

JEAN R. STERNLIGHT

University of Nevada-Las Vegas
William S. Boyd School of Law
4550 Maryland Parkway, Box 451003
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EMPLOYMENT

- 2003-present Saltman Professor Boyd School of Law & Director Saltman Center for Conflict Resolution, University of Nevada-Las Vegas (various dispute resolution and litigation courses)
- 1999-2003 John D. Lawson Professor, University of Missouri-Columbia School of Law & Senior Fellow, Center for the Study of Dispute Resolution
- 1997-1999 Associate Professor (tenured), Florida State University, College of Law
- 1994-1999 Director, Education and Research
Florida Dispute Resolution Center
- 1992-1997 Assistant Professor, Florida State University, College of Law
- 1990-1992 Vice President and Member, Samuel & Ballard, P.C.
Philadelphia, Pennsylvania
(litigation regarding employment and general civil matters)
- 1984-1989 Associate, Samuel & Ballard, P.C.
Philadelphia, Pennsylvania
- 1983-1984 Law Clerk, Honorable Marilyn Hall Patel
United States District Court, Northern District of California

EDUCATION

Harvard Law School, J.D. 1983 Cum Laude
Harvard Civil Rights-Civil Liberties Law Review
Editor-in-Chief (1982-1983)
Book Review Editor (1981-1982)
Research Assistant, Professor John Hart Ely (summer 1981)
Legal Writing Instructor, Professor Abram Chayes (fall 1981)

Swarthmore College, B.A. 1979
High Honors, Phi Beta Kappa
Major: Economics

BOOKS

Carrie J. Menkel-Meadow, Lela Porter Love, Andrea Kupfer Schneider & Jean R. Sternlight, *Dispute Resolution: Beyond the Adversarial Model* (Aspen, 2004)

Carrie J. Menkel-Meadow, Lela Porter Love, Andrea Kupfer Schneider & Jean R. Sternlight, *Teacher's Manual and Simulation Materials for Dispute Resolution: Beyond the Adversarial Model* (Aspen, 2004)

James J. Alfani, Sharon B. Press, Jean R. Sternlight & Joseph B. Stulberg, *Materials on Mediation Theory and Practice* (LEXIS, 2001)

ARTICLES

Jean R. Sternlight, "Using Arbitration to Eliminate Class Actions: Efficient Business Practice or Unconscionable Abuse?" 67 Law & Contemp. Probs. 75 (2004)

Jean R. Sternlight, "In Search of the Best Procedure for Enforcing Employment Discrimination Laws: a Comparative Analysis," 78 Tulane L. Rev. 1401 (2004)

Jean R. Sternlight, "The Rise and Spread of Mandatory Arbitration as a Substitute for the Jury Trial," 38 U.S.F. L. Rev. 17 (2003)

Jean R. Sternlight, "ADR is Here: Reflections on Where it Fits in a System of Justice," 3 Nev. L.J. 389 (2003) (invited)

Jean R. Sternlight, "Is the U.S. Out on a Limb?: Comparing the U.S. Approach to Mandatory Consumer and Employment Arbitration to that of the Rest of the World," 56 U. Miami L. Rev. 831 (2002) (invited)

Jean R. Sternlight, "Should an Arbitration Provision Trump the Class Action? No: Permitting Companies to Skirt Class Actions Through Mandatory Arbitration Would be Dangerous and Unwise," Disp. Res. Mag. 13 (spring 2002) (invited)

Jean R. Sternlight, "Mandatory Binding Arbitration and the Demise of the Seventh Amendment Right to a Jury Trial," 16 Ohio St. J. Disp. Res. 669 (2001) (invited)

Jean R. Sternlight, "As Mandatory Binding Arbitration Meets the Class Action, Will the Class Action Survive?," 42 Wm. & Mary L. Rev. 1 (Oct. 2000)

Jean R. Sternlight, "Protecting Franchisees from Abusive Arbitration Clauses," 20 Franchise L.J. 1 (Fall 2000) (invited)

Jean R. Sternlight, "Fighting Arbitration Clauses in Franchisor Contracts," Trial 65 (October 2000) (invited)

Jean R. Sternlight, "What's a Lawyer To Do in Mediation?," 18 Alternatives (ADR Counsel in Box) (2000) (invited)

