

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)

Major Committees:

University Faculty Senate, 2016-2019
Faculty Advisory Committee, 2014-15, 2018-19
Appointments Committee, 2012-13
Dean Search Committee, 2011-12
Advisory Personnel Committee, 2011-12 (chair), 2015-16
Grading Task Force, 2009 (chair)
Admissions Committee, 2006-07, 2007-08, 2008-09

Harvard Law School, Cambridge, Ma.

Visiting Scholar, Program on Negotiation (Fall 2017)

Hamline University School of Law, St.Paul, Mn.

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 (2010 – present)
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

An Unquestionable Mediation Conflict of Interest - The MGM Shooting Settlement
38 ALTERNATIVES TO THE HIGH COST OF LITIGATION 102 (July/August 2020)

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

Negotiation Ethics

in NEGOTIATION ESSENTIALS FOR LAWYERS (A. Schneider & C. Honeyman, eds., American Bar Ass'n, 2019)

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

25 DISPUTE RESOLUTION MAGAZINE 32 (Fall 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 & C. Honeyman, eds., 2017)

Regulating Mediators

21 HARVARD NEGOTIATION LAW REVIEW 163 (2016)

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

The Deceptive Partner

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

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)

- 2012 Professional Article Prize Finalist, International Institute for Conflict Prevention and Resolution

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

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

- 2011 Professional Article Prize Finalist, International Institute for Conflict Prevention and Resolution
- *Excerpted in* DISPUTE RESOLUTION & LAWYERS, (6th ed., 2019)
- *Reprinted at* 61 DEFENSE LAW JOURNAL 47 (2012)

Mediators' Reporting Duties for Child Abuse

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

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

34 FLORIDA STATE UNIVERSITY LAW REVIEW 271 (2007)

How Do We Know Mediation Training Works?

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

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)

Juvenile Diversion: An Alternative to Juvenile Justice

1993 JOURNAL OF DISPUTE RESOLUTION 305 (student comment)

Works in Progress

DISCUSSIONS IN DISPUTE RESOLUTION: THE FOUNDATIONAL ARTICLES (with A. Schneider, and S. Cole eds.)(Oxford University Press, forthcoming 2020)

Lon L. Fuller: Private Ordering and Mediation

in DISCUSSIONS IN DISPUTE RESOLUTION: THE FOUNDATIONAL ARTICLES (Oxford University Press, forthcoming 2020)

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

Learning Negotiation Ethics

Getting Off to a Good Start: An Empirical Study of Mediation's Early Stages (with R. Wissler)

HONORS AND AWARDS

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

CPR Award for Outstanding Professional Article, for *Regulating Mediators*, 21 Harv. Neg. L. Rev. 163 (2016), International Institute for Conflict Prevention and Resolution, 2017

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

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

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

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

ADR Casenotes – Arizona Bar Dispute Resolution Section Newsletter (2007-10)

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

Organizer, The Science of Consensus, conference co-hosted by the ASU College of Law and the Arizona Science Center (2008)

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 Champion Teams, 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)

SELECTED PRESENTATIONS

Academic Presentations

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, Panelist, August 2017

Discussions in Dispute Resolution: Public Policy

Southeast Association of Law Schools Conference, Panelist, August 2017

Mediation in Argentina and the United States: A Comparative Look

Universidad Torcuato di Tella, Escuela de Derecho (Buenos Aires), Panelist, 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,
Organizer and Panelist, 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, Panelist, 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,
Panelist, 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, Organizer and Panelist, January 2010

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

Conference on Empirical Legal Studies, October 2009

Legal Educators' Forum: Mediation Shop Talk
ABA Dispute Resolution Section Meeting, Legal Educators' Colloquium,
Organizer and Presenter, April 2009

Doing the Right Thing: A Study of Attorney Negotiation Ethics
AALS Works-in-Progress Conference, October 2008

Attorney Negotiation Ethics: An Empirical Study
University of Missouri School of Law, September 2008

Negotiation Ethics: A Material Misunderstanding?
UNLV Boyd School of Law, November 2007

Multidisciplinary Theories and Practices: Conflict Studies at Arizona State University
Association of Conflict Resolution Annual Meeting, October 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

