

Kimberlee K. Kovach

k2kovach@yahoo.com

**PRIMARY EXPERTISE: DISPUTE RESOLUTION
ADR PRACTICE: ARBITRATOR, MEDIATOR, TRAINER**

PROFESSIONAL WORK EXPERIENCE

2014 -PRESENT: ENGAGED IN PRIVATE DISPUTE RESOLUTION PRACTICE, TEACHING AND TRAINING
2013 –PRESENT: CHAIR, CITY OF AUSTIN MUNICIPAL CIVIL SERVICE COMMISSION
2013: LECTURER, BAYLOR LAW SCHOOL
2004-2013: DISTINGUISHED LECTURER IN DISPUTE RESOLUTION, SOUTH TEXAS COLLEGE OF LAW
2008 –2013: DIRECTOR, EVANS CENTER FOR CONFLICT RESOLUTION, AT SOUTH TEXAS COLLEGE OF LAW
1996-2004: LECTURER IN ADR AND DIRECTOR, MEDIATION CLINIC, UNIVERSITY OF TEXAS SCHOOL OF LAW
1991-1996: CLINICAL PROFESSOR, SOUTH TEXAS COLLEGE OF LAW
1990-1991: EXECUTIVE DIRECTOR, AA WHITE DISPUTE RESOLUTION INSTITUTE, SOUTH TEXAS COLLEGE OF LAW
1983-1990: ENGAGED IN PRIVATE LAW PRACTICE
1980-1983: ASSISTANT DIRECTOR, HOUSTON DISPUTE RESOLUTION CENTER

VISITING FACULTY SUMMER ADR PROGRAMS:

SOUTH TEXAS COLLEGE OF LAW AT CHARLES UNIVERSITY, PRAGUE, CZECH REPUBLIC AND UNIVERSITY OF MALTA, VALETTA MALTA
PEPPERDINE UNIVERSITY SCHOOL OF LAW, MALIBU, CALIFORNIA
HAMLIN UNIVERSITY LAW SCHOOL, ST. PAUL, MINNESOTA AND ROME, ITALY
UNIVERSITY OF IDAHO LAW SCHOOL, MOSCOW, IDAHO
UNIVERSITY OF KANSAS AT BAHCESEHIR UNIVERSITY, ISTANBUL, TURKEY
TULANE LAW SCHOOL, AT HUMBOLDT UNIVERSITY, BERLIN, GERMANY

EDUCATION AND LICENSES

J.D., December, 1979, Capital University School of Law, Columbus, Ohio

B.S., cum laude, 1976, The Ohio State University, Columbus, Ohio

Bar Licensure: State Bar of Ohio - 1980
State Bar of Texas - 1981
Colorado State Bar – 1987

Currently inactive

AWARDS

Lifetime Achievement Award, received November 2011 from the International Academy of Mediators

Peacemaker Award, Southern California Mediators Association, November 2004

Evans Award, (for exceptional efforts in ADR in Texas) State Bar of Texas ADR Section, June 1995 (first recipient)

NEUTRAL PANELIST

Current: American Arbitration Association (AAA) Roster of Neutrals, as Mediator and Arbitrator

2010 – 2012: Chair in Grievance Arbitrations, City of Houston

2009-2012: Arbitrator, City of Houston Office of Business Opportunity

2003-2006: Mediator, Smith Barney Discrimination Class Action Settlement Process

1999-2003: Mediator, United States Postal Service Grievance Mediation (REDRESS)

1992-1998: Arbitrator, Duke University Private Adjudication Center, primarily arbitrating cases for the Dalkon Shield Claimants Trust;

1986-1992: Designer and creator of the Texas Moderated Settlement Conference Procedure (Neutral Case Evaluation); Moderated 150 + cases and trained several hundred moderators;

1982-1987: Hearing Officer, (by Court Appointment) Condemnation Proceedings, Harris County

PUBLICATIONS

Books:

Kovach, MEDIATION: PRINCIPLES AND PRACTICE, West Publishing Company (Text and Instructor's Manual)(1994) (reviewed at 45 J. LEGAL EDUC. 149 (1995): (3rd Edition, May 2004) (4th Edition, forthcoming 2015)

Kovach, Mediation in a Nutshell, (West 2003) (2nd Ed. 2010) (3rd Edition, forthcoming 2014)

