

MARY B. CULBERT

Associate Clinical Professor, Certified Bilingual Mediator/Attorney, Director
The Loyola Law School Center For Conflict Resolution
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PROFESSIONAL SUMMARY

Associate Clinical Professor, Certified Bilingual Mediator (English/Spanish), Attorney and Conflict Resolution Coach, with over 17 years experience working in mediation, including: mediating, conciliating, directing community and court-affiliated mediation programs, training and supervising law students in clinical mediation programs, designing and conducting mediation programs, training individuals from all backgrounds in mediation skills and techniques, mentoring and training advanced mediators, acting as a resource to local, state and federal agencies regarding the design and implementation of mediation programs, serving on local and state boards most notably the State Bar Committee on Alternative Dispute Resolution as a member since its inception in 1996 until 2001, and thereafter as an advisor to that committee, and personally mediating and conciliating over 1500 disputes, many which involved community, court, multi-party and/or highly sensitive discrimination issues. Also worked with members of the Judicial Council Working Group to create Ethical Standards of Practice for Mediators in Court-Connected Mediation and served an appointment to the Judicial Council Civil and Small Claims Advisory Committee, ADR Subcommittee Working Group on Uniform Procedures for Addressing Complaints about Court-Program Mediators. Recognized in the "TOP NEUTRALS" Supplement to the Los Angeles and San Francisco Daily Journals and to the Sacramento Recorder, in the section on "Community Mediators: taking it to the streets." (2007) 2009 Recipient of the Ester Soriano Peacemaker of the Year Award from Los Angeles County DRP Program Mediators and the 2010 Recipient of the Ester Soriano Award for Excellence in Community Mediation from the California Dispute Resolution Council.

EDUCATION

1984 Juris Doctor, Loyola Law School, Los Angeles, CA

Honors and Activities: Dean's List All 3 Years; Am Jur Award-Bankruptcy, Moot Court; Faculty-Student Relations Committee; Phi Alpha Delta, Women's Union

1976 B.S. in Education, History Major, University of Wisconsin at Madison

Worked as a Teacher Intern at LaFollette High School and a Legislative Page in Wisconsin State Assembly.

MEDIATION TRAINING & CERTIFICATION

Received over 600 Hours of Advanced Mediation Training at Numerous Local and National Conferences, Pepperdine University (Invited Guest to Think-Tank of Mediation Professors, 2005) and the LA County Bar Association's Dispute Resolution Services (Received Original Training, Practicum & Certification in 1992-1993) (1992 to 2009), California Court of Appeal, Second Appellate District, Appellate Mediation Training, Qualified as a Member of the Court's

MEDIATION TRAINING & CERTIFICATION, continued

Mediation Panel (2002), United States Department of Justice Mediation Training, Keybridge Foundation Training on Mediation of Americans with Disabilities Act Cases (1995)

RECENT CONFERENCES & TRAINING

May 2009, Two Day Mediation Pedagogy Conference at the Harvard Program on Negotiation for Mediation Professors and Trainers to Share Best Practices.

Summer 2009, Completed Work with a Group of Professional Mediators to Discuss Best Practices With Respect to Eldercare Disputes – Adult Resolutions & Mediation Services (ARMS). Hosted Meetings at Loyola One Evening Each Month Focus on Ethics.

October 2009, Three Day Seminar on Mediating Eldercare Disputes with Other Professional Mediators in Los Angeles County.

March 2010, SALT Vulnerable Populations and Economic Realities Poverty Law Teaching Conference at Golden Gate University

April 2010, Online ABA Program entitled “Recent ADR Model Acts on Arbitration, Mediation and Collaborative Law: Latest Progress and Why Does It Matter.”

April 2010, Online LeadershipIQ Program entitled “The Secrets of Killer Presentations.”

