

MAUREEN A. WESTON

Professor of Law
Pepperdine University School of Law
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ACADEMIC EXPERIENCE

Pepperdine University
Professor of Law (tenured)

Malibu, California
Aug 2001 to present

Courses: Civil Procedure; Legal Ethics; Mediation; Negotiation; Sports Law; International Sports Law; Alternative Dispute Resolution; Entertainment Dispute Resolution; and International ADR – Hong Kong and London/Geneva Study Tours.

National Service: Extensive service with ABA Section on Dispute Resolution, including Co-Chair, Legal Education Committee (2003-2005); National Coordinator and Chair, Representation in Mediation Competition; Problem Drafting Committee; Judge, ABA Dispute Resolution Essay Competition; Vice-Chair, ABA, Arbitration Section. AALS, Section on Dispute Resolution, Section on Minority Groups. Regularly contacted to comment on issues in sports law and arbitration for ADRWorld.com, the Daily Journal, Chronicle for Higher Education, and the California Judicial Council.

University: Political and Legal Strategic Planning, Grievance Committee, University Tenure Committee, and Faculty of Color Council.

School of Law: Lead Coordinator for hosting the first public sports arbitration involving Floyd Landis/USDADA (May 2007); London Program (Summer 2006), Caruso Research Fellow (2004, 2007). Committee work: Strategic Planning; Co-Curricular; Faculty Appointments; Research Grant Approval; Faculty Scholarship; Tenure Evaluation. Advisor to Student Groups: Latin American Law Students; Sports and Entertainment Law Society, and Women's Law Student Association. Mentor to first-year students; Coach/Advisor, ABA Negotiation and ABA Representation in Mediation Competitions; Black Law Students Association Trial Team, and International Moot Court Competition, ABA Labor & Employment National Trial Team (2008). Advisor, Journal for Dispute Resolution; Organizer, Symposium on Global Issues in Dispute Resolution (2008).

Straus Institute for Dispute Resolution: Participation in various Straus professional training programs, conferences, selection committees, and student externships and activities. Thesis Advisor, LLM and Masters in Dispute Resolution Candidates.

University of Oklahoma College of Law
Associate Professor

Norman, Oklahoma
1996 to 2001

Courses: Civil Procedure, Pretrial Litigation, Alternative Dispute Resolution, and Disability Law. International ADR (Summer Program at Oxford, England).

Awards: University of Oklahoma Student Association, Outstanding Professor of the Year; Outstanding Service as Coach of the OU Frederick Douglass Moot Court Team. Visiting Associate Professor (1995-96).

Service: University Legal Panel, Athletics Council, Faculty Senate, Campus Disciplinary Committee, Recreational Advisory Services, Exclusive Pouring Rights Proposal; Committee Work in Admissions, Personnel, Enrichment, Recruitment, Academic Appeals, Academic Responsibility. Member, Order of the Coif, Oklahoma Bar Association, Civil Procedure Committee and Section on Alternative Dispute Resolution, and Provost's Advisory Committee on Women's Issues.

Team Coach: Black Law Students Association, Frederick Douglass Moot Court Competition; ADR Society, Negotiation, Client Counseling and Mediation Advocacy; Sports Law Moot Court; National Moot Court; Native American Law Students Moot Court. Sponsor, ADR Society, and Hispanic Americans Law Students' Association.

University of Colorado School of Law
Visiting Associate Professor

Boulder, Colorado
Spring 2000

Courses: Civil Procedure, Legal Negotiation and Dispute Resolution.

ACADEMIC WORK IN PROGRESS (2008)

Creating a DVD teaching program on UNDERSTANDING SPORTS ARBITRATION: A FOCUS ON
LANDIS v. USADA'S PUBLIC ARBITRATION (with case arbitrator Richard McLeran);

Analyzing the Fairness and Use of Scientific Evidence in Anti-Doping Sports Arbitrations

Surprising Practical and Legal Issues Arising Out of the Floyd Landis v. USADA Arbitration

Beyond Vacatur: Revising the Federal Arbitration Act to Provide Meaningful Remedial Options.

