

About the Authors

Alexandra Carter is a Clinical Professor of Law and the director of the Mediation Clinic at Columbia Law School. She has also served as the Law School's Director of Clinical Programs, providing leadership in the area of experiential teaching and learning since 2012.

Professor Carter's teaching and research interests lie in the field of alternative dispute resolution, primarily in mediation and negotiation. She has been sought as a trainer on mediation, civil procedure, negotiation and dispute systems design for many different groups from private and public sectors, including the United Nations, U.S. courts and federal agencies, private corporations and law firms. She has addressed the Chinese Academy of Social Sciences Rule of Law Conference, the 5th World Peace Conference in Jakarta, and the Ceará Supreme Court Conference on Mediation, and contributed as a faculty speaker at universities in South America, Asia and Europe. She serves on the Alternative Dispute Resolution Committee for the New York City Bar Association, as well as the Mediator Ethics Advisory Committee for the New York State Unified Court System. Prior to joining the Columbia faculty, Professor Carter was associated with Cravath, Swaine & Moore LLP.

Jeffrey Fink mediates business and family disputes, taking a clear and practical approach to dispute resolution. On the business side, he uses his extensive background as a transactional lawyer and outside general counsel to understand not just the law behind the disagreement, but the details of the disagreement and the reasons it arose. On the family side, he helps people untangle the emotional and practical aspects of their disputes to help them make difficult decisions. Jeff has a particular interest in partnership disputes and disputes at the intersection of business and family matters such as family businesses in divorce.

Roselyn L. Friedman, Esq. earned her J.D. *cum laude* at Loyola University Chicago School of Law. She has more than 30 years of legal experience, concentrating in estate planning and administration, during which she has served as chair of the Chicago Bar Association's Trust Law Committee, the Wealth Planning Group at Sachnoff & Weaver (now the Chicago office of Reed Smith), and the Professional Advisors Committee of the Jewish Federation of

Metropolitan Chicago. Ms. Friedman is a fellow of the American College of Trust and Estate Counsel (“ACTEC”) and the American Bar Foundation, and a frequent seminar speaker on trust and estate mediation topics. As founder of Roselyn Friedman Mediation Services, Ms. Friedman uses facilitative mediation to settle estate, trust, elder (including guardianship) and family business conflict. By bringing in-depth experience, combined with strong interpersonal skills and extensive training to her mediations, she is able to assist the parties in finding creative solutions for even the most complicated, emotionally-charged disputes. Her resume can be found at www.rfmediation.com.

Susan N. Gary, the Orlando J. and Marian H. Hollis Professor at the University of Oregon School of Law, received her BA from Yale University and her JD from Columbia University. Professor Gary teaches trusts and estates, estate planning, and nonprofit organizations, and she has written about the use of mediation to resolve disputes involving family property, family inheritance issues, and the regulation and management of charities. Professor Gary is an Academic Fellow and Regent of the American College of Trust and Estate Counsel, a member of Council of the Real Property, Trust and Estate Section of the ABA, and has served in leadership roles in the Donative Transfer, Elder Law, and Nonprofit Law Sections of the Association of American Law School, as well as the Estate Planning and Nonprofit Organizations Law Sections of the Oregon State Bar. Professor Gary was the Reporter for the Uniform Prudent Management of Institutional Funds Act (UPMIFA). She serves as a Trustee on the University of Oregon Board of Trustees.

Ellen Kandell is an attorney with over 30 years of diverse legal experience in the public and private sectors. She is the president of Alternative Resolutions, LLC (www.alternativeresolutions.net) which provides mediation, group facilitation and training. She serves exclusively as a neutral. Her passion is working with organizations to resolve team and system wide conflicts. She has mediated cases for corporations, educational institutions, nonprofits, professional practices, and government agencies. Ellen has provided mediation and negotiation training for Maryland’s administrative and circuit court judges. She is one of eight Maryland mediators featured on a statewide demonstration video of good practice. She is an Adjunct Professor in the graduate human resources program at Catholic University of America. Ellen is past president of the Maryland Council for Dispute Resolution and past co-chair of the ADR section of the Montgomery County Bar Association. In 2014 she became certified by the International Mediation Institute. Prior to opening her firm in 1999, Ms. Kandell helped manage the ADR program at the U.S. Environmental Protection Agency. She received her JD from Temple University Beasley School of Law in 1982.

Karen Klein served as U.S. Magistrate Judge in the U.S. District Court, District of North Dakota for 30 years, from January 1985 until January 2015, and was appointed as Chief Magistrate Judge in 1993. She established mediation as a part of the federal district court’s civil case management in 1985 and became one of the first judges/lawyers in North Dakota to mediate civil disputes. She served as the lead faculty member for the Federal Judicial Center Mediation Skills Workshop for Federal Judges (annually 1999–2015), and served as chair of the State Bar Association of North Dakota’s Alternative Dispute Resolution Committee. She now mediates cases through Klein Maring Mediation in Fargo, North Dakota.