PROFESSIONAL EXPERIENCE

2002 – Present **Loyola Law School, Los Angeles – The Center for Conflict Resolution**
- Director & Associate Clinical Professor

Direct community, government agency and court-affiliated mediation program (2nd highest funded program in Los Angeles County, second only to the Court ADR Program) that targets the monolingual, Spanish-speaking community, people with disabilities, returning Iraq and Afghanistan veterans, and the elderly. The Center is simultaneously operated as a Loyola Law School Externship. Conduct mediations. Perform outreach and training sessions in the community. Interface with legal service agencies, the court, community groups, state and federal agencies, the Administrative Offices of the Court, the California State Bar, community and mediation associations, and Loyola Law School. Train Loyola Law School students in all aspects of the mediation clinic from intake through mediation. Teach affiliated clinical courses on mediation. Conduct two 40-hour community mediation trainings each year for lawyers and other professionals. Hosted statewide conference entitled “Lawyers on the Cutting Edge of ADR” in conjunction with the Daily Journal Periodical in 2006. Hosted several California Dispute Resolution Conference biannual conferences in Southern California (Premiere Lobbying Organization in California).

PROFESSIONAL EXPERIENCE, continued

1998 – 2002 **Loyola Law School, Los Angeles – The Center for Conflict Resolution**
- Senior Conflict Resolution Associate Adjunct Professor of Law

Supervised and mentored law students and attorney/mediator staff who worked in The Center. Conducted mediations and conciliations. Performed outreach and training, and assisted with all operations of a community mediation program that primarily served the mono-lingual Hispanic community. Taught a Loyola Law School mediation skills course.

1994 – 1998 **Disability Rights Legal Center (formerly known as the Western Law Center for Disability Rights) at Loyola Law School, Los Angeles** -
Founding Director of the Disability Mediation Center & Adjunct Professor of Law

Established and directed mediation project serving the disability community. Conducted mediations/conciliations. Performed outreach and training sessions in the community. Interfaced with community groups, state and federal agencies, and Loyola Law School. Trained Loyola Law School students in all aspects of the mediation clinic from intake through mediation and disability law. Received mediation training from the United States Department of Justice for referral of Americans with Disabilities Act cases. Taught advanced mediation training to United States Equal Employment Opportunity Commission mediators.

PROFESSIONAL EXPERIENCE (PRO BONO)

1992 – 1998 **Dispute Resolution Services, Los Angeles County Bar Association –**
Certified Bilingual Mediator (Spanish)

Conducted mediations for County Bar Association's Court and Community Programs. Panel Member for United States Equal Employment Opportunity Commission cases. Translated and lead mediation skills sessions for the Neighbor-to-Neighbor program in South Central Los Angeles. Received "Rookie Of The Year" Award (1993).

1993 – 1994 **Ventura County Superior Court, Mandatory Mediation Program –**
Bilingual Court Mediator (Spanish)

Conducted mediations and mentored co-mediators at the Ventura County Superior Court Pilot Mediation Program.

OTHER PROFESSIONAL EXPERIENCE

1988 **Harriett Buhai Center for Family Law - Child Support Task Force –**
Research-Investigator

1985-1986 **Flahavan, Hudson & Francis - Attorney - Associate Position**

OTHER PROFESSIONAL EXPERIENCE, continued

1984-1985 **McKenna, Conner & Cuneo** – Attorney, Associate Position
& Summer 1983

1982 **Mental Health Department, Los Angeles Superior Court** – Judicial Clerk

COMMUNITY SERVICE

2008-2009 **Elder/Adult Resolutions and Mediation Services (ARMS)**
Standards of Practice Mediation Group, Member of the
Ethics Advisory Focus Group

2006-2007 **Judicial Council, Civil and Small Claims Advisory Committee,**
ADR Subcommittee Working Group Member on Uniform
Procedures for Addressing Complaints about Court-Program
Mediators

2001-Present
1996-2001 **California State Bar ADR Committee** Advisor,
Appointed Member to the California State Bar ADR Committee and
Chair of the Ethics Subcommittee for its first Five Years,
As Chair of the Ethics Subcommittee Worked with Various
Members of the Working Group of the Judicial Council, Civil and
Small Claims Advisory Committee to Create Statewide Ethical
Standards of Practice for Mediators in Court-Connected Mediation

2003-Present **California Dispute Resolution Council** Current Member, Public
Policy Committee, (Watchdog Agency for California Mediators),
2001-2003 Past Board Member & Member of Executive Committee, and Chair
of the Bylaws Committee,
2000-2008 Hosted California Dispute Resolution Council's Yearly Conference
Every Other Year in Southern California at Loyola Law School.

