



Howard A. Herman

Trainer, Teacher, Mediator, Arbitrator and Facilitator

Howard Herman has worked as a mediator and as a developer of ADR programs since 1985. He has mediated several thousand disputes covering a wide range of areas, including employment, business/commercial, ADA access, civil rights, copyright, trademark and environmental. He specializes in matters involving high emotion and complex power dynamics.

Mr. Herman's clients extol his intelligence, fairness, integrity, patience and sensitivity. They characterize him as thoughtful, imaginative, earnest and relentless in his pursuit of practical solutions. He is a process expert who takes pride in customizing his approach to each case in response to the needs of the participants.

Mr. Herman practiced as a civil litigator with the firms Graham & James and Kindel & Anderson in San Francisco.

Career ADR Experience

Mr. Herman is a recognized leader in the development of the ADR field. For more than two decades, he was instrumental in the design and ongoing development of the highly regarded ADR program of the U.S. District Court for the Northern District of California in San Francisco. He began his ADR career in the earliest experiments with appellate mediation at the Ninth Circuit Court of Appeals. He then served as the first director of ADR programs at the Contra Costa County Superior Court before moving to the Northern District.

Mr. Herman also has extensive experience as an ADR teacher. In his work at the district court, in addition to mediating cases, he had primary responsibility for training and supervising the hundreds of lawyers who serve as volunteer neutrals in the court's ADR programs. He was the lead trainer for the court's mediation and early neutral evaluation trainings, and he developed continuing education programs for mediators, neutral evaluators and arbitrators. This work included the design, development and oversight of an innovative program of ongoing reflective practice groups for mediators working in the program.

Training and Speaking Engagements

Since 1996, Mr. Herman has taught negotiation and mediation courses at the University of California, Hastings College of the Law, including Negotiation, Mediation, Effective Representation in Mediation, the Small Claims Court Mediation Clinic, and a weeklong seminar for international judges and lawyers titled "Envisioning, Designing and Implementing Court ADR." He has developed numerous ADR training courses for lawyers and judges throughout the United States and around the world, including Basic Mediation Training, Basic Early Neutral Evaluation Training, Specialized ADA Access Mediation Training, Settlement Conference Skills Training, as well as many Advanced Mediation and Negotiation Trainings.

Mr. Herman has made numerous ADR presentations at events sponsored by, among others, the U.S. Department of Justice, the Federal Judicial Center, the American Bar Association, the State Bar of California, numerous courts and local bar associations, the Association of Corporate Counsel and multiple law schools and universities, including the following:

- Handling Emotions Productively
- Communicating Effectively Across Differences
- Practicum on the Nature and Practice of Civil Discourse (for symposium led by Justice Anthony M. Kennedy in conjunction with the Federal Judicial Center, Sacramento, 2017)

- Impasse Breaking Through Negotiation Techniques
- Approaches to Conflict and Negotiating Styles
- Difficult Conversations: Making Conflict Productive

Honors, Memberships and Professional Activities

- Robert F. Peckham Award for Excellence in Alternative Dispute Resolution, Ninth Judicial Circuit, 2002, 2019
- Exceptional Service Award, Center for Negotiation and Dispute Resolution, UC Hastings College of the Law, 2013
- Outstanding Contribution in the Field of Mediation, Mediation Society of San Francisco, 2011
- Member, Dispute Resolution Section, American Bar Association, 2006–present
 - » Section Chair, 2015–2016
 - » Section Executive Committee, 2011–2017
 - » Member, Section Council, 2010–2011
 - » Co-Chair, Court Committee, 2009–2011
 - » Annual Conference Co-Chair, 2010; Program Co-Chair, 2009
 - » Member, Quality of Mediation Task Force, 2006–2009
 - » Member, Standing Committee on Dispute Resolution Research, 2017–present
- Member, Board of Directors, Foundation for Sustainable Rule of Law Initiatives, 2014–present
- Member, San Francisco Planning Committee, Global Pound Conference, 2016–2017
- Member, Mediation Society of San Francisco
- Member, Dispute Resolution Section, Bar Association of San Francisco
- Member, ADR Committee, California State Bar, 1998–2001
- Member, ADR Subcommittee Working Group on Ethical Standards for Mediators in Court-Connected Mediation Programs, California Judicial Council, 1999–2002
- Member, Budget Commission Subcommittee on ADR, California Trial Court, 1995–1996
- Professional Profiles
 - » “Facilitating Better Outcomes,” *UC Hastings Law*, Spring 2011
 - » “Settling Around the Circuit,” *The Recorder*, 1989

Background and Education

- J.D., University of California, Hastings College of the Law, 1983
 - » Executive Board, *Hastings Law Journal*
 - » Hastings Public Interest Law Program
 - » Thurston Honor Society
- A.B., With High Honors, Sociology, University of California, Berkeley, 1979