Jean R. Sternlight, "The lawyer's role in a mediation: Drawing lessons from social science," 2 J. Alt. Disp. Res. in Emp. 8 (2000) (invited)

Jean R. Sternlight, "Is Binding Arbitration a Form of ADR?: An Argument That the Term "ADR" Has Begun to Outlive its Usefulness," 2000 J. Disp. Res. 98 (2000) (invited)

Jean R. Sternlight, "Lawyers' Representation of Clients in Mediation: Using Economics and Psychology to Structure Advocacy in a Non-Adversarial Setting," 14 Ohio St. J. Disp. Res. 269-366 (1999)

Jean R. Sternlight, "Compelling Arbitration of Claims Under the Civil Rights Act of 1866: What Congress Could Not Have Intended," 47 U. Kan. L. Rev. 273-332 (1999)

Jean R. Sternlight, "Major Ways of Challenging Arbitration 'Agreements' in the Non-Unionized Employment Setting, Part II" 10 World Arb. & Med. Rep. 275 (Oct. 1999) (invited)

Jean R. Sternlight, "Major Ways of Challenging Arbitration 'Agreements' in the Non-Unionized Employment Setting, -- Part I" 10 World Arb. & Med. Rep. 249 (Sept. 1999) (invited)

Jean R. Sternlight, "Forum Shopping for Arbitration Decisions: Federal Courts' Use of Antisuit Injunctions Against State Courts," 147 U. Pa. L. Rev. 91-203 (1998)

Jean R. Sternlight, "Mandatory Pre-Dispute Arbitration: Steps need to be taken to prevent unfairness to employees and consumers," Disp. Res. Mag. 5 (Fall 1998) (invited)

Jean R. Sternlight, "Rethinking the Constitutionality of the Supreme Court's Preference for Binding Arbitration: A Fresh Assessment of Jury Trial, Separation of Powers and Due Process Concerns," 72 Tulane L. Rev. 1-100 (1997)

Jean R. Sternlight, "*Gateway* Widens Doorway to Imposing Unfair Binding Arbitration on Consumers," Florida Bar J. 8 (Nov. 1997)

Jean R. Sternlight, "Book Review: Cases and Materials on Commercial Arbitration," 12 Mealey's International Arbitration Report 25 (1997) (invited)

Jean R. Sternlight, "Recent Decision Opens Wider *Gateway* to Unfair Binding

Arbitration,” 8 World Arbitration & Mediation Report 129 (1997)

Jean R. Sternlight, “Panacea or Corporate Tool?: Debunking the Supreme Court’s Preference for Binding Arbitration,” 74 Wash. U. L. Q. 601-674 (1996)

Jean R. Sternlight, "Symbiotic Legal Theory and Legal Practice: Advocating A Common Sense Jurisprudence of Law and Practical Applications," 50 U. Miami L. Rev. 707-778 (1996)

Jean R. Sternlight, “A Brief History of Family Law in Florida and the United States: Insights Regarding an Attempt to Simplify Divorce Procedures” in Office of the State Courts Administrator, Pro Se Study Group Workshop (Feb. 22-24, 1996), Workshop Highlights App. B pp. 57-69

Jean R. Sternlight, "Mandatory Non-Anonymous Testing of Newborns for HIV," 29 John Marshall L. Rev. 373-391 (1994) (invited)

Jean R. Sternlight, “The Supreme Court’s Denial of Reasonable Attorneys’ Fees to Prevailing Civil Rights Plaintiffs,” 17 N.Y.U. Rev. L. & Soc. Change 535-607 (1989)

BOOK CHAPTERS

Jean R. Sternlight, “Drafting a ‘Bulletproof’ Consumer Arbitration Agreement: Is it Possible?” *in* Arbitration of Consumer Financial Services Disputes (PLI 1999) (invited)

Jean R. Sternlight, “Major Ways of Challenging Arbitration Agreements in the Consumer Setting” *in* Arbitration of Consumer Financial Services Disputes (PLI 1999) (invited)

Jean R. Sternlight, “Negligence and Intentional Torts,” AIDS and the Law (Wiley, 3d ed.) (1997) (invited)

CITATIONS BY COURTS

Pieper v. American Arbitration Association, 336 F.3d 458, 462 n.4 (6th Cir. 2003)

Ingle v. Circuit City Stores, Inc., 328 F.3d 1165, 1174 n.7 (9th Cir. 2003)

American Heritage Life Ins. Co. v. Orr, 294 F.3d 702, 714 n. 3 (5th Cir. 2002) (Dennis, J., concurring)

Cole v. Burns Intern. Sec. Servs., 105 F.3d 1465, 1472 (D.C. Cir. 1997)

Morgan Stanley Dean Witter Reynolds, Inc. v. Gekas, 309 F Supp.2d 652, 659 n. 10 (M.D. Pa. 2004).

