

SARAH RUDOLPH COLE

The Ohio State University College of Law
55 West 12th Avenue
Columbus, Ohio 43210
(614) 688-4918

EDUCATION

University of Chicago Law School, J.D. 1990, *cum laude*

Editor-in-Chief, University of Chicago Legal Forum, 1989-90
Casper Platt Award for the Outstanding Paper Written in the Law School for 1989-90.

University of Puget Sound, B.A. American History, 1986, *cum laude*

ACADEMIC EMPLOYMENT

Fall 2019	Visiting Professor, Harvard Law School
July 2006 - present	Director, Program on Dispute Resolution
August 2012 – present	John W. Bricker Professor of Law
August 2005	Squire, Sanders and Dempsey Designated Professor of Law
August 2002 - present	Professor of Law
June 1998 - August 2002:	Associate Professor of Law
Moritz College of Law, The Ohio State University, Columbus, Ohio	
Courses Taught:	Facilitation, Dispute Resolution Processes: Theory and Practice, Torts, Issues in Arbitration, Commercial and Labor Arbitration, Mediation, Legal Writing, Labor Law
August 1997 - May 1998:	Visiting Associate Professor of Law
University of Oklahoma College of Law, Norman Oklahoma	
August 1995 to May 1997:	Assistant Professor of Law
Creighton University School of Law, Omaha, Nebraska	
Promoted to Associate Professor	Spring 1997

**August 1994 to August 1995: Visiting Assistant Professor of Law
Creighton University School of Law, Omaha, Nebraska**

PROFESSIONAL EMPLOYMENT

Associate, Seyfarth, Shaw, Fairweather & Geraldson, Chicago, concentrating in labor and employment law (1993-94).

Associate, Heller, Ehrman, White and McAuliffe, Seattle, concentrating in labor and employment law (1992-93).

Judicial and Administrative Clerk for the Hon. Eugene A. Wright, United States Court of Appeals for the Ninth Circuit, Seattle (1991-92).

Associate, Heller, Ehrman, White and McAuliffe, Seattle (1990-91).

AWARDS AND RECOGNITION

Scholar-in-residence, ABA Mid-Winter Labor and Employment Meeting (2018)
Alumni Award for Distinguished Teaching (2013) (Given to approximately 10 out of 8000 professors at Ohio State University each year)
Best First Year Professor Award (2011)
Student “Quid Pro Quo” Award (2003)
Student Bar Association Award, “Professor Who Goes Above and Beyond the Call of Duty,” University of Oklahoma, April 1998
Winner, Judicial Fellows Competition, 1997-98
Phi Beta Kappa
Coolidge-Otis Chapman Honors Scholar
Outstanding Graduate from the University of Puget Sound, 1986
Five-time NCAA Division II swimming champion and 1985 Outstanding NCAA Division II Woman Swimmer
Member, University of Puget Sound Athletic Hall of Fame (inducted 2003)
Member, Tacoma-Pierce County Athletic Commission Hall of Fame (inducted 2007)

SCHOLARSHIP

BOOKS

DISCUSSIONS IN DISPUTE RESOLUTION, with Art Hinshaw and Andrea Schneider, eds., (Oxford University Press, to be published 2020).

DISPUTE RESOLUTION: NEGOTIATION, MEDIATION AND OTHER PROCESSES (6th ed. 2012) (with Stephen B. Goldberg, Frank E. A. Sander and Nancy H. Rogers).

MEDIATION: LAW, POLICY AND PRACTICE (3d ed. 2011) (with Nancy H. Rogers, James Coben, Peter Thompson and Craig A. McEwen) (supplements 1999-2018).

BOOK CHAPTERS

Sarah R. Cole and Kristen Blankley, Arbitration Chapter for THE HANDBOOK OF DISPUTE RESOLUTION, Bob Bordone and Michael Moffitt, eds.

ARTICLES

Sarah R. Cole, *Everything Old is New Again (A Comment on Soia Mentschikoff's Commercial Arbitration)* (Oxford University Press, to be published 2020)

Sarah R. Cole, *The Lost Promise of Arbitration*, 70 So. Methodist L. Rev. 849 (2017)

Sarah R. Cole, *Curbing the Runaway Arbitrator in Commercial Arbitration: Making Exceeding the Powers Count*, 68 ALABAMA L. REV. 179 (2016)

Sarah R. Cole, *Blurred Lines: Are Non-Attorneys Who Represent Parties in Arbitrations Involving Statutory Claims Practicing Law?* 48 U.C. DAVIS L. REV. 921 (2015)

Sarah R. Cole, Craig A. McEwen, Nancy H. Rogers, James R. Coben, and Peter N. Thompson, *Where Mediation Is Concerned, Sometimes "There Ought Not To Be a Law!"* 20 DISPUTE RESOL. MAGAZINE 34 (2014).