2006
1996-1997 **Southern California Mediation Association**, Elected Board Member,
Past Board Member, Vice-President & Secretary, Southern California
Mediation Association, Past Chair Bylaws Committee, Past Chair
Public Policy Committee

1993-Present **Approximately 300 Non-Profit Legal and Social Service Agencies,**
Conducted Over 300 Community Outreach Sessions and Trainings
on Mediation, Conciliation, Communication Skills and Disability Issues

1988-1994 **Harriett Buhai Center for Family Law**, Bilingual (English/Spanish)
Clinic Leader and Trainer for Clients in Dissolution & Paternity Matters.

1991-1992 **City of Malibu**, Appointed Member of the General Plan Task Force

SELECTED CONFERENCE ACTIVITIES, TRAINING & PRESENTATIONS

Presented Hundreds of Community Seminars on Mediation, Conciliation, Communication Skills and Conflict Resolution (1994 to Present)

Conduct Two 30 to 40-Hour DRP Trainings Each Year for Attorneys and Others for Mediating in Court and Community Programs (2002 to Present)

Slated for a full-day presentation to California Special Education Administrative Law Judges on Mediation Communication and Dealing with Difficult People. (October 2010)

Slated to present on a panel regarding Eldercare Mediation in Community Mediation Programs at the California Dispute Resolution Conference (October 2010)

Organizer and Main Presenter of a Paper on The Center For Conflict Resolution at the Society of American Law Teachers (SALT) Conference, Vulnerable Populations and Economic Realities Poverty Law Teaching Conference at Golden Gate University. (March 2010)

Sole Presenter of a Three Hour Session at Loyola Law School entitled “THE PRINCIPLED ELDERCARE MEDIATOR: Mediating Eldercare Disputes with Integrity.” Best Practices Continuing Education Series of Adult Resolution & Mediation Services on Ethical Practice in Eldercare Mediation. (November 2009)

Presented on a panel entitled “Critical Discussion, Mediating Without a License: Is it Time for a Change?” at the Southern California Mediation Association Town Hall Meeting at Pepperdine Law School. (July 2009)

Moderated and Presented on a panel entitled “The Impact of Court Qualification Standards on Community Mediation” at the California Dispute Resolution Council 15th Annual ADR Policy Conference (October 2008)

Presented on a panel entitled “Getting Best Results in Mediation: Competitive v. Cooperative Negotiation” at the 2008 Annual Meeting of the State Bar of California (September 2008)

Presented a Session at a Family Law Mediation Conference at the Skirball Cultural Center on “Ethical Responsibility” Presented by the Southern California Mediation Association, the Los Angeles Country Bar Association, the California Dispute Resolution Council and the State Bar Family Law Section, with Professor A. Marco Turk and Attorney Joan Patsy Ostroy (2007)

Presented the Humanist Mediator Perspective at the Spirituality and the Law Conference in a Session Entitled “Mediating Disputes in Jewish, Catholic and Protestant Traditions” with Professor Scott Wood and others. (2007)

Presented our Newly Created “Hierarchy of Mediation Ethics” at the National ACR Mediation Conference, Rethinking the Table: People, Places and Practices, in Phoenix, Arizona, at a

SELECTED CONFERENCE ACTIVITIES, TRAINING & PRESENTATIONS, continued

Session Entitled “Mastering the Conundrum of Mediator Ethics” with Professor Art Hinshaw of Arizona State Law School and Professor A. Marco Turk of Cal State Dominguez Hills and others (2007)

Mediator & Judge for the ABA Law School Representation in Mediation Competition in Washington D.C. – Nationals (2007)

Presented a Session at the Southern California Bioethics Committee Consortium Conference, Ethics Committee Consultation: Doing it Better; Session Entitled “Mediation Essentials and An Ethics Consultation Role-Play” (2006)