Toward a Code of Conduct for Med-Arb and Arb-Med (based on AALS 2008 presentation)

PUBLICATIONS

Casebooks:

ARBITRATION: CASES AND MATERIALS (with Stephen K. Huber) (Lexis Pub.) (2nd ed. 2006).

SPORTS LAW: CASES & MATERIALS & INSTRUCTOR'S MANUAL (6th ed. 2006) (5th ed. 2003) and (4th ed. 2000) (Lexis Pub.) (co-authors Raymond Yasser, James McCurdy, Peter Goplerud).

Law Reviews:

The Fantasy of Athlete Publicity Rights: Public Fascination and Fantasy Sports' Free Use Place Athlete Publicity Right on an Uncertain Playing Field, _ CHAPMAN L. REV. _ (2008)

Preserving the Federal Arbitration Act by Amending the Statute to Rein In Judicial Expansion and Mandatory Use, 8 NEV. L. J.385 (2007) (symposium).

Internationalization in College Sports: Issues in Recruiting, Amateurism, and Scope, 42 WILLAMETTE L. REV. 101 (Fall 2006).

Universes Colliding: The Constitutional Implications of Arbitral Class Actions, 47 WILLIAM & MARY L. REV. 1711 (2005).

The Intersection of Disability and Sports: Assessing Challenges to Rules of Participation and Play by Athletes with Disabilities and Determining Reasonable Accommodation in Competitive Sports, 50 ST. LOUIS UNIV. L.J. 137 (2005) (symposium).

Reexamining Arbitral Immunity in an Age of Mandatory and Professional Arbitration, 88 MINN. L. REV. 449 (2004).

Confidentiality's Constitutionality: The Incursion on Judicial Powers to Regulate Parties in Court-Connected Mediation, 8 HARV. NEG. L.J. 29 (2003).

California New Arbitrator Ethics Standards: A Primer for Compliance and Confusion?, DISP. RESOL. SERV. NEWS (Oct. 2002) (reprinted in ABA, Arbitration Section, December 2002).

Checks on Participant Conduct in Compulsory ADR: Reconciling the Need for Good Faith Participation, Autonomy, and Confidentiality, 73 IND. L.J. 591 (2001).

Academic Standards or Discriminatory Hoops: Learning Disabled Students and the NCAA Initial Eligibility Requirements, 66 TENN. L. REV. 499 (1999).

The Road Best Traveled: Removing Judicial Roadblocks That Prevent Disabled Workers From Obtaining Disability Benefits and ADA Civil Rights Protections, 26 HOFSTRA L. REV. 377 (1997).

SPEAKING AND TRAINING PRESENTATIONS

The Fantasy of Athlete Publicity Rights, Chapman School of Law, Law Review Symposium (Feb. 2008).

Troubling Ethics Issues in ADR: Time to Modify the Rules to Catch Up with Reality?, AALS Annual Meeting, Section on ADR and Professional Responsibility (Jan. 2008).

Legal Issues Arising In the Floyd Landis/USADA Arbitration, Marquette University, Sports Law Institute (Sept. 2007).

Questioning Assumptions of Arbitration Enforcement: Options and Obstacles to "Real" Review of Arbitration Agreements and Awards, (with Profs. Cole, Ohio State, and Amy Schmitz, Colorado); *Using Mediation Skills to Propel a Lawyering Practice*, and *Neutral Roles in a Changing ADR Landscape: Med/Arb and Other Emerging Issues "Along the Borderline."* ABA Section on Dispute Resolution Annual Conference (Washington DC) (2007).

When Client Confidentiality Endangers Third Persons, J. Reuben Clark Conference (2007).

Beyond Vacatur: Revising the FAA to Provide Meaningful Remedial Options, UNLV Law School, Conference on Rethinking the Federal Arbitration Act, (Jan. 2007).

Individual Performer Sports: Current Legal and Business Issues, Marquette University Law School, National Sports Law Institute, Conference on Sports Law (Milwaukee, Oct. 2006).