Sarah R. Cole, *The Federalization of Consumer Arbitration: Possible Solutions*, 2013 U. CHI. LEGAL F. 271 (2013)

Sarah R. Cole, *On Babies and Bathwater: The Arbitration Fairness Act and the Supreme Court's Recent Arbitration Jurisprudence*, 48 HOUSTON L. REV. 457 (2011)

Sarah R. Cole, *Let the Grand Experiment Begin: Pyett Authorizes Arbitration of Unionized Employees' Statutory Discrimination Claims*, 14 LEWIS AND CLARK LAW REV. 861 (2010)

"What Should You Know Regarding Possible Changes to Consumer Arbitration?" ALL RISE at 34 (Fall 2009) and 8 Mayhew Hite Report 1 (2009)

Sarah R. Cole and Kristen Blankley, *Empirical Research on Consumer Arbitration*, 113 PENN STATE L. REV. 1051 (2009)

Sarah R. Cole and Theodore Frank, *The Current State of Consumer Arbitration*, 15 DISP. RES. MAG. 30 (2008)

Sarah R. Cole, *Revising the FAA to Permit Expanded Judicial Review of Arbitration Awards*, 8 UNLV L. R. 214 (2007)

Sarah R. Cole and Kristen M. Blankley, *Online Mediation: Where We Have Been, Where We Are Now, and Where We Should Be*, 38 UNIV. OF TOLEDO L. REV. 193 (2006)

Sarah R. Cole, *Mediation Confidentiality: A Promise Unfulfilled?*, 54 KANSAS L. REV. 1419 (2006)

Sarah R. Cole, *Unauthorized Practice of Law Charges: A Risk for Lawyers Representing Clients in Mediation and Arbitration in a Multijurisdictional Practice Environment*, 13 DISP. RES. MAG. 26 (Fall 2006)

Fairness in Securities Arbitration: A Constitutional Mandate? 26 PACE L. REV. 73 (2006)

Mediator Certification, 11 DISP. RES. MAG. 7 (2005)

Arbitration and State Action, 2005 BYU L. REV. 1 (2005)

ADR and the Batson Principle (with E. Gary Spitko), 38 GEORGIA L. REV. 1145 (2004)

Updating Arbitrator Ethics, 10 DISP. RES. MAG. 24 (Summer 2004)

Does Bazzle Dazzle? Not Really, 2 MAYHEW-HITE REPORT ON DISPUTE RESOLUTION AND THE COURTS No. 2 (December 2003)

What is Mediation?, 2 MAYHEW-HITE REPORT ON DISPUTE RESOLUTION AND THE COURTS No. 1 (November 2003)

The Revised Uniform Arbitration Act: The Wrong Cure? 8 DISP. RES. MAG. (Summer 2002)

Uniform Arbitration: One Size Fits All Does Not Fit, 16 OHIO ST. J. ON DISP. RES. 759 (2001)

Managerial Litigants? The Overlooked Problem of Party Autonomy in Dispute Resolution, 51 HASTINGS L.J. 1199 (2000)

Unintended Effects: Undermining the Role of the EEOC in 'Gilmer' Cases, J. OF ALTERNATIVE DISP. RES. IN EMP. (Spring 2000)

Sustaining Incremental Expansion: Ohio State's Experience in Developing the Dispute Resolution Curriculum, 50 U. FL. L. REV. 667 (1998) (with Nancy H. Rogers and Joseph B. Stulberg)

A Funny Thing Happened on the Way to the (Alternative) Forum: Reexamining Alexander v.

