the Bar of Montana.