



Jay Folberg, Esq.

Trainer, Mediator, Facilitator

Jay Folberg resolves complex disputes covering a wide variety of subjects, including university and school district matters; business and commercial; civil rights; construction; estates, probate and trusts; family business; employment; environmental; health care; housing; sexual harassment; governmental and public agency; and nonprofit organizations.

As former dean and current professor emeritus at the University of San Francisco School of Law, Mr. Folberg is recognized for his contributions to the development of ADR and extensive experience as a mediator and arbitrator. He is particularly skilled at getting to the heart of multifaceted issues and dealing with the human factors that create obstacles to settlement.

Among his career highlights, Mr. Folberg:

- **Facilitated** faculty and university administration disputes to reach consensus on principles and a course of action
- **Mediated** racial, gender and due process claims, helping to develop procedures that deliver more transparency and inclusion
- **Mediated** environmental disputes between city and county agencies, environmental organizations, developers and neighborhood groups
- **Conducted dispute systems designs** for building consensus around allocation formulas for yearly distribution of federal funds in California

Career ADR Experience

Mr. Folberg is an ADR professional with years of experience teaching, as well as facilitating resolutions. He has provided his services to courts, businesses and government agencies, and served as an officer of the ABA Section on Dispute Resolution and other professional organizations. He has taught law at Northwestern School of Law – Lewis and Clark College, the University of Washington and the Oregon Health Sciences University. His teaching has included dispute resolution, and law and psychiatry.

Mr. Folberg has trained judges and lawyers in mediation throughout the world and has extensive international ADR experience. The scope of his expertise includes:

- University employment terminations at all levels
- Claims of discrimination in tenure, promotions and teaching awards
- Disability and age discrimination cases
- Special education disputes
- Title IX sports discrimination claims
- Sexual harassment allegations
- First Amendment/academic freedom cases
- School closure disputes

Training Engagements

Mr. Folberg has served as trainer and facilitator for internal conflict management provided by The Mediation Institute (cost-effective resolution of workplace disputes). He was also part of the initial team of mediators and facilitators for integration management provided by Alexander Consulting Group (achieving organizational goals by resolving and preventing conflict in health care mergers).

Mr. Folberg was part of a three-person Pathways team engaged in a workplace facilitation that addressed conflicts involving staff assignments, communications, trust and relationships with a nonprofit organization's executive director and members of its board of directors. The Pathways team prepared a report summarizing principles and guidelines for resolving their issues.

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Publications

- *Mediation: The Roles of Advocate and Neutral*, 4th Ed. (Wolters Kluwer 2022)
- *Lawyer Negotiation: Theory, Practice and Law*, 4th Ed. (Wolters Kluwer 2022)
- *Resolving Disputes: Theory, Practice and Law*, 4th Ed. (Wolters Kluwer 2022)
- *Divorce and Family Mediation*, Guilford Press (2004)
- *Mediation: A Comprehensive Guide*, Jossey-Bass (1984)
- “Arbitration Ethics: Is California the Future?” 18 *Ohio State Journal on Dispute Resolution*, Issue 2 (2003)
- “Alternative Dispute Resolution: An Empirical Analysis,” 46 *Stanford Law Review* 1487 (1994)
- “Use of ADR in California Courts: Findings and Proposals,” 26 *USF Law Review* 343 (1992)

Honors, Memberships and Professional Activities

- Lifetime Achievement Award, American College of Civil Trial Mediators, 2011
- Bernard Witkin Amicus Curiae Award (for leadership in alternative dispute resolution and outstanding service to the California courts), Judicial Council of California, 2003
- Distinguished Contribution to Mediation Award, Mediation Society, 2000
- Distinguished Mediator Award, Academy of Family Mediators, 1999
- Chair, Ethics Committee, American Bar Association, Section of Dispute Resolution
- Member, American Board of Trial Advocates (ABOTA)
- Chair, Judicial Council Blue Ribbon Panel of Experts on Arbitrator Ethics, 2001–2002
- Chair, Judicial Council Task Force on Alternative Dispute Resolution, 1998–1999
- President, Academy of Family Mediators, 1989–1990
- Chair, Section of Dispute Resolution, Association of American Law Schools, 1985–1986
- President, Association of Family and Conciliation Courts, 1983–1984
- Chair, Oregon State Bar, Family Law Section, 1979–1980
- Manville Personal Injury Settlement Trust – National Arbitration Panel
- California Court of Appeal Mediation Panel
- Federal Court (NDC) Mediation Panel
- CPR Panel of Distinguished Neutrals
- Board Chair, JAMS Foundation (nonprofit, charitable foundation), 2012–2022
- Executive Director, JAMS Institute (training and continuing education), 2001–2015

Background and Education

- Litigator of commercial and insurance cases (Rives & Schwab, now Stoel Rives), as well as civil rights, education and consumer-related disputes, including class actions, in state and federal courts (founding executive director of Oregon Legal Services)
- Professor of trial practice, civil procedure, family law and ADR courses at the University of San Francisco (dean, 1989–1999), Northwestern School of Law – Lewis and Clark College, the University of Washington and the National Judicial College
- Extensive experience as judge pro tem
- J.D., University of California, Berkeley School of Law, 1968
- B.A., Economics and Finance, California State University, San Francisco, 1963