Gardner-Denver in the Wake of Gilmer v. Interstate/Johnson Lane Corp., 1997 B.Y.U. L. REV. 591

Continuation Coverage Under COBRA: A Study in Statutory Interpretation, 22 J. OF LEGIS. 195 (1996)

Incentives and Arbitration: The Case Against Enforcement of Executory Arbitration Agreements, 64 UMKC L. REV. 1 (1996)

Obligations of the United States Trustee under the Administrative Procedure Act, 5 J. OF BANKR. L. AND PRAC. 371 (1996)

Blackstone's Vision of Alternative Dispute Resolution, 22 MEMPHIS ST. U. L. REV. 279 (Winter 1992)

Comment, *Inequities in the Current Judicial Analysis of Misrepresentation of Fertility Claims*, 1989 U. CHI. LEGAL F. 331

BLOG

www.indisputably.org (with Michael Moffitt, Andrea Schneider, Cynthia Alkon, Art Hinshaw, John Lande)

MAJOR PRESENTATIONS AND MAJOR MEDIA CONTACTS

Presenter, *Labor Law Update*, Arbitrators and Advocates Symposium (Columbus, April 2018)

Scholar-in-Residence and Presenter, *Diversity Among Arbitrators*, ABA Mid-Winter Labor and Employment ADR Meeting (Tampa 2018)

Scholar-in-Residence and Presenter, *Class Action Arbitration and Murphy Oil*, ABA Mid-Winter Labor and Employment ADR Meeting (Tampa 2018)

Presenter, *Labor Law Update*, Arbitrators and Advocates Symposium (Columbus, April 2017)

Presenter, *Party-Appointed Arbitrators: Ethical Dilemma or Sensible Alternative*, USC Symposium on Ethics and Dispute Resolution (Los Angeles, April 2016)

Presenter, *Arbitration Law in Review 2015-16*, Columbus Bar Association Section on Dispute Resolution (Columbus, March 2016)

Presenter, *Viability of Joint Sessions in Mediation*, Porter Wright Morris and Arthur CLE (Columbus, December 2015)

Presenter and Moderator, *Teaching Arbitration Law*, ABA Section on Dispute Resolution Annual Conference (Seattle, April 2015).

Presenter, *How Being Angry Leads to Good Research*, ABA Section on Dispute Resolution Annual Meeting (Seattle, April 2015)

Presenter, *Implications of Psychology for Structuring Roles in Dispute Resolution*, ABA Section on Dispute Resolution Annual Conference (Miami, April 2013)

Presenter, *Representation and ADR: Ethical Issues Created by Non-Lawyer and Lawyer Representation in Mediation and Arbitration*, ABA Section on Dispute Resolution Annual Conference (Miami, April 2013)

Graduation Speaker, Office of Collective Bargaining Arbitration School (December 12, 2013)

Presenter, *Mediation Confidentiality* (Istanbul, Turkey, May 2013)

Presenter, *Fixing the Federal Arbitration Act – if it Needs Fixing*, ABA Section on Dispute Resolution Annual Conference (Chicago, April 2012)

Presenter, *Future of Vindicating Statutory Rights Doctrine in Arbitration*, ABA Section on Dispute Resolution Annual Conference (Chicago, April 2012)

Interview with theatlanticwire.com regarding civil liability in Steubenville rape case (April 8, 2013)

Interview with CTV (Canadian Television News Network) re civil liability in Steubenville rape case. (April 9, 2013)

Presenter, *The Federalization of Consumer Arbitration: Possible Solutions*, Sixth Annual Works-in-Progress Symposium (Columbus, November 9, 2012)

Presenter, *Frontiers of Consumer Protection*, University of Chicago Legal Forum 2012 Symposium (Chicago, November 2, 2012)

Presenter, *AALS Section on Dispute Resolution Program on Arbitration*, AALS Annual Meeting (Washington D.C. January 2012).

Presentation to Columbus Bar Association Section on Dispute Resolution, *Arbitration Law Update* (January 13, 2012)

Track Coordinator, *Teaching Law School ADR Classes*, Pepperdine Law School (Malibu, CA, June 21-22, 2011)

Interview with San Francisco Daily Law Journal and Los Angeles Daily Journal on new *Greenwood v. Compucredit Corp.* (case granted certiorari in May 2011)

Speaker, *Arbitration Case Law Update*, 2011 ABA Dispute Resolution Conference (Denver, Colorado, April 14, 2011)

Faculty Workshop Speaker, *On Babies and Bathwater: The Arbitration Fairness Act and Recent Supreme Court Arbitration Jurisprudence*, Texas Wesleyan Law School (April 19, 2011)

Presenter, *What's New in Mediator Certification?* Ohio Mediation Association Annual Meeting, (May 7, 2010)