BOOK CHAPTERS:

Kovach, (with Ebner & Efron), Evaluating our Evaluation: Rethinking Student Assessment in Negotiation Courses, in *Assessing Our Students, Assessing Ourselves: Volume 3 in the Rethinking Negotiation Teaching Series*, (April 2012)

Kovach, (with Manwaring), Use of Recording for Assessments, in *Assessing Our Students, Assessing Ourselves: Volume 3 in the Rethinking Negotiation Teaching Series*, (April 2012)

Kovach, (with Ebner), Simulation 2.0: The Resurrection, in *Venturing Beyond the Classroom*, (Honeyman, Coben & DePalo, Eds. DRI Press, 2010)

Kovach, Culture, Cognition and Learning Preferences, in *Rethinking Negotiation Teaching* (Honeyman, Coben & DePalo, Eds. DRI Press, 2009)

Kovach, (with Ebner, Bhappu, Brown & Schneider), You've Got Agreement: Negoti@ting Via Email, in *Rethinking Negotiation Teaching* (Honeyman, Coben & DePalo, Eds. DRI Press, 2009)

Kovach, (with Cohn, Howell, Lee & de Backer) We Came, We Trained, But Did it Matter, in *Rethinking Negotiation Teaching* (Honeyman, Coben & DePalo, Eds. DRI Press, 2009)

Kovach, Expanding the Use of Mediation and ADR, in *The State of Criminal Justice*, (ABA Criminal Justice Section, Suh Ed. 2009)

Kovach, The Evolution of Mediation in the United States: Issues Ripe for Regulation May Shape the Future of Practice in *Global Trends in Mediation* (N. Alexander Ed 2d Ed. 2005) Kluwer

Kovach, Mediation in *Handbook of Alternative Dispute Resolution* (Bordone & Moffitt, Eds. 2005)

Kovach, Ethics for Whom? The Recognition of Diversity in Lawyering Calls for Plurality in Ethical Considerations and Rules of Representational Work in *Dispute Resolution Ethics*, (ABA Section of Dispute Resolution; Bernard & Garth eds 2002)

Kovach, Enforcement of Ethics in Mediation in *Dispute Resolution Ethics*, (ABA Section of Dispute Resolution, Bernard & Garth eds 2002)

ARTICLES:

Kovach, The Duty to Disclose Litigation Risks and Opportunities for Settlement: The Essence of Informed Decision-Making, 33 LaVerne L. Rev. 71 (2011)

Kovach, (with DeMars, Exon and Rule,) Virtual Virtues: Ethical Considerations for an Online Dispute Resolution Practice, 17 Disp. Resol. Mag. 6 (2010)

Kovach, (with Boza), Expansion of the Lawyer's Role to Problem Solver: Increased Opportunities for Pro Bono Work, 51 S. Tex. L. Rev. 639 (2010)

Kovach, The Intersection (Collision) of Ethics, Law, and Dispute Resolution: Clashes, Crashes, No Stops Yields or Rights of Way, 49 S. Tex. L. Rev. 787 (2008)

Kovach, Privatization of Dispute Resolution: In the Spirit of Pound, but Mission Incomplete: Lessons Learned and a Possible Blueprint for the Future, 48 S. Tex. L. Rev. 1003 (2007)

Kovach, Musings on Idea(l)s in the Ethical Regulation of Mediators: Honesty, Enforcement and Education, 21 Ohio St. J. on Disp. Resol. 123 (2005)

Kovach, The Vanishing Trial: Land Mine on the Mediation Landscape or Opportunity for Evolution: Ruminations on the Future of Mediation Practice, 7 Cardozo J. on Conf. Resol. 27 (2005)

Kovach, Representing Clients in Mediation: Ethical, Legal and Practical Concerns, 23 The Advocate 14 (2003)

Kovach, New Wine Requires New Wineskins: Transforming Lawyer Ethics for Effective Representation in a Non-Adversarial Approach to Problem Solving: Mediation, 28 Fordham Urb. L.J. 935 (2001)

Kovach, Lawyer Ethics Must Keep Pace with Practice: Plurality in Lawyering Roles Demands Diverse and Innovative Ethical Standards, 39 Idaho L. Rev. 399 (2003)

Kovach & Love, ADR: An Eclectic Array of Processes, Rather than One Eclectic Process, 2000 J. Disp. Resol. 295 (2000)

Kovach, Neonatal Life and Death Decisions: Can Mediation Help? 28 Cap. U. L. Rev. 251(2000).