Rickard v. Teynor's Homes, Inc., 279 F. Supp.2d 910, 921 n. 12 (N.D. Ohio 2003)

Cigna Healthcare of St. Louis, Inc. v. Kaiser, 181 F. Supp. 2d 914, 927, n.16 (N.D. Ill. 2002)

Klocek v. Gateway Inc., 104 F. Supp. 2d 1332, 1339, n.9 (D. Kan. 2000)

International Cement Aggregates, Inc. v. Antilles Cement Corp., 62 F. Supp. 2d 412, 416 n.3 (D. P.R. 1999)

Brown & Root, Inc. v. Breckenridge, 187 F.R.D. 259, 261 (S.D. W. Va. 1999)

In re Knepp, 229 B.R. 821 (N.D. Ala., Jan. 29, 1999)

Wong v. First Union National Bank, 2004 WL 2755847, *2 n.2 (Pa. Com. Pl. Nov. 24, 2004)

U-Can-II, Inc. V. Setzer, 870 So.2d 99, 101 (Fla. App. 2003) (Ervin, J., concurring)

Lytle v. CitiFinancial Services, Inc., 810 A.2d 643, 646 n. 1 (Pa. Super. 2002)

Bazzle v. Green Tree Financial Corp., 569 SE2d 349, 360 & 362, nn.20 & 25 (S. Car. 2002)

Kloss v. Edward D. Jones & Co., 54 P.3d 1, 14 n.3 (Mont. 2002) (Nelson et al, concurring)

Stein v. Geonerco Inc., 17 P.3d 1266, 1271 (Wash. App. 2001)

Ex parte Shelton, 738 So. 2d 864, 876 (Ala. 1999) (Kennedy, J., dissenting)

Robert Frank McAlpine Architecture, Inc. v. Heilpern, 712 So.2d 738, 748 (Ala. 1998)

Ex parte McNaughton, 728 So.2d 592, 601 (Ala. 1998) (Almon, J., dissenting)

The Mississippi Bar v. Alexander, 669 So.2d 40, 43 (Miss. 1996) (Banks, J., dissenting)

SELECTED CITATIONS BY PRESS

Terry Carter, "Arbitration Pendulum: Mandatory Arbitration Agreements, Once an Easy Pass, Come Under More Scrutiny," ABA Journal, May 2003, 14, 15

Michael R. Triplett, "Constitutional Challenges Called Effective in Challenging Mandatory Arbitration Pacts," 18 BNA's Employment Discrimination Report 355, March 20, 2002

John Gibeaut, "Detoured to ADR," ABA Journal, October 2001, 51, 56

Marcia Coyle, "'Arbitration Heaven' Ahead: Three High Court Rulings Give Business Upper Hand in ADRs," Nat'l L.J. April 2, 2001 at B1

Harvey Berkman, "Arbitration Again is a Hot Issue : As Use Increases, Supreme Court Has 3 Cases on Fall Docket," Nat'l L.J., June 19, 2000 at B1

Margaret A. Jacobs, "Mandatory Arbitration Beset in California — State's High Court to Hear Cases in Worker Disputes," Wall St. J., December 29, 1999 at A2

Margaret Mannix, "No Suits for you Mad at a firm? Arbitration could be your only recourse," U.S. News & World Rep., June 7, 1999 at 58

Barry Meier, "In Fine Print, Customers Lose Ability to Sue," N.Y. Times, March 10, 1997 at A1

PRESENTATIONS

Panelist, "The Civil Trial: Adaptation and Alternatives" Stanford Law School (Palo Alto CA 2/5/05)

Panelist, "How to Arbitrate a Class Action – Or Not" ABA Section of Litigation and the Center for Continuing Legal Education (New Orleans LA 10/29/04)