Presenter, *Arbitrating in the Public Sector*, Ohio Patrolmen's Benevolent Association (April 16, 2010)

Presenter, *Arbitration Jurisprudence 2010*, Columbus Bar Association – Dispute Resolution Section Meeting, (March 12, 2010)

Presenter, *Mediator Qualifications*, Columbus Bar Association (December 2009)

Presenter, *Workshop on Difficult Conversations* (with Ellen Deason) at Ohio State's Presidents and Provost's Leadership Institute (February 2009)

Presenter, *Planning and Executing Difficult Conversations*, Food Services Leadership Institute Meeting, Columbus, Ohio (February 2009)

Presenter, *So You Want to be a Neutral*, State Employment Relations Board Conference (February 27, 2009)

Presenter, Ohio Employer Class Action Summit, *Class Action Arbitration* (June 4, 2008)

Speaker, *Supreme Court Arbitration Jurisprudence*, ABA Section on Dispute Resolution Meeting, Seattle, Washington (April 2008)

Workshop for Law and Leadership, *Making Meeting Manageable*, Moritz College of Law (January 2008)

Speaker, *Good Faith in Dispute Resolution*, OSBA Annual Meeting (May 18, 2007)

Speaker, *Revising the FAA to Permit Expanded Judicial Review of Arbitration Awards*, UNLV Law Review Symposium (January 26, 2007)

Speaker, *Confidentiality in Mediation*, Ohio Commission on Dispute Resolution Conference

(September 29, 2006)

Speaker, *Online Mediation*, University of Toledo Law Review Symposium (April 22, 2006)

Op-ed on *Buckeye Check Cashing*, Business First (April 21, 2006)

Discover Bank and the Future of Class Action Waivers, ABA-CLE Teleconference and Audio Webcast (September 29, 2005)

Mediation Confidentiality: A Promise Unfulfilled?, Ohio State University Faculty Workshop (September 28, 2005)

Quality Assurance of Mediation: Is Certification of Mediators the Answer?, Ohio Mediation Association Annual Conference Seminar (40 attendees) (March 26, 2004)

Interview on NPR's Marketplace regarding legislation to immunize gun manufacturers from lawsuits (February 2004)

Uniform Mediation Act, Presentation to Columbus Bar Association's Alternative Dispute Resolution Section (25 attendees) (January 2004)

Uniform Mediation Act, Presentation to Joint Meeting of Ohio Commission on Dispute Resolution and Supreme Court Commission on Dispute Resolution (50 attendees) (November 2003)

Panelist, ABA Teleconference and Webcast on *Green Tree Financial Corp. v. Bazzle: Class Action Litigation in Arbitrations* (150 attendees) (July 30, 2003)

Uniform Mediation Act Update, 1st Annual National Conference for Minority Professionals in Dispute Resolution (May 2003, Columbus, Ohio)

Arbitration Ethics, ABA Section on Dispute Resolution Conference (April 2003, San Antonio, Texas)

Civil Justice Reform: Fair, Just and Accessible Arbitration, ABA Section on Dispute Resolution Conference (April 2002, Seattle, Washington)

Arbitration of Consumer Disputes, Interview with Susan Berg (January 2002)

Arbitration of Automobile Disputes, Interview with Jamie Pietras, Columbus Alive (July 12, 2001)

Microsoft Mediator, Interview with CBS Marketwatch (October 2001)

Good Faith and Good Faith Participation in ADR: What is it and is it Enforceable? ABA Section on Dispute Resolution Conference and Tenth Annual Northwest ADR Conference (April 2001, Washington D.C. and Seattle, Washington)

Seminar on Dispute Resolution, Hamline University School of Law (June 2000, Minneapolis, Minnesota)

Negotiation CLE (May 2000, Columbus, Ohio)

Hot Topics in Mediation: The EEOC and Beyond, Ninth Annual Northwest ADR Conference (April 2000, Seattle, Washington)

Thinking Outside the Box, American Bar Association Dispute Resolution Section Conference (April 2000, San Francisco, California)

Alternative Dispute Resolution and the Courts, Federal Civil Litigation in Ohio (October 1999, Columbus, Ohio)

Facilitating Group Decision-Making and Recent Developments in Arbitration, Second Annual Ohio State University College of Law Dispute Resolution Institute (June 1999)

Mediation Advocacy, OSBA Annual Convention (May 1999, Cleveland, Ohio)