Organizational Change Consultation and Mediation: Employment Discrimination
University of Missouri School of Law, Panelist, April 2002

The State of ADR and Mediation in Missouri
Washington University (St. Louis) School of Law, April 2001

Professional Presentations

Understanding Attorney Negotiation Ethics
International Academy of Mediators, November 2019

Ethics in the Trenches
Maricopa County Association of Family Mediators, September 2019

Understanding Conflict Resolution
Maricopa County Office of Human Resources, July 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, Panelist, April 2018

What Every Lawyer Needs to Know about Mediation Submission Agreements
Arizona Bar, October 2018

Ethics for Mediators
Arizona Bar, April 2018

The Mediation Experience in the United States
Club de Abogados Mediadores, Buenos Aires, Argentina, July 2017

How to Have Difficult Conversations
Veterans Benefits Administration, May 2017

The ABA Standards and Dispute Resolution Courses: Quintessentially Experiential
ABA Dispute Resolution Section Conference, Legal Educators' Colloquium, Organizer and Panelist, 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

Mediation Ethical Dilemmas
Arizona Bar ADR Section, October 2015, panelist

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

Real World Mediation Ethics
Florida Dispute Resolution Center Annual Conference, 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

Deception in Dispute Resolution
ABA Dispute Resolution Section Teleconference, March 2013

Design-Build Dispute Resolution: Designing and Implementing Foreclosure Mediation Programs
ABA Dispute Resolution Section Conference, Panelist, April 2011

Current Issues in Mediation
Arizona Conflict Summit, Panelist, April 2011

Mediation Struggles and Challenges across the Profession
Arizona Assoc. of Family and Conciliation Courts, January 2011

Understanding Negotiation Ethics
Arizona Bar, Small Firm – Sole Practitioner Section, September 2010

Conducting Ethical Negotiations
UNLV Law School CLE, June 2010

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

The Good, the Bad, and the Ugly: Lawyers Ethical Choices in Negotiation
Arizona Association of Conflict Resolution May 2009

Using Negotiation Tools to Create Agreement
Arizona Facilitators' Association, February 2009

Advanced Mediation Skills
Arizona Association of Conflict Resolution, Panelist, January 2009

From Stalemate to Breakthrough: Using Mediation Tools to Create Agreement
Arizona Association of Conflict Resolution, September 2008

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

Responding to Conflict Constructively
Arizona School Boards Association, Workshop, August 2008

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

Apologies in Employment Mediation, Panelist
Arizona Bar CLE program, September 2007

Understanding Power Imbalances in Negotiation and Mediation
City of Phoenix, Chiefs of Staff for City Council Members, August 2007

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

Overcoming Power Differentials in Negotiation
Women's Law Student Association CLE Program, February 2007

The Ethics Hotseat – Mediation
Arizona Association of Conflict Resolution, Panelist, October 2006

Celebrating 10 Years of Mediation, Shaping the Next 10 Years
ASU College of Law and the Equal Employment Opportunity Commission, Organizer and Moderator, September 2006

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

The South African Truth and Reconciliation Commission
Arizona Association of Conflict Resolution, January 2006

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

Good Faith Participation in Mediation
Yavapai County (AZ) Mediation Association, February 2005

Mediation Principles for Workers Compensation Judges
Missouri Workers' Compensation Judges Conference, October 2003

Workplace Mediation
American Association for Affirmative Action, Region VII Conference, September 2003

The View from the Bench: the State Court Experience
Missouri Bar Association ADR Section Meeting, Panelist, September 2002

The Missouri Supreme Court ADR Committee's Report and Missouri's ADR Future
Missouri Bar Association, ADR Section, November 2001

PROFESSIONAL ACTIVITIES

Arizona Commission on Judicial Conduct
Member, 2013 – 2018

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

AALS, Alternative Dispute Resolution Section
Chair, 2010
Chair Elect, 2009
Ex-Officio and Executive Committee, 2011 – 2014; 2016

ABA Dispute Resolution Section
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 – present
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

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

Arizona Justice Project
Volunteer Attorney, 2005 - 2009

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

The Missouri Bar, Young Lawyers' Section
YLS Council, 1997 – 1999

MEDIA APPEARANCES

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