Invited Guest to a Discussion with San Diego Area Mediators on Ethical Dilemmas at Thomas Jefferson Law School by Professor Ellen Waldman (2006)

Hosted ADR Court Panel Presentation by Presiding Judge Bendix and Judge Johnson, Organized and Presented By The Beverly Hills Bar Association, ADR Section for Court-Program Mediators (2006)

Hosted Statewide California Dispute Resolution Council Conference Entitled The 13th Annual ADR Policy Conference, Protecting The Future of ADR: Competence and Collaboration (2006)

Co-Hosted With Sara Campos, Regional ABA Mediation Advocacy Competition at Loyola Law School (2005)

Invited Guest to Statewide Dialogue on Certification and Licensing Entitled “Mediator Competency: Who will govern ADR? Is the Marketplace Working,” Hosted by the California Dispute Resolution Council and the Western Justice Center Foundation (2005)

Assistant Trainer, Court of Appeal, Second Appellate District Appellate Mediation Program (2005)

Panel Presenter at the National Association for Conflict Resolution Conference Entitled “I Don’t Speak Mexican” (2005)

Presenter at The Annual American Bar Association Dispute Resolution Section Conference on Two Panels: “The Politics of Confidentiality” and “Exploring Private Practitioner and Legal Services Partnerships with Community Mediation Programs” (2005)

Presenter at the First Annual Two-Day Youth Initiative and Community Mini Conference: Advancing Peace Through Community and Youth Conflict Resolution, Session Entitled “Structure and Goals of Peer Mediation and Community Programs: Intervention, Prevention or Both,” Hosted by The Los Angeles County Bar Association, Dispute Resolution Service, The Federal Mediation and Conciliation Service, The Western Justice Center Foundation and the National Association for Conflict Resolution (2005)

SELECTED CONFERENCE ACTIVITIES, TRAINING & PRESENTATIONS, continued

Presenter on Mediation Intake and Convening at The California Department of Fair Employment and Housing Pilot Mediation Program Training (2005)

Panel Presenter at the National Association for Conflict Resolution Conference on “Confidentiality California Style: The Statute and its Challenges (2004)

Panel Presenter at the National Association for Conflict Resolution Conference on “Alternative Dispute Resolution (ADR) Program Funding 101, The Los Angeles County Dispute Resolution Program.” (2004)

Hosted Statewide California Dispute Resolution Council Conference Entitled The 11th Annual ADR Policy Conference, ADR in a New Era: Protecting and Ensuring Access to Justice (2004)

Participated in Statewide Conference for Directors of Community Mediation Programs at the University of San Francisco Law School on the current and future state of community mediation (2003)

Sole Presenter of “Is Your Mediation Confidential?” at Loyola Law School (2003)

Co-Presenter at the 76th Annual Meeting of the State Bar of California on a Panel Entitled “Mediation Confidentiality From Rinaker to Foxgate, Rojas and Beyond” (2003)

Presenter at the California Dispute Resolution Council 7th Annual Conference, The New World of ADR Regulation: How it Will Affect You and Your Practice, Discussing Rojas v. L.A. Superior Court, on a Panel Entitled “Implementing New Ethical Rules for Mediators: What’s Changed?” (2002)

Hosted Statewide California Dispute Resolution Council Conference Entitled The 7th Annual ADR Policy Conference, The New World of ADR Regulation: How It Will Affect Your ADR Practice (2002)

Panel Presenter at the California Dispute Resolution Council 7th Annual Conference Regarding Current Case Law on Mediation Confidentiality and the New Ethical Standards of Practice for Court Program Mediators, along with Judge David Rothman and Ellen Miller (Then Co-Chair of the ABA Dispute Resolution Section Court ADR Committee and Director of the Civil Mediation Program for San Diego Superior Court, currently Director of the ABA Dispute Resolution Section) (2002)