Gerald Le Van helped families resolve disputes about wealth and business throughout his career. For several years before his death he chaired the Family Business Services Group

at Upchurch Watson White & Max, a Florida and Alabama based professional association of mediators.

Lela Porter Love is Professor of Law and the director of the Kukin Program for Conflict Resolution at Benjamin N. Cardozo School of Law. She started one of the first law school mediation clinics in the U.S.; regularly conducts mediation and arbitration training programs, teaching both nationally and internationally; and has an active practice as a neutral, ranging from community disputes to complex litigated matters. She has written widely on the topic of dispute resolution, including co-authoring three law school textbooks. She co-authored, with Joseph Stulberg, *The Middle Voice: Mediating Conflict Successfully, 2d ed.* and has recently co-edited, with Eric Galton, *Stories Mediators Tell*.

Professor Love is a past chair of the American Bar Association Section of Dispute Resolution; in her chair year, she pioneered the International Mediation Leadership Summit in the Hague, bringing together practitioners from around the world. Both the American College of Civil Trial Mediators and the International Academy of Mediators have presented her with Lifetime Achievement Awards. She received her BA from Harvard University, M.Ed. from Virginia Commonwealth University, and JD from Georgetown University Law School.

Louis A. Mezzullo is a consulting partner in Withers Bergman LLP, practicing principally in California. His principal areas of practice are taxation, estate and business planning, and employee benefit planning. He was an adjunct professor of law at the University of Richmond Law School from 1978 to 2006, was on the faculty of the University of Miami School of Law graduate program in Estate Planning from 2004 until 2007, and was on the faculty of the University of San Diego School of Law in 2009. He is listed in *The Best Lawyers in America* (for tax, trust and estates, and employee benefits). He has written and spoken numerous times on the subjects of taxation, estate planning and employee benefits. Mezzullo received his JD from the University of Richmond Law School, and a BA and MA from the University of Maryland. He is a past chair of the American College of Tax Counsel; a past president of the American College of Trust and Estate Counsel, a former vice-chair of the ABA Section of Taxation and a past chair of the ABA Section of Real Property, Trust and Estate Law.

Scott Peppet, the Getches-Wolf Professor of Law at the University of Colorado Law School in Boulder, Colorado, has taught and written about negotiation, mediation, and dispute resolution, as well as about the intricacies of representing and working with family enterprises. For many years he has worked with multigenerational family businesses to help them manage succession and transition, as well as to better manage conflict and its aftermath. He serves on the Boards of Directors of several corporations, both private and public, and has experience working with both Fortune 500 and small family businesses.

Mary F. Radford is the Marjorie Fine Knowles Professor of Law at the Georgia State University College of Law. She practiced law at the Atlanta law firm of Hansell & Post prior to joining the College of Law faculty in 1984. Professor Radford's teaching areas include Wills, Trusts & Estates; Elder Law; and Business Succession Planning. Professor Radford is an Academic Fellow of the American College of Trust & Estate Counsel (ACTEC) and from 2011–2012, she served as that organization's president. She is an elected member of the American Law Institute (ALI). Professor Radford served as the reporter and principal drafter for the State Bar of Georgia

committees that drafted the 1998 Revised Georgia Probate Code, the 2005 Revised Georgia Guardianship and Conservatorship Code, and the 2010 Revised Georgia Trust Code. Professor Radford is the author of *Redfearn: Wills & Administration in Georgia* (Thomson Reuters, 2008); *Trusts & Trustees in Georgia* (Thomson Reuters, 2015–16 ed.); and *Georgia Guardianship and Conservatorship* (Thomson Reuters, 2015–16 ed.), as well as numerous law review articles and other scholarly publications. Professor Radford has given invited presentations throughout the United States on the uses of mediation and arbitration in estate planning.

John T. Rogers, Jr. is an attorney in downtown Los Angeles. He specializes in trust, estate, and conservatorship administration and litigation, as well as estate planning, alternative dispute resolution (mediation), and professional responsibility. Mr. Rogers has acted as an expert witness or consultant in a number of cases involving such issues as breach of fiduciary duty, accounting disputes, and attorney malpractice. He is a Fellow of the American College of Trust and Estate Counsel (“ACTEC”), where he is a member and past chair of the Professional Responsibility Committee and of the Technology in the Practice Committee, a member of the Fiduciary Litigation Committee, and the California State Chair. He was also a member of ACTEC’s Arbitration Task Force.