Consolidating Our Collective Wisdom: Mediation and Mediators, Keystone, CO (Oct. 2006).

Mediation Confidentiality: Is it Necessary, Constitutional, and Practical? ABA Section on Dispute Resolution Annual Conference (Atlanta GA) (April 2006).

How Mediator Styles and Written Codes of Conduct Can Create Chaos for the Practicing Mediator. ABA Section on Dispute Resolution Annual Conference (Atlanta GA) (April 2006).
Internationalization in US Sports, Symposium on The Future of Sports Law, Willamette University College of Law (March 2006).

Straus Institute, LLM Program Seminars: *Academic Writing and Arbitration Update* (2004-2008).

Hot Topics in Sports Law, University of Wyoming College of Law (Oct. 2005).

Ethical Issues for the Practicing Lawyer, ABA, Tort & Insurance Section (San Francisco 2005).

Negotiation and Mediation Training, City University of Hong Kong (September 2005).

STAR Approach to Mediation, Straus Institute for Dispute Resolution, Professional Skills Training Program. Malibu CA (teach in annual program since June 2003).

Teaching Sports Law, Sports Lawyers Association Annual Conference, Phoenix, AZ (May 2005).

The Court's Expanded Role in Arbitration: Class Actions, Judicial Review and Beyond; and Mediator Ethics and Potential Liability, ABA, Section on Dispute Resolution Annual Conference, Los Angeles, CA (April 2005).

Commentator, *Re-examining the Arbitral Immunity as a Solution to Unfairness in Securities Arbitration*, Investors Rights Symposium, Pace University School of Law (April 2005).

Disabilities and Injured Athletes, Sports Medicine, Doping, Disability and Health Quality Symposium, Center for Health Law Studies, St. Louis University (Feb. 2005).

The FAA, Mandatory Arbitration and Class Actions: A Legal Quandary; and Effective Advocacy in Mediation: The Lawyer's Role. ABA, Section on Dispute Resolution (New York City 2004).

American Bar Association, National Conference on The Ultimate Labor and Arbitration Update, presenting *Recent Developments in Arbitration.* Washington D.C. (Dec. 2003).

Mediation Training to State Judges. Judicial Council of California. Santa Ana, CA (Nov. 2003).

Moderator, *The Three Myths of Mediation: Confidentiality, Neutrality and Honest.* *How Do We Live in between the Trapezes?* Straus Institute for Dispute Resolution, Master's Forum (2003).

Mediating Insolvency Dispute and Setting Up a Mediation Program, World Bank and Pepperdine University School of Law, GLOBAL JUDGES FORUM, (May 2003).

Arbitrator Ethics: Dilemmas Examined, University of San Francisco School of Law, Conference on Arbitration (San Francisco 2003).

California's New Arbitrator Ethics Standards: Will They Fix or Destroy Arbitration? ABA, Section on Dispute Resolution (San Antonio, TX) (2003).

Arbitration Practice (Straus Institute Summer Program), *California's New Arbitrator Ethics Standards and Consumer Arbitration Legislation.* (July 2002).

Straus Institute for Dispute Resolution, Master's Series, Moderator, *Conversations with Terry Waite*, Hostage Negotiator, Humanitarian. (March 2002).

Fair & Accessible Arbitration, ABA, Section on Dispute Resolution (Seattle, WA 2002).

Legislative Assistance and Testimony, Oversight Hearing by the Assembly Judiciary Committee, Sacramento, California, on "Arbitration in Consumer Disputes: A Focus on the Providers."
Topic: *Arbitral Immunity and Possible Responses to Perceived Problems in the Arbitration Industry* (Feb. and April 2002).

Panel Presentation, "Good Faith and Good Faith Participation in Mediation," ABA, Section on Dispute Resolution, Annual Conference. Washington D.C. (April 2001).

Presentation, "Good Faith Participation in ADR: Defining its Place in the Landscape of Pretrial Litigation," 10th Annual Northwest ADR Conference. Seattle, WA (April 2001).