Commentator, "Islam and the West: A Clash of Civilizations?" (Las Vegas NV 10/23/04)

Speaker, "The Employment Due Process Protocol: Good as Far as it Goes or a Cloak for Evil,?" Annual Conference, National Academy of Arbitrators (Las Vegas NV 5/25/04)

Co-Moderator: "Competing or Complementary Rule Systems? Adjudication, Arbitration, and the Procedural World of the Future", Joint presentation by Civil Procedure and ADR Sections of the Association of American Law Schools (Atlanta GA 1/3/04)

Speaker: "The Rise and Spread of Mandatory Arbitration as a Substitute for the Jury

Trial,” California Dispute Resolution Institute & University of San Francisco School of Law (San Francisco, CA 11/14/03)

Panelist: “Privatizing Justice: The Civil Story,” at Northeastern University School of Law Conference, “Rethinking Ideology and Strategy: Progressive Layering, Globalization and Markets,” (Boston MA 11/7/03)

Panelist: “Examining and Predicting Trends in Labor and Employment Arbitration in the Context of the Broader Arbitration World,” ABA Annual Meeting, Dispute Resolution and Labor Sections (San Francisco CA 8/10/03))

Panelist: “Update on Green Tree v. Bazzle: Class Actions and Arbitration,” ABA Annual Meeting, Consumer Financial Services and Business Sections, (San Francisco CA 8/9/03)

Speaker: “The Rise and Spread of Mandatory Arbitration as a Substitute for the Jury Trial,” Roscoe Pound Institute Forum for State Court Judges (San Francisco, CA 7/19/03)

Panelist: “Class Actions & Arbitration” American Bar Association Section on Dispute Resolution (San Antonio, TX 3/21/03)

Speaker: “Using Arbitration to Eliminate Consumer Class Actions: Efficient Business Practice or Unconscionable Abuse?” (Duke Law School & Roscoe Pound Institute Conference on The Coming Crisis in Mandatory Arbitration, 10/5/02)

Professor: “Consumer Arbitration”; one credit course taught at Hamline University Dispute Resolution Institute (St. Paul MN, 6/18-20/02)

Speaker: “Preliminary Thoughts on Designing a Civil System of Procedural Justice Given Identity-Based Conflict,” (Park City, UT 6/7/02)

Panelist: “Arbitration of Employment Disputes: Pros and Cons for Employers and Employees,” Pacific Coast Labor & Employment Law Conference (Seattle WA, 5/3/02)

Speaker: “Update on Consumer Arbitration,” U. Houston Conference on Teaching Consumer Law (4/27/02)

Speaker: “What is the Best Procedure for Resolving Individual Employment Disputes?,” American Bar Association Section on Dispute Resolution (Seattle WA 4/5/02)

Panelist: “The New Civil Rights Battleground: ADR After *Circuit City*,” National Employment Lawyers Association Conference, Philadelphia PA (3/15/02)

Speaker: “U.S. Out on a Limb?: Comparing ‘Mandatory’ Arbitration in the U.S. and the

Rest of the World,” at U. Miami Arbitration Law Symposium (3/2/02)

Commentator: “Perspectives on Dispute Resolution in the 21st Century,” at U. Nevada-Las Vegas Boyd School of Law (1/25/02)

Speaker: “Mandatory Binding Arbitration: What It Is; Why It Is Dangerous; and How It Can Be Attacked,” at U. Nevada-Las Vegas Boyd School of Law (1/24/02)

Panelist: “ADR: Impacts on Minority Groups and the Quest for Justice,” at AALS annual meeting, New Orleans (1/5/02)

Speaker: “Litigation Does not Always Make Sense: An Overview of ADR” for Jefferson Club, U. Missouri-Columbia (10/26/01)

Speaker: “What is the Best Procedure for Resolving Individual Employment Disputes?,” at U. Nevada-Las Vegas Boyd School of Law (10/4/01)

Speaker and moderator: “Workshop on Alternative Dispute Resolution,” at Caribbean Law Institute & Caribbean Law Institute Centre program for judges in the Organization of the Eastern Caribbean States, Bay Gardens Hotel St. Lucia (8/ 3-4/01)