Kovach & Galton, Texas ADR: A Future So Bright We Gotta Wear Shades, 31 *St. Mary's L. J.* 949 (2000)

Kovach, The Lawyer As Teacher: The Role of Education in Lawyering 4 *Clinical L. Rev.* 359 (1998)

Kovach & Love, Mapping Mediation: The Risks of Riskin's Grid, 3 Harv. Neg. L. Rev. 71 (1998).

Kovach, Costs of Mediation: Whose Responsibility? 15 Mediation Quarterly 13 (1997).

Kovach, Good Faith in Mediation: Requested, Recommended or Required? -- A New Ethic, 38 Tex. L. Rev. 575 (1997).

Kovach, Mediation for Mediators?, If You Talk the Talk, You'd Better Walk the Walk: An Examination of How Dispute Resolvers Resolve Disputes, 11 Ohio St. J. Disp. Resol. 403 (1996).

Kovach & Love, "Evaluative Mediation" Is An Oxymoron Vol. 14, Alternatives to the High Cost of Litigation 31(1996).

Kovach, Virtual Reality Testing: The Use of Video for Evaluation in Legal Education 46 J. Legal Ed. 233 (1996).

Kovach, ADR Education: The Promise of Our Future, 51 Disp. Resol. J. 56 (1996).

Kovach, What is Real Mediation, and Who Should Decide? 3 Dispute Resolution Magazine 5 (1996).

Kovach, The Costs of Mediation: What Should They Be and Who Should Pay Them? 3 Dispute Resolution Magazine 13 (1996).

TEACHING, PRESENTATIONS, AND CONSULTANCIES

COURSES TAUGHT

Negotiation, Alternative Dispute Resolution, Mediation, Mediation Clinic (Practicum), Law and Psychology, Negotiation of Business Transactions, International Commercial Arbitration, Current Trends in Litigation and Dispute Resolution Seminar, Interviewing and Counseling, Judicial Process

PRESENTATIONS:

Speaker, Effective Use of Mediation, State Bar of Texas Advanced Administrative Law, Austin, June 13, 2014

Panelist, The Mystical Art of Mediation Ethics – Does the Success of Settlement Justify the Means, ABA Section of Dispute Resolution Annual Conference, April 3, 2014 Miami

Panelist, Keeping the “Good” Faith: Issues in Global Negotiation, ABA Section of Dispute Resolution Annual Conference, April 4, 2013, Chicago

Presenter, Issues of Confidentiality in ADR Proceedings, Travis County Bar Association, February 21, 2013

Presenter, Understanding the Need for Good Faith in International Negotiation and Mediation, International Mediation Conference, National Center for ADR, Tbilisi State University, Tbilisi, Georgia, November 3, 2012

Presenter, Structuring ADR Courses in Legal Education, Tbilisi State University, Tbilisi, Georgia, June 26, 2012

Presenter, Ethical Guidelines for Mediators, State Bar of Texas Annual ADR Conference, Austin, January 30, 2012

Presenter, Cases and Conflict: Recent Trends in the Law & Limits of Settlement in Mediation (and Negotiation), Jefferson County Bar Association, September 2011

Presenter, Ethical Considerations in Online Dispute Resolution, Houston Bar Association Dispute Resolution Section Annual Conference, May 6, 2011

Panelist, Virtual Virtues, Part II, ABA Section of Dispute Resolution Annual Conference, April 14, 2011, Denver

Moderator and Panelist, New Ethical Considerations, at Forecasting the Future: Cutting Edge Issues in ADR, January 29, 2011, at the University of LaVerne School of Law, Ontario, California

Luncheon Address, Mediation and Collaborative Law: Twin Daughters of Different Mothers, Houston Bar Association Family Law Section, January 5, 2011

Speaker, Styles of Mediation, Mediation: Shaken, Stirred or Straight Up ?, Texas Mediator Credentialing Association Annual Program, Austin, Texas November 6, 2010

Panelist, Current Trends in Mediation, Houston Bar Association Dispute Resolution Section Meeting, October 12, 2010

