

ELIZABETH E. BADER, ESQ.

Bader Conflict Resolution Services

580 CALIFORNIA STREET, SUITE 500

SAN FRANCISCO, CA 94104

TELEPHONE: 415-391-7272

FACSIMILE: 415-391-0979

<http://elizabethbader.com>

elizabeth@elizabethbader.com

RESUMÉ OF ELIZABETH BADER

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

Professional mediator of complex civil disputes, often involving intense group dynamics or psychological issues, such as multi-party, mass-tort-related litigation, high conflict divorce, malpractice and other disputes. Also coach individuals, emphasizing listening and inquiry. A leader in the movement to integrate psychological understanding into conflict resolution, and the first person to identify the IDR cycle, a 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). Vice-Chair, TIPS ADR Committee, American Bar Association; founding chair, Psychology of Conflict Resolution committee. Presenter and trainer on conflict resolution. Widely published author and advocate for mediation confidentiality. Formerly a writ and appellate specialist, handling a variety of civil cases, including administrative mandamus actions arising out of disciplinary actions.

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, writing and coverage analysis. 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

“*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

“*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. (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

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.

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

F. Peter Phillips, “*Negotiating with the King*,” Aug. 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; argued for prevailing party).
- *Conestoga Services Corp. v. Executive Risk Indemnity Inc.*, 312 F. 3d 976 (9th Cir. 2002). (Rare Ninth Circuit win on Garvey/Patridge 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.4th 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).

TRAINING ACTIVITIES

Recent Presentations:

“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 Speaker, 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.

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).

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.