Speaker: “An Exploration of Federal and State Constitutional Jury Trial Issues Raised by the Supreme Court’s Case Law on Binding Arbitration,” at Ohio State University College of Law, Conference on *Gilmer v. Interstate/Johnson Lane Corp.*: Ten Years After, Columbus, OH (11/17/00)

Commentator: “Arbitration and Class Actions” at Arbitration Beyond 2000, St. Louis MO (10/20/00)

Speaker: “The FAA Scheme” at 2000 ATLA Annual Convention, Chicago IL (8/1/00)

Speaker: “Mediation and Accountants: Opportunities, Limitations and Next Steps,” at Society of Missouri CPAs, Central Division, Columbia MO (5/25/00)

Speaker: “Imposing Mandatory Binding Arbitration on Consumers Violates Core Principles,” at ABA Section on Alternative Dispute Resolution Annual Conference, Washington, D.C. (4/27/00)

Plenary panelist: “Mandatory Arbitration: Does the Shoe Fit?,” at ABA Section of Dispute Resolution Annual Conference, San Francisco (4/6/00)

Panelist: “There Ought to be a Law . . . Protecting Mediators from Unauthorized Practice of Law Prosecution,” at ABA Section of Dispute Resolution Annual Conference, San

Francisco, *at* ABA Section of Dispute Resolution Annual Conference, San Francisco (4/6/00)

Speaker and Co-Organizer: “Overview of ADR Methods” *at* Seminar on Alternative Dispute Resolution, Caribbean Law Institute, Sherbourne Conference Centre Barbados (7/9/99)

Speaker: “Challenging Mandatory Arbitration in Employment Cases,” *at* National Employment Lawyers Association, New Orleans Louisiana (7/3/99)

Speaker: “The Attorney’s Role in Representing Clients in Mediation,” *at* Quinnipiac/ Yale Workshop on Dispute Resolution (3/29/99)

Speaker: “Drafting a ‘Bulletproof’ Consumer Arbitration Agreement: Is it Possible?” *and* “Major Ways of Challenging Arbitration Agreements in the Consumer Setting” *at* Arbitration of Consumer Financial Services Disputes, Practicing Law Institute, New York New York (2/22/99)

Speaker: “Role of the Attorney in Mediation: Drawing Lessons from Economic and Psychological Theory,” *at* U. Missouri-Columbia School of Law (11/20/98)

Speaker & moderator: “Current Legal, Ethical and Public Policy Issues Regarding the Uses of ADR in the Non-Unionized Workplace,” *at* Society for Professionals in Dispute Resolution Conference, Portland OR (10/15/98)

Speaker: Plenary Session on “Consumer Issues in Arbitration” *at* ABA’s Conference “Arbitration: Preparing for the 21st Century”, New York NY (9/24/98)

Speaker: “Role of the Attorney in Mediation: Lessons for Mediators” *at* Florida Dispute Resolution Conference, Orlando FL (8/31/98)

Moderator: Conducted panel discussion and role plays regarding the use of mediation in cases involving a history of domestic violence *at* Florida Dispute Resolution Conference, Orlando FL (8/31/98)

Speaker: “Role of the Attorney in Mediation” *at* Law and Society Conference, Aspen CO (6/7/98)

Speaker: Co-taught four and a half hour training session for certification of arbitrators to handle court-ordered arbitration in Florida as part of Florida Dispute Resolution Conference (8/23-8/24/96)

Moderator: Conducted panel discussion on the future of alternative dispute resolution *at* the Florida Dispute Resolution Conference (8/24/96)

Speaker: Presented lecture/discussion on the rights of homosexuals in Florida to local chapter of Parents and Friends of Lesbians and Gays (4/9/96)

Speaker: Presented workshop on Intercultural Mediation as part of Florida Dispute Resolution Conference (8/25/95)

Speaker: Presented discussion on HIV in the workplace as part of "Charting the Course -- A Seminar for Health Care and Safety Professionals" (4/30/94)

Speaker: "The Americans with Disabilities Act", Pennsylvania Bar Institute (5/1/92)

Speaker: "Sexual Harassment and the New Civil Rights Act", Pennsylvania Bar Institute (2/12/92)

Speaker: "Update on Equity," National Association of Collegiate Women Athletic Administrators, Phoenix, Arizona (9/21 - 9/23/91)