Panelist, Ethics in Online Dispute Resolution, ABA Annual Meeting, August 2010 San Francisco

Panelist, Teaching the Dispute Resolution Survey Course, at Legal Educators Colloquium, ABA Section of Dispute Resolution Annual Conference, April 10, 2010, San Francisco

Moderator, Ethics and Deception in Negotiation and Mediation, ABA Section of Dispute Resolution Annual Conference, April 9, 2010 , San Francisco

Panelist, Virtual Virtues, ABA Section of Dispute Resolution Annual Conference, April 9, 2010, San Francisco

Presenter, Deceit and Deception in Mediation: Mediator's Role and Responsibility, Houston Bar Association Dispute Resolution Section Annual Conference, April 30, 2010

Speaker, Deception in Mediation: Duties and Responsibilities, Texas Association of Mediators Annual Conference, February 2010

Panelist, Did You Hear What I Heard, State Bar of Texas ADR Section Annual Conference, January 29, 2010, San Antonio

Presenter, Virtual Reality Testing: The Use of Technology in Connecting Evaluation with Realities of Courses and Practice, at the Legal Education at a Crossroads Assessment Conference, Sturm College of Law, Denver September 12, 2009

Presenter, Collision of Dispute Resolution, Ethics, and Lawyering, Houston Bar Association Dispute Resolution Section Annual Conference, May 15, 2009

Panelist, Ethics in Negotiation and Mediation, ABA Section of Dispute Resolution Annual Conference, April 14, 2009, New York

Presenter and Panelist, Psychological Barriers in Negotiation and Mediation, Texas Mediator Credentialing Association Annual Program, Austin, Texas November 15, 2008

Luncheon Keynote Address, Texas Chapter of Association of Family and Conciliation Courts Annual Conference, Houston, Texas, October 3, 2008

Panelist, Innovative Assessment, Legal Education at a Crossroads Conference, University of Washington School of Law, Seattle, Washington, September 7, 2008

Program Director and Speaker, Ethical Dilemmas and Essential Skills for Dispute Resolution Advocates, McAllen, Texas, May 1, 2008

Panelist, Use of Settlement Judges, ABA Section of Dispute Resolution Annual Conference, Seattle, Washington, April 3, 2008

Workshop, Mediator as Teacher, Texas Association of Mediators Annual Conference, Galveston, February 29, 2008

Speaker, Issues in ADR and Ethics, South Texas Law Review Annual Ethics Symposium, Houston, November 2, 2007

Panelist, What I Wish I Would have Told Them Then, State Bar of Texas Annual Conference, Dispute Resolution, Texas Style, Dallas, Texas October 14 2007

Key Note Address, Reflection on Mediation Practice, Florida Dispute Resolution Center Annual Conference, Orlando, August, 2007

Moderator, The Mediator was a Judge; The Judge was a Mediator, ABA Section of Dispute Resolution Annual Conference, April 26, 2007, Washington D.C.

Panelist, Advanced Dynamics in Court ADR, at the National Conference on Court ADR, at the Annual Section of Dispute Resolution Conference, April 4, 2006, Atlanta

Panelist, Practical Ethics for Mediators, Annual Section of Dispute Resolution Conference, April 5, 2006, Atlanta

Speaker, Experiences with Mediation in the United States, New Zealand Association of Mediators, December 19, 2005, Auckland, New Zealand

Moderator, "The Vanishing Trial: Land Mine on the Mediation Landscape ? at the Annual Conference of the Southern California Mediation Association in Malibu, November 6, 2005

Panelist, Sustainability of Court-Related ADR: Can It Survive and Should It? at the Opening Plenary, National Conference on Court ADR, Los Angeles, April 14, 2005

Panelist, The Vanishing Trial – or is it? At the ABA Section of Dispute Resolution's Seventh Annual Conference, in Los Angeles, April 14, 2005

Moderator, "Evaluating Evaluative Mediation" at the ABA Section of Dispute Resolution's Seventh Annual Conference, in Los Angeles, April 15, 2005

Trainer, Workshop for the Kansas Association of City and County Managers on The Role of Conflict Management in Public Policy Issues, at Wichita State University's Hugo Wall School of Urban and Public Affairs January 22, 2005