A qualified mediator, Mr. Rogers was an inaugural member of the Los Angeles County Superior Court’s Probate Mediation Panel, and he is currently a member of the Probate Volunteer Settlement Panel. He is a past chair of the Trusts and Estates Section of the Los Angeles County Bar Association and is a former member of the Association’s Taxation Section Executive Committee. He is also a past president of the Los Angeles Estate Planning Council.

Michael D. Simon is a shareholder with the firm of Gunster, Yoakley & Stewart, P.A. in West Palm Beach, Florida. He concentrates his practice in the areas of estate, trust, guardianship, and fiduciary litigation. Mr. Simon received both his BS and his JD from the University of Florida, *cum laude*. He is a Fellow of the American College of Trust and Estate Counsel (ACTEC) and served as the Chair of ACTEC’s Fiduciary Litigation Committee from 2012–2015. Mr. Simon has been selected as a Florida Super Lawyer from 2006–2016 by *Florida Super Lawyers* magazine and as one of the Best Lawyers in America from 2007–2016 by *The Best Lawyers in America*. He was selected by *The Best Lawyers in America* as a Trusts and Estates Litigation 2016 “Lawyer of the Year”.

Mr. Simon is a member of The Florida Bar Real Property, Probate and Trust Law Section where he serves as a member of the Executive Council, the Probate Litigation Committee, and the Trust Law Committee. He has served five terms as chairman of the Palm Beach County Probate Court Advisory Committee. Mr. Simon is an author and frequent lecturer in the areas of estate, trust, guardianship, and fiduciary litigation.

Kurt A. Sommer is managing director of the law firm of Sommer, Udall, Hardwick, Ahern & Hyatt, LLP, located in Santa Fe, New Mexico. He practices in the areas of business transactions, estate planning, income, estate and gift taxation for individuals and family owners and real estate law. He has been chairman of the New Mexico Bar Association Section on Taxation (twice), and is a member of the American Bar Association taxation section and real property and probate sections. Kurt is a past chairman of the Estate Planning Council of Santa Fe and a member of the New Mexico Estate Planning Council. Kurt received his AB in Economics from

Georgetown University in 1981 (*magna cum laude*), and his JD degree from the University of New Mexico in 1984. He has written articles on tax law and speaks frequently on the subject. He is a fellow of the American College of Trust and Estate Counsel and he serves as a Regent and State Chair of New Mexico and the following committees: the Executive Committee, Business Planning, Charitable Planning and Fiduciary Litigation Committees.

Stewart E. Sterk is the Mack Professor of Law at Benjamin N. Cardozo of Law. He has written extensively on Trusts and Estates and serves as the co-editor of a leading casebook on Trusts and Estates.

John Upchurch is a founder and CEO of Upchurch Watson White & Max, a neutral specialty firm with seven offices and conference centers offering mediation, arbitration and special master services. One of the first to become a certified mediator in Florida, Mr. Upchurch concentrates on resolving complex multi-party disputes (including commercial litigation, tort and product liability and health law matters) in addition to administrative responsibilities.

Mr. Upchurch, a graduate of the University of Florida Levin College of Law, became the youngest elected circuit judge in state history when he was 32, and his peers soon selected him as the circuit's chief judge. He served on the Florida Judicial Council and as a section chairman for the Florida Conference of Circuit Court Judges. Later, he was a charter member of the Florida Supreme Court Committee on Arbitration and Mediation, participating in the drafting of legislation and court rules that established Florida's comprehensive mediation and arbitration system. In 1991, he was named to the CPR Institute for Dispute Resolution's Panel of Distinguished Neutrals. He is a founder and Lifetime Distinguished Fellow of the American College of Civil Trial Mediators and a longtime Fellow of the Academy of Court Appointed Masters.

Ellen Waldman. A member of the Thomas Jefferson School of Law faculty since 1992, Professor Waldman founded and supervises the school's mediation program, which involves students and alumni in the mediation of small claims, guardianship and conservatorship cases. Professor Waldman has taught mediation and bioethics-related courses nationally and internationally and has published over 25 articles and book chapters in the areas of alternative dispute resolution and bioethics. She sits on the ethics committee of a prominent local health care provider and chairs the ethics committee of the International Mediation Institute, a group devoted to the development and refinement of mediation best practices internationally. Most recently, she published *Mediation Ethics: Case and Commentaries*, an in depth treatment of the many hard cases that can arise in mediation practice.

Robert Whitman is a Senior Emeritus Professor at University of Connecticut Law School, having had fifty years of active service. Bob serves as an expert witness and as a State Court Referee and Attorney Fact Finder, using mediation to successfully settle cases. He also serves as an Arbitrator for the Federal mediation and conciliation service. In his private practice, he often uses mediation to settle cases. Professor Whitman lives in West Hartford, Connecticut, and can be reached by e-mail at: robert.whitman@uconn.edu.