Faculty Member, Pennsylvania Bar Institute's Pennsylvania Legal Practice Series 1988, 1989 and 1991 (employment law)

Speaker: "Update on Title VII" to Plaintiff's Employment Panel for U.S. Dist. Ct., E.D. Pa. (12/14/90)

Speaker: "Impediments to Advancement by Women in the Legal Profession," National Association of Women Lawyers (10/19/90)

Speaker: "Civil Rights Act of 1990" before the Pennsylvania and Delaware Advisory Committee to the U. S. Commission on Civil Rights (5/16/90)

Speaker: "A Plaintiff's Attorney's View of Wrongful Termination Law," Professional Management Services, Inc., Personnel Law 1987

INTERNATIONAL CONNECTIONS

Organizer, Speaker and Moderator, Workshop on Alternative Dispute Resolution directed to judges from the Organization of the Eastern Caribbean States, Caribbean Law Institute, Bay Gardens Hotel, St. Lucia (8/3-8/4/ 2001)

Conducted research in Ireland & N. Ireland on procedural mechanisms used to resolve individual employment discrimination claims, pursuant to grant funding from the College and University Affiliation Program of Educational and Cultural Affairs Bureau (formerly USIA) of the U.S. Department of State (5/22 - 6/2 2001)

Collaborated and gave presentations regarding alternative dispute resolution and legal

pedagogy with faculty from the University of the Western Cape, South Africa (3/22- 4/2 2001)

Speaker and Co-Organizer: “Overview of ADR Methods” *at* Seminar on Alternative Dispute Resolution, Caribbean Law Institute, Sherbourne Conference Centre Barbados (7/9/99)

Taught course on international commercial arbitration as part of Florida State University College of Law Summer Program, University of the West Indies, Cave Hill Campus, Barbados (summer 1998)

EXTERNAL SERVICE

Member, Association of Conflict Resolution Research Committee Steering Committee (2002-present)

Member, ABA Dispute Resolution Section Task Force on the Lawyer as Problem Solver (2002-present)

Member, ABA Dispute Resolution Section Task Force on Binding Arbitration (March 2000-2001)

Member, Academic Advisory Committee, Joint NCCUSL and ABA Drafting Project for Uniform Mediation Act (September 1999-2001)

Member, SPIDR Task Force on Mediation and the Unauthorized Practice of Law (October 1999-2000)

Member, CPR Institute for Dispute Resolution, Joint Initiative on Ethics of Lawyer Representatives in ADR (May 1998-1999)

Member, Advisory Committee, Caribbean Law Institute Alternative Dispute Resolution Project (January 1999-Aug. 1999)

Evaluation Team, Florida State Agency Dispute Resolution Pilot Project (Aug. 1998-1999)

Chair, Florida Committee on Mediation and Domestic Violence (1998-1999)

Member, Florida Supreme Court Committee on Mediation/Arbitration Training (1996-1999)

LAW SCHOOL SERVICE

Chair UNLV Curriculum Committee (fall 2004-present)

Member UNLV Long Term Planning Committee (fall 2004-present)

Chair UNLV Scholarly Enrichment Committee (2003-2004)

Member U. Mo. Dean Search Committee (spring 2001- spring 2002)

Promotion and Tenure Subcommittee, U. Mo. (2000-2002)

Chair Fall 2001

Member 2000-2002

OTHER HONORS AND AWARDS

Recipient Peacemaker of the Year Award from Mediators of Southern Nevada (2004)

Recipient University of Missouri Excellence in Education Award (recognizing importance of teaching outside the classroom) (2003)

Recipient Shook, Hardy & Bacon P.C. Excellence in Research Award (2001) (for “As Arbitration Meets the Class Action, Will the Class Action Survive?”)

Recipient John Minor Wisdom Award for Academic Excellence in Legal Scholarship (1997-98) (for “Rethinking the Constitutionality of the Supreme Court’s Preference for Binding Arbitration”)

Recipient Florida State University Teaching Incentive Program Award (1995-96)

Member Phi Beta Kappa

BAR ADMISSIONS

New York Bar (June, 1984) (retired)

Pennsylvania Bar (May, 1985) (inactive status)

U. S. District Court for the E.D. Pa. (August, 1985)

U. S. Court of Appeals for the Third Circuit (September, 1985)