Panelist, Musings on Idea(l)s in the Ethical Regulation of Mediators, at the Ohio State Journal on Dispute Resolution Symposium, The Collision of Two Ideals: Legal Ethics and the World of Alternative Dispute Resolution at the Ohio State Law School, January 21, 2005

Panelist, Skills Training for the Lawyer: Teaching How to Use ADR in the Litigation of Family Business Disputes, sponsored by the ADR and Litigation Sections, at the American Association of Law Schools Annual Conference in San Francisco, January 5, 2005

Plenary Speaker on I – Mediator: How to Avoid Obsolescence and Stay Relevant in a Judgmental World, at The Georgia 11th Annual ADR Institute and 2004 Neutrals' Conference at Lake Lanier Island Georgia November 18, 2004

Presenter, “ What's Missing from Ethics--- Must Mediators Be Honest?” at at The Georgia 11th Annual ADR Institute and 2004 Neutrals' Conference at Lake Lanier Island Georgia November 18, 2004

Moderator, Preparing for Mediation of Legal Conflicts at the 5th Annual Institute for Responsible Dispute Resolution at South Texas College of Law, Houston, October 15th 2004

Presenter, Negotiation Workshop for the American College of Rheumatology, San Antonio October 18, 2004

Primary Trainer, Workshop on the Use of Mediation in Medical Ethical Dilemmas at Sharp Health Care in San Diego, October 21, 2004

Workshop for Students and Alumni at the Thomas Jefferson School of Law, San Diego on Negotiation and Mediation, October 22, 2004

Presenter, “What Skills Should We Be Teaching” at the AALS Clinical Conference, San Diego, May 2004

Panelist, “Methods of Grading in ADR Courses”, ABA Section of Dispute Resolution Annual Conference, New York, April 2004

Panelist, “Issues of Good Faith in Mediation”, ABA Section of Dispute Resolution Annual Conference, New York, April 2004

Panelist, Lawyer as Problem Solver Conference, San Diego, March 2004

Speaker, Hawaii Mediator Association, Supreme Court of Hawaii, Honolulu, March 2004

Panelist, Texas Association of Mediators, Houston, February 2004

Panelist, ABA Mid-Year Meeting, Women in Public Service, San Antonio February 2004

Panelist, Critical Issues in Dispute Resolution and the Courts, South Texas College of Law, Houston, October 2003

Panelist and Moderator, Ethics in Mediation and Negotiation, State Bar of Texas Annual Conference, Dallas, October 2003

Speaker, "Role of Justice in Mediation" Annual ABA Dispute Resolution Conference, San Antonio, March 2003

Panelist, "Use of Video in Teaching Dispute Resolution", ABA Section of Dispute Resolution, San Antonio, March 2003

Panelist, "Confidentiality in Mediation" Travis County Bench & Bar, Austin, April 2003
Presenter, Dispute Resolution and Business, MC Comb School of Business, University of Texas, Austin, February 2003

Panelist, "Teaching ADR- Issues and Methods" AALS Annual Meeting, Washington D.C., January 2003

Panelist, "Assessing and Evaluating Mediation Courses", AALS Annual Meeting, Washington D.C., January 2003

Panelist, What Do Lawyers Want in Mediation, Texas Association of Mediators Annual Conference, Austin, March 2002

Presenter, Mediation for Judges, ABA Mid-Year Meeting, Philadelphia, February 2002

Presenter, Good Faith in Mediation: Need for Innovative Ethical Guidelines, AALS Annual Meeting, San Francisco, January 2001

Panelist, Plenary, The Uniform Mediation Act and the Unauthorized Practice of Law Issues for Mediators, SPIDR International Conference, Albuquerque, September 2000

Panelist, Ethical Considerations for Advocates in Mediation, ABA Annual Meeting, New York City, July 2000

Speaker, The Uniform Mediation Act, Problems and Pitfalls, State Bar of Texas Annual Meeting, ADR Section Luncheon, San Antonio, June 2000

Presenter, Dealing with Lawyers in Mediation, Ninth Annual Northwest Conference on ADR, Seattle, April 2000,

Workshop on Ethical Issues in Mediation, Ninth Annual Northwest ADR Conference, Seattle, April 2000

Panelist, Ethics and Lying in Mediation, Annual ABA Section of Dispute Resolution Conference, San Francisco, April 2000