Drafting Mandatory Arbitration Agreements, Eighth Annual Northwest ADR Conference (May 1999, Seattle, Washington)

Where is Alternative Dispute Resolution Going? at Ohio Continuing Legal Education Conference on ADR (December 1998)

Arbitration and the Federal Courts, at Federal Civil Litigation in Ohio Seminar (October 30, 1998)

Recent Developments in Arbitration, and Drafting Arbitration Agreements, at First Annual Ohio State Dispute Resolution Institute (June 1998)

Recent Developments in Arbitration, at Seventh Annual Northwest Alternative Dispute Resolution Conference (April, 1998, Seattle)

Discrimination, Arbitration, Violation, Interview with Leigh Jones, The Daily Record (April 1998)

South Dakota v. United States Department of Interior: The Evolution of the Non-Delegation Doctrine, for Native American Law Students Association (April, 1998 University of Oklahoma)

They Could Have Used A Mediator, Interview with David Segal, Washington Post (October 7, 1996)

Introduction to Alternative Dispute Resolution, Omaha Underwriters' Monthly Meeting (October 1, 1996)

Violence Against Women Act, at Creighton University School of Law, Women's History Month, (Spring, 1995)

The Effect of Gilmer v. Interstate/Johnson Lane Corp. on Arbitration of Employment Disputes, Second Annual Northwest Alternative Dispute Resolution Conference (September 1991 Seattle).

BAR ADMISSIONS

Washington	1990
Illinois	1993
Ohio	2014
United States Court of Appeals for the Ninth Circuit	1992
United States Court of Appeals for the Seventh Circuit	1993
United States District Court for the Northern District of Illinois	1993
United States District Court for the Western District of Washington	1992

SERVICE

Chair Emeritus, AALS Section on Dispute Resolution	2016-17
Chair, AALS Section on Dispute Resolution	2015-16
Chair-Elect, AALS Section on Dispute Resolution	2014-15
Member, AALS Section on Dispute Resolution Executive Committee	2012-17
Board Member, Better Business Bureau of Central Ohio	2013-16
President, Central Ohio Labor and Employment Ass'n (COLERA)	2012-13
Board Member, Central Ohio Labor and Employment Ass'n (COLERA)	2011-16
Member, ABA Section on Dispute Resolution Nominating Committee	2007
Member, Legal Educator's Colloquium Planning Committee for ABA Section on Dispute Resolution Conference	2007
Member, Public Service Institute, ABA Section on Dispute Resolution	2003-08
Chair, Arbitration Committee, ABA Section on Dispute Resolution	2002-03
Subcommittee Chair, Arbitration Committee, Arbitration Curriculum	2003-08
Member, Committee on ABA Model Arbitrator Disclosure Standards	2004-present
Member, ABA Representation in Mediation Competition Problem Drafting Team	2001-02
Member, Uniform Mediation Act Drafting Committee	1997-2001

Member of Editorial Board, Journal of Alternative Dispute Resolution in Employment	1998-2001
Mediator, Federal Settlement Week	2000-present
EEOC Mediator	2001-02
Better Business Bureau Arbitrator	2002-15
State Employment Relations Board (SERB) mediator/fact-finder	2005-15
OCB-OCSEA/SEIU mediator/arbitrator	2010-present
FINRA Arbitrator	2004-present
AAA Arbitrator	2014-present
Administrative Law Judge, State Employment Relations Board	2015-present

LAW SCHOOL SERVICE

Member, Faculty Workshop Committee	2012-13
Member, Student Commons Renovation Committee	2011-12
Member, Moritz Scholarship Selection Committee	2009
Chair, Long Range Planning Committee	2007-2008
Director, Program on Dispute Resolution	2006-present
Member, Long Range Planning Committee	2005-06
Director, Vorys Institute on Dispute Resolution and the Courts	Summer 2003
Faculty liaison to Staff Advisory Committee	2003-05
Member and Sub-Committee Chair, Administration Committee	2002-03
Member and Sub-Committee Chair, Long-Range Planning Committee	2001-02
Member, Academic Affairs Committee	2000-01

Member, Admissions Committee	1998-2000
Co-Advisor, Journal of Dispute Resolution	2001-present
Coach, Representation in Mediation Team	2000-02
Coach, International Competition for Online Dispute Resolution	2002-2006
Co-Advisor, Dispute Resolution Association	1998-present