Regular Presenter at the Southern California Mediation Association Annual Interactive Conference on a Variety of Mediation Topics, Including a November 2000 Presentation Entitled “The Changing Face of Mediation Confidentiality: From Old Promises To New Applications,” (Co-presented with Magistrate Judge Brazil), and a November 2001 Presentation Entitled “Draft Ethical Standards For Mediators In Court-Connected Civil Cases” (2000 & 2001)

SELECTED CONFERENCE ACTIVITIES, TRAINING & PRESENTATIONS, continued

Lead Trainer on Advanced Mediation Techniques for United States Equal Employment Opportunity Commission Mediators (1998)

Conducted Numerous Trainings on Mediation of Disputes Arising Under the Americans with Disabilities Act (1994-1998)

Lead Presenter on Mediation of ADA Disputes at the International SPIDR Conference in Orlando, Florida (1997)

PUBLICATIONS

“The case against using traditional settlement conference mediation in medical malpractice cases” co-authored with Dr. Alan Rothfeld, CAALA’s Advocate, accepted for publication. Tentative date October or November, 2010.

“WE ARE THEM AND THEY ARE US Preparing Clinical Law Students To Serve Economically Disadvantaged Communities” co-authored with Sara Campos, Esq., accepted for publication in the Carolina Academic Press. Tentative date December, 2010.

“FACE TIME CAN GO A LONG WAY TOWARD SETTTLING LEGAL BATTLES,” Volume 122, No. 109, Los Angeles Daily Journal, June 10, 2009, at 6. See also California Lawyer at www.callawyer.com/story.cfm?eid=902255&evid=1

“Decision on Mediation Agreements Puts the Cart Before the Horse,” Volume 122, No. 55, Los Angeles Daily Journal, March 25, 2009, at 6. See also California Lawyer at www.callawyer.com/common/print.cfm?eid=900528&evid=1

“The Good Fight,” Volume 114, No. 242, Los Angeles Daily Journal, December 17, 2008, at 6.

“It’s High Time for State Bar to Regulate Attorney Mediators,” Volume 118, No. 202, Los Angeles Daily Journal, October 20, 2005, at 8.

“California State Bar Regulation of Attorney Mediators is on The Horizon,” Southern California Mediation Association Newsletter (2005)

“Confidentiality Protection Afforded Mediation Reports, Writings and Other Physical Evidence Severely Compromised by Rojas v. Los Angeles Superior Court,” California Dispute Resolution Council Electronic Newsletter (2003)

IN DEVELOPMENT

Article Tentatively Titled “One Size Can Fit All: Towards A Unified Canon of Mediator Ethics.” Anticipated Submission Winter 2010.

PROFESSIONAL AFFILIATIONS

Member, State Bar of California, Los Angeles County Bar Association, American Bar Association Section on Dispute Resolution, National Association of Family and Community Mediators.

Advisor, State Bar Committee on Alternative Dispute Resolution (2001-Present), Current Advisor Member Ethics Subcommittee, Former Member, State Bar Committee on Alternative Dispute Resolution (1996 -2001); Chair Ethics Subcommittee of State Bar Committee on Alternative Dispute Resolution (1996-2001); Former Member of Legislation and Inclusivity Committees.

Member, Southern California Mediation Association, Past Board Member (2006), Past Vice-President, Secretary, Board Member, Past Chair Bylaws Committee, Past Chair Public Policy Committee (1996-1997).

Member, Public Policy Committee, California Dispute Resolution Council, Past Board Member & Past Member of Executive Committee, Past Chair of Bylaws Committee (2001-2003).

Former Member, Judicial Council Civil and Small Claims Advisory Committee, ADR Subcommittee Working Group on Uniform Procedures for Addressing Complaints about Court-Program Mediators (2006-2007).

Former Member, Association for Conflict Resolution & Past Regular Member, Society of Professionals in Dispute Resolution.

MEDIATION PANEL AFFILIATIONS

The Loyola Law School Center For Conflict Resolution, Court of Appeal, Second Appellate District, California Department of Fair Employment and Housing
Former and Inactive: Los Angeles Superior Court, United States Equal Employment Opportunity Commission, and United States Department of Justice

LANGUAGES

Spanish