Presenter, First Annual ADR Legal Educators' Colloquium, ABA Section of Dispute Resolution, San Francisco, April 2000

Workshop on the Uniform Mediation Act, State Bar of Texas ADR Section Annual CLE, Austin, February 2000

Panelist, Ethical Negotiation and Mediation, State Bar of Texas Telephone Seminar, January 2000

Panelist, Ethics for Lawyers, ABA Section of Dispute Resolution, Albuquerque, October, 1999

Panelist, Credentials for Mediators, SPIDR Annual Conference, Baltimore, September, 1999

Presenter, ADR Case Law Update, State Bar of Texas Construction Law Section, February 1999

Panelist, New Ethics for the New Lawyer: Representation in a Non (or Less) Adversarial Paradigm, ABA Annual Meeting, Toronto, Canada, August, 1998

Panelist, Issues of ADR in Health Care, ABA Annual Meeting, Toronto, Canada, August, 1998

Moderator, Creating a New Playing Field: ADR in Professional and Collegiate Athletics, ABA Annual Meeting, Toronto, Canada, August, 1998

Presenter, Workshop on the Styles of Mediation, at Mediation: Beyond the Basics: Life in the Trenches sponsored by the Missouri Office of State Courts Administrator, in Jefferson City, Missouri June 1998

Presentation, "The Supreme Court's Jurisdiction over Mediation" sponsored by ADR Section at the State Bar of Texas Annual meeting, Corpus Christi, Texas, June 1998

CONSULTANCIES

National Center for ADR, Tbilisi State University, Tbilisi, Georgia, Training of Professors, Class Design, Competition design and creation, technical assistance in developing Dispute Resolution Programs, (funded through USAID), October 2011 – April 2014;

Argentina Chamber of Commerce, Buenos Aires, Argentina, Consultant on Codes of Ethics for Mediation, February, 2001

Creator and Originator, ABA Representation in Mediation Competition, 1990-1993

Co-Reporter, National Code of Ethics (Standards of Conduct for Mediators), American Bar Association, American Arbitration Association and Society of Professionals in Dispute Resolution, October, 1992 – August, 1994

SERVICE ACTIVITIES

Chair, City of Austin Municipal Civil Service Commission, May 2013 – present

Board of Visitors, Abilene Christian University's Duncum Center for Conflict Resolution, 2011 – present

Executive Committee, ABA DR Section Task Force on Legal Education, ADR, and Practical Problem Solving, (LEAPS), 2010-2012

Board of Directors, JUSTPEACE, a conflict resolution project of the United Methodist Church, 2000-2003

Member, National Task Force on Health Care and ADR, 1997-1999

Chair, ABA Section of Dispute Resolution, 1997-98

Chair-Elect, ABA Section of Dispute Resolution, 1996-1997

Vice-Chair, ABA Section of Dispute Resolution, 1995-1996

Budget Officer, ABA Section of Dispute Resolution, 1993-1995

Advisor, ABA Standing Committee on Dispute Resolution, 1988-1992

Co-chair, State Bar of Texas ADR Section, 1992-1993

Co-chair, State Bar of Texas, Committee on Alternative Dispute Resolution (Coordinated the creation of the ADR Section of the State Bar), 1991-1992

Co-Reporter, Joint Committee on Standards for Mediators (ABA, AAA, SPIDR), 1992-1994

Executive Committee, Alternative Dispute Resolution Section of the American Association of Law Schools (AALS)

Founding Member, Texas Roundtable of Mediation Trainers (1994-present)

Member, Curriculum Committee, ABA Section of Legal Education and Admissions to the Bar, 1998- 2003

Member, Board of Advisors, Ohio State Journal on Dispute Resolution, 1997-2009

Member, Society of Professionals in Dispute Resolution (SPIDR), 1988-2005

Member, Board of Directors, Houston Area Chapter SPIDR, 1989-1992

Fellow, Texas Center for Public Policy Dispute Resolution, 1993-present

Member, State Bar of Texas Quality of Practice Task Force, ADR Section, 1993-2000

Chair, Houston Bar Association Committee on Alternative Dispute Resolution, 1989-1990

President, Board of Directors, Houston Dispute Resolution Centers, 1989-1991

Young Lawyer Division Liaison to ABA Standing Committee on Dispute Resolution, 1988-1991