Presentation, "Hot Topics in Mediation: The EEOC and Beyond," 9th Annual Northwest Alternative Dispute Resolution Conference. Seattle, WA (April 2000).

Faculty Colloquium, "Encouraging Fairness in Compulsory ADR: A Proposal to Redress Bad Faith, Misconduct, and Process Abuse." University of Colorado School of Law. (April 2000).

"What's on Your Mind? Sharing the Experiences of Hispanic Law Students," Hispanic Law Students Association, Region IV Annual Conference. (Feb. 2000).

"Developments in the U.S. Supreme Court's Interpretation of the Americans with Disabilities Act," Oklahoma County Bar Association, Oklahoma City, OK. (Oct. 1999).

Testimony, Hearing on Enforcement of the Americans with Disabilities Act Project Before the United States Commission on Civil Rights Washington D.C. (Nov. 1988). Topic: "Judicial Trends in Defining 'Qualified Individual with a Disability'"

OTHER LEGAL EXPERIENCE

Holme Roberts & Owen

Attorney

Boulder, Colorado

April 1993 to Aug. 1995

Law practice in civil litigation, with emphasis in employment, trade secret, receivership and commercial dispute matters. Conducted supervisor training and employment law seminars to corporate clients. Member of firm Diversity Committee, Litigation and Employment Practice Groups. Law Clerk, Winter 1991.

Faegre & Benson

Attorney

Denver, Colorado

Sept. 1992 to April 1993

Law practice in civil litigation, with emphasis in employment, commercial/business, and eminent domain matters. Law Clerk, Summer 1991.

Davis, Graham & Stubbs

Law Clerk

Denver, Colorado

Summer 1990 and 1991

Performed legal research, drafting of memoranda, pleadings and documents in litigation, corporate, real estate, and bankruptcy matters.

U.S. General Accounting Office*Program Evaluator*

Denver, Colorado

Oct 1987 to Aug. 1989

Evaluated various federal programs and co-authored reports to Congress on Food and Nutrition Programs on Indian Reservations, financial audits of U.S. Air Force accounting and procurement procedures, and military health and benefit programs.

MCI Communications*Service & Sales Representative*

Denver, Colorado

April 1984 to Oct. 1987

Customer sales and service; organized employee incentive sales programs and implemented employee training reference manuals. Part-time during academic year.

Brookings Institute*Government Studies Research Intern*

Washington D.C.

Fall 1986

Research assistance provided for the Brookings project book: AUTOMATIC GOVERNMENT: THE POLITICS OF INDEXATION.

EDUCATION

University of Colorado School of Law*Juris Doctor*

Boulder, Colorado

May 1992

Order of the Coif; Jean S. Breitenstein Outstanding Law Student Award; American Jurisprudence Awards in Constitutional Law and Uniform Commercial Code; Hispanic Law Students Association; Rothgerber Moot Court Competition; Women's Law Caucus; tutor in Contracts for Law School Diversity Program.

University of Denver*Bachelor of Arts, Economics/Political Science*

Denver, Colorado

March 1987

Magna Cum Laude, Phi Beta Kappa, El Pomar Foundation Scholar, Hornbeck Scholar, Honor's Program, Award for Outstanding Scholar in Political Science. Earned 100% tuition, travel and living expenses outside scholarship aid.

American University*Economic Policy Program*

Washington D.C.

Fall 1986

Participated in seminars and internship activities with various public and private policy-making agencies and organizations. Internship at Brookings Institute.

City University of London*Study Abroad Program*

London, England

Fall 1985

Studied international economics and relations; traveled extensively throughout Great Britain and Western Europe.

ASSOCIATIONS&COMMUNITY

ABA, Section on Dispute Resolution; American Association of Law Schools; (former) Board of Directors, Southern California Mediators Association. Bar Admissions: Colorado. Volunteer, Children's Ministry, Our Lady of Malibu; Webster Elementary School. Coach, AYSO Soccer. Involvement in league tennis competitions. Native of Pueblo, Colorado.